

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION**

VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE

November 4, 2019
7:00 p.m.

AGENDA

1. Call to Order

a. Pledge of Allegiance

2. Roll Call

3. Approval of Minutes – October 7, 2019

4. Public Hearings

- a. **19-PLC-0028:** A petition seeking approval for the Right-of-Way Vacation of an Alley. The adjacent properties are zoned R-4, Residential Detached House 4. The subject property is currently zoned M-1, Light Manufacturing. The property is located between the properties at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue, Downers Grove, IL (PIN 09-09-101-022, -014, -015) Paul Lagno, Petitioner and Village of Downers Grove, Owner.

- b. **19-PLC-0030:** A petition seeking approval for a Planned Unit Development to operate an eating and drinking establishment. The property is currently zoned DB, Downtown Business. The property is located directly northeast of the intersection of Washington Street and Warren Avenue, commonly known as 844 Warren Street Avenue, Downers Grove, IL (PIN: 09-08-125-004). Steve Sobkowiak, Oakley Home Builders, Petitioner and Roger Andreen, Owner.

- c. **19-PLC-0029:** A petition seeking approval of text amendments to articles 5, 6, 7, 10, 11, 12, 14 and 15 of Chapter 28 (Zoning Ordinance) of the Municipal Code of the Village of Downers Grove., Village of Downers Grove, Petitioner.

5. Adjournment

THIS TENTATIVE REGULAR AGENDA MAY BE SUBJECT TO CHANGE

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MINUTES
OCTOBER 7, 2019**

CALL TO ORDER:

Chairman Rickard called the October 7, 2019 meeting of the Plan Commission to order at 7:00 PM and led in reciting the Pledge of Allegiance.

ROLL CALL:

PRESENT: Mr. Boyle, Mr. Dmytryszyn, Ms. Gassen, Ms. Johnson, Ms. Majauskas, Mr. Maurer, Mr. Patel, Ms. Rollins, Ch. Rickard

ABSENT: Ex. Officio Members Davenport, Livorsi & Menninga
A quorum was established.

Ch. Rickard reminded everyone present to silence any electronic devices during the meeting, and noted that copies of the Agenda are available on the shelves at either side of the Chamber.

STAFF: Jason Zawila, Planning Manager
Gabriella Baldassari, Development Planner

VISITORS: Robert Paul, and Michael Cuomo, Automotive LLC, 2300 Wisconsin Ave.

APPROVAL OF MINUTES: Sept. 9, 2019 meeting

Ms. Gassen moved, seconded by Ms. Rollins to approve the minutes for the September 9, 2019 meeting.

The Motion to approve the minutes passed by Voice Vote with an abstention by Ms. Majauskas due to her absence from the meeting.

Ch. Rickard reviewed the procedures to be followed for the one scheduled public hearing, explaining that the Plan Commission is strictly a recommending body. The purpose of the meeting is to gather facts, information and testimony on items on the Agenda. The Plan Commission's decision is not final, but is strictly a recommendation to the Village Council for the Council's final decision. He said a report would be forwarded to the Council with a Motion to recommend approval, recommend approval with refinements, or recommend denial of the petition. The Village Council makes all final decisions.

Meeting procedures are as follows:

The Petitioner will present its case to the Plan Commission, followed by questions to the Petitioner by Commission members.

DRAFT MINUTES

The Public will then have an opportunity to make comments before the Commission regarding the case under consideration. Chairman Rickard asked that each speaker provide his or her name and address for the record.

Following presentations by the Public, a member of the Community Development Department will present Staff's report.

Upon completion of presentations by the Staff and the Public, the Petitioner will have the opportunity to question statements made or provide a closing statement.

The Chairman will then close the public hearing portion of the meeting, and the Commission will review the information provided and ask questions of the speakers.

Upon completion of the Plan Commission's deliberation, a Motion will be made containing a recommendation to the Village Council regarding the case.

Ch. Rickard then asked everyone who intended to speak on the petition before the Commission to rise and be sworn in.

PUBLIC HEARINGS

19-PLC-0020: A petition seeking Special Use approval to operate a personal vehicle repair and maintenance business. The property is currently zoned M-1, Light Manufacturing. The property is located on the north side of Wisconsin Avenue, approximately 500 feet west of Belmont Road, commonly known as 2300 Wisconsin Avenue, Unit 318, Downers Grove, IL (PIN 08-12-407-006). Robert D. Paul, Jr., Petitioner and MacNeil Real Estate Holdings, Owner.

Petitioner's Presentation:

Mr. Robert Paul of 74107 Seminole Court, Woodridge, IL and Michael Cuomo of 1260 Andrews Avenue, Downers Grove, IL introduced themselves as petitioners. Mr. Paul said they are starting a small boutique-type repair shop at 2300 Wisconsin Avenue, Suite 318. It is a personal repair facility for high-end cars, particularly German cars. It provides an alternative to pricey vehicle service. He said that they have always wanted to have such a business in Downers Grove. He said all work will be performed indoors, and the facility will be kept secure. Vehicles will be stored overnight for security reasons and business will be conducted by appointment only. There are no foreseeable events that would effect public safety and health of surrounding people. It is anticipated to be a small shop with three spaces for cars.

Ms. Majauskas asked how they would get their business. Mr. Paul replied through general advertising and people they know in the car industry. His father owned a shop in Bridgeview and there is an existing client base from that business. He further responded regarding disposal of oil and fluids, saying that they work with a company that picks up disposal barrels of the fluids.

DRAFT MINUTES

Mr. Paul further stated that they would not have any tires or inventory on the premises, and that most deliveries would be small scale. They have three spots leased outside of the building for deliveries of customers. Their general plan is to keep one day for oil changes, and another day for other services. They don't anticipate a lot of traffic entering or leaving the premises. Regarding the three stacked cars, Mr. Paul said they would be in the shop.

Ch. Rickard called upon the public to make any comments regarding this petition at this time. There were no comments from the public.

Staff's Presentation:

Ms. Baldassari, Development Planner with the Village, said that the property is located north of Wisconsin and west of Belmont. Staff has applied conditions of approval with this site which are consistent with other vehicle uses at the 2300 Wisconsin location and Staff finds that the petition complies with the Special Use criteria and therefore recommends that the Plan Commission provide a positive recommendation to the Village Council to approve this special use for personal vehicle repair and maintenance at 2300 Wisconsin Avenue, Unit 318 subject to the recommended conditions for approval.

In response to Ms. Gassen's inquiry, Ms. Baldassari stated that the conditions of approval are consistent with conditions placed on other vehicle establishments and are included as a means of maintaining continuity for service businesses of this type.

It was noted that a similar petition to this was approved within the last year. Staff noted that this was the fourth similar petition within the last 18 months.

Ms. Majauskas asked if the type of business requires the Special Use, and Mr. Zawila stated it relates to the type of business in an M-1 District. A question was raised as to the number of parking spots. Ms. Baldassari responded that with two service bays, the petitioner is required to have six parking spaces. The site will be able to accommodate the six required spaces from the 150 parking spaces currently located at the site.

Ms. Gassen said this appears to be a good use for the site.

Ms. Majauskas said her concern is that the parking spaces are not restricted to the particular business use. Mr. Zawila said there are restricted spaces provided for specific tenants or users. More of the parking concerns have to do with the south side of the development near Alter Brewing.

Mr. Paul said that there would be no issue with test drives. He thanked the Commission.

There being no further discussion, Ch. Rickard closed the opportunity for further public comment.

Commission Deliberation:

DRAFT MINUTES

Ch. Rickard asked if the Commissioners had any comments regarding this proposal. It was recognized by the Commission that this is an allowed Special Use, and is permitted by the Village. A Commissioner noted he is happy to see this become a destination for car enthusiasts.

Ms. Gassen stated that based on the petitioner's submittal, the Staff report, and the testimony presented, she finds that the petitioner has met the standards of approval for a Special Use as required by the Village of Downers Grove Zoning Ordinance and is in the public interest, and therefore moves that the Plan Commission recommend to the Village Council approval of 19-PLC-0025, subject to the following conditions:

- 1. The Special Use shall substantially conform to the Staff report, plans and documents attached to this report except as such plans may be modified to conform to the Village codes and ordinances;**
- 2. All test-drives are limited to arterial streets as defined by the Comprehensive Plan. Arterial streets include: Ogden Avenue, Belmont Road, Warren Avenue and Main Street;**
- 3. The use is allowed a maximum of two total service bays.**

Motion seconded by Commissioner Maurer.

AYES: Gassen, Maurer, Boyle, Dmytryszyn, Johnson, Majauskas, Patel, Rollins, Ch. Rickard

NAYS: None

The Motion passed unanimously

Mr. Zawila introduced new Commissioners, Mr. Dmytryszyn and Mr. Patel. He then provided updates on previous Plan Commission cases, noting there were two petitions for next month's meeting.

There being no further discussion, Ch. Rickard called for a Motion to adjourn.

**Ms. Gassen moved to adjourn the meeting, seconded by Ms. Johnson.
The Motion carried unanimously by voice vote.**

Ch. Rickard adjourned the meeting at 7:26 PM.

Respectfully submitted,

Tonie Harrington,
Recording Secretary
(transcribed from mp3 recording)



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
NOVEMBER 4TH, 2019 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
19-PLC-0028 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue	Alley Vacation	Jason R. Zawila, AICP Planning Manager

REQUEST

The petitioner is requesting vacation of a 16-foot wide by 104-foot deep alley immediately adjacent to and between the properties at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Village of Downers Grove
801 Burlington Road
Downers Grove, IL 60515

APPLICANT: Paul Lagno
304 Prairie Avenue
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-4, Residential Detached House 4 (adjacent properties)
EXISTING LAND USE: Improved Right-of-Way (gravel)
PROPERTY SIZE: 1,664 square feet
PINS: 09-09-101-022, -014, -15 (adjacent properties)

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4, Residential Detached House 4	Single Family Detached
SOUTH:	R-4, Residential Detached House 4	Single Family Detached
EAST:	R-4, Residential Detached House 4	Single Family Detached
WEST:	R-4, Residential Detached House 4	Single Family Detached

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Narrative
3. Plats of Survey
4. Plat of Easement/Vacation

PROJECT DESCRIPTION

The applicant is requesting that the Village vacate the 16-foot wide by 104-foot deep alley immediately adjacent to and between the properties at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue. A section of the alley has been historically used by 304 Prairie Avenue for access to their garage.

On September 11, 2019 the applicant was found constructing a driveway in the Village public right-of-way and on private property without receiving the required permits. The inspection discovered that a concrete driveway measuring approximately 1,000 square feet on the public right-of-way and a concrete driveway measuring approximately 1,000 square feet on private property was constructed without a permit. Work was immediately stopped and the applicant was offered two options: (1) submit an application for an alley vacation and permit for the private driveway improvements or (2) remove the concrete driveway and submit for all required permits on private and public property. The applicant has chosen to apply for the alley vacation.

The portion of the alley proposed for vacation runs north-south from Prairie Avenue, to approximately 7 feet south of the alley that runs east-west, immediately north 304 Prairie Avenue. If the alley vacation is approved, the applicant plans to move forward with completing construction of a concrete driveway that will be required to meet all Village codes and requirements.

Written consent was received from the two abutting property owners. The owners of 4736 Florence Avenue have provided written consent, subject to purchasing a 16 foot by 30 foot portion of the alley that abuts their property. The owners of 4740 Florence has also provided written consent and are not interested in purchasing the portion of the alley that abuts their property. The applicant and owner of 304 Prairie Avenue will purchase the remaining portion of the alley as depicted in the attached vacation plat.

The table below summarizes the estimated fair market value of the entire alley to be vacated:

Land Value per Acre	Sq.Ft. of Alley to be Vacated	Estimated Value	Encumbered Value	304 Prairie Avenue	4736 Florence Avenue	4740 Florence Avenue
\$545,000	1,664.00	\$20,819.10	\$6,870.30	\$4,888.49	\$1,981.82	\$0

Per the Village’s Right-of-Way Vacation Policy (Resolution #2003-58), staff contacted the utility companies, outside public agencies and other Village departments to determine if any rights to the public right-of-way should be retained. The utility providers and the Village do not object to the vacation of the right-of-way as long as a public drainage, utility and access easement is retained along the entire width and length of the alley. The easement will provide adequate space for any future utility needs.

As such, the easement will restrict any construction within the vacated right-of-way except for a driveway or fence. The petitioner has been informed of this requirement and submitted a plat of vacation that includes the required easements.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

According to the Future Land Use Plan, the neighboring properties and all surrounding properties are designated as Single Family Residential. The vacation of this alley would not alter the future uses of the surrounding properties, and the Village will retain a permanent easement.

The Residential Area Plan notes that the Village should continue to ensure that quality housing stock remains a staple of the community, and modernization of the existing housing stock is one way to achieve this. The vacation of the alley will provide more flexibility for future development.

COMPLIANCE WITH ZONING ORDINANCE

All of the surrounding properties are zoned R-4, Residential Detached House 4. The portion of the alley being vacated will be split between the adjacent properties and zoned R-4, Residential Detached House 4.

As noted above, the applicant will proceed with construction of a concrete driveway, if the vacation request is approved. Because an easement is required on the entire alley, no new buildings or structures, other than a driveway or fence, could be constructed on the vacated alley.

PUBLIC SAFETY REQUIREMENTS

The Fire Department has reviewed the plans for the vacation and noted no objections to the vacation of the right-of-way. The alley vacation will have no impact on emergency services.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing the legal notice in the *Enterprise Newspapers, Inc. (The Bugle)*. At this time, no public comments have been received.

FINDINGS OF FACT

Compliance with the Procedure to be followed in the Vacation of Streets, Alleys, and Public Rights-of-Way (Resolution #2003-58)

The Village's alley vacation policy asks the following questions when it comes to determining if an alley can be vacated. These questions are listed below:

1. Is there written consent of at least two property owners who abut the proposed parcel to be vacated?
2. Whether the Parcel or portion thereof, is no longer necessary for public use and whether the public interest will be served by such vacation request.
3. Whether the Parcel or portion thereof, should be vacated and whether public utility easements and any ingress-egress easements are to be maintained.
4. The amount and type of compensation, if any, to be required as a condition to the effectiveness of the vacation of the parcel.

DRAFT MOTION

Staff will provide a recommendation at the November 4, 2019 meeting. Should the Plan Commission find that the request complies with the alley vacation policy, staff has prepared a draft motion that the Plan Commission may make for approval of 19-PLC-0028:

Based on the petitioner's submittal, the staff report, and the testimony presented, the proposed alley vacation complies with the alley vacation policy of the Village and is in the public interest. Therefore, I move that the Plan Commission recommend that Village Council approve 19-PLC-0028. Subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated November 4, 2019.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 16-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.
3. No additional improvements proposed to the driveway may be placed until a permit has been reviewed and approved by the Village.
4. The driveway, approach and all improvements made to proposed vacated portion of the right-of-way, shall be improved to meet all Village Code requirements.
5. Prior to execution of the plat, the petitioners shall pay the Village a total of \$6,870.30.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development



**304 Prairie Avenue, 4740 Florence Avenue, and
4736 Florence Avenue - Alley Location Map**



Subject Property



Project Location

Project Summary/Narrative Letter

September 20, 2019

Jason Zawila, AICP • Planning Manager
Community Development Department
801 Burlington Avenue
Downers Grove, IL 60515
jzawila@downers.us
(630) 434-5520

Dear Mr. Zawila,

The owners of 304 Prairie Avenue and 4736 Florence Avenue would like to purchase the "right-of-way" alley that connects our properties.

I am writing this letter to request that the Village of Downers Grove vacate the alley adjacent to the eastern border of 304 Prairie Avenue and the western border of 4736 Florence Avenue and 4740 Florence Avenue in incorporated Downers Grove.

This alley has provided access to the garage of 304 Prairie Avenue since 1995. We would like to pave 14 feet of the alley to make a standard concrete driveway for our home.

The acquisition would also increase the backyard space of the 4736 Florence Avenue which is small in comparison to their neighbors.

The owner of 4740 Florence Avenue has asked the village to assign her portion of the alley to the 304 Prairie Ave. property.

We welcome the opportunity to own this land and make the permanent improvements needed to help beautify the neighborhood.

The two property owners adjoining the ROW alley plan to divide the property into two proportional sections. Approximately 16 feet x 75 feet for the 304 Prairie Ave. and 16 feet x 30 feet for the 4736 Florence Ave. properties. Please see the attached map.

Sincerely,



Paul Lagno
304 Prairie Ave.
Downers Grove, IL 60515
630-401-2938

Project Summary/Narrative Letter

September 20, 2019

Jason Zawila, AICP • Planning Manager
Community Development Department
801 Burlington Avenue
Downers Grove, IL 60515
jzawila@downers.us
(630) 434-5520

Dear Mr. Zawila,

The owners of 304 Prairie Avenue and 4736 Florence Avenue would like to purchase the “right-of-way” alley that connects our properties.

I am writing this letter to request that the Village of Downers Grove vacate the alley adjacent to the eastern border of 304 Prairie Avenue and the western border of 4736 Florence Avenue and 4740 Florence Avenue in incorporated Downers Grove.

This alley has provided access to the garage of 304 Prairie Avenue since 1995. We would like to pave 14 feet of the alley to make a standard concrete driveway for our home.

The acquisition would also increase the backyard space of the 4736 Florence Avenue which is small in comparison to their neighbors.

The owner of 4740 Florence Avenue has asked the village to assign her portion of the alley to the 304 Prairie Ave. property.

We welcome the opportunity to own this land and make the permanent improvements needed to help beautify the neighborhood.

The two property owners adjoining the ROW alley plan to divide the property into two proportional sections. Approximately 16 feet x 75 feet for the 304 Prairie Ave. and 16 feet x 30 feet for the 4736 Florence Ave. properties. Please see the attached map.

Sincerely,



Paul Lagno
304 Prairie Ave.
Downers Grove, IL 60515
630-401-2938

RITA D BLANEY
4740 FLORENCE AVE
DOWNERS GROVE IL 60515

Jason Zawila, AICP • Planning Manager
Community Development Department
801 Burlington Avenue
Downers Grove, IL 60515
jzawila@downers.us
(630) 434-5520

September 20, 2019

Dear Mr. Zawila,

Paul Lagno, owner of the property at 304 Prairie Avenue in incorporated Downers Grove, has informed me of his recent request to the Village of Downers Grove to vacate the alley that runs along the eastern border of their property.

My property at 4728 Florence Avenue in Downers Grove also borders the alley in question. I do not currently utilize the alley, nor do I plan to ever utilize the alley. I wholeheartedly support the petition and encourage the Village of Downers Grove to grant the owners of 304 Prairie Avenue my portion of the alley that abuts their land and also give the owners of 4736 Florence Avenue their portion of the alley in question.

Sincerely,

A handwritten signature in cursive script that reads "Rita D. Blaney". The signature is written in dark ink and is positioned above the typed name.

Rita D Blaney

BRENT & ERIN MILLER
4736 FLORENCE AVE
DOWNERS GROVE IL 60515

Sept. 20, 2019

Jason Zawila, AICP • Planning Manager
Community Development Department
801 Burlington Avenue
Downers Grove, IL 60515
jzawila@downers.us
(630) 434-5520

Dear Mr. Zawila,

Paul Lagno, owner of the property at 304 Prairie Avenue in incorporated Downers Grove, has informed us of their recent request to the Village of Downers Grove to vacate the alley that runs along the eastern border of their property.

Our property at 4736 Florence Avenue in Downers Grove also borders the alley in question. We also would like to purchase the 16-foot by approximately 30-foot portion at the north end of the alley to be vacated, as proposed by Mr. Lagno.

Sincerely,

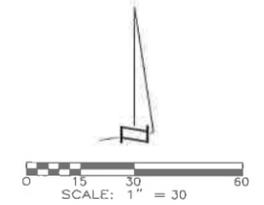

Brent Miller


Erin Miller

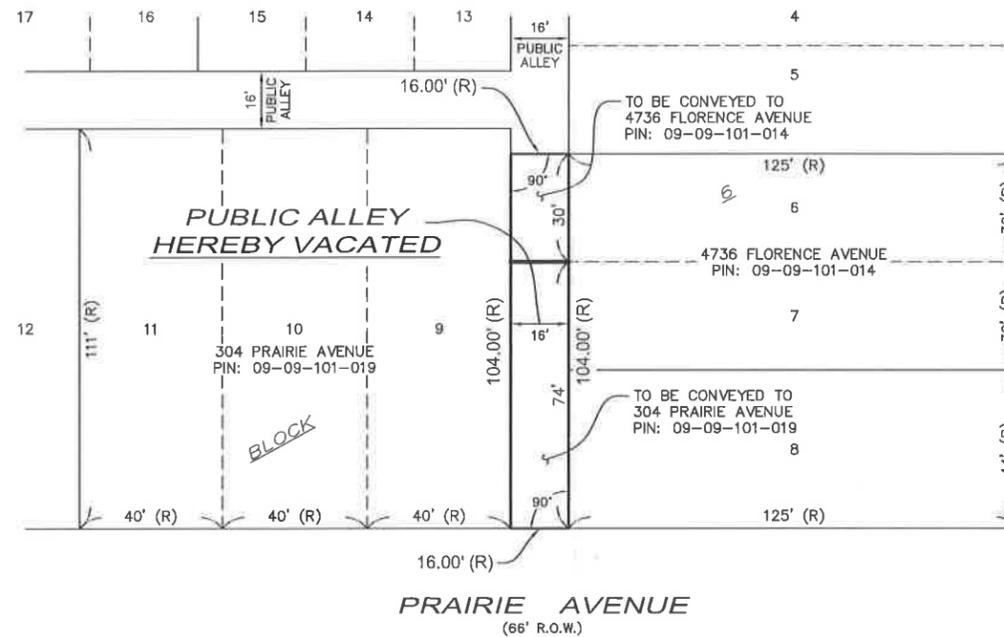
PLAT OF VACATION

OF

THAT PART OF THE 16 FOOT PUBLIC ALLEY LOCATED WEST OF AND ADJACENT TO LOTS 6, 7 AND 8 OF BLOCK 6 IN WORLEY'S SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 4 AND PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 1908 AS DOCUMENT 93656. IN DUPAGE COUNTY, ILLINOIS.



PARCEL INDEX NUMBER:
09-09-101-014
09-09-101-019



FLORENCE AVENUE
(66' R.O.W.)

PRAIRIE AVENUE
(66' R.O.W.)

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS IS TO CERTIFY THAT I, JEFFREY R. PANKOW, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3483, HAVE PREPARED THIS PLAT OF VACATION FOR THE PURPOSE OF VACATING THAT PORTION OF THE PUBLIC ALLEY AS DEPICTED HEREON.

PREPARED AT LISLE, ILLINOIS ON OCTOBER 1, 2019.

BY: _____
(NAME)
ILLINOIS PROFESSIONAL LAND SURVEYOR #3483
MY LICENSE EXPIRES ON _____, 20____.

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

APPROVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.

THIS _____ DAY OF _____, A.D., 20____.

BY: _____
MAYOR

ATTEST: _____
VILLAGE CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS ON THE _____ DAY OF _____, A.D. 20____ AT _____ O'CLOCK _____ M.

BY: _____
COUNTY RECORDER

DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS THIS _____ DAY OF _____, A.D. 20____.

BY: _____
COUNTY CLERK

PREPARED FOR: LAGNO
ADDRESS: 304 PRAIRIE AVENUE, DOWNERS GROVE, ILLINOIS
BOOK & PG: N/A DATE: 10/1/2019 JOB NO: 1917648
DRAWN BY: SMR CHECK BY: _____
REVISED: _____



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
NOVEMBER 4, 2019 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
19-PLC-0030 844 Warren Avenue	Planned Unit Development	Flora Ramirez Planner

REQUEST

The petitioner is requesting approval for a Planned Unit Development and accompanying rezoning to construct a restaurant with a year-round outdoor dining area at 844 Warren Avenue.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Roger Andreen
844 Warren Avenue
Downers Grove, IL 60515

PETITIONER: Steve Sobkowiak
Oakley Home Builders
5216 Main Street, Unit A
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: DB, Downtown Business
EXISTING LAND USE: Vacant Personal Vehicle Repair and Maintenance Facility
PROPERTY SIZE: 13,210 sq. ft. (.303 acres)
PINS: 09-08-125-004

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	DT, Downtown Transition	Downtown
SOUTH:	DT, Downtown Transition	Downtown
EAST:	DB, Downtown Business	Downtown
WEST:	DB, Downtown Business	Downtown

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Project Narrative
2. Planned Unit Development Criteria
3. Plat of Survey

4. Architectural Plans
5. Engineering Plans
6. Landscape Plan
7. Parking Impact Study

PROJECT DESCRIPTION

The petitioner is seeking a Planned Unit Development to operate a restaurant with a year-round outdoor dining area at 844 Warren Avenue. The property is located at the northeast corner of Washington Street and Warren Avenue and is zoned DB – Downtown Business. A restaurant is permitted by right in the DB zoning district per Section 5.010 of the Zoning Ordinance. However, the petitioner is requesting a Planned Unit Development and the accompanying rezoning to address the unique components of the project, including the year-round outdoor dining area.

The existing building, a former personal vehicle repair and maintenance facility, sits on the northern section of the parcel. The petitioner is proposing to improve the property by adding 4,065 square feet to the existing 2,340 square-foot single story building footprint. Both building facades will be composed of stucco, brick veneer, steel, and glass. Indoor seating will be provided along with four golf simulator modules. The primary building façade will be entirely surrounded by a year-round outdoor seating area and designated space for game areas. The proposal includes removal of all onsite parking to accommodate the outdoor seating area. The existing two curb cuts, one on Warren Avenue and one on Washington Street, will be removed. Immediately southeast of the building there is one screened trash enclosure area.

The petitioner is proposing landscaping around the perimeter of the site, in conformance with the Village requirements. Landscaping is provided along the west and southern property lines using a mix of planter boxes, shrubs and grasses. The northern property line includes an 8-foot solid fence. Additionally, the existing retaining wall along the northern property line will be extended along the full length of the northern, western, and southern property line. The outdoor open space area will be covered by artificial turf grass.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates the subject property as part of a Key Focus Area – Downtown. The development is proposed just northeast of the Main Street Metra station, which is identified by the Comprehensive plan as an anchor for downtown.

The downtown focus area concepts include:

- Redevelopment of non-pedestrian oriented businesses
- Development that is pedestrian-oriented
- Encouragement of outdoor seating areas for restaurants and entertainment
- Promotion of diverse mix of uses including dining and entertainment uses
- Consolidation and reduction of curb cuts
- Promotion and encouragement of shared parking arrangements and facilities, wherever feasible, to minimize the land area within downtown dedicated to parking
- Provided detailed parking study in downtown when redevelopment occurs

The proposed development redevelops a site at the northeast entrance to the downtown and provides a pedestrian-oriented development. The Comprehensive Plan states that the downtown should be characterized as an environment within which to shop, dine, work and live. This proposal has the potential to encourage visitors to make several stops by parking in the Village's public parking facilities during a trip to the downtown. Additionally, the proposal could potentially encourage commuters to stay in the downtown longer. The proposed development is consistent with the intent of the Comprehensive Plan.

COMPLIANCE WITH THE DOWNTOWN DESIGN GUIDELINES

This property is in the Downtown Business Zoning District. Exterior improvements proposed in this district are recommended to follow design elements outlined in the Downtown Business District Design Guidelines. The petitioner proposed to meet the Design Guidelines in the following manner:

- The proposed construction will contain high-quality building materials that differentiate the base, middle, and top of the building.
- The original brick and stucco will be maintained and painted. While the building addition will utilize both brick and stucco to complement the existing façade.
- The proposed outdoor café will contribute to the continuation of the street wall.
- The majority of both facades incorporates the use of windows to provide interest and activity at the street.
- Both entries are clearly differentiated from the rest of the building using brick piers and lanterns.
- The building addition will incorporate a cornice to create visual interest.

The site design layout proposed to establish a streetwall to promote a vibrant pedestrian environment. By removing the parking lot the streetwall is re-established. All mechanical equipment will be effectively screened from the public view.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned DB, Downtown Business. The eating and drinking establishment business is a permitted use in the Downtown Business Zoning District. The bulk requirements of the proposed development in the Downtown Business Zoning District are summarized in the following table:

1225 Warren Avenue	Downtown Business Bulk Requirements	Proposed
Street Setback – West property line	0-10 feet minimum	26.9 feet
Street Setback – South property line	0-10 feet minimum	29.7 feet
Side Setback – East property line	0 feet	4.1 feet
Side Setback – North property line	0 feet	0.7 feet
Building Coverage	N/A	55.3% (7,305 sq. ft.)
Minimum Open Space	N/A	43.13% (5,698 sq. ft.)
Building Height	Minimum Building Height of 32 feet	14.92 feet
Build to Zone – Washington Street	30 percent	0 percent
Build to Zone – Warren Avenue	80 percent	0 percent

The following proposed improvements require relief from the Zoning Ordinance:

Improvement	Relief Request	Petitioner's Rationale
Build-to-Zone (BTZ) (Warren Avenue)	Requirement: Percent of Building in Primary Street BTZ: 80 Percent <i>Proposed: 0 Percent</i>	Redevelopment of the existing building, located on the far northeast corner of the property, coupled with the unique outdoor dining experience impedes the development of this site to meet the BTZ requirements.
Build-to-Zone (Washington Street)	Requirement: Percent of Building in Secondary Street BTZ: 30 <i>Proposed Setback: 0 %</i>	Redevelopment of the existing building, located on the far northeast corner of the property, coupled with the unique outdoor dining experience impedes the development of this site to meet the BTZ requirements.
Build-to-Zone (Corner Lots)	Requirement: On corner lots, the building's façade must be within the required build-to zone for the first 25 feet extending from the intersection of the two rights-of way. <i>Proposed: 0 Feet</i>	Redevelopment of the existing building, located on the far northeast corner of the property, coupled with the unique outdoor dining experience impedes the development of this site to meet the BTZ requirements.
Height	Requirement: 32 Feet minimum <i>Proposed Height: 14.92 Feet</i>	The currently vacant site was formerly used as a vehicle repair shop and there is some environmental contamination on the site. The property was issued a No Further Remediation (NFR) letter from the Illinois Environmental Protection Agency (IEPA). The NFR letter placed land use limitations on this site to industrial and commercial uses only. For this reason a mixed-use development with a residential component, that would meet the minimum height requirements, is not an option.
Refuse Container	Requirement: Permitted in side and rear yards. <i>Proposed Yard: Street</i>	Based on the existing location of the building, proposed addition location, and the need for an egress path along the side and rear of the building the proposed location for the enclosure is the only available location.
Fencing	Requirement: 8-Foot Open Design Fence Permitted in street yards. <i>Proposed Design: Solid fencing in street yard.</i>	With the location of the outdoor patio, the petitioner desires to add screening to create privacy fence along the north lot line for customers and existing residents on the property to the north.
Yard Features	Requirements: Permitted in side and rear yards. <i>Proposed Yard: Street</i>	The unique outdoor dining concept and existing location of the building places all available open space in the street yard. In order to program the outdoor space relief is required.
Fire Pits	Requirements: Permitted in side and rear yards. <i>Proposed Yard: Street</i>	The unique outdoor dining concept and existing location of the building places all available open space in the street yard. In order to program the outdoor space relief is required.
Year Round Outdoor Seating	Permitted: Between March 15 and November 15 <i>Proposed: Year-round</i>	To maximize on the unique outdoor dining concept and design layout requires the availability of year-round outdoor dining is required.

Regarding parking, the subject property and proposed use do not require minimum off-street parking. However, per the recommendation provided in the Comprehensive Plan, a parking demand study was

included with the petitioner submittal, further summarized below. All exterior lighting will be required to meet the Village's lighting regulations. No additional signage is requested as part of the zoning request.

ENGINEERING/PUBLIC IMPROVEMENTS

The site is currently served by a public sidewalk along both Warren Avenue and Washington Street. There are two existing curb cuts each on Warren Avenue and Washington Street. As noted previously, both curb cuts will be removed and the approaches will be returned to green space. The sidewalks are proposed to be extended through the existing aprons. As required, by the Village the entire sidewalk along Washington Street shall be repaired due to its poor condition and noncompliance with the Illinois Accessibility Code. Water and sanitary sewer service lines are located within both Warren Avenue and Washington Street and will serve the development. The petitioner will be installing a new storm sewer along the southwest section of the property to accommodate for site improvements. Based on the required environmental mitigation of the site, the proposal will meet the concrete/asphalt barrier requirements below grade in some areas of subject site. All improvements shall meet the Stormwater and Floodplain Ordinance.

PARKING

A parking demand study for the proposed development was completed by the petitioner. The study examined the peak parking demand and the available parking in downtown parking lots near the site, using information from the applicant's planned operations and preliminary data from the Village's ongoing downtown parking study. The study also accounted for a reduction in minimum parking requirements by considering this development's proximity to a transit oriented district, walkability and car sharing.

The parking study demonstrates for the peak period (weekday evening and weekend) there is sufficient parking available in the three nearest public parking lots. During the lunchtime weekday time period, it was identified that the available parking for the three nearest parking lots can mostly accommodate the projected demand and that the applicant has noted that they do anticipate parking demand can be accommodated, based on their proposed business model. If needed, the operator plans to provide valet parking to handle lunchtime parking demand, similar to other restaurants in the downtown business district.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division reviewed the proposed development and determined that sufficient access to the site is provided for emergency vehicles. The existing building and new addition will need a complete fire alarm and fire sprinkler system. Additionally, the building permit will need to show how the retractable roof will be protected by fire sprinklers.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property in addition to posting public hearing notice signs and publishing the legal notice in the *Enterprise Newspaper, Inc. (The Bugle)*. One resident requested information regarding the outdoor seating layout and future restaurant ownership. A copy of the full agenda packet was provided to them via email.

As required by the Zoning Ordinance, the petitioner held a neighborhood meeting on October 21, 2019. The public asked questions about the proposed development. The applicant responded to each of these topics during the meeting and has provided a summary of the meeting that is attached.

STANDARDS OF APPROVAL

The petitioner is requesting a Planned Unit Development approval and accompanying rezoning to construct a new restaurant with a year-round outdoor dining area. The review and approval criterion for each request is listed below.

The petitioner has submitted a narrative that attempts to address all the standards of approval. The Plan Commission should consider the petitioner's documentation, the staff report and the discussion at the Plan

Commission meeting in determining whether the standards for approval have been met.

Section 28.12.040.C.6 Review and Approval Criteria

The decision to amend the zoning map to approve a PUD development plan and to establish a PUD overlay district are matters of legislative discretion that are not controlled by any single standard. In making recommendations and decisions regarding approval of planned unit developments, review and decision-making bodies must consider at least the following factors:

- a. The zoning map amendment review and approval criteria of Sec. 12.030.I.*
- b. Whether the proposed PUD development plan and map amendment would be consistent with the comprehensive plan and any other adopted plans for the subject area.*
- c. Whether PUD development plan complies with the PUD overlay district provisions of Sec. 4.030.*
- d. Whether the proposed development will result in public benefits that are greater than or at least equal to those that would have resulted from development under conventional zoning regulations.*
- e. Whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public.*

Section 28.12.030.I. Zoning Map Amendment Review and Approval Criteria

The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations and decisions about zoning map amendments, review and decision-making bodies must consider at least the following factors:

- 1. The existing use and zoning of nearby property.*
- 2. The extent to which the particular zoning restrictions affect property values.*
- 3. The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare.*
- 4. The suitability of the subject property for the zoned purposes.*
- 5. The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.*
- 6. The value to the community of the proposed use.*
- 7. The comprehensive plan.*

DRAFT MOTION

Staff will provide a recommendation at the November 4, 2019 meeting. Should the Plan Commission find that the request meets the standards of approval for a Planned Unit Development, staff has prepared a draft motion that the Plan Commission may make for the recommended approval of 19-PLC-0030:

Based on the petitioner's submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for a Planned Unit Development and accompanying rezoning as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 19-PLC-0030, subject to the following conditions:

1. The Planned Unit Development and Rezoning shall substantially conform to the staff report; architectural and landscape drawings prepared by Oakley Home Builders dated September 6, 2019, and last revised on October 10, 2019 and engineering drawings prepared by Gabriel Group, Inc. September 6, 2019 and last revised on September 30, 2019, except as such plans may be modified to conform to the Village codes and ordinances.
2. The building shall be equipped with an automatic suppression system and an automatic and manual fire alarm system.

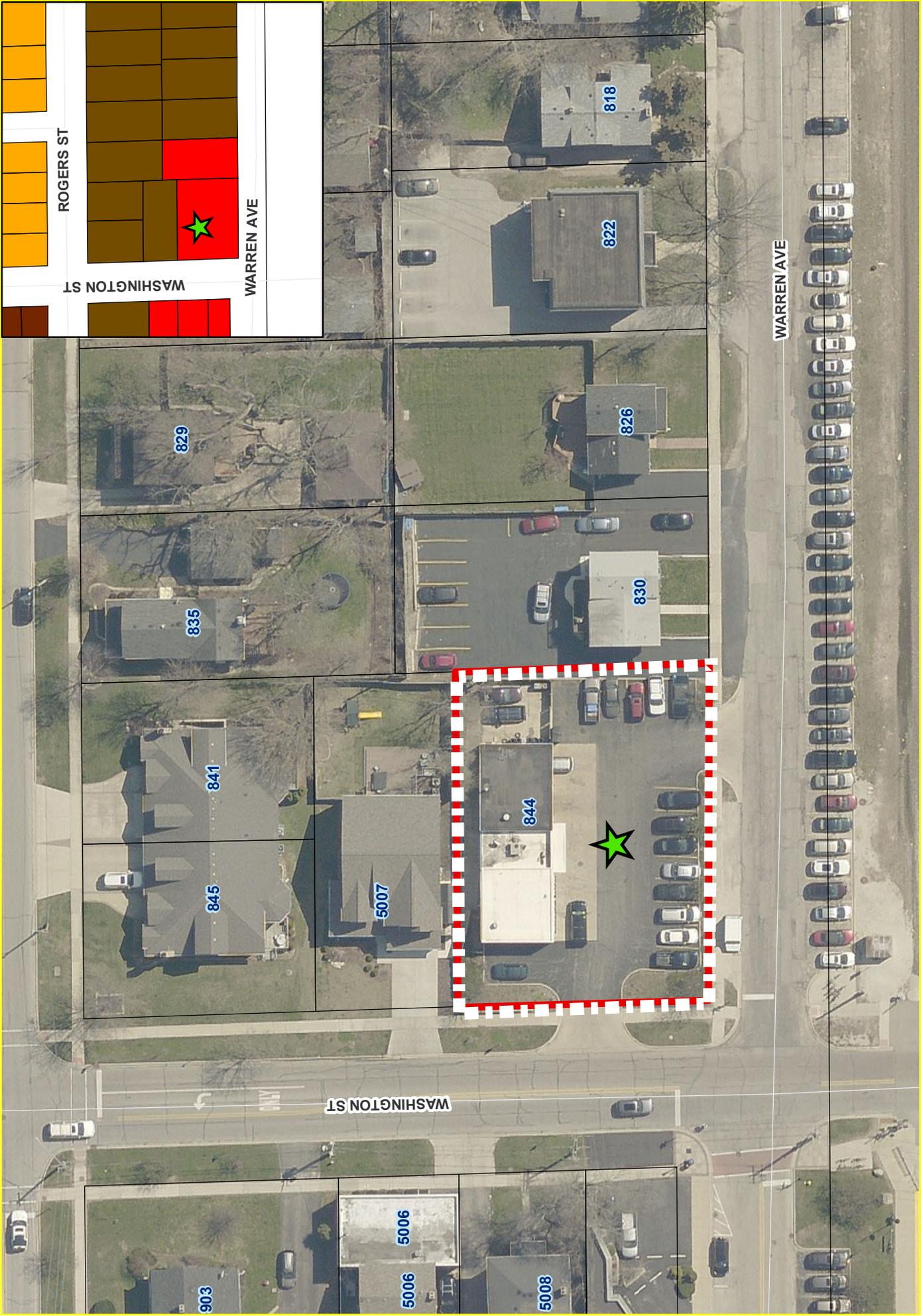
3. Outdoor seating is permitted year round as shown in the attached drawings.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development

-att



844 Warren Avenue - Location Map

 Subject Property
 Project Location

OAKLEY HOME BUILDERS^{inc.}



Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

Attn: Mr. Stan Popovich - Director of Community Development
Mr Jason Zawilla - Village Planning Manager

Subject: Application for Planned Unit Development
Site Address: 844 Warren, Downers Grove, Illinois

Date: October 4, 2019

Dear Plan Commission and Staff,

844 Warren, LLC is requesting a Planned Unit Development overlay to the DB (Downtown Business) District.

It is our intent to develop the site at 844 Warren into an eating and drinking establishment as permitted by the Downtown Business District. The property was previously established as an automobile service station, but has since discontinued business on the property and now sits abandoned. In order for our proposal to make economic sense, we, the buyer, need to utilize the existing building as the corner stone of the plan. Our inspiration for the redevelopment is based on similar properties that have seen successful adaptive reuse development.

Our request is as follow.

1. Relief from Section 4.010 (Build-to-Zone) Southwest Corner - code specifies that on corner lots, the building's facade must be within the required build-to-zone for the first 25 feet extending from the intersection of the two right-of-way.
Our proposal includes 0% of the building facade in the BTZ.
2. Relief from Section 4.010 (Build-to-Zone) Street setbacks both Warren and Washington - code requires that 30% of the building facade must be in the 10 foot setback for the secondary setback (Washington) and 80% of the building facade must be in the primary setback (Warren).
Our proposal includes 0% of the building facade in the BTZ
3. Relief from Section 4.010 (Building Height) Minimum building height. - DB zoning district requires a minimum 32 foot building height.
Our relief request is to maintain the existing building height of approximately 12'-7" to the top of the existing flat roof. The property is encumbered by an NFR letter issued by the IEPA which stipulates that the property can only be use for industrial/commercial purposes. As such, the applicant cannot add additional levels to the building for residential purposes and do not believe other commercial uses would be appropriate for this location.
4. Request year round outdoor seating on private property.
5. Request for fire pits in the street yard.

OAKLEY HOME BUILDERS inc.



Warren, LLC is the combined effort of local business persons, Steve Sobkowiak of Oakley Home Builders and Todd Davies of Cadence Kitchen and the future Foxtail restaurants, along with Will Kreuzer of Tartan Realty Group <http://www.tartanrealtygroup.com/>. The goal of the development at 844 Warren is to create an indoor and outdoor destination for dining and drinking and further the intent of the DB district by "promoting a vibrant and compact downtown area for living, shopping, dining and entertainment"

The current site is developed with a single story, concrete masonry unit with brick veneer building. The balance of the site is asphalt paving for storage and parking dedicated to the previous service station. The site has (2) existing curbs cuts for driveway access from both Warren and Washington streets. As part of the NFR letter, a concrete/asphalt barrier is required at some areas on the subject site.

With the existing building positioned to the far northeast corner of the property, we will be meeting 0% of the BTZ requirements as set forth in Section 4.010 for both Corner lots and street setbacks. We are using the Design Guidelines for the DB District and removing all parking lots and using outdoor cafe space to continue the street wall. This also removes the driveway curb cuts, along with on -site parking. No on-site parking is required as set forth in the DB zoning district. Our intention is to have patrons use the public parking on Warren Avenue.

Our BTZ minimum requirement at the Southwest Corner is to have the facade be located within the BTZ for the first 25ft from the intersection. Our outdoor cafe/patio will be the only development within the BTZ zone at the corner, 0% of our development will meet the BTZ requirement at the corner lots.

Our BTZ minimum requirement at the street setbacks are 80% of the building facade must be within the BTZ (10ft from sidewalk) on the primary street and 30% on the secondary street. Our outdoor cafe/patio will be the only development within the BTZ zone at the streets, so 0% of our development will meet the BTZ requirement at the street setbacks.

The property was issued an NFR letter and a land use limitation which states the property can only be used for industrial/commercial use, as such the development is unable to add additional floors for residential use. Which limits our building height at the existing building. See attached NFR letter.

OAKLEY HOME BUILDERS inc.



Along with outdoor patio additions, we propose to expand the building along the east side of the property to create additional indoor dining and entertainment space. This addition will also include privacy screening and trash enclosure for service access to the rear of the building.

Please review our submittal documents and advise with any comments.
We look forward to working with the Village and Plan commission on this project.

Sincerely,

Steve Sobkowiak
Owner - Oakley Home Builders



Memorandum

TO: Mr. Steve Sobkowiak
Oakley Home Builders, Inc.

FROM: Stephen B. Corcoran, P.E., PTOE
Director of Traffic Engineering

DATE: October 28, 2019

RE: Parking Demand Study
Restaurant/Golf
844 Warren Avenue
Plainfield, Illinois

This memorandum analyzes the parking demand for the redevelopment of 844 Warren Avenue from an auto repair shop into a restaurant with indoor golf in Downtown Downers Grove, Illinois. The purpose of this study is to determine if enough parking is available in the area.

Redevelopment Plan

The redevelopment site is located at 844 Warren Avenue on the north side of the street east of Washington Street. It is in the northeastern part of the Downers Grove Downtown District with the commuter parking and railroad tracks to the south, businesses to the east and west, and residential uses to the north.

An auto repair shop occupies the site (2,265 square feet) with 13 parking spaces and an access on Warren Avenue and one on Washington Street.

The restaurant will expand the building to 3,980 square feet and include an outdoor patio covering 2,450 square feet. Four bays within the building are for golf simulation games. Seating will be provided for 212 persons as follows:

- Inside Seating – 30 seats
- Covered Patio – 108 seats
- Golf Simulation – 24 seats
- Outdoor Seating – 50 seats
- **Total Seats – 212 seats**

Downers Grove Parking Requirement

The Village staff has determined that 78 parking spaces would be required if this restaurant was located outside the downtown area. Given its location in the downtown area and nearby public parking, the need for parking is minimized.

National Parking Data

National parking data for restaurants was reviewed to estimate the parking demand for the site. The Institute of Transportation of Engineers' publication Parking Generation, 5th Edition provides parking survey data on quality restaurants (Land Use Code 931). Based on the 212 seats (indoor and outdoor), the peak parking demand would be 110 spaces in the evening at a typical non-downtown location. At lunch time, the parking demand would be 75% of evening peak or 83 vehicles including employees.

Surveys of Downers Grove pedestrians, as part of the 2011 downtown parking study, indicated that only 53.2% of them drove and parked. The remaining pedestrians walked, took public transportation, biked, or shared a ride. Applying that ratio to the ITE data would result in a lunchtime demand of 44 vehicles and 59 vehicles in the evening/weekend.

Downers Grove Downtown Parking Study

Village staff provided preliminary results of an ongoing parking study conducted in 2019 of public parking lots near the site including Lot F across the street from the site, 12 hour on-street parking to the east of Lot F, and Lot L south across the tracks. Among the three lots, there are 171 spaces. Occupancy counts at each lot are shown on **Table 1**. In the evening and on the weekends, there are 133 to 155 spaces available in the lots. On a weekday during the day, only 32 spaces are available.

Table 1
Available Parking Spaces

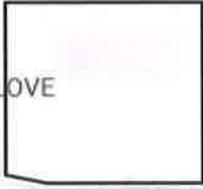
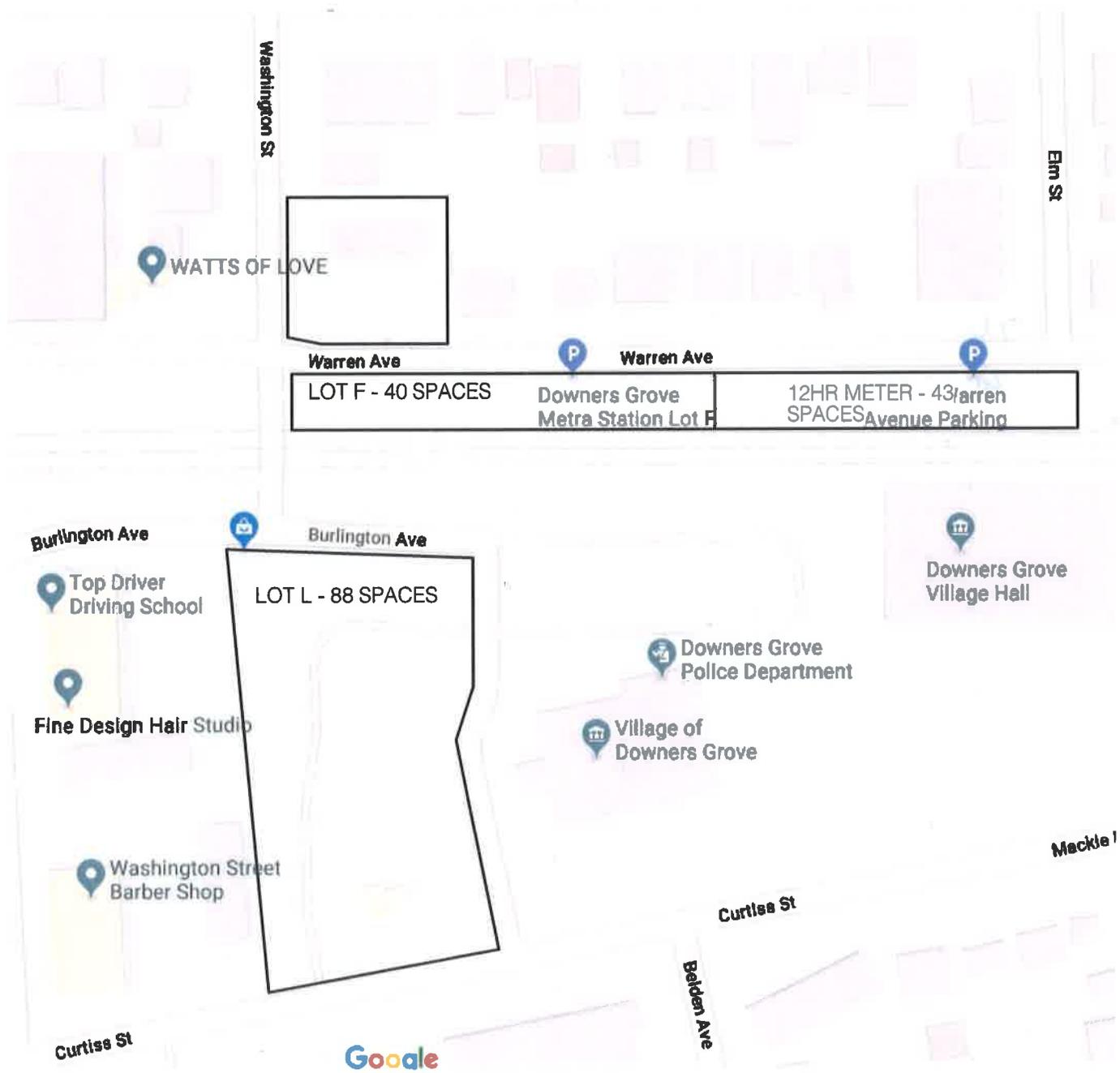
Lot	Total Spaces	Weekday		Weekend	
		Daytime	Evening	Daytime	Evening
F	40	15	35	30	33
12 hr East of F	43	2	28	43	41
Lot L	88	15	70	63	85
Totals	171	32	133	136	158
Proposed Demand	-	44	59	59	59

Analysis

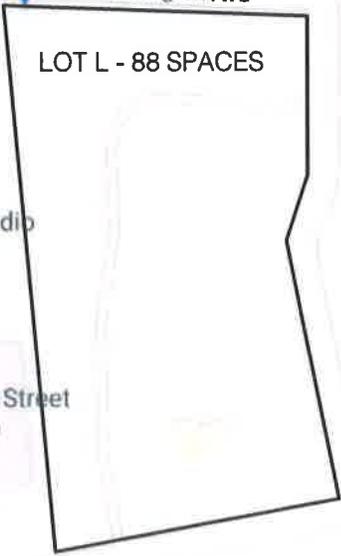
Based on the Village requirement of 78 spaces and the estimated demand estimate of 59 vehicles, there is sufficient parking available near the site to accommodate the requirements during the evenings and weekends. During lunchtime, the 32 available parking spaces will meet most of the projected demand. On days when the weather would prevent the outdoor seating from opening 158 of the 212 seats, lunchtime parking could be accommodated. If needed, the operator could provide valet parking to handle the lunch time parking demand.

It should also be noted that the projections provided by the restaurant operator show a lower demand with 40-50 persons during weekday lunch resulting in a demand of 17 to 25 vehicles which can be accommodated.

MAP OF PUBLIC PARKING AREAS
844 WARREN
DOWNERS GROVE



LOT F - 40 SPACES	Downers Grove Metra Station Lot F	12HR METER - 43 SPACES Warren Avenue Parking
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LOT L - 88 SPACES



Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

Attn: Mr. Stan Popovich - Director of Community Development
Mr Jason Zawilla - Village Planning Manager

Subject: Neighborhood meeting summary
Site Address: 844 Warren, Downers Grove, Illinois

Date: October 21, 2019

Summary Report for Neighborhood meeting

1. Letters were mailed to all neighbors within 300ft, see attached list. Letters were mailed via USPS on Monday October 14th, 2019 for our meeting held October 21st, 2019. Todd Davies also contacted adjacent neighbors directly prior to the meeting.
2. Neighbors were invited to attend on Open House on October 21st, 2019 at Cadence Kitchen. Presentation boards with site plan, elevations and renderings were shared.
3. Steve Sobkowiak and Jen Hense of Oakley Home Builders, Will Kreuzer of Tartan Realty and Todd Davies and Tim Canning of Cadence Kitchen were all in attendance and participated in the presentation and discussions with neighbors.
4. Questions and concerns raised by neighbors:
 - a. Stig Benson of 841 Rogers was concerned regarding storm water flow onto his property.
 - b. Hours of operation of establishment was a question raised by a couple of neighbors.
 - c. Date of opening of establishment.
5. No specific changes were made as a result of the meeting.

EXISTING TOPOGRAPHY
FOR
844 WARREN AVE. - DOWNERS GROVE, IL



SCALE: 1" = 10'



LEGEND		
Existing	Proposed	
Sanitary Sewer		
Storm Sewer		
Watermain		
Contour Lines		
Spot Elevations		
Fence		
Fire Hydrant		
Manhole		
Light Pole		
Power Pole		
B-Box		
San. Cleanout		
Tree		
Shrubs		
Drainage Pattern		
Silt Fence		

BENCHMARK INFORMATION

DuPage County Benchmark DK3312: Located at the northeast corner of Washington Street and Warren Avenue in Downers Grove. A 3.5" brass disc set in concrete.

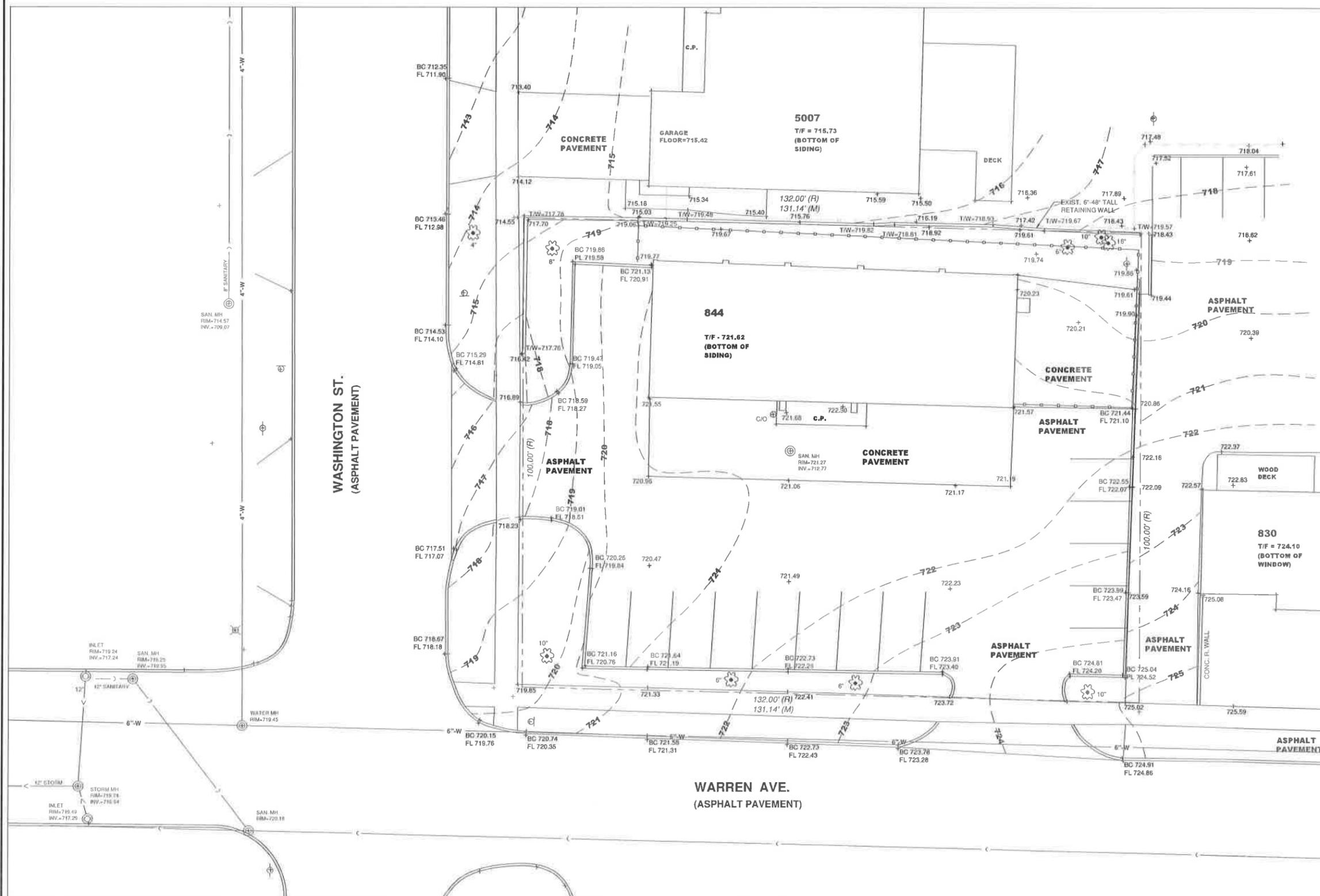
Elevation = 718.78 (NAVD88)

DuPage County Benchmark 0166: Monument is 2.0 ft above the road grade located along the east side of Finley Road at the overpass for Interstate 88.

Elevation = 771.018 (NAVD88)

GENERAL NOTES:

1. Utilities and Improvements shown hereon based on visible, field verified structures.
2. Boundary Information shown hereon is for graphical depiction only.
3. This drawing does not constitute a plat of survey.



EXISTING TOPOGRAPHY

844 WARREN AVE. - DOWNERS GROVE, IL

PREPARED FOR
OAKLEY BUILDERS

Gabriel Group, Inc.
Civil Engineering Solutions
P.O. Box 5376 - Oak Brook, IL 60622
Tel: 630-772-8393 Fax: 630-756-4151

Q (PROPOSED) = C1'A = 0.0110.82'2.22 = 1.81 CFS

SITE PLAN

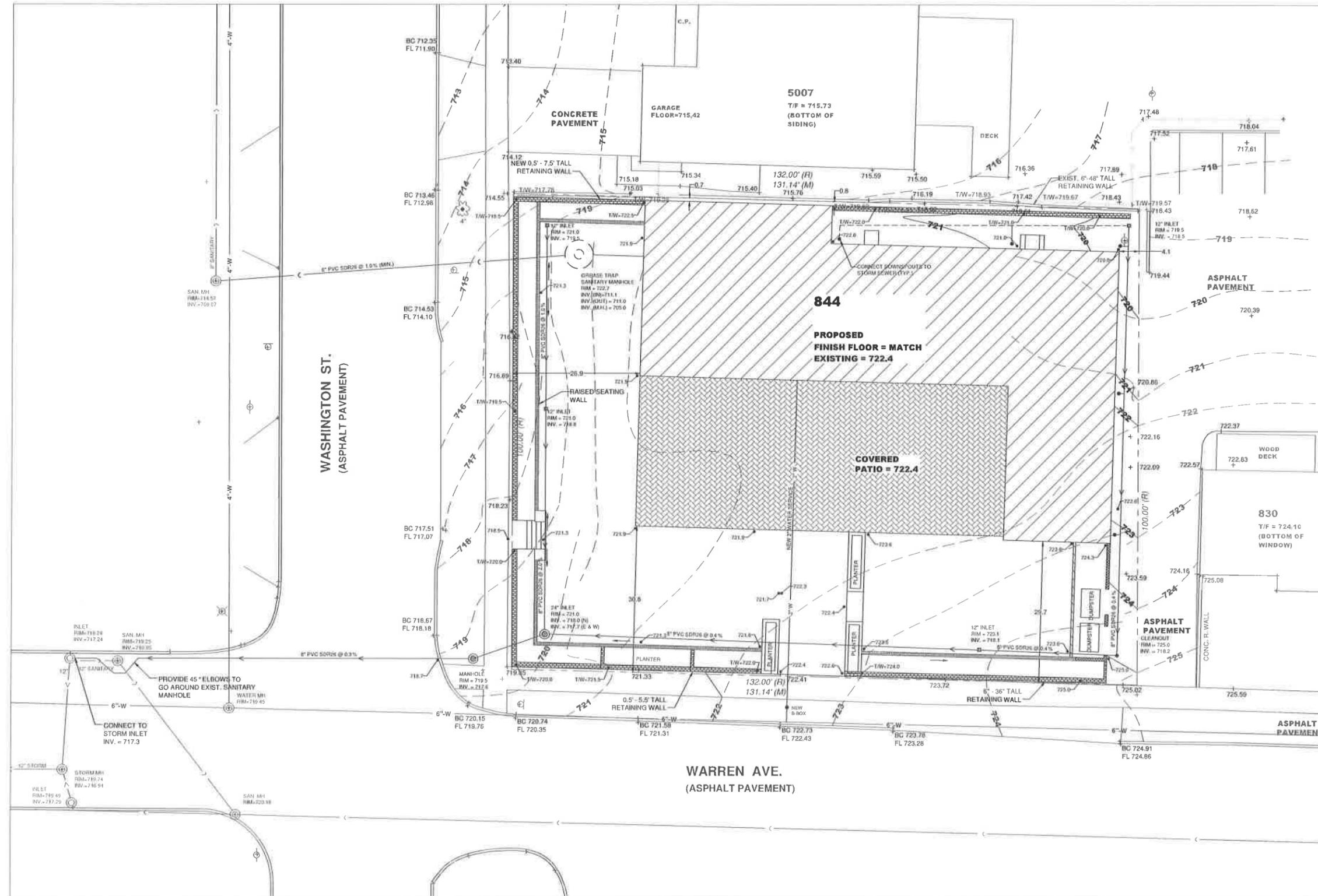
FOR
844 WARREN AVE. - DOWNERS GROVE, IL



SCALE: 1" = 10'

IMPERVIOUS AREA CALCULATIONS (I.F.)

LOT AREA = 13210 S.F.	IMPERVIOUS AREA
EXISTING	
BUILDING	2240
DRIVEWAY & PARKING LOT	8450
TOTAL EXISTING IMPERVIOUS	10790
PROPOSED	
BUILDING	3951
COVERED PATIO	2454
RETAINING WALL & DUMPSTER ACCESS	900
TOTAL IMPERVIOUS AREA	7300
NET NEW IMPERVIOUS AREA	-3490



SITE PLAN

844 WARREN AVE. - DOWNERS GROVE, IL

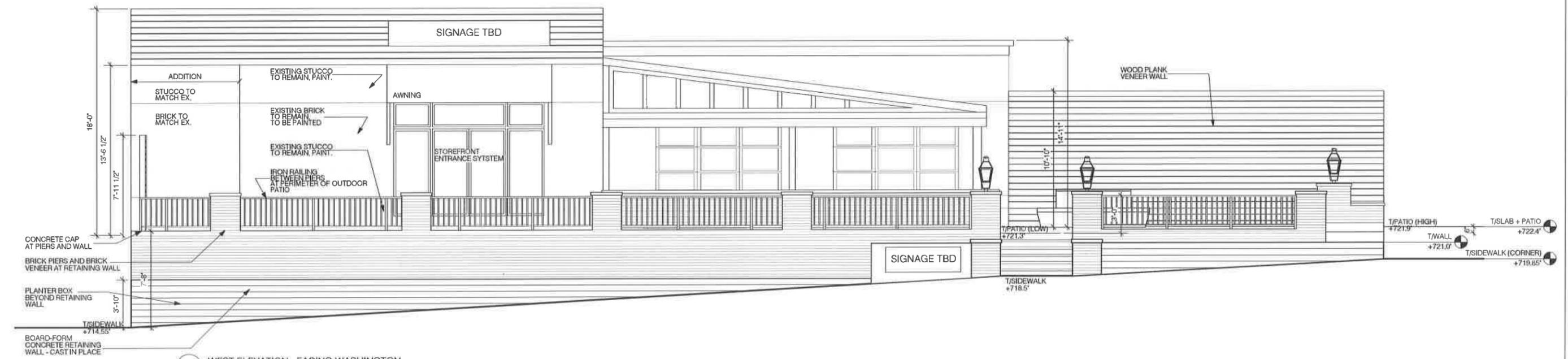
REVISIONS FOR VILLAGGIO COMMENTS

PREPARED FOR
OAKLEY BUILDERS

Gabriel Group, Inc.
Civil Engineering Solutions
P.O. Box 5376 - Oak Brook, IL 60522
Tel: 630-775-9993 Fax: 630-756-4151



1 SOUTH ELEVATION - FACING WARREN
Scale: 1/4" = 1'-0"



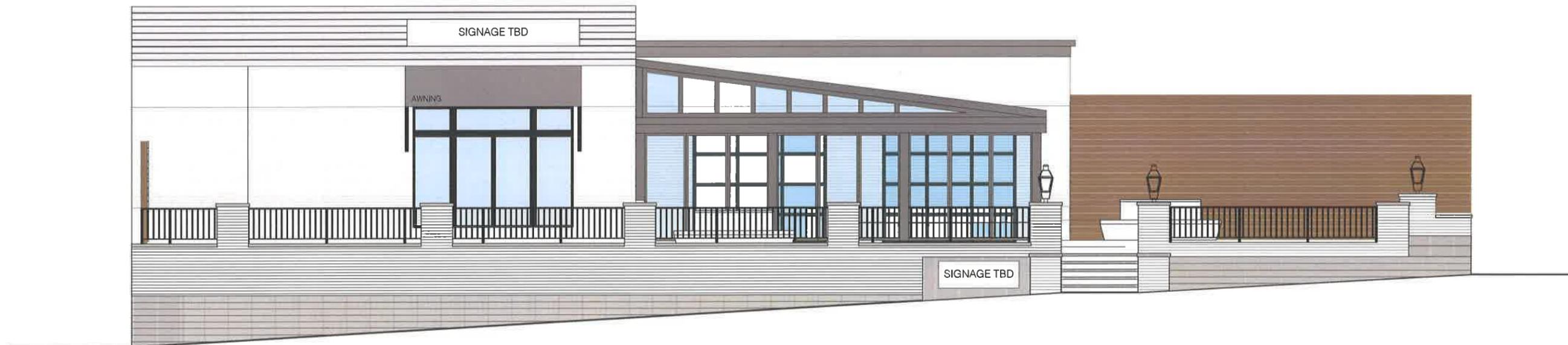
2 WEST ELEVATION - FACING WASHINGTON
Scale: 1/4" = 1'-0"

DATE	10/04/19
ISSUED FOR PERMIT	
ISSUED FOR CONST.	

ALL SIGNAGE TO
BE PERMITTED SEPARATELY.

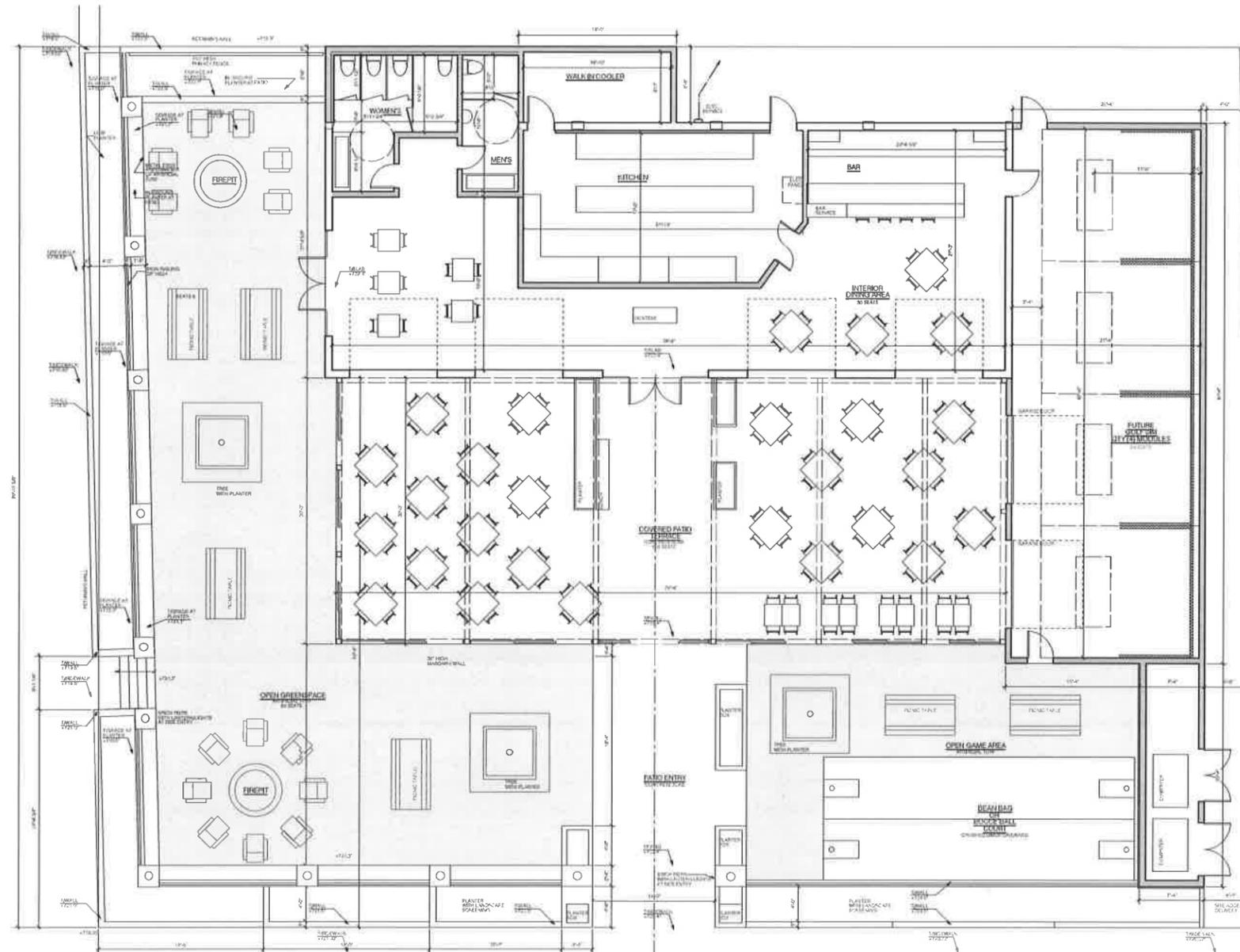


1 SOUTH ELEVATION - COLOR
Scale: 1/4" = 1'-0"



2 WEST ELEVATION - COLOR
Scale: 1/4" = 1'-0"

DATE:	10/04/19
ISSUED FOR PERMIT:	
ISSUED FOR CONST.:	



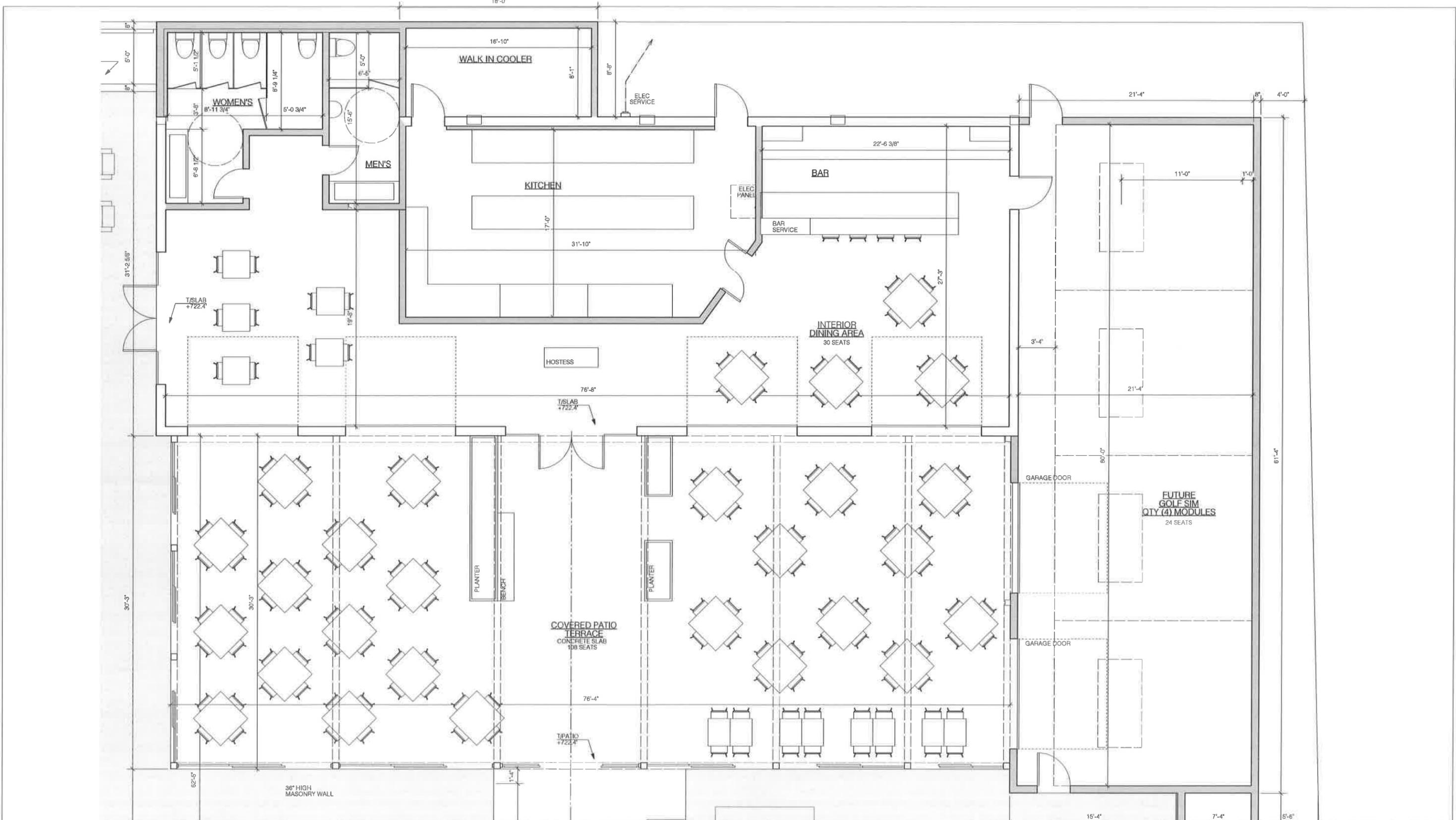
1 WEST (REAR) ELEVATION
Scale: 1/8" = 1'-0"

DATE:	10/04/19
ISSUED FOR PERMIT:	
ISSUED FOR CONST.:	

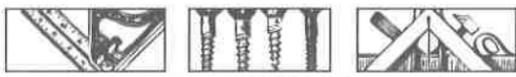


2 WEST (REAR) ELEVATION
Scale: 1/8" = 1'-0"

DATE:	10/04/19
ISSUED FOR PERMIT:	
ISSUED FOR CONST.:	



OAKLEY
HOME BUILDERS inc.



5216 MAIN STREET DOWNERS GROVE, ILLINOIS
(630)241-9402
www.oakleyhomebuilders.com

2 FIRST FLOOR PLAN
Scale: 1/4" = 1'-0"

844 WARREN - SITE
DEVELOPMENT PLAN

DATE:	10/04/19
ISSUED FOR PERMIT:	
ISSUED FOR CONST.:	

FLOOR
PLAN

A4

OAKLEY HOME BUILDERS inc.



Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

Attn: Mr. Stan Popovich - Director of Community Development
Mr Jason Zawilla - Village Planning Manager

Subject: Application for Planned Unit Development
Zoning Map Amendments

Site Address: 844 Warren, Downers Grove, Illinois

Date: October 4, 2019

Section 28.12.040.C.6 Review and Approval Criteria (Planned Unit Development)

The decision to amend the zoning map to approve a PUD development plan and to establish a PUD overlay district are matters of legislative discretion that are not controlled by any single standard. In making recommendations and decisions regarding approval of planned unit developments, review and decision-making bodies must consider at least the following factors:

(1) The zoning map amendment review and approval criteria of Sec. 12.030.1:

See the analysis of zoning map amendment review and approval criteria in separate document.

(2) Whether the proposed PUD development plan and map amendment would be consistent with the Comprehensive Plan and any other adopted plans for the subject area.

As an overlay PUD, the development will be consistent with the Comprehensive Plan, including the following items:

- * Development that is pedestrian-oriented.
- * Promotes the walkable nature of Downtown
- * Utilize existing building setbacks to create plazas and larger outdoor areas.
- * Reduce stormwater runoff by reducing the amount of concrete and asphalt.
- * Redevelops an underutilized downtown site.
- * Infills the downtown district rather than an abandoned property.

(3) Whether PUD development plan complies with the PUD overlay district provisions of Sec. 4.030.

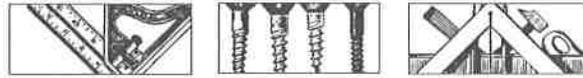
The proposed project is appropriate for a PUD per Section 4.030.A.1 of the DG Zoning Ordinance. The proposed development plan will not work without relief. Section 4.030.A.1.e notes that developments that are consistent with and help advance the goals of the comprehensive plan.

The proposed plan includes elements that further the following objectives as identified in Section 4.030.A.2

5216 Main St., Unit A, Downers Grove, IL 60515

www.oakleyhomebuilders.com

OAKLEY HOME BUILDERS^{inc.}



- * Implementation of and consistently with the comprehensive plan and other relevant plans and policies.
- * Flexibility and creativity in responding to changing social, economic and market conditions.
- * High quality buildings and improvements that are compatible with surrounding areas, as determined by their arrangements, massing, form, character and landscaping.
- * The protection and enhancement of open space amenities
- * The incorporation of sustainable development features including green infrastructure practices in landscapes
- * Attractive, high-quality landscaping, lighting, architecture and signage, including the use of native landscaping that reflects the unique character of the village and surrounding area.

(4) *Whether the proposed development will result in public benefits that are greater than or at least equal to those that would have resulted from development under conventional zoning regulations.*

The proposed development PUD as compared with conventional zoning allows for the site to provide for a high percentage of land use, maintain an existing structure and create an extensive outdoor patio space at the sidewalk's edge. The proposed concept is not possible under conventional zoning regulations. The subject site is underutilized and the proposed development will enhance the downtown area. The development as a dining establishment will bring employment opportunities as well as sales tax revenue to the village.

(5) *Whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public.*

We have worked with Village staff to ensure a high-quality development will be constructed. Our conversations have reviewed building code, fire codes, liquor commission, traffic and parking studies and stormwater management. Our development will meet or exceed all conditions requested.

Section 28.12.030.I Review and Approval Criteria (Zoning Map Amendments - Rezonings)

The decision to amend the zoning map is a matter of legislative direction that is not controlled by any single standard. In making recommendations and decisions about zoning map amendments, review and decision making bodies must consider at least the following factors:

(1) *The existing use and zoning of nearby properties:*

The current uses of the subject site is a vacant service station. The neighboring property to the east on Warren Avenue is zoned DB, Downtown Business and is occupied by a small business. The property directly to the north on Washington is zoning DT, Downtown Transition and is improved with a single family home. To the west, located across Washington are three properties, all of which are zoning DB. At the northwest corner of Washington and Warren, address 900 Warren ave is a multi-unit,

5216 Main St., Unit A, Downers Grove, IL 60515

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single story commercial office building. The property at 5008 Washington is improved with a multi-family 2-story residence. The property at 5006 Washington is improved with a 2-story office business building. The subject site is bordered on the east by the BNSF train tracks along Warren Avenue.

(2) The extent to which the particular zoning restrictions affect property values.

The proposed rezoning to DB/PUD will not negatively affect property values. The proposed dining establishment and outdoor patio will replace a currently vacant building and underutilized property. The PUD overlay restrictions require high quality buildings and improvements to the property. The development of this property may lead to additional improvements in this area, which is on the fringe of the DB district.

(3) The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare.

The proposed rezoning will not negatively impact property values or the public health, safety and welfare of the community or neighborhood.

(4) The suitability of the subject property for the zoning purposes.

Currently, the property is zoned DB, Downtown Business and we are requesting to rezone to DB/PUD. The existing vacant building is not a positive attribute to the downtown area. Our dining establishment is a permitted use in the DB zone and will utilize the entire site for public use, both interior and outdoor. Under the DB district ordinance, our development of the site is not permitted without relief. The existing building is setback from the street beyond the BTZ limits on both Warren and Washington. Our proposal uses the outdoor uncovered patio area as an extension of the establishment to border the sidewalk and attract pedestrians. The existing building was an automotive service station which required an IEPA review for further development, IEPA issued an NFR Letter which limits the land use to industrial or commercial. Building height relief is also requested as the existing building is single story and without residential development abilities, we do not see a high quality use for a second floor addition. The development which includes an extensive outdoor seating area is proposed as year round to continue the land use through all seasons. The development will promote a vibrant downtown and encourage pedestrian traffic for use of the establishment.

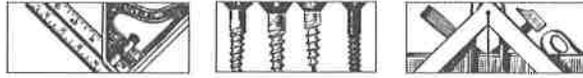
(5) The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.

The current owner of the property has informed us that the service station last operated from the building approximately 1 year ago. Approximate date is September 2018.

(6) The value of the community of the proposed use.

The development of the subject property will add value to the downtown area and the community. The proposal will extend the downtown area beyond the Tivoli Theatre area

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and provide an additional destination accessible from downtown and the Metra train stop. The development will add local employment for staff and management.

(7) The Comprehensive Plan.

As an overlay PUD, the development will be consistent with the Comprehensive Plan, including the following items:

- * Development that is pedestrian-oriented.
- * Promotes the walkable nature of Downtown
- * Utilize existing building setbacks to create plazas and larger outdoor areas.
- * Reduce stormwater runoff by reducing the amount of concrete and asphalt.
- * Redevelops an underutilized downtown site.



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
NOVEMBER 4, 2019 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
19-PLC-0029	Zoning Ordinance Text Amendments	Jason R. Zawila, AICP Planning Manager

REQUEST

The Village is requesting multiple text amendments to the Zoning Ordinance. The proposed amendments are to the following Articles:

- Article 5, Allowed Uses
- Article 6, Supplemental Use Regulations
- Article 7, Parking
- Article 10, General Development Regulations
- Article 11, Nonconformities
- Article 12, Review and Approval Procedures
- Article 14, Measurements
- Article 15, Definitions

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

APPLICANT: Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Zoning Ordinance
3. Proposed Amendments

PROJECT DESCRIPTION

The Village is requesting review of multiple text amendments to the Zoning Ordinance. The proposed text amendments fall into two categories.

Adult Use Cannabis Business Establishments - The State of Illinois recently passed the Cannabis Regulation and Tax Act which has legalized the use of recreational marijuana beginning January 1, 2020. Between August and October 2019, the Village Council considered regulations and taxes on cannabis based businesses across multiple meetings. At their October 8th meeting, the Village

Council approved amendments to Chapter 8 (Business and Activity Licenses and Regulations) of the Downers Grove Municipal Code, effectively prohibiting adult use cannabis business establishments. The proposed amendments are intended to ensure consistency amongst the Zoning Ordinance (Chapter 28) and Business and Activity Licenses and Regulations (Chapter 8).

Minor Modifications to the Zoning Ordinance - The second category of amendments updates and clarifies various sections of the Zoning Ordinance. Over time and through practice, staff has identified sections where further clarification, minor adjustments in language, and visual diagrams would prove useful to both the practitioner and residents. The changes proposed are intended to further improve the review process while also ameliorating common questions and inquiries that staff receives repeatedly.

A summary list of the proposed amendments is shown below and are identified in the attached Zoning Ordinance excerpts. For each proposed amendment new proposed text is underlined, while text proposed to be removed is shown as a ~~strikeout~~.

Section	Description	Page Reference
5.010 – Table 5-1	Added Business Support Service to the M-2 (Restricted Manufacturing District)	5-3
5.010 – Table 5-1	Added related Adult Use Cannabis Business Establishments as a prohibited use to all Zoning Districts	5-4
5.100.D	Added Adult Use Cannabis Business Establishment to the Other Use Category Section	5-19
6.010.M.2	Clarifies where building mounted solar equipment may be placed on single-family homes	6-9
6.170.H.G	Provides additional screening requirements for building mounted antennas and equipment screening	6-24
7.1030 – Table 7-1	Modified the parking requirements for trade schools and car washes	7-3 to 7-4
7.070.C	Added requirements for bicycle parking setbacks	7-8
7.120.B and 7.120.D	Modified parking requirements related to accessible spaces. In 2018, the Illinois Accessibility Code (IAC) was updated for the first time in 20 years, which made certain sections of the Zoning Ordinance non-compliant. The proposed amendments correct this issue and proactively make references to the IAC in case future changes are made.	7-18 to 7-19
10.010.B.2	Clarified certain fence placement requirements related to double frontage lots	10-18 to 10-19
11.020.B.1	Clarified when lot consolidation is required for decks, front porches and stoops	11-3
12.010.L	Added the requirement that a pre-application is required for all zoning approval applications, a current Village practice.	12-6
12.040.C.1	Removed the requirement for a pre-application meeting since this is proposed to be required for all zoning approval applications	12-9
12.040.E.1	Added the provision to allow a minor reduction (less than 5%) to open space in PUDs, similar to such items as parking spaces, building coverage or building height	12-12
14.100.B – Table 14-1	Clarified the setbacks for pool and solar equipment. Also added the setback requirements referenced with the previous amendment related to bicycle parking.	14-4 to 14-5

14.100.C.4	Added a provision allowing a front porch to encroach into an additional street yard when available, but not increasing the lot coverage bonus	14-6
14.110.D	Clarified provisions related to build-to-zone measurements	14-9
15.040	Added definitions related Adult Use Cannabis Business Establishments	15-2

PUBLIC COMMENT

The legal notice was published in the *Enterprise Newspapers, Inc. (The Bugle)*. At this time, no public comments have been received on any proposed text amendment.

FINDINGS OF FACT

Section 12.020.F Review and Approval Criteria of Zoning Ordinance Text Amendments

The decision to amend the zoning ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning ordinance text amendments, review and decision-making bodies must consider at least the following factors:

(1) Whether the proposed text amendment is in conformity with the policy and intent of the comprehensive plan

The proposed text amendments are consistent with the policy and intent of the Comprehensive Plan. The Comprehensive Plan notes that the Zoning Ordinance should be regularly reviewed and updated. In each case, the proposed amendments further these policies and goals of the Comprehensive Plan:

- Maintain the Village's image and desirability as a great place to live
- Develop aesthetically pleasing and functionally well-designed retail and commercial shopping areas
- Enhance the economic viability, productivity, appearance and function of the Village's commercial corridors
- Ensure the provision of high-quality public facilities
- Continue to support the operation of other important community service providers.

This standard is met.

(2) Whether the proposed zoning ordinance text amendment corrects an error or inconsistency in the zoning ordinance, meets the challenge of a changing condition or is necessary to implement established policy.

The proposed text amendments address inconsistencies in the zoning ordinance or to implement an established policy. The amendments related to adult use cannabis business establishments is necessary to implement an established policy and provides consistency with other Chapters in the Municipal Code. All other amendments provides additional flexibility and/or removes inconsistencies in the Zoning Ordinance. The proposed amendments further the purposes of the Zoning Ordinance as shown in Section 1.060 of the Zoning Ordinance. This standard is met.

DRAFT MOTION

Staff will provide a recommendation at the November 4, 2019 meeting. Should the Plan Commission find that the request meets the standards of approval for a Zoning Ordinance Text Amendment, staff has prepared a draft motion that the Plan Commission may make for the recommended approval of 19-PLC-0029:

Based on the petitioner's submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for a Zoning Text Amendment as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 19-PLC-0029 regarding the proposed amendments Articles 5, 6, 7, 10, 11, 12, 14 and 15 of the Zoning Ordinance.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development

Article 5 | Allowed Uses • Sec. 5.010 | Allowed Uses

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations
Subcategory Specific use (See Sec. 5.020)																				
	P = use permitted as of right S = special use approval required - = not allowed																			
Veterinary care	-	-	-	-	-	-	-	-	P	P	S	S	S[18]	-	-	P	P	-	-	Sec. 6.160
Assembly and Entertainment (except for the following uses)																				
Auditorium	-	-	-	-	-	-	-	-	-	P	S	S	-	-	-	-	-	-	S	
Cinema	-	-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	S	
Theater	-	-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	S	
Broadcast or Recording Studio	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Commercial Service																				
Building service	-	-	-	-	-	-	-	-	S	P	-	S	-	-	-	P	P	-	-	
Business support service	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	P	P	-	-	
Consumer maintenance and repair	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	P	-	-	-	
Personal improvement service																				
General personal improvement services	-	-	-	-	-	-	-	P	P	P	P	P	P[13]	-	-	-	-	-	-	
Health and fitness services	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	S	S	-	-	
Studio or instructional services	-	-	-	-	-	-	-	P	P	P	P	P	S	-	-	-	-	-	-	
Fortune-telling or psychic service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	
Massage therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	Sec. 6.070
Research service	-	-	-	-	-	-	-	-	-	P	S	S	S[18]	P	P	P	P	-	-	
Day Care																				
Day care home	P	P	P	P	P	P	P	-	-	-	-	-	P	-	-	-	-	-	-	Sec. 6.030
Day care center	-	-	-	-	S	S	S	P	P	P	-	S	S	P	P	P	P	S	-	Sec. 6.030
Eating and Drinking Establishment																				
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	-	P[7]	P[7]	-	-	-	-	
Wine and/or Beer Boutique	-	-	-	-	-	-	-	P	P	P	P	P	S[18]	P	P	-	-	-	-	
Financial Service																				
Funeral or Mortuary Service	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	
Lodging	-	-	-	-	-	-	-	-	P	P	-	S	-	-	-	P	-	-	-	
Bed and Breakfast	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	
Office																				
Business and professional office	S	S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	P	-	-	Sec. 6.090
Medical, dental and health practitioner	-	-	-	-	-	-	S[4]	-	P	P	P/S[8]	P/S[8]	S	P	P	P	P	-	-	
Parking, Non-Accessory																				
Retail Sales																				
Convenience goods	-	-	-	-	-	-	-	P	P	P	P/S[12]	P	P[18]	-	-	-	-	-	-	
Consumer shopping goods	-	-	-	-	-	-	-	P	P	P	P/S[12]	P	P[18]	-	-	-	-	-	-	
Guns and firearm supplies	-	-	-	-	-	-	-	[11]	[11]	[11]	-	-	-	-	-	-	S	-	-	
Building supplies and equipment	-	-	-	-	-	-	-	P	P	P	P/S[12]	P	-	-	-	-	-	-	-	
Self-service Storage Facility																				Sec. 6.130

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R M	M-1	M-2	INP-1	INP-2	Supplemental Regulations
Subcategory Specific use (See Sec. 5.020)																				
P = use permitted as of right S = special use approval required -- = not allowed																				
Trade School	-	-	-	-	-	-	-	P	P	P	S	S	-	S	S	S	S	-	-	-
Vehicle Sales and Service																				
Commercial vehicle repair and maintenance	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	P	-	-	-	-
Commercial vehicle sales and rentals	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	S	-	-	-	-
Fueling station	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	S	-	-	-	Sec. 6.040
Personal vehicle repair and maintenance	-	-	-	-	-	-	-	S[10]	S	-	-	-	-	-	S	S	-	-	-	Sec. 6.100
Personal vehicle sales and rentals	-	-	-	-	-	-	-	S[10]	S	-	-	-	-	-	-	S	-	-	-	-
Vehicle body and paint finishing shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
Automobile dealership off-site vehicle storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	Sec. 6.190
WHOLE SALE, DISTRIBUTION & STORAGE																				
Equipment and Materials Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Trucking and Transportation Terminals	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	P	P	-	-	-
Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	S[16]	P	P	P	-	-	-
Wholesale Sales and Distribution	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	P	-	-	-
INDUSTRIAL																				
Artisan Industrial	-	-	-	-	-	-	-	-	-	P	-	S[19]	S[18]	-	P	P	P	-	-	-
Limited Industrial	-	-	-	-	-	-	-	-	-	P[11]	-	-	-	-	P	P	P	-	-	-
General Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Intensive Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RECYCLING																				
Recyclable Material Drop-off Facility	-	-	-	-	-	-	-	S	S	S	-	-	-	-	S	S	S	-	-	Sec. 6.110
Recyclable Material Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
AGRICULTURE																				
Animal Agriculture (except as allowed under Chapter 5 of the Downers Grove Municipal Code)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Crop Agriculture	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
OTHER																				
Drive-in or Drive-through Facility	-	-	-	-	-	-	-	-	S	S	-	-	-	S[15]	S[15]	S[15]	-	-	-	Sec. 7.130
Medical Cannabis Cultivation Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	Sec. 6.060
Medical Cannabis Dispensing Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	Sec. 6.060
Adult Use Cannabis Business Establishments																				
Adult Use Cannabis Craft Grower	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=
Adult Use Cannabis Cultivation Center	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=
Adult Use Cannabis Dispensing Organization	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=
Adult Use Cannabis Infuser Organization or Infuser	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=
Adult Use Cannabis Processing Organization or Processor	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=
Adult Use Cannabis Transporting Organization or Transporter	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=

C. Community Garden

An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption, for donation or for sale that is occasional and incidental to the growing and harvesting of food crops. A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group. Community gardens may be principal or accessory uses and may be located at grade (outdoors), on a roof or within a building. Community gardens do not include the raising or keeping of farm animals.

Sec. 5.100 Other Use Category

This category includes uses that do not fit the other use categories.

A. Drive-in or Drive-through Facility

Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies and drive-in restaurants.

B. Medical Cannabis Cultivation Center

As defined in 410 ILCS 130/1 et seq. See also [Sec. 6.060](#).

C. Medical Cannabis Dispensing Organization

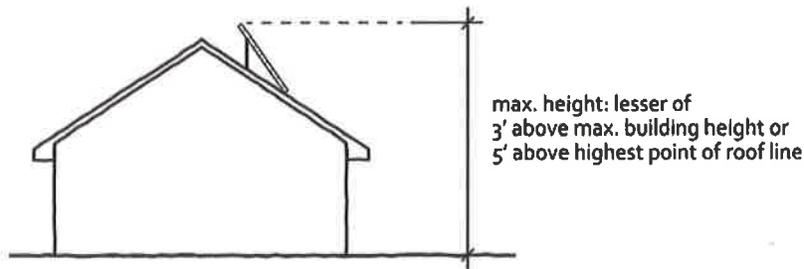
As defined in 410 ILCS 130/1 et seq. See also [Sec. 6.060](#).

D. Adult Use Cannabis Business Establishments

Adult Use Cannabis Establishments are defined in the village's adult use licensing ordinance (see Chapter 8 of the Downers Grove Municipal Code).

- b. All applicable setback regulations apply to building-mounted solar energy systems. Systems mounted on principal structures may encroach into interior side and rear setbacks in accordance with [Sec. 14.100B](#). Additionally, building-mounted solar energy systems may be installed up to the lawfully established building line of a principal structure, in cases where homes lawfully encroach into the required yard setback.
- c. Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations: and may not extend further than the lawfully established street facing building line of the principal structure.
- d. Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit for the subject building type or more than 5 feet above the highest point of the roof line, whichever is less. See [Figure 6-4](#).

Figure 6-4: Maximum Solar Panel Height



3. Ground-Mounted Solar Energy Systems

- a. In residential zoning districts, ground-mounted solar energy systems may not be located in a required street setback or street yard.
- b. Ground-mounted solar energy systems may encroach a maximum of two (2) feet into the required interior side setbacks and ten (10) feet into the required rear setbacks.

N. Swimming Pools

The regulations of this section apply to private, accessory swimming pools in residential zoning districts. See [Figure 6-5](#).

1. A barrier (fence, wall, structure wall, or combination thereof) must be erected around swimming pools, as required by the building code and other applicable ordinances.
2. Swimming pools are prohibited in street yards.
3. Swimming pools must be set back at least 10 feet from side and rear lot lines in the R-1 and R-2 districts and at least 7 feet from side and rear lot lines in all other R districts.
4. In-ground swimming pools may not be located closer than 10 feet to any principal structure unless engineering plans for protecting the principal structure's foundation are submitted to and approved by the village.

changed, then the owners of the telecommunications towers governed by this section must bring the telecommunications tower into compliance with the revised standards and regulations within six (6) months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring telecommunications towers into compliance with such revised standards and regulations constitutes grounds for the removal of the telecommunications tower or antenna at the owner's expense.

5. Building Codes; Safety Standards

To ensure the structural integrity of telecommunications towers, the owner of a telecommunications tower must ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for telecommunications towers that are published by the American National Standards Institute. If, upon inspection, the village concludes that a telecommunications tower fails to comply with applicable codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the telecommunications tower, the owner will have thirty (30) days to bring such telecommunications tower into compliance with such standards. Failure to bring the telecommunications tower into compliance within the thirty (30)-day period constitutes grounds for the removal of the telecommunications tower or antenna at the owner's expense.

6. Signs

Advertising signs are prohibited on an antenna or telecommunications tower.

7. Buildings and Support Equipment

Buildings and support equipment associated with antennas or telecommunications towers must comply with all applicable regulations. For building mounted antennas and equipment screening shall be provided in accordance with Sec. 8.040C.

G. Setbacks and Separations

The following setback and separation requirements apply to telecommunications towers:

1. For purposes of measurement, telecommunications tower setbacks and separation distances must be calculated and applied to facilities located in the village irrespective of municipal and county jurisdictional boundaries.
2. Guys and accessory buildings must comply with minimum zoning district setback requirements.
3. Telecommunications towers in nonresidential zoning districts must be separated from R districts by a distance of two hundred (200) feet or three hundred percent (300%) of the height of the telecommunications tower, whichever is greater. See [Figure 6-12](#).

USE CATEGORY	
Subcategory Specific use (See <u>Sec. 5.020</u>)	Minimum Motor Vehicle Parking
Hospital	per <u>Sec. 7.040G</u>
Library	5 spaces per 1,000 sq. ft.
Museum or Cultural Facility	2 spaces per 1,000 sq. ft.
Natural Resource Preservation	None
Parks and Recreation	
Park	5 spaces per acre
Swimming pool	10 spaces per 1,000 sq. ft. of water surface
Tennis court	2.25 per court
Religious Assembly	
Existing as of 01-14-1991 and located within 1,000 feet of DC or DB zoning district	1 space per 8 occupants (maximum capacity)
All other	1 space per 4 occupants (maximum capacity)
Safety Service	per <u>Sec. 7.040G</u>
School	
Elementary and Junior High	0.10 spaces per student
Senior High	0.30 spaces per student
Utilities and Public Service Facility	
Minor	None
Major	per <u>Sec. 7.040G</u>
Wireless Telecommunications	None
COMMERCIAL	
Adult Entertainment Establishment	per <u>Sec. 7.040G</u>
Animal Service	3.5 spaces per 1,000 sq. ft.
Assembly and Entertainment (except for the following uses)	1 space per 3 occupants (maximum capacity)
Bowling alley	4 per lane, plus parking required by this section for restaurants, bars, and other affiliated uses
Commercial Service (except for the following uses)	3.5 spaces per 1,000 sq. ft.
Building service	1.17 spaces per 1,000 sq. ft.
Personal improvement services	4 spaces per 1,000 sq. ft.
Health club, fitness facility	5 spaces per 1,000 sq. ft.
Studio or instructional services	3.5 spaces per 1,000 sq. ft.
Research service	1.17 spaces per 1,000 sq. ft.
Day Care	2 spaces per 1,000 sq. ft., plus 1 drop-off/pick-up space per 1,000 sq. ft. (not to exceed a minimum of 10)
Eating and Drinking Establishment (except for the following uses)	10 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater, plus stacking spaces per Section 7.130.
Carry-out restaurant	3.5 spaces per 1,000 sq. ft.
Restaurant with lounge	12.5 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater
Financial Service	3.5 spaces per 1,000 sq. ft., plus stacking spaces per Sec. 7.130
Funeral or Mortuary Service	12.5 spaces per 1,000 sq. ft.
Lodging	1.25 spaces per room, plus parking required by this section for restaurants, bars, banquet facilities and other accessory uses
Office	
Business and professional office	3 spaces per 1,000 sq. ft.
Medical, dental and health practitioner	4.50 spaces per 1,000 sq. ft.
Parking, Non-Accessory	None
Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet
Furniture/large appliance store	1.67 spaces per 1,000 sq. ft.
Grocery store over 20,000 sq. ft.	4.0 spaces per 1,000 sq. ft.
Shopping center (multi-tenant)	4.0 spaces per 1,000 sq. ft.
Self-service Storage Facility	0.2 spaces per 1,000 sq. ft.
Trade School	1 space per employee + 0.33 per student 1 space per 4 occupants (maximum capacity)
Vehicle Sales and Service	

USE CATEGORY	Minimum Motor Vehicle Parking
Subcategory	
Specific use (See Sec. 5.020)	
Commercial vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Fueling station	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per 1,000 sq. ft. of retail sales area, plus stacking spaces per Section 7.130.
Personal vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Car wash	2 spaces plus 0.5 spaces per employee 1 per wash bay, plus stacking spaces per Section 7.130.
Personal vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Vehicle body and paint finishing shop	1 per service bay, plus stacking spaces per Section 7.130.
WHOLE SALE, DISTRIBUTION & STORAGE	0.67 spaces per 1,000 sq. ft.
INDUSTRIAL	1.17 spaces per 1,000 sq. ft.
RECYCLING	
Recyclable Material Drop-off Facility	per Sec. 7.040G
AGRICULTURE	
Community Garden	None
OTHER	
Drive-in or Drive-through Facility	Stacking spaces per Sec. 7.130

(Ord. 5760, 7/10/18)

Sec. 7.040 Calculation of Required Parking

The following rules apply when calculating the required number of off-street parking spaces:

A. Multiple Uses

Unless otherwise expressly allowed in accordance with the shared parking regulations of Sec. 7.050B, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses on the lot.

B. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half (0.5) is rounded down to the next lower whole number, and any fraction of one-half (0.5) or more is rounded up to the next higher whole number.

C. Area Measurements

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed based on the sum of the gross horizontal areas of a building devoted to a use requiring off-street parking. The following areas are not counted as floor area for the purpose of calculating off-street parking and loading requirements: floor space devoted primarily to the housing of mechanical or electrical equipment, elevator shafts, stairwells, storage (except as otherwise noted), commercial kitchen areas, ramps, aisles, and maneuvering space devoted to off-street parking or loading facilities, or basement floor space unless the basement area is devoted to merchandising activities, the production or processing of goods, business or professional offices or dwelling uses.

USE CATEGORY	Minimum Bicycle Parking Spaces (% of Motor Vehicle Parking)
Subcategory Specific use (See Sec. 5.020)	
COMMERCIAL	
Assembly and Entertainment	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Commercial Service	
Health club, fitness facility	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Eating and Drinking Establishment	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Financial Service	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Office	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Retail Sales	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Studio, Instructional or Service	None for first 19 vehicle spaces, then 10% or 2 spaces, whichever is greater

B. Maximum Requirement

The minimum bicycle parking ratios of [Table 7-3](#) notwithstanding, no use is required to provide more than 25 bicycle parking spaces.

C. Location

Bicycle parking spaces must be located in highly visible, illuminated areas that do not interfere with pedestrian movements. Bicycle parking spaces must be located within 100 feet of a customer entrance. Bicycle parking spaces must be set back in accordance with [Sec. 14.100.B](#).

D. Design

Bicycle parking spaces must:

1. consist of bike racks or lockers that are anchored so that they cannot be easily removed;
2. be of solid construction, resistant to rust, corrosion, hammers, and saws;
3. allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
4. be designed so as not to cause damage to the bicycle;
5. facilitate easy locking without interference from or to adjacent bicycles; and
6. have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

Sec. 7.070 Location of Off-Street Parking

A. General

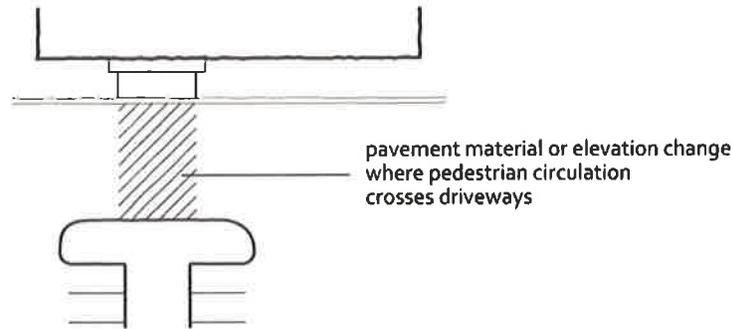
Except as otherwise expressly stated, required off-street parking spaces must be located on the same lot and under the same control as the building or use they are required to serve.

B. Setbacks

Except as otherwise expressly stated, off-street parking areas are subject to the principal building setbacks, exclusive of any additional setbacks for building height, of the subject zoning district.

1. Off-street parking spaces accessory to a detached house, attached house or two-unit house may be located in any driveway. The driveway must be improved with a hard, dustless material, generally asphalt or concrete, as approved by the public works director.

Figure 7-9: Driveway Crossing



3. When the on-site pedestrian circulation system is parallel and adjacent to a motor vehicle travel lane, it must be a raised path at least 6 inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
4. The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting must be at a height appropriate for a pedestrian pathway system.

Sec. 7.120 Accessible Parking for People with Disabilities

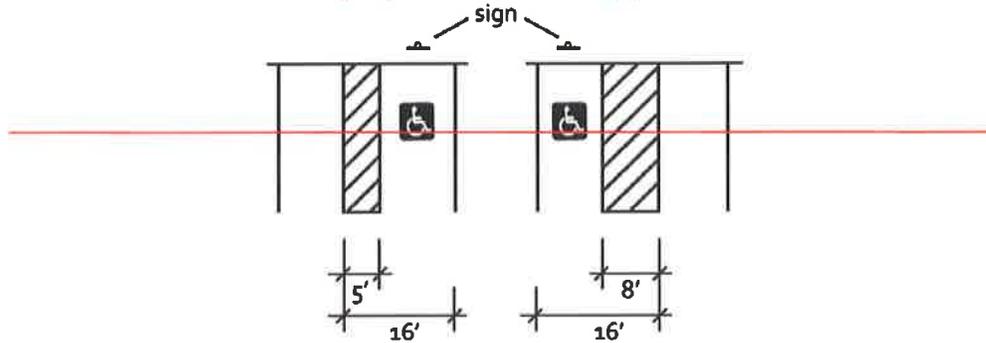
- A. The number, location and design of accessible parking spaces for people with disabilities must be provided in accordance with this section and the Illinois Accessibility Code.
- B. Accessible spaces must be provided in accordance with [the Illinois Accessibility Code Table 7-5](#).

Table 7-5: Minimum Accessible Parking Space Ratios

Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000
Medical facilities specializing in treatment of persons with mobility impairments	20% of total
Outpatient medical facilities	10% of total

- C. Accessible parking spaces count towards the total number of parking spaces required.
- D. Each accessible parking space, ~~except on street spaces,~~ must be designed as required by the Illinois Accessibility Code, at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may be located on either side of the vehicle portion of the accessible space. ~~Abutting accessible parking spaces may not share a common access aisle.~~ See Figure 7-10:

Figure 7-10: Accessible Parking Spaces



- E. Accessible parking spaces must be signed in compliance with applicable state law and must identify the current fine amount for violations. The sign must be fabricated to be 2 separate panels; one for the disability symbol and one for the current fine amount as established by the Village Council.
- F. Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
- G. The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

Sec. 7.130 Drive-through and Drive-in Facilities

A. Purpose

These regulations of this section are intended to help ensure that

1. there is adequate on-site maneuvering and circulation area for vehicles and pedestrians;
2. vehicles awaiting service do not impede traffic on abutting streets; and
3. impacts on surrounding uses are minimized.

B. Applicability

The regulations apply to new developments, the addition of drive-through and drive-in facilities to existing developments and the relocation of existing drive-through facilities.

C. Stacking Spaces Required

Stacking lanes must be provided in accordance with the minimum requirements of Table 7-6.

1. Street Yards

The regulations of this subsection apply to fences in street yards of lots located in R districts.

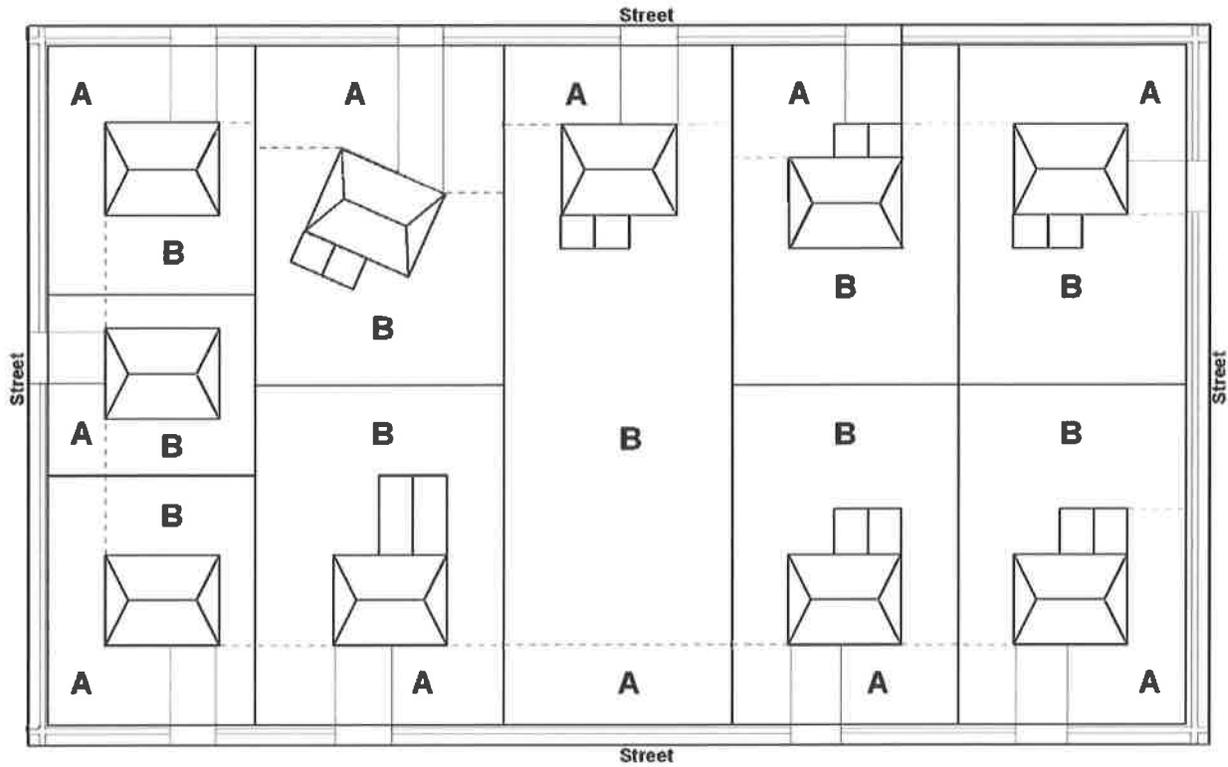
- a. Open-design fences that do not exceed 4 feet in height are permitted within street yards.
- b. Chain-link and woven mesh fences are prohibited in street yards, except that chain-link fences, including those that are anodized or vinyl-clad, constructed without slats, are permitted in the street yard area on corner lots when the side of any principal structure located on the subject lot faces a street, provided that the fence does not exceed 4 feet in height and is located only in the area from the rear line of the structure to the rear lot line.
- c. Fences up to 6 feet in height are permitted in the street yard area on corner lots when the side of any principal structure located on the subject lot faces a street if the rear of the structure faces the rear of a structure that is located on an adjacent corner lot, provided that the fence is located only in the area from the rear line of the structure to the rear lot line.
- d. Fences up to 6 feet in height are permitted in the street yard area of an R-zoned lot occupied by a principal nonresidential use if the lot has multiple street frontages and contains a parking lot without a structure. Such fence must be an open-design fence (See [Sec. 10.010A.5](#)) and be constructed along the parking lot perimeter immediately adjacent to an arterial street or non-residentially zoned property. All other landscaping and screening requirements of [Article 8](#) apply.

2. Side and Rear Yards

The regulations of this subsection apply to fences in the side and rear yards of lots located in R districts.

- a. Fences, including chain-link and woven mesh designs, are permitted in side and rear yards and required setbacks. Fences in side and rear yards may not exceed 6 feet in height. On double-frontage lots, when the rear of any principal structure located on the lot faces a street, and all directly abutting lots share this layout, the yard along that street frontage is considered a rear yard for purposes of these fence regulations. On double-frontage lots, when the rear of any principal structure located on the lot faces a street, and one or more directly abutting lots has the front of a principal structure that faces the same street, the fence must adhere to the yard requirements of the front facing principal structure.
- b. On corner lots with 3 lot lines abutting a street, fences up to 6 feet in height, including chain-link and woven mesh designs, are permitted only within the 2 street-facing side yard areas located from the rear building line to the rear lot line. Any fences outside this area are subject to a maximum height limit of 4 feet.

Figure 10-1: Residential Fence Regulations

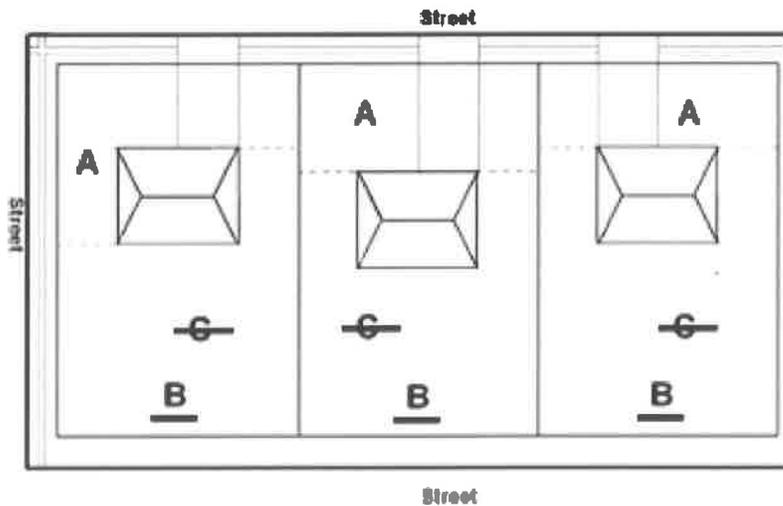


Fence Regulations Quick Guide

A – Fences may be open and not exceed four feet in height.

B and C – Fences may be open or solid and not exceed six feet in height.

Figure 10-2: Residential Multi-Frontage Fence Regulations



C. Fences in Nonresidential Districts

Fences in nonresidential zoning districts are subject to the general regulations of Sec. 10.010A and the nonresidential district regulations of this subsection.

1. Street Yards

Open-design fences up to 8 feet in height are permitted in street yards.

consolidated in order to meet or come closer to meeting applicable minimum lot area and lot width requirements. Except that lot consolidations are not required for decks, front porches, and stoops or when:

- a. **an addition does not exceed 350 square feet; or**
 - b. **an addition does not include the installation of a foundation, footers or piers; or**
 - c. **the construction of an accessory structure is less than 800 square feet.**
2. Nonconforming lots in nonresidential districts may be utilized for any use allowed in the subject zoning district, provided that:
- a. the lot area and lot width are not less than 75% of the minimums required in the subject zoning district, or the lot width is not less 50 feet and the lot area is not less than 7,500 square feet;
 - b. if the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area and lot width standards, while others would not, then only the uses or intensities that comply with applicable standards are permitted.
 - c. when 2 or more contiguous nonconforming lots are held in common ownership, the lots must be consolidated in order to meet or come closer to meeting applicable minimum lot area and lot width requirements.
3. All flag lots lawfully created before March 18, 2008 are deemed nonconforming lots. In addition to complying with the other nonconforming lot provisions of this section, nonconforming flag lots are subject to the following additional requirements:
- a. the pole of the flag lot must be at least 20 feet in width;
 - b. an access corridor, including a paved surface with a width of at least 10 feet, must be maintained along the entire length of the pole. No encroachments that would interfere with emergency vehicle access are allowed within this access corridor;
 - c. the street setback must be measured from a line parallel to the street where the lot meets the minimum width requirement of the subject zoning district;
 - d. the address of the flag lot must be clearly displayed within 3 feet of the property line adjacent to the public street and in a manner that clearly differentiates the flag lot from abutting property; and
 - e. if there is no fire hydrant located within 60 feet of the street property line of the pole section of the flag lot, a fire hydrant must be installed at the property owner's expense. If a new hydrant is required, it must be operational prior to issuance of an occupancy permit. The fire department may, in its sole discretion, permit the property owner to install a dry-system standpipe on the flag lot property instead of requiring a new hydrant to be installed.
4. All lots created by lot split before May 16, 2006 may be improved provided any such improvement complies with the lot and building regulations of the subject zoning district, provided that:

L. Preapplication Meeting

Before submitting an application for review and approval as noted in Table 12-1, the applicant must schedule a meeting with the community development director to discuss the proposed project and the required process. The community development director is responsible for coordinating the involvement of other related village departments in the preapplication meeting.

Sec. 12.020 Zoning Ordinance Text Amendments

A. Authority to File

Amendments to the text of this zoning ordinance may be initiated only by the village council, plan commission, village manager, or by the property owner(s) or the property owner's authorized agent.

B. Review and Report—Community Development Director

Complete applications for zoning ordinance text amendments must be filed with the community development director. The community development director must prepare a report and recommendation on the proposed zoning ordinance text amendment. The report must be transmitted to the plan commission before their public hearing on the proposed amendment.

C. Notice of Hearing

Notice of the plan commission's required public hearing on a zoning ordinance text amendment must be published in the newspaper in accordance with [Sec. 12.010F.1](#). Additional notice may also be provided in accordance with [Sec. 12.010F.2b](#).

D. Hearing and Recommendation—Plan Commission

The plan commission must hold a public hearing on the proposed text amendment. Within 45 days of the close of the public hearing, the plan commission must act by simple majority vote to recommend that the proposed text amendment be approved, approved with modifications, or denied and transmit its findings and recommendations to the village council.

E. Final Action—Village Council

1. Within 90 days of receipt of the plan commission's recommendation, the village council must act to approve the proposed zoning ordinance text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The village council may also remand the proposed text amendment back to the plan commission for further consideration.
2. If the zoning ordinance text amendment is remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct such further proceedings as may be appropriate and re-present the text amendment, with recommendations, to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission's recommendation, the village council must take final action on the proposed zoning ordinance text amendment.
3. Zoning ordinance text amendments may be approved by a simple majority vote.

6. the value to the community of the proposed use; and
7. the comprehensive plan.

J. Successive Applications

If a zoning map amendment application is denied, no application may be accepted that proposes reclassification of any portion of the same property for the same zoning classification for 12 months from the date of the village council decision to deny.

Sec. 12.040 Planned Unit Developments

A. Overview

1. Planned Unit Development (PUD) overlay zoning districts are established through the concurrent approval of:
 - a. a PUD overlay district map amendment, in accordance with the zoning map amendment procedures of [Sec. 12.030](#); and
 - b. a PUD development plan application in accordance with the procedures of this section.
2. PUD site plan approval is required after approval of the PUD zoning map amendment and PUD development plan. This section describes the required review and approval procedures for PUD development plans and PUD site plans.

B. Development Plan Approval Required

Approval of a PUD development plans and PUD site plan must occur before any building permit is issued and before any development takes place in a PUD overlay district. Permits may be issued for a phase of development within a section of an approved PUD overlay district if a development plan has been approved for the entire PUD and a PUD site plan has been approved for the subject property.

C. PUD Development Plans

At the option of the applicant, the PUD development plan may serve also as the preliminary subdivision plat if such intention is declared before the plan commission's hearing and if the plans include all information required for preliminary plats and PUD development plans.

~~1. Preapplication Meeting~~

~~Before submitting an application for a PUD overlay district rezoning, the applicant must schedule a meeting with the community development director to discuss the proposed project and the required process. The community development director is responsible for coordinating the involvement of other relevant village departments in the preapplication meeting.~~

~~2.1. Application Contents~~

~~An application for a PUD overlay district rezoning and PUD development plan must contain all items of information specified in the preapplication meeting.~~

~~3.2. Application Filing~~

~~Complete applications for PUD development plan approval must be filed with the community development director at the same time that the PUD zoning map amendment application is filed. The zoning map amendment procedures of [Sec. 12.030](#) apply to PUD zoning map amendments except as expressly modified by the PUD approval procedures of this section.~~

amendments to an approved PUD development plan. Amendments are subject to Sec. 12.040E.

- d. If the community development director does not approve the PUD site plan, the landowner may either: (1) resubmit the PUD site plan to correct the plan's inconsistencies and deficiencies, or (2) within 60 days of the date of notice of disapproval, appeal the decision of the community development director. If an appeal is filed, the PUD site plan must be processed in the same manner as a PUD development plan, with review and recommendation by the plan commission and a final decision by the village council.

3. Effect of Approval

Approval of a PUD site plan must occur before any building permits are issued for the PUD. PUD site plan approval does not constitute effective dedication of rights-of-way or any other public improvements, nor will the filed plan be the equivalent of or an acceptable alternative for the final platting of land prior to the issuance of building permits in the PUD (if platting is required).

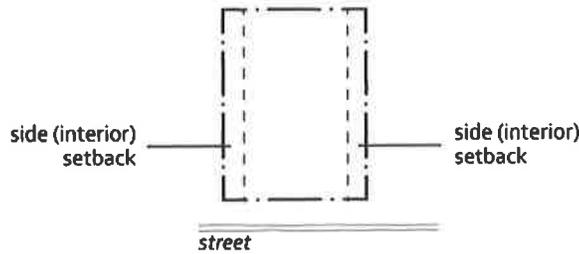
E. Amendments to Approved PUD Development Plans

1. All of the following constitute amendments to an approved PUD development plan:
 - a. elimination or relaxation of a condition of approval imposed by the village council at the time of PUD development plan approval;
 - b. an increase in overall building coverage by more than 5%;
 - c. an increase in building height by more than 10% or 5 feet, whichever is less;
 - d. an overall reduction in the amount of usable open space, common open space or landscaping by more than 5%;
 - e. a reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;
 - f. a change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and
 - g. anything that the community development director determines a material change, likely to create adverse impacts that were not considered as part of the PUD development plan approval.
2. Any amendment to an approved PUD development must be processed as a new PUD development plan, including all requirements for fees, notices and hearings.

(Ord. No. 5471, §4, 7/21/15)

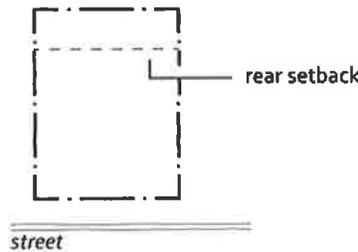
- Side (interior) setbacks are measured from all side lot lines that do not abut a street. See [Figure 14-7](#). Interior side setbacks do not apply to attached or abutting walls in an attached house development.

Figure 14-7: Side (interior) Setback Measurement



- Rear setbacks are measured from the rear lot line. See [Figure 14-8](#).

Figure 14-8: Rear Setback Measurement



B. Permitted Obstructions

Yards in all zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in [Table 14-1](#).

Table 14-1: Permitted Yard Obstructions

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
A/C units, generators, compressors, transformers, pool associated equipment, rainwater collection and geothermal equipment (ground-mounted)	No ^[1]	Yes	Yes	10 ft. min. setback in R-1 7 ft. min. setback in R-2 6 ft. min. in R-3, R-5, R-5A, R-6 5 ft. min. setback in all other districts
Air conditioner (window unit only)	Yes	Yes	Yes	No setback required
Antenna, amateur radio	No	No	Yes	
Antenna, receive-only and satellite dish	No	Yes	Yes	
Arbor, pergola or trellis	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Architectural building features (e.g., sills, belt courses, cornices, wing walls)	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Awning, canopy architectural light shelf or solar shading device	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft. (nonresidential districts - 2.5 ft. max. encroachment in street setback)
Balcony	-Yes	-Yes	Yes	Must meet required district street and side yard setbacks. 10 ft. max. encroachment in rear yard
Basketball standards and backboards	Yes	Yes	Yes	
Bay window (1st floor only; with or without foundation)	Yes	Yes	Yes	Street setback - 1.5 ft. max. encroachment Side setback - 1.5 ft. max. encroachment if

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
				setback is < 6 ft. or 2 ft. max. encroachment if setback is ≥ 6 ft. Rear setback - 2.5 ft. max. encroachment
Breezeway	No	No	Yes	10 ft. max. encroachment
<u>Bicycle Parking</u>	Yes	Yes	Yes	<u>5 ft. min. setback in R-4 district</u> 6 ft. min. setback in all other districts
Chimney	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Clothesline	No	Yes	Yes	5 ft. min. setback
Compost pile or container (See <u>Chapter 13</u> of the municipal code)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Deck or patio, uncovered and open-air (see also "porch," below)	Yes	Yes	Yes	5 ft. max. encroachment in street setback 5 ft. min. setback in side setback and rear setback
Dog house or dog run	No	No	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Driveway or uncovered walk	Yes	Yes	Yes	1 ft. min. setback
Eaves and gutters	Yes	Yes	Yes	In street setback and rear setback - 2.5 ft. max. encroachment In side setback - 2 ft. max. encroachment
Electric vehicle charging equipment	Yes	Yes	Yes	In front and rear - 2.5 ft. max. encroachment In side - 2 ft. max. encroachment
Fence	Yes	Yes	Yes	See also <u>Sec. 10.010</u>
Fire escape (open or lattice enclosed, fireproof outside stairways)	Yes	Yes	Yes	2 ft. max. encroachment
Fireplace, fire pit, outdoor cooking/kitchen areas (See <u>Chapter 13</u> of the municipal code)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Flag pole	Yes	Yes	Yes	Equal to the height of the pole; no max. encroachment of flag beyond lot line
Garage (detached)	No	Yes	Yes	<u>56</u> ft. min. setback in R-4 district <u>67</u> ft. min. setback in all other districts
Garden features (e.g., cold frames, hoop houses, greenhouses)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Gazebo	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Parking, open	Yes	Yes	Yes	See also <u>Sec. 7.070</u>
Playground equipment & playhouses (excluding equipment located on public parks and playgrounds or on school or day care center playgrounds, tot lots)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Porch, covered and open on at least 3 sides (see also "deck," above)	Yes	Yes	Yes	5 ft. max. encroachment in street setback and rear setback (See also <u>Sec. 14.100C</u>) <u>Must meet required district side yard setbacks</u>
Shed, carport or storage structure	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sign	Yes	No	No	See <u>Article 9</u>
Solar panel <u>and equipment</u> (building-mounted)	No	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Solar panel <u>and equipment</u> (ground-mounted)	No	Yes	Yes	2 ft. max. encroachment in side setback; 10 ft. max. encroachment in rear setback. See also <u>Sec. 6.010M</u>
Sport courts & accessory lighting	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sports equipment	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Steps (for access to building or lot; max. 4 feet above grade)	Yes	Yes	Yes	1 ft. min. setback
Swimming pool (in-ground & above-ground) & <u>hot tubs and associated equipment</u>	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 districts 7 ft. min. setback in all other R districts

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
Walkway (covered)	No	No	No	In residential districts - principal building setbacks apply In nonresidential districts - no side or rear setback required
Wall	Yes	Yes	Yes	See also Sec. 10.010
Wall, retaining	Yes	Yes	Yes	1 ft. min. setback
Yard features (e.g., ornamental light standards, anchored lawn furniture and decorations, sundials, statues, bird baths, ponds, sculptures, seat walls, etc.)	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Wheelchair lifts and ramps that meet federal and state accessibility standards	Yes	Yes	Yes	1 ft. min. setback
Window wells	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.

[1] Except for single family residential uses, units may be located on the building's primary street facade and in front of a bump as long as the unit is screened by a wing wall made of the same material as the primary façade which is attached to the primary building via a full foundation and is at least as tall as the equipment.

C. Front Porches

Front porches on R-zoned lots may encroach a maximum of 5 feet into a required street setback, subject to the following restrictions:

1. Front porches with a total footprint of 250 square feet or less are not counted towards overall lot or building coverage.
2. The total amount of porch encroachment into any required street setback may not exceed 250 square feet.
3. Porches that are constructed after September 1, 2006 and encroach into the street setback must remain open and not be converted into occupiable floor area at anytime.
4. On lots with multiple frontages, porches may encroach into both only one street setbacks, but the total amount of encroachments may not exceed 500 square feet; and only a maximum of 250 square feet is not counted towards the overall lot or building coverage.
5. Occupiable floor area and porch/deck space is prohibited above or below a porch that encroaches into a required street setback.

D. Contextual Setbacks

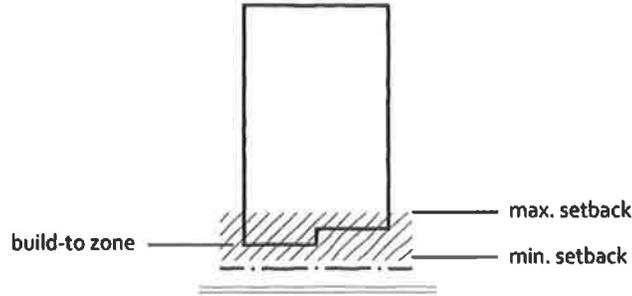
When existing buildings on one or more abutting lots are closer to the street property line than the otherwise required street setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement.

1. If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See [Figure 14-9](#).

Sec. 14.110 Build-to Zone

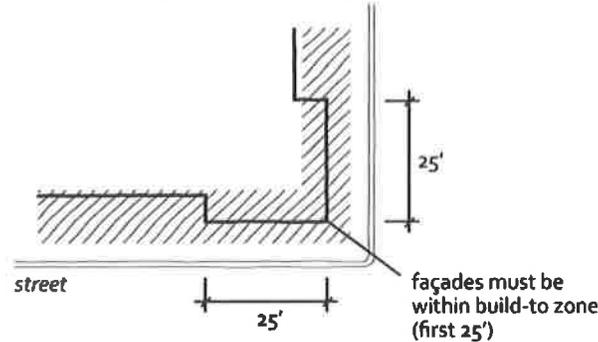
- A. The build-to zone is the area on the subject lot where a specified percentage of the street-facing building facade must be located, measured as a minimum and maximum setback range from the edge of the abutting street right-of-way. See [Figure 14-13](#).

Figure 14-13: Build-to Zone Measurement



- B. The specified percentage identifies the amount of the building facade that must be located in the build-to zone, based on the width of the building façade divided by the width of the lot.
- C. On corner lots, the building’s façade must be within the required build-to-zone for the first 25 feet extending from the intersection of the two rights-of-way. See [Figure 14-14](#).

Figure 14-14: "Holding the Corner"



- D. ~~Outdoor open space dining, plazas and outdoor dining areas or similar programed space~~ are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:
1. the ~~area space~~ does not exceed 33% of the length of the building face or 30 feet, whichever is less;
 2. the area is no more than 25 feet in depth; and
 3. no more than one such feature may be counted per frontage.
- E. For lots that have frontage on more than one street, the community development director is authorized to determine which street is the "primary street," and which are "secondary streets." The determination must be based on consideration of the following criteria:
1. the established building orientation on the blockface;
 2. the street abutting the longest face of the blockface; and
 3. the street that the lot takes its address from.

Sec. 15.030 Measurement Terms

See [Article 14](#) for an explanation of various lot and building regulation terms, such as "lot area," "building height," "setbacks" and "build-to zone."

Sec. 15.040 Words and Terms Beginning with "A"

Abut or Abutting

To be next to or share a common boundary.

Accessory Structure or Use

An "accessory structure" or "accessory use" is one that:

1. is subordinate to the principal structure or principal use served in terms of area and function;
2. contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
3. is customarily found in association with the subject principal use or principal structure.

Act of God

An event that directly and exclusively results from the occurrence of natural causes that could not have been prevented by the exercise of foresight or caution.

Adjacent

Situated near or in the immediate vicinity.

Adult Entertainment Establishment

See [Sec. 5.050A](#).

[Adult Use Cannabis Business Establishments](#)

[As defined in Chapter 8 of the Downers Grove Municipal Code](#)

[Adult Use Cannabis Craft Grower](#)

[As defined in Chapter 8 of the Downers Grove Municipal Code](#)

[Adult Use Cannabis Cultivation Center](#)

[As defined in Chapter 8 of the Downers Grove Municipal Code](#)

[Adult Use Cannabis Dispensing Organization](#)

[As defined in Chapter 8 of the Downers Grove Municipal Code](#)

[Adult Use Cannabis Infuser Organization or Infuser](#)

[As defined in Chapter 8 of the Downers Grove Municipal Code](#)

[Adult Use Cannabis Processing Organization or Processor](#)

[As defined in Chapter 8 of the Downers Grove Municipal Code](#)

[Adult Use Cannabis Transporting Organization or Transporter](#)

[As defined in Chapter 8 of the Downers Grove Municipal Code](#)

Agent

A person duly authorized to act on behalf of the subject property owner.