

**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION**

VILLAGE HALL COUNCIL CHAMBERS  
801 BURLINGTON AVENUE

September 12, 2016  
7:00 p.m.

**AGENDA**

**1. Call to Order**

**a. Pledge of Allegiance**

**2. Roll Call**

**3. Approval of Minutes – August 1, 2016**

**4. Public Hearings**

- a. 16-PLC-0033 (continued from August 1, 2016):** A petition seeking to amend the existing Special Use Ordinance to allow all uses expressly permitted in the M-1 Zoning District. The property is currently zoned M-1, Light Manufacturing. The property is located on Wisconsin Avenue, 480 feet west of Belmont Road, commonly known as 2300 Wisconsin Avenue, Downers Grove, IL (PIN 08-12-407-006). MacNeil Real Estate Holdings, LLC, Owner.
- b. 16-PLC-0036:** A petition seeking approval of a Special Use to operate an Animal Boarding business, a Parking Variation, and a Rezoning from O-R-M, Office-Research-Manufacturing to B-2, General Retail Business. The property is currently zoned O-R-M, Office-Research-Manufacturing. The property is located to the south of the intersection of Maple Avenue and Rogers Street, approximately 220 feet to the southwest of Fairview Avenue, commonly known as 421 Maple Avenue, Downers Grove, IL (PIN 09-08-227-002). Gregory Jones, Attorney to Doggie Depot, Inc., Petitioner; Chicago Title Land Trust Co. No. 6579, Owner.
- c. 16-PLC-0037:** A petition seeking approval of a final plat of subdivision to divide three lots into two lots. The property is currently zoned R-4, Residential Detached House 4. The property is located on the west side of Prince Street, approximately 150 feet north of Franklin Street. The addresses are 4824 Prince Street, 4825 Saratoga Avenue, and 1130 Franklin

Street, Downers Grove, IL (PINs 09-08-107-014; 09-08-107-006; 09-08107-016). Jeffrey and Melanie Crane, Petitioners; Jeffrey and Melanie Crane, and Fredric and Cynthia Zaeske, Owners.

**5. Adjournment**

**THIS TENTATIVE REGULAR AGENDA MAY BE SUBJECT TO CHANGE**

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VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

AUGUST 1, 2016, 7:00 P.M.

Chairman Rickard called the August 1, 2016 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Rickard, Mr. Cozzo, Ms. Hogstrom, Ms. Johnson, Mrs. Rabatah, Mr. Thoman, *ex-officio* Mr. Davenport

**ABSENT:** Mr. Cronin, Ms. Gassen, Mr. Quirk, *ex-officios* Mr. Livorsi, Mr. Menninga

**STAFF:** Village Planners Scott Williams and Rebecca Leitschuh and Intern Nora Flynn

**VISITORS:** Kathleen West with Delta Sonic, 111 E. Jefferson Ave., Downers Grove; Lauren Gardner, Intech Consultants, Inc. 1989 University Lane, Lisle; Chris Baumgartner, Michael Yount, and James Boglioni with Delta Sonic Car Wash, 1401 Ogden Ave., Downers Grove; Cinda K. Lester, 12/12 Architects, 644 67<sup>th</sup> Street, Downers Grove; Robert Aument, Daspina Aument, 4721 Wallbank, Downers Grove; Kathleen West, Dommermuth, Cobine, West, et al., 111 E. Jefferson Ave., Naperville; Scott Richards, 1130 Warren Ave., Downers Grove; Tray Khan, Local Community Signs, 1620 Ogden Ave., Downers Grove; Denise Andrew, 1611 Janet, Downers Grove; F. Campagna, 4227 \_\_\_\_; Julie Wojciechowski, Delta Sonic, 4340 Segles Ave;

**APPROVAL OF MINUTES**

**JULY 11, 2016 MINUTES – MOTION BY MR. THOMAN, SECONDED BY MS. HOGSTROM, TO APPROVE THE MINUTES. MOTION CARRIED BY VOICE VOTE OF 4-0-2 (MS. JOHNSON, MRS. RABATAH ABSTAIN)**

**PUBLIC HEARINGS:**

Chairman Rickard explained the protocol for the public hearings and swore in those individuals that would be speaking on the petitions below. (A change in the agenda followed.)

FILE 16-PLC-0033: A petition seeking to amend the existing Special Use Ordinance to allow all uses expressly permitted in the M-1 Zoning District. The property is currently zoned M-1, Light Manufacturing. The property is located on Wisconsin Avenue, 480 feet west of Belmont Road, commonly known as 2300 Wisconsin Avenue, Downers Grove, IL (PIN 08-12-407-006). MacNeil Real Estate Holdings, LLC, Owner.

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Chairman Rickard announced that the applicant requested a continuance.

Attorney Mr. Robert Aument, 4721 Wallbank Avenue, Downers Grove, representing the petitioner, MacNeil Real Estate Holdings and Mr. MacNeil, stated he received staff's report and would like to review it further. He respectfully requested a continuance of the hearing.

A couple of commissioners expressed their concern cases being continued of late.

**WITH RESPECT TO FILE 16-PLC-0033, MRS. RABATAH MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO THE SEPTEMBER PLAN COMMISSION MEETING.**

**SECONDED BY MR. COZZO.**

**MOTION CARRIED BY VOICE VOTE OF 6-0.**

Village Planner Scott Williams thanked Planners Leitschuh and Flynn for filling in during his absence. Ms. Leitschuh acknowledged and thanked Mr. Cozzo and Mrs. Rabatah for their contributions to the Plan Commission as tonight would be their last meeting. Applause followed.

**FILE 16-PLC-0023 (continued from June 6 and June 27, 2016):** A petition seeking approval of a Special Use to allow an office use to provide more than 4.5 parking spaces per 1,000 square feet of floor area and a Rezoning from M-1, Light Manufacturing to O-R-M, Office-Research-Manufacturing. The property is located on the northwest corner of Warrenville and Finley Road, commonly known as 2200 Warrenville Road (PINs 08-01-400-004, and -006). Adam Stokes, Agent of Nicolson Porter & List, Inc. and Arbor Vista LLC, Petitioners; Arbor Vista LLC, Owner.

Planner Williams reviewed the current location of the site on the overhead, stating the parcel was currently zoned M-1 Light Manufacturing, while to the west the area was zoned ORM Office-Research-Manufacturing. The site currently consisted of two buildings with one access point. The plat of survey was referenced, noting the two lots would have to be consolidated next to the Nicor lot. A conceptual site plan was submitted which was reviewed by Mr. Williams.

The property was currently classified as "Office Corporate Campus" which staff believed was consistent if it was rezoned to ORM. It would meet the village's Future Land Use Map which was in accordance with the village's comprehensive plan. Mr. Williams discussed in detail how the site met the goals of the village's comprehensive plan.

Discussing the parking ratio, Mr. Williams recalled that in 2014 as part of the zoning code update, there was a requirement for developments that exceeded four and one-half parking spaces per 1000 square feet, with a total of more than 100 parking spaces, were required to go through the special use process. This site would go through a two-phase process where the first phase would include 6.5 cars per 1000 square feet, while the second phase would include 7.2 cars per 1000 square feet. Mr. Williams proceeded to describe the latest office space trends, their affect on parking ratios, and the petitioner's justification for why the ratios were needed.

Continuing, the floor plan, renderings and landscaping plan for the project were referenced. Criteria for the special use were reviewed. Staff supported the proposal with a few minor conditions.

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Per questions regarding the special use, staff explained that the special use ran with the land and if the next owner came in and needed changes, it would require the owner to come before the Plan Commission for an amendment. Asked if there other developments that exceeded the parking maximum in the village, both Mr. Williams and Ms. Leitschuh explained this was the first time since 2014 that staff was going through the special use process and there was never a maximum number until the zoning ordinance was updated. Per Ms. Hogstrom's question, the petitioner would have to follow all of the new parking requirements. Staff briefly explained the rationale for increasing the maximum parking ratio.

Chairman Rickard invited the petitioner to speak.

Mr. Adam Stokes, 931 N. Eagle St., Naperville, vice president of Nicolson Porter & List, Inc. and a managing member of Arbor Vista, LLC, owner of the property, shared the history behind the purchase of the site from Perk & Elmer (phonetic spelling), stating it was the most visible site within the village as well as from the suburbs of Chicago, given its position next to Interstates 88 and 355. Mr. Stokes shared his background in real estate, specifically in the areas of industrial and office property and discussed that he and his investment group purchased the site with no specific use in mind. He knew the land was valuable.

After speaking with village staff, reviewing the village's comprehensive plan, and realizing the village had the same vision for the site, Mr. Stokes said that plans have been made to demolish the existing building and to market the seven-acre site to corporate office users since the site has a total floor area ratio of 200,000 to 225,000 square feet. He described the economics of square footage uses as it pertained to today's corporate tenants.

To date, Mr. Stokes revealed that there was a Fortune 500 company interested in the site and was focused on build-to-suit opportunities on the I-88 Corridor. Mr. Stokes described how older office space and parking needs (4 spaces per 1,000 sq. ft), in general, had changed over the years due to the dynamics of today's work place and work space. He reminded the commissioners that he did not have a specific plan for parking due to the Fortune 500 company trying to finalize its head count. However, they did relay to Mr. Stokes that the building would be designed to accommodate six and-one-half employees per 1000 square feet on a daily count, including visitors and for future growth. The company intends to design the building for 7.2, however, with an initial density of 6.5 per 1000 sq. feet, would like to incorporate "land banking", i.e., incorporating green space for the parking that is not "parked" yet. Conceptual renderings of the proposed site also.

Tonight, Mr. Stokes said he was seeking the special use to design/develop the site with the 6.5 per 1000 square feet (but growing to 7.2 per 1000 sq. ft.), and secondly, changing the zoning, which staff recommended to the petitioner.

Questions from the commissioners included:

- 1) whether the petitioner's client was "ready to go" if the proposal before the commissioners was approved? (Per Mr. Stokes -- not yet, because the client had to finalize head count numbers and see the outcome of this special use);

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2) whether staff reviewed the traffic component of this site as it related to increased parking/traffic? (Mr. Leitschuh indicated that Public Works did review parking/traffic and did not have concerns about the increase of cars for the site versus what would have been allowed by right. The higher ratio was not a concern.)

3) with the additional parking and impervious land use, was there a requirement for how much green space was needed? (Mr. Stokes indicated he met with Public Works and depending on the final size of the building and the impervious ratios, the detention area would be located at the northern end of the site near the rain garden. He referenced the old and new calculations for the impervious surface located on the plans, explaining what would be required under the stormwater ordinance should the impervious surface increase by 2500 square feet and 25,000 square feet. Currently the petitioner was under 2500 square feet which would not “trigger” the new stormwater management ordinance. Mr. Williams added that at building permit review, the petitioner would have to comply with the 10% open space requirement.)

Chairman Rickard opened up the meeting to public comment.

Mr. Scott Richards, 1130 Warren Avenue, Downers Grove, asked for the exact location of this proposal and voiced concerns about the size of the parking lot, traffic, and the site having only one ingress/egress. He asked what was the point for the village to have certain requirements when developers consistently ask to make allowances? He was not against the project but stated the commissioners had to be responsible and accountable for the impact that such projects make on the existing residents and the businesses. He asked the commissioners to visit the site.

Hearing no further questions, the chairman invited the petitioner to make a closing statement. Mr. Stokes said he appreciated the concerns but pointed out with the current parking ratio, a six or eight-story building could be constructed with over 1,000 cars parked and he would not have to come to the Plan Commission requesting a special use request. He was not looking to exceed what the site could handle.

Chairman Rickard asked staff if the petitioner would have to return to the Plan Commission again once an engineered solution was put together and the parking number finalized. He further voiced dismay that the fire department did not express concern with the one access. In response to the chair's first question, Mr. Williams confirmed that once tonight's request was approved and the petitioner returned with a final engineered solution, the parking would become a staff review process. Also, Du Page County would have to approve the project since the site sat next to a county road. Mr. Stokes confirmed the county did require a traffic study to be done. As to why there was no traffic study provided at the village level, Ms. Leitschuh indicated if there was a concern, a traffic study would have been requested by Public Works, but it was not necessary for the level of on-site activity anticipated currently.

Ms. Johnson expressed concern about approving tonight's petition and the traffic study getting rejected at the next level, wherein staff relayed there was no need for a traffic study after Public Works staff reviewed the proposal. Again, the chairman voiced concern about the single ingress/egress for the site, citing safety issues and traffic accidents and suggested a condition be placed in the motion for additional review. Ms. Leitschuh stated the fire department did review the proposal and had no concerns. She also emphasized that the goal was to keep fewer points of access on the roads in order to avoid traffic congestion along the main road.

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Mr. Cozzo believed that adding a second access to the site was difficult and anything off of Warrenville Road positioned one closer to Finley Road, which was a concern. The Warrenville/Belmont intersection was awkward and he agreed with the resident that not many people wanted to be in the area. He asked staff if a right-out only could be installed at the access point to minimize traffic issues or could it be added as a condition for approval. Discussion followed regarding different traffic scenarios and keeping the 50-foot wide access, as requested by Mr. Stokes.

Mr. Stokes had no further comments or closing statement.

The chairman entertained discussion on the zoning request. Mr. Cozzo believed the criteria for the rezoning was met and the proposal met the requirements of the Comprehensive Plan. Mr. Thoman believed the request for rezoning was also in line with “making the parcel more competitive for contemporary ORM purposes.” As to the special use, Mr. Cozzo stated the question before the commissioners was whether they could add anything to make traffic safer for the area or would it be a concern for the petitioner’s potential client? Otherwise, he was supportive of the proposal.

The chairman pointed out that if commissioners were unsure about how to proceed, they could have staff ask the traffic expert to review the proposal to see if there was a need for a right-out only or no left turns during certain hours, etc. Commissioners talked about adding two additional conditions: keeping the existing width of the driveway access and having the public works traffic engineer review the traffic and report to staff any traffic recommendations.

**WITH RESPECT TO FILE 16-PLC-0023, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL AS IT RELATES TO THE CHANGE IN ZONING TO O-R-M AND APPROVAL OF THE SPECIAL USE OF UP TO 7.2 CARS PER 1,000 SQUARE FEET, SUBJECT TO THE FOLLOWING THREE (3) STAFF CONDITIONS:**

- 1. THE PARKING RATIO FOR PHASE II WILL NOT EXCEED 7.2 SPACES PER 1,000 SQUARE FEET OF FLOOR AREA;**
- 2. THE PETITIONER SHALL CONSOLIDATE THE TWO LOTS INTO A SINGLE LOT OF RECORD PURSUANT TO SECTION 20.507 OF THE SUBDIVISION ORDINANCE PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT OR BUILDING PERMITS; AND**
- 3. THE PETITIONER SHALL PROVIDE EASEMENT DOCUMENTATION FOR PERMISSIBLE CONSTRUCTION ON THE NICOR LOT;**

**AND SUBJECT TO THE FOLLOWING TWO (2) CONDITIONS, AS DISCUSSED BY THE PLAN COMMISSION:**

- 1. KEEP THE EXISTING WIDTH OF THE DRIVEWAY ACCESS; AND**
- 2. THE PUBLIC WORKS TRAFFIC ENGINEER SHALL REVIEW THE TRAFFIC AND REPORT TO STAFF ANY RECOMMENDATIONS ON TRAFFIC FLOW.**

**SECONDED BY MRS. RABATAH. ROLL CALL:**

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**AYE: MR. THOMAN, MRS. RABATAH, MR. COZZO, MS. HOGSTROM, MS. JOHNSON,  
CHAIRMAN RICKARD.**

**NAY: NONE**

**MOTION CARRIED. VOTE: 6-0**

**FILE 15-PLC-0008 (continued from July 11, 2016)**: A petition seeking approval of a Planned Unit Development, a Rezoning from B-3, General Services and Highway Business to B-3/PUD, Special Use and Right-of-Way Vacation of the Alley to redevelop a fueling station and car-wash. The property is currently zoned B-3, General Services and Highway Business. The property is located on Ogden Avenue between Seeley and Oakwood Avenue, commonly known as 1401-1445 Ogden Avenue, Downers Grove, IL (PINs 09-06-405-001, -007, -008, -009, -010, -026). Michael Green, Petitioner and Delta Sonic Car Wash Systems, Inc., Owner.

Village Planner Ms. Leitschuh, walked through the petitioner's request, which consisted of four items: a request for a PUD, zoning map amendment, the special use request and the right-of-way vacation. The site consisted of the former vacant Burger King property (to be demolished) and the current Delta Sonic site. Staff had been working on this project for over a year. Staff reviewed the site on the overhead, noting the 20 ft. alley which the petitioner was asking to be vacated. Ms. Leitschuh referenced the plat of survey, stacking plan, and the various lots that would have to be consolidated into one lot.

Current conditions of the site were reviewed. She walked through the car wash process, explaining the lane set up, pointed out the existing detention basin, and reviewed the new site plan. The new site plan reflected a reduction from 16 fuel pumps down to 10 with a new canopy, adding a new lane for stacking purposes, new vacuum stalls, and a pre-wash bay to allow for two vehicles. A total of 52 parking spaces would be on-site. Plans for pedestrian connectivity and landscaping were pointed out. New, larger underground fuel tanks would be installed which Ms. Leitschuh believed would reduce delivery truck traffic. On-site traffic orientation was also reviewed.

Building elevations were reviewed by staff and the plat of vacation was also referenced. Ms. Leitschuh described how the proposal met the requirements of the village's Comprehensive Plan and its respective corridor. Bulk standards for the site were also referenced, noting all requirements were met except for one setback and the stacking requirement. Ms. Leitschuh pointed out that fuel stations are required to have two stacking spaces per pump, and the proposal had one, which she felt was an improvement to what currently existed. Also, the petitioner was required to have 8 stacking spaces for the detail shop, but currently 7 existed. Lastly, the applicant was seeking a 6-foot setback for the drive-through stacking lanes where a 25-ft. setback was required. Staff, however, supported the six-foot setback being proposed because B-3 to B-3 zoning existed between the two properties and B-3 zoning also existed across the street. Additionally, the purpose of the second lane being requested was to reduce the on-site congestion and to make the site work.

Addressing the request for the vacation of the alley, currently the parking requirement was a 20-ft. setback and the petitioner was at 14.3 feet. Staff did send letters to the utility companies asking them to maintain a regular public utility access easement across the area.

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Continuing, staff spoke about the benefits of the proposal as it related to the planned unit development, zoning amendment, and the special use. Specifically, there would be increased safety due to better circulation, pedestrian connectivity, and operations restrictions to the site. There was a reduction in the curb cuts, improved landscaping, and relocation of the detention. Unifying features would carry across the building. Ms. Leitschuh emphasized how the petitioner had been working with staff over a year to address staff's concerns. As far as the zoning map amendment, Ms. Leitschuh stated this was part of the next step within the planned unit development process and she found all criteria was met. The special use criteria for the fuel stations/car wash was also reviewed and staff believed the criteria was met.

It was reported that the petitioner held a neighborhood meeting with appropriate notices going out to residents within 250 feet of the property. Two individuals attended the meeting and expressed concerns of setbacks, landscaping, and shielding of residents' properties. Overall, staff supported the proposal with the caveat that the right-of-way vacation language be finalized with the neighbor (off of Sealy Ave.) and asked the Plan Commission to forward a positive recommendation to Village Council with the condition that 1) prior to Village Council the applicant secure, in writing, the consent of both the 4341 Sealy and 4340 Oakwood owners to vacate the adjacent alley, and, 2) the public drainage, utility and access easement is to be retained as noted on the plat of vacation.

Per commissioner questions, staff confirmed there would be an 8-foot privacy fence along the southern property line and the proposed foot candle lighting requirement was .1.

On behalf of Delta Sonic, Ms. Kathleen West, with Dommermuth, Cobine, West, et al., 111 E. Jefferson Ave., Naperville, and James Boglioli, in-house counsel and planning director for Delta Sonic were present. Addressing the fence question, Mr. Boglioli indicated he was working with the neighbors to the west on Sealy and there would be a fence next to the drive aisle along with landscaping on the neighbor's side. Next, a six-foot fence would be installed for the first 100 feet so a drive aisle could not be seen, and then the fence would drop to four fence for the remainder of the length, as it approached the corner. He would modify the plans according.

Mr. Boglioli identified three 21-ft. light poles on the site and stated they currently met code at the property line and would include new lighting with downward shielding with true box fixtures, which would not reflect back onto the neighbors' property.

Additional questions directed to the petitioner included: what was the current fencing along the south property line, to which Mr. Boglioli stated was a staggering of two six-ft. fences –not joined, and they would be replaced with one continuous eight-foot stockade fence. Asked how much additional depth the petitioner was picking up near the garbage area, Mr. Boglioli stated 20 feet was picked up and the area would be more organized now. Dialog followed that employee parking would now exist where the vacation of the alley was taking place. When asked if the current landscaping would remain on the Sealy side, Mr. Boglioli explained that he spoke to the one neighbor and they had agreed that Delta Sonic would give them a 160-ft. easement, 20-foot wide over the landscaped area since that neighbor planted the landscaping and wanted to maintain it, subject to the easements Delta Sonic needed to get for the alley vacation. The fence would be against Delta Sonic's curb line. Illumination for the back alley area would include a couple of 21-foot light poles with downward cut-off lenses, along with security lighting and surveillance.

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Mr. Michael Yount, environmental compliance officer, Buffalo, New York, explained where the delivery trucks would deliver fuel during their night deliveries. Ms. Hogstrom asked about the future underground retention pond and whether it would be comparable to the current retention pond.

Ms. Lauren Gardner, Intech Consultants, Inc., 1989 University Lane, Lisle explained the current 48-inch pipe along the rear of the building would remain and be connected to the new underground system that would replace the existing small pond and the pond west of the detail shop. It will be a larger storage site than what is currently being provided on-site. Ms. Gardner confirmed no retaining wall would be necessary at the west end of the property due to the grading being leveled.

Chairman Rickard opened up the meeting to public comment.

Mr. Scott Richards, 1130 Warren, Downers Grove, asked staff if the existing parking and sidewalk along Ogden were being changed, wherein Ms. Leitschuh confirmed they were not.

Ms. Julie Wojechowski, 4340 Sealy Avenue, wanted to confirm that the petitioner was moving the fence five feet from the sidewalk and that it was correctly depicted on the petitioner's plans. She also wanted to confirm with the petitioner that landscaping would be planted. She asked where the garbage was located, when it would be picked up, and the latest hour the business would be open.

Hearing no further public comment, the chairman closed the public hearing.

Mr. Boglioli returned and stated that with regard to the resident's concern about the landscaping and fence, the six-foot fence would be placed up against the curb for the first 100 feet heading towards Ogden Avenue and four-feet high for the remainder. All landscaping would be placed on the residential side of the fence which was what the resident wanted. No changes for the current hours of operation were being planned. As far as trash removal, Ms. Kathleen West returned and stated that trash removal usually occurred at 8:00 a.m. three times per week.

Mr. Boglioli closed by emphasizing to the commissioners that his client purchased the Burger King property to improve the site. The business was not generating any additional business with the changes and the petitioner was making the site better, safer, and more efficient and also decreasing the intensity of the site, given a restaurant would generate more traffic.

Chairman Rickard invited commissioner input. Mr. Cozzo pointed out that three conditions under the zoning ordinance were not being met: the south setback from 20 feet to 14.3 feet; the stacking requirement of two spaces and only one being provided per pumping station; and the 8 stacking spaces needed for the detail shop, where currently there were 7 spaces. However, he also pointed out the positives of the proposal and supported the proposal. Lastly, he stated that the approval criteria for the zoning map amendment, the special use and request for vacation were met, in general. The chairman concurred.

A question was directed to staff on whether staff had any concerns about the western fence being six feet high, as opposed to a four-foot high fence, as requested by the neighbor. Ms. Leitschuh indicated the only concern was visibility when driving on Sealy north and then when hit Ogden, but she now believed the proposal was a good compromise.

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WITH RESPECT TO FILE 15-PLC-0008, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE PLANNED UNIT DEVELOPMENT, REZONING, SPECIAL USE AND ALLEY VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; ENGINEERING, ARCHITECTURAL AND LANDSCAPE DRAWINGS PREPARED BY INTECH CONSULTANTS, INC. DATED JANUARY 28, 2015 AND LAST REVISED ON JUNE 7, 2016, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.
2. THE PROPOSED FENCE ALONG THE FIRST 100 FEET OF THE SOUTH PROPERTY LINE SHOULD BE A MAXIMUM OF SIX FEET IN HEIGHT PER THE ZONING CODE. THE FENCE ALONG THE WEST PROPERTY LINE SHOULD BE A MAXIMUM OF FOUR FEET OPEN DESIGN.
3. THE APPLICANT SHALL PAY THE VILLAGE \$270,000 PRIOR TO THE EXECUTION OF THE ALLEY VACATION.
4. THE FENCE ALONG THE WEST PROPERTY LINE SHOULD BE PLACED ALONG THE DRIVEWAY CURB AND ALLOW LANDSCAPE MATERIALS TO BE PLANTED ALONG THE STREETSIDE OF THE FENCE.
5. THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.
6. THE APPLICANT SHALL MAINTAIN ALL SIDEWALKS AND PLAZA AREAS THAT ARE ON AND IMMEDIATELY ADJACENT TO THE SUBJECT PROPERTY.
7. STORMWATER AND UTILITY EASEMENT SHALL BE GRANTED OVER THE DETENTION AREA IN THE PARKING LOT.
8. THE APPLICANT SHALL ADMINISTRATIVELY CONSOLIDATE ALL LOTS INTO ONE LOT OF RECORD PRIOR TO ISSUING A BUILDING PERMIT.
9. THE APPLICANT SHALL REDUCE LIGHT LEVELS TO SECURITY LEVEL NO LATER THAN 30 MINUTES AFTER THE CLOSE OF BUSINESS.
10. PRIOR TO VILLAGE COUNCIL, THE APPLICANT SHALL SECURE IN WRITING THE CONSENT OF BOTH 4341 SEALY AND 4340 OAKWOOD TO VACATE THE ADJACENT ALLEY;
11. THE PUBLIC DRAINAGE, UTILITY AND ACCESS EASEMENT IS TO BE RETAINED AS NOTED ON THE PLAT OF VACATION.

SECONDED BY MS. JOHNSON. ROLL CALL:

AYE: MR. COZZO, MS. JOHNSON, MS. HOGSTROM, MRS. RABATAH, MR. THOMAN, CHAIRMAN RICKARD

MOTION CARRIED. VOTE: 6-0

**FILE 16-PLC-0032:** A petition seeking approval of a Special Use to allow an automobile dealership. The property is currently zoned B-3, General Services and Highway Business. The property is located on the north side of Ogden Avenue, between Lee Avenue and Downers Drive,

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commonly known as 1620 Ogden Avenue, Downers Grove, IL (PIN 09-06-302-006). Local Community Signs, LLC, Owner.

Mr. Williams summarized the petition before the commissioners and located the site on the overhead, noting it was the old McDonalds restaurant. Current zoning for the site was B-3, General Services and Highway Business while to the north the zoning was R-2 Single-Family Residential and then R-6 Residential Multi-family to the east. The property to the west was also zoned B-3. Existing conditions would basically remain the same, except for a couple of parking spaces removed to address open space. Mr. Williams pointed out that Public Works would like to place a five-foot easement over the current sidewalk in order to do future work. Building elevations were referenced and the interior floor plan was reviewed.

On the site plan Mr. Williams pointed out that the sidewalk and ramp would remain for pedestrian connectivity. There would be 8 spaces for parking and other areas would be designated for auto display purposes. The landscaping plan was referenced with staff pointing out the number of trees that were being added to the site and the fact that landscaping was being added to all four sides of the property. Reviewing the photometrics for the site, Mr. Williams indicated that at the eastern property line there were 0 readings five feet out from the property line onto the apartment property. Staff believed that if the petitioner could convert, repair and make a six-foot solid fence, it would help with the screening and would reduce the photometric readings. Horizontal foot candle measurements for the rear property line were 0 due to the dense forest and existing fence.

Reviewing an exhibit addressing the on-site truck turning movements, Mr. Williams stated vehicle haulers would be able to navigate the site. As part of the condition for approval, test-driving would not be allowed on the adjacent residential streets of Lee, Lacy, and Downers, which was fine because the applicant had responded that he wanted vehicles to be test on the highway. Lastly, in reviewing the proposal against the goals of the village's Comprehensive Plan, Mr. Williams believed the proposal met the plan – it was repurposing an existing structure and there was landscaping and screening being added to improve the site. Staff recommended approval with the conditions listed in its staff report.

Chairman Rickard, again, shared his concern as to how someone enforces somebody from testing a vehicle on a public street, as long as someone is following the law. He opened up the matter for discussion. Along the same lines, Ms. Hogstrom recalled similar concerns were voiced at the village council level and should the testing continue to be an issue in residential areas, that it might be necessary to “pull” the special use. The chairman believed that the restriction for testing only pushed the testing issue down to the next residential street.

Petitioner, Mr. Tray Khan, Local Community Signs, 1620 Ogden Ave., Downers Grove, stated he attended the meeting with Star Motors that discussed the test driving concerns and questioned why someone would test drive on a residential street since it did no justice for the test drive itself. His goal would be to include sales people in the car directing the test drives.

Ms. Cinda Lester, 12/12 Architects, 644 67<sup>th</sup> Street, Downers Grove, on behalf of the petitioner, reiterated there was very little change to the site -- only to renovate the McDonalds building into a showroom and a detailing area to wash/wash/vacuum a vehicle. The exterior of the building would remain the same except for the large panel of existing glass windows. Those would be converted into swinging doors for a vehicle to travel through. The drive-thru window would be removed and

## DRAFT

replaced with a window or a fixed panel. Curb cuts would remain and a couple of parking spaces would be removed to meet the open space requirements. A new sign would also be added. The existing shadow-box fencing along the north would either be repaired and/or replaced. The current tall bushes would also be left alone rather than trying to install an 8-ft. fence in their place. The missing section of fence on the eastern portion of the site would be replaced and the gravel and weeds would be replaced with new landscaping. No change to the lighting would be made and the light levels would be reduced one half hour after the business closed.

Continuing, Ms. Lester said the fire inspector requested an upgraded alarm system but conveyed there was no need for a sprinkler system. Details of the fencing proposed for the northern property line were discussed in detail.

The chairman invited the public to speak.

Mr. Lee Eisenberg, Vice President and Executive Manager of Bill Kay Nissan, located across the street from the subject property noticed that the proposal called for 38 parking spaces not including the guest parking and ADA parking. He voiced concern there was no employee parking and the only parking available would be on Downers Drive on the south side of Ogden Avenue and adjacent to his property. He stated the street was over-crowded now as his business and other businesses used the street for overflow parking. Two curb cuts existed, one of which led to a vacant property; the other to his main receiving gate. He believed this would create a hardship on his business and a safety hazard due to employees running across Ogden Avenue. He voiced further challenges to the area and the challenges of delivery trucks should the lot become overcrowded. He stated he did not believe the site was designed to be an automobile dealership.

Hearing no further comments, the chairman gave Ms. Lester an opportunity to address these comments.

Ms. Lester explained that the petitioner did not anticipate having the type, size or amount of inventory that the business across the street handled. The petitioner expected to have 30 to 35 cars on-site, including those in the showroom, along with some motorcycles. Only 2 to 3 employees were anticipated to work at the site. Six parking spaces plus the two existing handicap spaces were being provided. No employees would be parking on Downers Drive. Ms. Lester stated that on the day she visited the site, a car hauler from the other business actually traversed the McDonalds site with success. Also, the truck turning exhibit, which staff referenced, reflected the radius for a six-car hauler as opposed to a standard three-car hauler that the petitioner would use.

Returning to the podium, Mr. Tray Khan shared with the commissioners that the parking spaces were modified so that at no time would a car block the ability of a car hauler to come through the site. He had no intention to park on Downers Drive and offered to work with Mr. Eisenberg.

Per a question, Mr. Khan stated his business was Internet-based and there would be a motorcycle component to the business. No ATVs or snow mobiles; however, would be offered. Ms. Lester closed the discussion by explaining the positives of the business and its special use.

Hearing no further comment, the public hearing was closed by the chairman.

DRAFT

Mr. Thoman pointed out the petitioner's business was very similar to other vehicle businesses along Ogden Avenue. Ms. Johnson also noted that the petitioner addressed the same issues as seen in prior petitions, i.e., concerns of loading/unloading vehicles on-site or on Ogden Avenue, screening from neighbors, and test driving. Positive comments followed and a motion was entertained.

**WITH RESPECT TO FILE 16-PLC-0032, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; ARCHITECTURAL DRAWINGS PREPARED BY 1212 ARCHITECTS & PLANNERS DATED JUNE 29, 2016 AND LANDSCAPE PLANS PREPARED BY PLANNING RESOURCES, INC. DATE JULY 22, 2016; AND DOCUMENTS ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. RECORDING OF A PLAT OF EASEMENT GRANTING A FIVE-FOOT EASEMENT ACROSS THE FRONTAGE OF THE PROPERTY TO COVER THE SIDEWALK AND ANY FUTURE IMPROVEMENTS.**
- 3. ALL AUTOMOBILE DELIVERIES SHALL TAKE PLACE ON THE SUBJECT SITE. NO DELIVERIES MAY TAKE PLACE ON OGDEN AVENUE.**
- 4. NO TEST DRIVES MAY TAKE PLACE ON LEE AVENUE, LACEY AVENUE, AND DOWNERS DRIVE.**
- 5. ALL LIGHTS SHALL BE DIMMED TO SECURITY LEVEL INTENSITY NO LATER THAN 30 MINUTES AFTER THE CLOSE OF BUSINESS.**

**SECONDED BY MR. THOMAN. ROLL CALL:**

**AYE: MRS. RABATAH, MR. THOMAN, MR. COZZO, MS. HOGSTROM,  
MS. JOHNSON, CHAIRMAN RICKARD**

**NAY: NONE**

**MOTION CARRIED. VOTE: 6-0**

Mr. Cozzo addressed the commissioners and staff and stated that over the ten years he was on the commission, staff always presented a well-prepared and detailed report. He thanked staff for the time and effort placed in those reports. He also believed the village had a good process and it worked. He encouraged other commissioners to not be afraid to vote in the negative if they felt strongly about something. Mrs. Rabatah also thanked staff and shared appreciative words for staff, noting there was much respect and everyone was working well together.

Ms. Leitschuh announced there would be a September meeting but no second meeting for August.

**THE MEETING WAS ADJOURNED AT 9:55 P.M. ON MOTION BY MR. COZZO,  
SECONDED BY MRS. RABATAH. MOTION CARRIED UNANIMOUSLY BY VOICE  
VOTE OF 6-0.**

/s/ Celeste K. Weilandt  
(As transcribed by MP-3 audio)



## **ANALYSIS**

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### **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. Plat of Survey
4. Site Plan
5. Engineering Plans
6. Parking Study
7. Ordinance 5265

### **PROJECT DESCRIPTION**

The petitioner is requesting an amendment to a Special Use to remove use restrictions set forth in Village Ordinance 5265. The requested amendment would allow all uses, either permitted as of right uses or special uses, expressly identified in the M-1, Light Manufacturing Zoning District, which is the underlying zoning for the property. The site is located on Wisconsin Avenue, 480 feet west of Belmont Road in the Ellsworth Business Park. The approximately five acre property is improved with three multi-tenant buildings, constructed after a Special Use approval in 2012.

As per the Zoning Ordinance in effect in 2012, a Special Use approval was required for multiple buildings on a single lot. When approving the Special Use, Village Council established multiple conditions, one of which restricted the types of uses permitted on the property based on their concerns regarding the high density of the buildings and limited parking on-site. At the public hearing, discussion included a review of allowed uses in the M-1 District and Village Council determined that a condition restricting the types of uses was necessary to limit tenants to less parking intensive uses. The petitioner in 2012 agreed to the conditions of approval for the Special Use.

The petitioner is requesting that the Plan Commission and Village Council reconsider the original use restrictions set forth in Ordinance 5265 because of difficulties leasing the remaining units, as described in the petitioner's project narrative. There are 55 tenant units in the three buildings, with 29 units occupied by a variety of uses including a research and development automotive facility and a craft brewing facility. All current tenants fall into the 2012 Zoning Ordinance use categories of light manufacturing, warehouse, office, research and development. As described in the analysis below, the use categories and specific types of business activities were slightly altered through the 2014 Zoning Ordinance revision.

Ordinance 5265 limits the potential tenants to the following use categories, per the Zoning Ordinance in effect in 2012:

- a) Professional and Business Offices
- b) Research and Development Facilities
- c) Light Manufacturing including production, processing, cleaning, testing and repair limited to uses and products described in 28.902(h)
- d) Wholesale and warehousing, storage and distribution facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses); however, no single tenant shall contain more than 10,000 square feet
- e) Uses accessory to the above-listed permitted uses

Staff supports reconciling the specific use types in the current Zoning Ordinance with the approved use

categories as selected by Village Council through Ordinance 5265. This would expand the permitted use types to include all activities that fell under the 2012 Zoning Ordinance umbrella for the five categories Council approved, regardless of what category the business type correlates to in the 2014 ordinance revision. Through the revision of the Zoning Ordinance, culminating in 2014, some specific use types or business activities were shifted from one category to another, and as a result, are no longer allowed for this development. For example, repair of household or office machinery or equipment and printing and publishing establishments previously fell under item “c” which was classified as “Industrial” in 2012. In the current Zoning Ordinance, these uses fall under the umbrella of “Commercial Service”, not “Industrial”, and thus Staff would no longer consider the activity a legally conforming, permitted use since the use category “Commercial Service” was not approved by Council. Staff is supportive of guaranteeing all uses allowed at the time of Ordinance 5265 remain permitted, regardless of shifting priorities and categories in the Zoning Ordinance.

Staff supports expanding the allowed uses to include the following use types from Table 5-1 in the Zoning Ordinance and described further in Section 5:

- Building service
- Business support service
- Consumer maintenance and repair
- Research service
- Business and professional office
- Medical, dental and health practitioner
- Warehouse
- Wholesale sales and distribution
- Artisan industrial
- Limited industrial
- General industrial

Per the current Zoning Ordinance, the uses allowed in the M-1 District range from public, civic and institutional, commercial, industrial, agriculture to other types of uses. Many of these permitted uses are traffic intensive and generate substantial foot-traffic on the property such as “medical, dental and health practitioner”, “day care center”, and “financial service.” The broader use category, “Vehicle Sales and Service” could also generate more onsite traffic, create circulation and stacking issues, and lead to the policing of outdoor storage of inoperable vehicles.

The petitioner provided a parking study that showed parking as observed on a Wednesday and Friday. According to the parking study, the peak parking demand was observed in the evening between 6:00 – 9:00 PM, influenced by the demand at Alter Brewing Company. Ninety-five out of the 147 parking spaces are outdoor parking spaces. Of the 95 outdoor spaces, on Friday evening at 9:00 PM, 50 spaces were occupied. As stated in the parking study, shared parking is working because of the varied peak parking characteristics. However, if the property was opened up to more parking intensive uses with evening competing hours or onsite storage and stacking of vehicles, Staff believes that overall parking could be significantly impacted as one use occupies one third of the parking lot at peak time.

#### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

This property is designated as Light Industrial/Business Park in the Future Land Use Plan. Light Industrial/Business Park uses include manufacturing activities such as design, assembly, processing, packaging, storage and transportation of products. The property at 2300 Wisconsin Avenue continues to be in broad compliance with the Comprehensive Plan and the proposed amendment to the Special Use does not affect the overall land use or character. However, the Comprehensive Plan recommends the uses to be restricted to light industrial and office, thus protecting from the non-compatible commercial, institutional, membership, or recreational uses.

The Comprehensive Plan identifies the property as a catalyst site within the Belmont/Ellsworth Business Park, and since the construction of the three buildings, remains a flexible tenant space for contemporary light industrial and business uses. The development is in close proximity to I-355 and I-88 and complements the existing uses in the Ellsworth Industrial Park.

#### **COMPLIANCE WITH THE ZONING ORDINANCE**

The subject property is zoned M-1, Light Manufacturing, as are the properties to the north, south and west. Properties to the east of the subject property are zoned M-1, Light Manufacturing and O-R-M, Office-Research-Manufacturing. The development was approved through a Special Use process. No changes are being proposed that would affect the site or the buildings on the property. The allowed uses on the property fall under the categories permitted in Ordinance 5265. These uses are a restricted subgroup of uses allowed in the underlying M-1 Zoning District.

Required parking is calculated based on the parking factor in the zoning ordinance for the proposed use and the square footage of the tenant space. Staff tracks the available parking and tenant space for the project site. The current total number of required parking spaces from a zoning perspective is 66 of the total 147 parking spaces on the property.

#### **ENGINEERING/PUBLIC IMPROVEMENTS**

The petitioner is not proposing any changes to the site that would result in public improvements. All required infrastructure exists and adequately services the property.

#### **NEIGHBORHOOD COMMENT**

Notice was provided to all property owners within 250 feet of the subject property in addition to posting a public hearing sign on the subject property and publishing a notice in *Downers Grove Suburban Life*. Staff has received one inquiry about the petition expressing concerns related to parking and the potential spillover of parking onto the neighboring property.

#### **FINDINGS OF FACT**

The petitioner is requesting an amendment to an approved Special Use to allow all uses expressly permitted in the M-1 Zoning District at 2300 Wisconsin Avenue. Staff finds that the proposal does not meet all of the standards for granting a Special Use as outlined below:

##### ***Section 28.12.050.H Approval Criteria***

*No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the applicant has presented evidence to support each of the following conclusions:*

- 1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;***  
The property is located in the M-1, Light Manufacturing zoning district. The development was approved through a Special Use process under a previous version of the Zoning Ordinance. The current uses on the property are consistent with Ordinance 5265 and are permitted in the underlying zoning district and the current Zoning Ordinance. The proposed amendment to the Special Use is to provide the option to consider all uses allowed in the M-1, Light Manufacturing zoning district. This standard has been met.
- 2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.***

While the uses permitted under the M-1 zoning district are compatible with the surrounding properties similarly zoned, the high density of this development creates the unique challenge of adequately allocating

available parking across various uses and tenant spaces. The Special Use approving three buildings with 55 units on the property in 2012 identified some traffic, circulation and parking challenges and therefore conditions were placed by the Village Council to limit the types of uses to uses that would be less parking intensive and commensurate with the development plan. By expanding the allowed uses to all uses permitted in the M-1 District, parking overspill and parking in access drive aisles may result. There are no site changes proposed that affect the original determination by Village Council. Therefore, the proposed amendment is not in the interest of public convenience and does not contribute to the general welfare of the neighborhood or community. This standard is not met.

3. *That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.*

The proposal to allow all uses in the M-1 zoning district includes uses that generate a greater traffic and parking demand as discussed above. It includes the potential for auto-oriented uses, such as personal vehicle repair and maintenance, to generate heavier traffic and parking needs. Given the tight circulation and site constraints, some typical M-1 allowed uses may not be compatible with the site. Also, at the time of the original development, the site plan did not take into account different elements that would have allowed for greater flexibility with uses such as pedestrian access, circulation, stacking and other issues. Therefore, the proposed use will be detrimental to the health, safety or general welfare of persons residing in or working in the vicinity. This standard has not been met.

## RECOMMENDATIONS

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The request to amend the Special Use Ordinance for 2300 Wisconsin Avenue, to remove all use restrictions and allow all uses expressly permitted in the M-1 Zoning District, is not consistent with Ordinance 5625 as adopted by Village Council in 2012. No change in the conditions or development have occurred since Council first placed the use restrictions. Based on the findings listed in this report, Staff recommends that the petitioner's request be **denied**; however Staff recommends amending the approved uses from 2012 to the categories in the current Zoning Ordinance shown below in the conditions:

1. The Special Use shall substantially conform to the staff report, except as such plans may be modified to conform to the Village codes and ordinances.
2. The property may be occupied by the following use types from Table 5-1 in the Zoning Ordinance:
  - a. Building service
  - b. Business support service
  - c. Consumer maintenance and repair
  - d. Research service
  - e. Business and professional office
  - f. Medical, dental and health practitioner
  - g. Warehouse
  - h. Wholesale sales and distribution
  - i. Artisan industrial
  - j. Limited industrial
  - k. General industrial
3. The petitioner shall provide the Village with updated parking vacancy numbers for the entire site with every new tenant use.
4. If future tenant uses are allowable Special Uses per the results of this petition, an application to Plan Commission for approval of the Special Use must still be sought.

Staff Report Approved By:



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Stanley J. Popovich, AICP  
Director of Community Development

SP:sp  
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2016 PC Petition Files\16-PLC-0033 2300 Wisconsin Ave - Special Use\Staff Report 16-PLC-0033.docx

## PROJECT NARRATIVE

MacNeil Real Estate Holdings, LLC (“Owner”) is the current owner of the property located at 2300 Wisconsin Avenue (“Property”) in Downers Grove. On May 15, 2012, the Village Council approved a special use to allow construction on the Property of three principal buildings on a single lot within the M-1 Light Industrial District (“Ordinance.”) The ordinance approving the Special Use limited the uses allowed on the Property to the following:

- a. Professional and Business Offices.
- b. Research and Development Facilities.
- c. Light Manufacturing including production, processing, cleaning, testing and repair limited to uses and products described in 28.902(h).
- d. Wholesale and warehousing, storage and distribution facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses); however, no single tenant shall contain more than 10,000 square feet.
- e. Uses accessory to the above-listed permitted uses.

The project was completed and opened on October 1, 2014. Since that time, it has encountered challenges leasing the units due to the limits placed on the allowable uses. Currently, only 29 of 55 total units are leased (as are depicted on the attached site plan and list of existing tenants.) The Owner has actively marketed the property over the past 21 months, to no avail. Advertisements for leasing opportunities have been published in the Naperville Sun and the Doings Newspaper, which serves Hinsdale, Clarendon Hills, La Grange (Park), Western Springs, Oak Brook, Elmhurst, Burr Ridge, Indian Head Park, Oakbrook Terrace and Westchester. In addition, advertisements have been placed on various commercial real estate websites including LoopNet, City Feet, and CoStar. Failure to fully lease the Property for such an extended period of time is making the financial success of the development difficult to achieve.

There have been a minimum of seven potential uses that would have been an authorized permitted or special use in the underlying M-1 District that have been rejected by the Village of Downers Grove due to the use limitations imposed by the Ordinance. These users included a wholesale facility, personal trainer, and various motor vehicle uses. Almost all of the rejected uses would have been allowed by the M-1 District regulations as a permitted or special use. This option was not available to the Owner due to the Ordinance. Minutes of the Plan Commission and Village Board are silent as to why the additional restrictions were imposed by the Ordinance and current Village staff is unable to clarify what happened due to staff turnover.

The Owner is filing an application seeking to amend the existing Ordinance to remove the limitation on uses and permit the full range of authorized permitted and special uses allowed in the underlying M-1 District with the goal of fully leasing the development. The Owner simply seeks to be treated the same as any other owner of property located in the M-1 District and have

the right to make a case that an authorized use meets the Code requirements. Many of the rejected uses are deemed a “special use” under the M-1 regulations. The special use process would require a hearing where evidence can be introduced that parking is available to serve the use and conditions can be placed on that use if deemed required. The Owner believes that this would be a more fair approach and allow more flexibility to lease the vacant spaces.

Owner is seeking consistent application of the Downers Grove Zoning Code. There are a number of uses such as “Animal Service” that has a similar parking requirement to the “Professional and Business Office” which is permitted by the Ordinance. It is unclear why “Animal Service” is not allowed on the Property while it has a similar parking requirement as a use allowed by the Ordinance and is allowed on other properties zoned M-1. Another example is “Personal Improvement Service” which has a similar parking requirement. This use is allowed down the street at 2474 Wisconsin Avenue, which is also located in the M-1 District, but is not allowed on the Property.

As the Parking Study prepared by KLOA concluded, existing uses are generating parking at a ratio less than anticipated allowing more parking to be utilized by future tenants. In addition, the development is an example where shared parking is working. Existing tenants with different peak parking periods have resulted in less occupied parking during the business day. This data supports the request for an amendment to the Ordinance to allow a greater variety of uses on site.

Full occupancy of the building is in the interest of the Downers Grove due to the jobs created and enhanced tax revenues paid to the Village. As an owner of three properties located within the Ellsworth Industrial Park, Owner has a history of being a responsible landlord and has strict Tenant Rules in place to ensure that this remains a high quality development from an aesthetic and operational perspective. Owner believes that the flexibility provided by the ability to lease to a larger group of potential tenants will result in the success of this project and an enhanced manufacturing environment for Downers Grove.

Compliance with Special Use Standards

The Owner believes that the proposed amendment to the special use complies with the standards contained in the Downers Grove Zoning Ordinance which govern approval of a special use:

**“1. that the proposed use is expressly authorized as a special use in the district in which it is to be located;”**

This standard is not applicable since the purpose of the original special use (i.e. to allow three principal buildings on one zoning lot) has been effectuated by successfully constructing the development in 2014.

**“2. that the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;”**

The Owner is simply seeking equity by having the Village apply the same rules to the subject property as are applied to other properties located within M-1 zoning districts located throughout Downers Grove. If a use is permitted in a M-1 District, it should be allowed as of right. If the proposed use is an authorized special use, the Owner should have the right to make its case to the Village that the proposed use is consistent with the special use standards.

It is in the interest of the public convenience to fully lease the development. This will make a broader range of uses available to meet the needs of the citizens of Downers Grove and result in increased tax revenues to the Village. Failure to remove the lease restrictions will continue to hinder leasing efforts and prevent the development from becoming a successful, productive property benefitting the Village.

**“3. that the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.”**

The Owner is seeking to remove the use restrictions from applying to the subject property and be treated like any other property owner in a M-1 District. Any use to be located within the buildings will comply with the underlying zoning and, thus, be consistent with surrounding uses and not be detrimental to the health, safety, or general welfare of persons working in the vicinity. In addition, this consistency with the underlying plan for the area will ensure that there are no adverse effects on property values or improvements in the vicinity. The Owner is concerned that a failure to fully lease the building and have a

Mr. Stan Popovich  
July 1, 2016

successful development will ultimately adversely impact property values and the general welfare of nearby workers.

We look forward to working with you to answer any questions that you may have regarding the proposed amendment to the special use. Please let us know if any further information or documentation is required for your review.

Thank you in advance for your assistance with this matter.

Sincerely,

A handwritten signature in black ink that reads "Bridget O'Keefe" followed by a stylized flourish.

Bridget O'Keefe

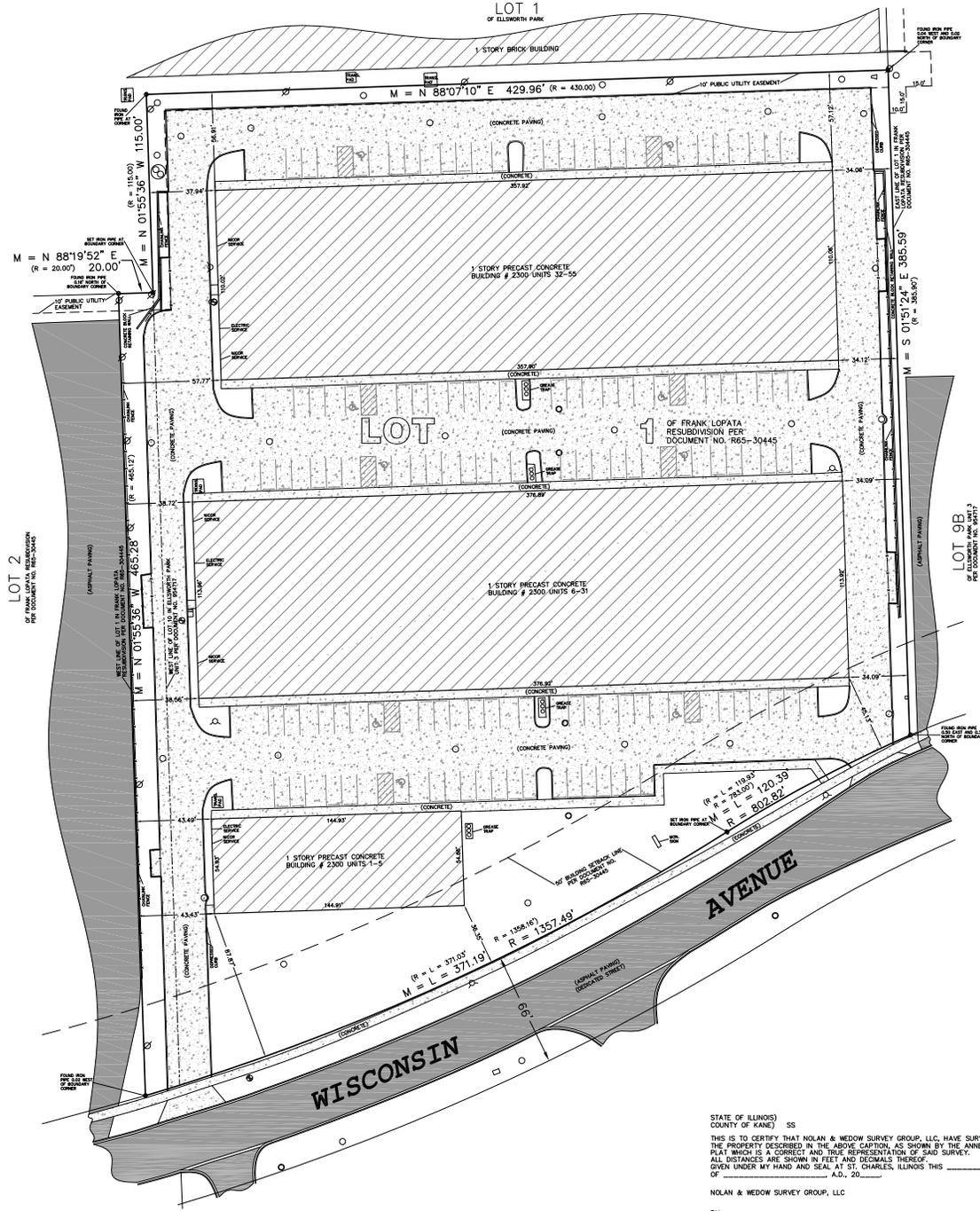
Attachments

cc: David MacNeil (via e-mail w/out attachments)  
Richard Curran (via e-mail w/out attachments)  
Kevin Greyhill (via e-mail w/out attachments)  
Robert Aument (via e-mail w/out attachments)

# PLAT OF SURVEY



LOT 1 IN FRANK LOPATA RESUBDIVISION OF LOTS 10, 11 AND 12 IN THE RESUBDIVISION OF LOTS 8 TO 13 INCLUSIVE IN ELLSWORTH PARK UNIT 3, AND LOT 24 IN ELLSWORTH PARK UNIT 5 IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 12, AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID FRANK LOPATA RESUBDIVISION RECORDED AUGUST 13, 1965 AS DOCUMENT R65-30445, IN DUPAGE COUNTY, ILLINOIS.



STATE OF ILLINOIS  
 COUNTY OF KANE) SS  
 THIS IS TO CERTIFY THAT NOLAN & WEDOW SURVEY GROUP, LLC, HAVE SURVEYED THE PROPERTY DESCRIBED IN THE ABOVE CAPTION, AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF GIVEN UNDER MY HAND AND SEAL AT ST. CHARLES, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_.

NOLAN & WEDOW SURVEY GROUP, LLC  
 BY:  
 ILLINOIS LAND SURVEYOR NO. 2822  
 703 ILLINOIS AVENUE  
 ST. CHARLES, ILLINOIS 60174



**SYMBOL LEDGEND**

	STORM MANHOLE
	FES
	WATER VALVE VAULT
	SANITARY MANHOLE
	FIRE HYDRANT
	POWER POLE

NOTE:  
 PUBLIC UTILITIES ARE PER VISUAL INSPECTION ONLY AND ARE NOT LIMITED TO THOSE SHOWN HEREON.

**PREPARED FOR:**

MAC NEIL AUTOMOTIVE 1 MAC NEIL COURT BOLINGBROOK, IL 60440
PLAT OF SURVEY
2300 WISCONSIN AVE DOWNERS GROVE, IL

**NOLAN & WEDOW SURVEY GROUP**  
 703 ILLINOIS AVE., ST. CHARLES, ILLINOIS, 60174  
 ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-004605  
 (630) 578-4028 E MAIL NOLANNSC@aol.com FAX (630) 578-4029

JOB # 16-132	SURVEYED BY: MJS	SCALE: 1"= 30'	DATE: 8-2-2016
DRAFTED BY: MJS	FILE#	D-16-132-POS	

WISCONSIN AVENUE

UNIT 105	UNIT 104	UNIT 103	UNIT 102	UNIT 101
1,610 Square Feet	1,610 Square Feet	1,610 Square Feet	1,610 Square Feet	1,560 Square Feet

UNIT 213	UNIT 212	UNIT 211	UNIT 210	UNIT 209	UNIT 208	EMPTY				UNIT 203	UNIT 202	UNIT 201
1,650 Square Feet	1,600 Square Feet											

UNIT 214	UNIT 215	UNIT 216	UNIT 217	UNIT 218	UNIT 219	UNIT 220	UNIT 221	UNIT 222	UNIT 223	UNIT 224	UNIT 225	UNIT 226
1,650 Square Feet												

UNIT 312	UNIT 311	UNIT 310	UNIT 309	UNIT 308	UNIT 307	UNIT 306	UNIT 305	UNIT 304	UNIT 303	UNIT 302	UNIT 301
1,750 Square Feet	1,600 Square Feet	1,700 Square Feet									

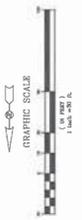
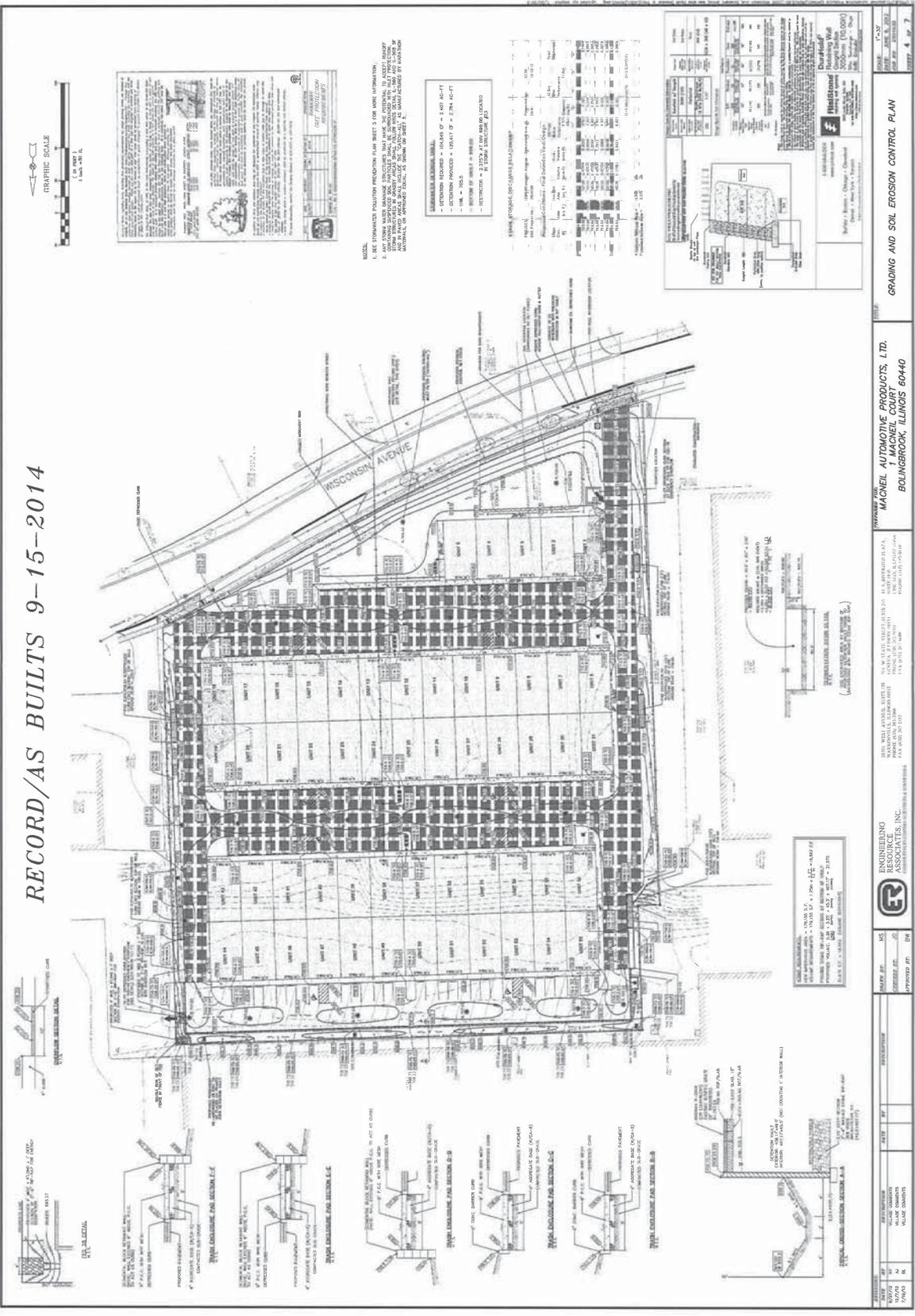
UNIT 313	UNIT 314	UNIT 315	UNIT 316	UNIT 317	UNIT 318	UNIT 319	UNIT 320	UNIT 321	UNIT 322	UNIT 323	UNIT 324
1,750 Square Feet	1,600 Square Feet	1,750 Square Feet									

ADD 44 SQ. FT. PER DEMISING WALL THAT IS NOT INSTALLED

## 2300 WISCONSIN AVENUE

2300 Wisconsin Avenue | Downers Grove, IL 60515  
 Phone: 800-943-9250 | 630-769-1500 | Fax: 630-769-0300

# RECORD/AS BUILTS 9-15-2014



**NOTES:**

- SEE STORMWATER POLLUTION PREVENTION PLAN SHEET 5 FOR MORE INFORMATION.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ILLINOIS CONSTRUCTION CODE AND ALL APPLICABLE ORDINANCES AND REGULATIONS.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ILLINOIS CONSTRUCTION CODE AND ALL APPLICABLE ORDINANCES AND REGULATIONS.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ILLINOIS CONSTRUCTION CODE AND ALL APPLICABLE ORDINANCES AND REGULATIONS.

**CONSTRUCTION INFORMATION:**

- ELEVATION FINISHED = 506.65 @ 1.407 AC-1T
- ELEVATION FINISHED = 506.47 @ 2.784 AC-1T
- FINISH = 506.5
- FINISH = 506.5 AT 2.784 AC-1T
- FINISH = 506.5 AT 2.784 AC-1T

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	08/15/14	JL	MS
2	REVISION	09/15/14	JL	MS
3	REVISION	09/15/14	JL	MS
4	REVISION	09/15/14	JL	MS
5	REVISION	09/15/14	JL	MS
6	REVISION	09/15/14	JL	MS
7	REVISION	09/15/14	JL	MS
8	REVISION	09/15/14	JL	MS
9	REVISION	09/15/14	JL	MS
10	REVISION	09/15/14	JL	MS

**Professional Engineer**

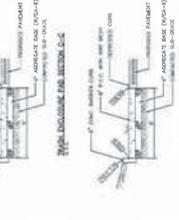
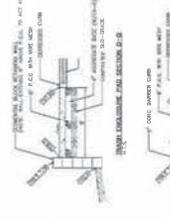
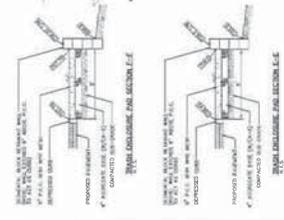
**Professional Seal**

**Professional Stamp**

**Professional License**

**Professional Address**

**Professional Contact Information**



**ENGINEERING**

**ASSOCIATES, INC.**

**100 W. WASHINGTON AVENUE, SUITE 1000, CHICAGO, ILLINOIS 60601**

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**WWW.EAASOCIATES.COM**

**PROJECT NO. 14-001**

**DATE: 09/15/14**

**SCALE: AS SHOWN**

**PROJECT: GRADING AND SOIL EROSION CONTROL PLAN**

**CLIENT: MACNEIL AUTOMOTIVE PRODUCTS, LTD.**

**1 MACNEIL COURT, BOLLINGBROOK, ILLINOIS 60440**

**DESIGNED BY: JL**

**CHECKED BY: MS**

**APPROVED BY: DW**

**DATE: 09/15/14**

# RECORD/AS BUILTS 9-15-2014

NOTE: ALL DIMENSIONS EXCEPT WHERE SHOWN BY DIMENSION LINES SHALL BE TAKEN FROM THE FACE OF THE WALL OR THE FACE OF THE CURB UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.

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MEMORANDUM TO: Richard Curran  
MacNeal Real Estate Holdings, LLC

FROM: Luay R. Aboona, PE  
Principal

DATE: July 22, 2016

SUBJECT: Parking Study  
2300 Wisconsin Avenue  
Downers Grove, Illinois

This memorandum presents the findings of a parking study conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the 2300 Wisconsin Avenue office development in Downers Grove, Illinois. The development consists of three buildings with 55 units and has a total of 89,800 square feet of gross floor area with 95 outdoor parking spaces and 55 indoor (individual garages) parking spaces for a total of 150 spaces. The development is currently 53 percent occupied (29 occupied units) with Building 1 vacant, Building 2 35 percent occupied, and Building 3 83 percent occupied. **Figure 1** is an aerial view of the development.

The purpose of this parking study is to determine the adequacy of the parking supply in meeting the parking needs of the existing uses, establish the parking ratio for the uses, and confirm the adequacy of the parking supply for future tenants of the development.

### **Parking Occupancy Surveys**

Parking occupancy surveys of the existing parking were conducted on Wednesday, July 13, 2016 and Friday, July 15, 2016 at various times of the day to determine current occupancy levels and peak demand. **Table 1** summarizes the results of the surveys for each day by the following parking areas:

- Area 1: Between Buildings 1 and 2 with 42 outdoor spaces (three handicap) and 18 indoor spaces
- Area 2: Between Buildings 2 and 3 with 36 outdoor spaces (four handicap) and 25 indoor spaces
- Area 3: North of Building 3 with 17 outdoor spaces (two handicap) and 12 indoor spaces



Aerial View of Site Location

Figure 1

Table 1  
 PARKING OCCUPANCY SURVEYS

Time	Parking Occupancy			Total	Available Parking
	1	2	3		
Wednesday, July 13, 2016					
10:00 A.M.	9	6	6	24	129
12:00 P.M.	10	6	8	24	126
2:00 P.M.	16	9	6	31	119
4:00 P.M.	20	7	6	33	117
6:00 P.M.	31	4	7	42	108
8:00 P.M.	32	5	3	40	110
Friday, July 15, 2016					
11:00 A.M.	15	6	11	32	118
1:00 P.M.	15	7	8	30	120
3:00 P.M.	18	8	6	32	118
5:00 P.M.	16	4	7	27	123
7:00 P.M.	40	3	2	45	105
9:00 P.M.	42	6	2	50	100

As can be seen, the peak parking demand on Wednesday occurred at 6:00 P.M. with 42 occupied spaces or 28 percent of available spaces. On Friday, the peak demand occurred at 9:00 P.M. with 50 occupied spaces or 33 percent of available spaces.

### **Parking Evaluation**

The results of the parking occupancy surveys show that parking is readily available during the day. The peak demand occurs after regular business hours and is influenced by the demand of Alter Brewing Company. The peak demand during regular business hours is 33 spaces occurring on Wednesday at 4:00 P.M. which is 22 percent of available parking spaces. These results indicate the following:

- Shared parking is currently working well due to the different peak parking characteristics of the uses including Alter Brewing Company.
- The overall parking ratio of occupied spaces is 1.72 spaces per occupied unit which occurs at 9:00 P.M.
- During regular business hours, the parking demand ratio is 1.14 spaces per occupied unit occurring at 4:00 P.M.
- The available parking spaces (117 spaces), when compared to the vacant units (26 units), will translate into a ratio of 4.5 spaces per unit, which far exceeds the observed demand.

Tenant 2300 Wisconsin Ave.	Units	Contact : Person and Number	Email
<b>Building 1</b>			
Empty	101		
Empty	102		
Empty	103		
Empty	104		
Empty	105		
<b>Building 2 South</b>			
Fastenal	201-203	Kirk Decker 630-795-1081	<a href="mailto:kdecker@fastenal.com">kdecker@fastenal.com</a>
Empty	204		
Empty	205		
Empty	206		
Empty	207		
Custom Cabinet Connections	208	Pete Guardi 630-688-2448	<a href="mailto:pguardi@comcast.net">pguardi@comcast.net</a>
Alter Brewery	209-210-211- 212-213	David Yob 773-203-9434	<a href="mailto:davidyob@gmail.com">davidyob@gmail.com</a>
<b>Building 2 North Side</b>			
Empty	214		
Empty	215		
Empty	216		
Empty	217		
Empty	218		
Empty	219		
Empty	220		
Empty	221		
Empty	223		
Empty	224		
Empty	225		
Empty	226		
<b>Building 3 South Side</b>			
Olsen Motor Sports	301-302	Tim Olsen 312 810-5353	<a href="mailto:Olsenmotorsports@me.com">Olsenmotorsports@me.com</a>
Boo Coo Enterprises	303	ED Brackett ( 630-484-6779	<a href="mailto:Edbrackett4@gmail.com">Edbrackett4@gmail.com</a>
All Around Vending	304	Dennis Neisteam 630-674-7	<a href="mailto:Snacktime@hotmail.com">Snacktime@hotmail.com</a>
Apple and Sons Vending	305	Anthony Appleyard 708-837	<a href="mailto:apples1992@sbcglobal.com">apples1992@sbcglobal.com</a>
Tim Hendricks	308	Tim Hendricks 312-513-2471	

John Kucera	309	John Kucera 630-887-7510 <a href="mailto:jdkucera@comcast.net">jdkucera@comcast.net</a>
Saratore Resource Group	310	David Iverson 773- 399- 959 <a href="mailto:DSLverson@weathertech.com">DSLverson@weathertech.com</a>
The Car Stall	311-312	Patrick Wolmak <a href="mailto:pwomack20@aol.com">pwomack20@aol.com</a>
<b>Building 3 northside</b>		
Naperville property's	313	Joel Weinberger 630-388-54 <a href="mailto:jkw@continentalmotors.com">jkw@continentalmotors.com</a>
Sievers & Stevens Const	314	Mike Stevens <a href="mailto:Michael.Stevens.&lt;mike@sieversan">Michael Stevens. &lt;mike@sieversan</a>
Vulcan Motot Sports	315	Anthony 331-588-9083 <a href="mailto:Tonyd8620@gmail.com">Tonyd8620@gmail.com</a>
Empty	316	
Empty	317	
McBath Construction	318	Mike McBath 708-654-8204
Empty	319	
Epoc Construction	320	Dan Deem 630-808-7962 <a href="mailto:ddeem@epochconstrction.com">ddeem@epochconstrction.com</a>
Empty	312	
1st Class Garage Door	322	Branden Suva 630-532-8937 <a href="mailto:fcgdoor@gmail.com">fcgdoor@gmail.com</a>
empty	323	
Todd Hensley	324	Todd Hensley 417-830-2990 <a href="mailto:Todd@toddsdomain.com">Todd@toddsdomain.com</a>

**ORDINANCE NO. 5265**

**AN ORDINANCE AUTHORIZING A SPECIAL USE  
TO PERMIT THE CONSTRUCTION OF THREE PRINCIPAL BUILDINGS  
ON A SINGLE LOT AT 2300 WISCONSIN AVENUE**

WHEREAS, the following described property, to wit:

Lot 1 in Frank Lopata Resubdivision of Lots 10, 11 and 12 in the Resubdivision of Lots 8 to 13 inclusive in Ellsworth Park Unit 3, and Lot 24 in Ellsworth Park Unit 5 in the east half of the southwest quarter of Section 12, and the north half of the southeast quarter of Section 12, Township 38 North, Range 10 East of the third principal meridian, according to the plat of said Frank Lopata Resubdivision recorded August 13, 1965 as Document R65-30445, in DuPage County, Illinois,

Commonly known as 2300 Wisconsin Avenue, Downers Grove, IL 60515 (PIN 08-12-407-006)

(hereinafter referred to as the "Property") is presently zoned "*M-1 -Light Manufacturing District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.1300SEC (a) of the Zoning Ordinance be granted to permit construction of three principal buildings on a single lot; and,

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove on April 2, 2012, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission has recommended approval of the requested Special Use, subject to certain conditions; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

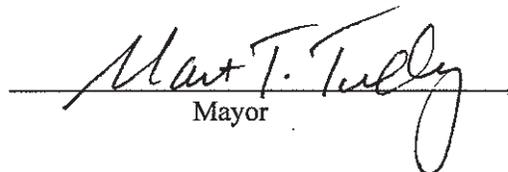
SECTION 1. That a Special Use of the Property is hereby granted to permit construction of three principal buildings on a single lot within the M-1 zoning district.

SECTION 2. This approval is subject to the following conditions:

1. The Special Use shall substantially conform to the staff report, engineering plans prepared by Engineering Resource Associates, Inc. dated February 24, 2012 and architectural plans prepared by Fergon Architects, LLC., dated February 21, 2012, except as such plans may be modified to conform to the Village codes and ordinances.
2. The applicant shall obtain an extension of the Special Use from Village Council if the construction of Phase II does not commence on or before May 1, 2014.
3. The Special Use shall be limited to the following uses:
  - a. Professional and Business Offices
  - b. Research and Development Facilities
  - c. Light Manufacturing including production, processing, cleaning, testing and repair limited to uses and products described in 28.902(h).
  - d. Wholesale and warehousing, storage and distribution facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses); however, no single tenant shall contain more than 10,000 square feet.
  - e. Uses accessory to the above-listed permitted uses.
4. The proposed sidewalk on the private property shall be connected to the existing public sidewalk along Wisconsin Avenue.
5. All new signage on the property shall conform to the Sign Ordinance. A separate sign permit is required prior to installation of any new signage on the property.
6. Private fire hydrants shall be provided within 100 feet of the Fire Department connection and no greater than 300 feet apart.
7. The buildings shall have fire suppression and detection systems in a manner suitable to the Fire Prevention Bureau Chief.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use is granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and or revocation of the Special Use granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

  
Mayor

Passed: May 15, 2012  
Published: May 16, 2012

Attest: April K. Mc  
Village Clerk

28.900.

with the environmental standards set forth in Article XX. The Plan Commission may in its discretion require that there be furnished favorable certification by a registered professional engineer approved by the Plan Commission covering any one or more of such environmental standards; and

(3) Such proposed activity will be in compliance with all applicable provisions of this Zoning Ordinance.

(Ord. 4628, Amended, 12/07/2004; Ord. 4527, Amended, 08/19/2003; 4164, Amended, 12/07/1999; 4069, Enacted, 10/05/1998)

**Article IX. Manufacturing Districts**  
(4069, Enacted, 10/05/1998)

**28.900. Manufacturing Districts - General Provisions.**

(a) All uses and structures within a manufacturing district shall comply with the requirements of this Article, as well as all other applicable requirements found in this Zoning Ordinance. This includes, but is not limited to applicable regulations governing height, lot area, lot width, open space, lot coverage, floor area, floor area ratio, setback and yard requirements found in Article XI; off street parking requirements found in Article XIV; environmental regulations set forth in Article XX; sign requirements found in Article XV; use requirements found in Article X; and special use requirements found in Article XIX and, for Planned Developments, the requirements found in Article XVI.

(b) All manufacturing, processing, or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent property by reason of the emission of odors, fumes or gases, dust, smoke, noise, vibrations, or fire hazards. (4069, Enacted, 10/05/1998)

**28.901. M-1 Districts - General Provisions.**

(a) Since most uses permitted in this district will be in proximity to residence districts, it is hereby declared that performance standards shall be high, and that all manufacturing, processing, or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by reason of the emission of odors, fumes or gases, dust, smoke, noise, vibrations, or fire hazards.

(b) Any production, processing, cleaning, servicing, testing, repair, or storage of goods, materials or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.

(c) Except as otherwise provided herein, and except for authorized temporary uses, all uses shall be conducted wholly within enclosed buildings. Within one hundred fifty (150) feet of the nearest point of any residence district, all storage shall be in completely enclosed structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid wall or fence eight (8) feet high, including solid doors or gates thereto. However, open off-street loading facilities and open off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district except for such screening of parking and loading facilities as may be required under the provisions of Article XIV.

(4069, Enacted, 10/05/1998)

**28.902. M-1 Districts - Permitted uses.**

The following uses are allowed in the M-1 Light Manufacturing District as permitted uses:

(a) Uses permitted in the B-3 General Ser-

vices and Highway Business District, which are not permitted in other business districts.

- (b) Animal hospitals, pounds, and shelters
- (c) Banks and financial institutions
- (d) Day care center. (See Section 28-1017.)
- (e) Fuel and ice sales
- (f) Gymnasiums
- (g) Production, processing, cleaning, testing and repair limited to the following uses and products:
  - (1) Advertising displays
  - (2) Art and needlework and hand weaving
  - (3) Artificial limb manufacture
  - (4) Awnings, venetian blinds
  - (5) Bakeries
  - (6) Batteries
  - (7) Beverages, non-alcoholic
  - (8) Bicycles
  - (9) Blacksmith shops
  - (10) Blueprinting and photostating establishments
  - (11) Boat building and repair of pleasure craft
  - (12) Books - hand binding and tooling
  - (13) Bottling works - beverage or creamery
  - (14) Brushes and brooms
  - (15) Camera and other photographic equipment, except film
  - (16) Candy manufacture
  - (17) Canvas and canvas products
  - (18) Carpentry and woodworking shops
  - (19) Carpet and rug cleaning
  - (20) Caskets and casket supplies
  - (21) Ceramic products - such as pottery and small glazed tile
  - (22) Clothing manufacture
  - (23) Cold storage plants
  - (24) Cosmetics and toiletries
  - (25) Dentures
  - (26) Drugs

- (27) Dry cleaning establishments
- (28) Dwellings for watchmen, located on the premises where employed.
- (29) Electric appliances, such as lighting fixtures, irons, fans, toasters, and electric toys.
- (30) Food products, processing and combining of baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.
- (31) Frozen food lockers
- (32) Fur goods, not including tanning or dyeing
- (33) Glass products, from previously manufactured glass
- (34) Hair, felt and feather products (except washing, curling and dyeing)
- (35) Hat bodies of fur and wool felt
- (36) House trailers or mobile homes
- (37) Ice, dry and natural
- (38) Ink mixing and packaging and inked ribbons
- (39) Insecticides
- (40) Jewelry
- (41) Laboratories, medical, dental, research, experimental and testing
- (42) Laundries
- (43) Leather products, including shoes and machine belting
- (44) Luggage
- (45) Machine shops for tool, die and pattern making
- (46) Machinery, farm - sales, repairing and overhauling
- (47) Medical and dental clinics.
- (48) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing and heat treatment.
- (49) Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
- (50) Monument works
- (51) Musical instruments
- (52) Offices, business and profes-

sional

(53) Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.

(54) Paper products, small, such as envelopes and stationery, bags, boxes, tubes, and wallpaper printing.

(55) Perfumes and perfumed soaps, compounding and packaging only.

(56) Pharmaceutical products, compounding and packaging

(57) Plastic manufacture and processing

(58) Precision instruments, such as optical, medical and drafting

(59) Printing, lithographing, or publishing establishments for letter press, business cards, mimeographing and other similar custom services, newspaper publishing, including engraving and photo-engraving.

(60) Products from finished materials - plastic, bone, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, precious and semi-precious stones, rubber, shell, or yarn.

(61) public service facilities, including electric distribution substations, fire and police stations, telephone exchange and similar uses.

(62) Repair of household or office machinery or equipment

(63) Rubber products, small and synthetic treated fabrics, (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

(64) Sheet metal shops

(65) Silverware, plate and sterling

(66) Sign painting

(67) Soap and detergents, packaging

only

(68) Soldering and welding

(69) Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets and rods.

(70) Statuary, mannequins, figurines, and religious and church art goods, excluding foundry operations.

(71) Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread, and cordage, but not including textile bleaching.

(72) Truck repair garages

(73) Tools and hardware, such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, non-ferrous metal castings, and plumbing appliances.

(74) Toys

(75) Umbrellas

(76) Upholstering (bulk), including mattress manufacturing, rebuilding and renovating.

(77) Vehicles, children's - such as bicycles, scooters, wagons, and baby carriages

(78) Watches

(79) Wood products such as furniture, boxes, crates, baskets, and pencils, and cooperage corks.

(h) Wholesale and warehousing, storage and distribution Facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses).

(i) Public and community service uses

(j) Adult Entertainment Establishments. (See Section 28-1011.)

(k) Telecommunications Towers. (See Section 28-1307.)

(l) Uses incidental to permitted uses as follows:

(1) Signs.

(2) Incidental retail sales of products, parts or service directly related to a permitted use.

(3) Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

(Ord. 4628, Amended, 12/07/2004; Ord. 4598, Amended, 07/06/2004; 4164,

Amended, 12/07/1999; 4150, Amended, 08/16/1999; 4069, Enacted, 10/05/1998)

**28.903. M-1 Districts - Special Uses.**  
The following uses are allowed in the M-1 Light Manufacturing District as special uses:

- (a) Aircraft landing areas.
  - (b) Automobile Dealerships.
  - (c) Automobile Laundries.
  - (d) Automobile Repair.
  - (e) Automobile Service Stations. (See Section 28-1018.)
  - (f) Banks and financial institution drive-in type facilities.
  - (g) Planned developments. (See Article XVI.)
  - (h) Railroad and motor freight terminal, railroad switching facilities.
  - (i) Recycling collection facilities. (See Section 28-1007.)
  - (j) Self-storage facilities, including mini-warehouses. (See Section 28-1010.)
- (Ord. 4628, Amended, 12/07/2004; 4150, Amended, 08/16/1999; 4069, Enacted, 10/05/1998)

**28.904. M-2 District - General Provisions.**

In the M-2 Restricted Manufacturing District all uses are subject to the following conditions:

- (a) The M-2 District is intended generally to accommodate nuisance-free operations, such as headquarters offices, research laboratories, and restricted industrial activities. The standards prescribed for this district are intended to ensure the creation of an environment in which each use is a credit to the others and the investment in well-designed and maintained facilities and grounds is secured by the maintenance of the highest reasonable standards throughout the district. All uses shall be in keeping with the character of the district and shall not be detrimental to the orderly and harm-

...ious development and maintenance of the Village as a whole and nearby districts.

(b) Except as otherwise provided, and except for authorized temporary uses, all permitted uses shall be conducted wholly within enclosed buildings. Within five hundred (500) feet of the nearest point of any residence district, all storage shall be in completely enclosed structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fence eight (8) feet high, including solid doors or gates thereto; provided that off-street loading facilities and off-street parking facilities for the storage of vehicles may be unenclosed throughout the district except for such screening of parking and loading facilities as may be required under the provisions of Article XIV.

(c) All areas on a zoning lot not occupied by structures, pavement or similar improvements shall be landscaped.

(d) All activity involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be prohibited. Such prohibited materials shall include, but not limited to, all primary explosives such as lead azide and lead styphnate, fulminate of mercury; all high explosives and boosters, such as TNT, RDX, tetryl and ammonium nitrate; black powder, ammonium perchlorate, and nitroguanidine; blasting explosives such as dynamite and nitroglycerine pyrotechnics and fireworks materials such as powdered magnesium, potassium chlorate; rocket fuels such as hydrazine nitrate and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239. (4069, Enacted, 10/05/1998)

**28.905. M-2 District - Permitted uses.**

The following uses are allowed in the M-2 Restricted Manufacturing District



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
SEPTEMBER 12, 2016 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
16-PLC-0036 421 Maple Avenue	Zoning Map Amendment, Special Use, Parking Variation	Scott Williams Planner

**REQUEST**

The petitioner is requesting approval of the following:

- Zoning Map Amendment (Rezoning);
- Special Use for Animal Service to allow Animal Boarding/Kennel; and
- Parking Variation.

**NOTICE**

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

**GENERAL INFORMATION**

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**OWNER:** Chicago Title Land Trust Co. No. 6579  
421 Maple Avenue  
Downers Grove, IL 60515

**APPLICANT:** Doggie Depot  
c/o: Gregory Jones, Ancel Glink, P.C.  
635 Rogers Street  
Downers Grove, IL 60515

**PROPERTY INFORMATION**

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**EXISTING ZONING:** O-R-M, Office-Research-Manufacturing  
**EXISTING LAND USE:** Commercial  
**PROPERTY SIZE:** 38,730 square feet (0.89 acres)  
**PINS:** 09-08-227-002

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	M-1, Light Manufacturing	Neighborhood Commercial
<b>SOUTH:</b>	BNSF, Commuter Lot & Railroad	BNSF Railroad
<b>EAST:</b>	B-2, General Retail Business	Neighborhood Commercial
	B-1, Limited Retail Business	Neighborhood Commercial
<b>WEST:</b>	M-1, Light Manufacturing	Neighborhood Commercial

## **ANALYSIS**

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### **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. Location Map
3. Project Summary/Narrative
4. ALTA/ACSM Land Title Survey
5. Floor Plan
6. Elevation Plan
7. Summary of Neighborhood Meeting

### **PROJECT DESCRIPTION**

The petitioner is seeking Special Use approval to operate an animal boarding/kennel business at 421 Maple Avenue at the intersection of Maple Avenue & Rogers Street. The business, Doggie Depot, has been serving the community for over ten years at its current location, 635 Rogers Street. To allow this Special Use, the property has to be rezoned from O-R-M (Office, Research, Manufacturing) to B-2, General Retail Business, a zoning district more appropriate based on the Future Land Use Map. Based on the square footage of the existing building, the petitioner is also seeking a variation to allow 34 parking spaces where 48 are required.

The property is improved with a one-story brick commercial building that is 15,595 square feet and a parking lot containing 39 spaces. The parking lot has two points of access: one to the north off of Maple Avenue and the other to the south leading to BNSF right-of-way that also functions as a commuter parking lot. This southern access point is currently closed off with traffic barricades. The Maple Avenue right-of-way is currently improved with an asphalt drop-off area, and stairs leading from the front door to this area.

The applicant's floor plan shows that the renovated building would be converted into three main areas: retail, kennels, and an indoor play area. Grooming services and training opportunities will also be provided in addition to pet boarding and pet daycare services. There will be five indoor play areas, eighteen hotel spaces, and eighty-two kennel crates. Many of the pets will be dropped-off and picked-up at scheduled hours in the morning and evening. The facility's design can handle up to 100 dogs at a time.

The site plan shows that six parking spaces located just north of the proposed trash enclosure would be converted into a 1,200 square-foot outdoor play area. Other site changes include the addition of open space and landscaping. The number of proposed parking spaces includes two ADA spaces. Up to a maximum of twelve employees would work the same shift with the average being closer to eight, leaving 26 parking spaces available for clients.

### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan designates the subject property as Neighborhood Commercial. It is located in the Fairview Focus Area. Due to its proximity to the Fairview train station, transit-oriented development should be encouraged. The property is also part of Catalyst site #34 in the Comprehensive Plan which promotes transit oriented development and includes a mix of uses or office developments. While the proposed use varies from these listed uses, pedestrian access will be enhanced by adding sidewalks and

access aisles and may minimize the total number of car trips by capitalizing on pedestrian activity already present in a secondary downtown. Key concepts also include parking lot screening and screening of dumpsters through landscaping. These are investments the applicant is proposing to make which will improve the appearance of the property.

#### **COMPLIANCE WITH THE ZONING ORDINANCE**

The subject property is currently zoned O-R-M, Office-Research-Manufacturing. The proposal includes the rezoning to B-2, General Retail Business. A Special Use to operate an animal service is required in the B-2 zoning district; however, no major changes are proposed to the bulk zoning conditions.

The site plan shows that over ten percent of the property will be open space. This includes the current conditions and portions of the parking lot that will be converted into a landscape island and endcaps. Landscaping screening for the parking lot is proposed for the street yard and along the eastern property line. Two ADA parking spaces with five-foot wide access aisles are added to the parking lot configuration. A separate aisle leading to the side entrance is provided for customers parking to drop-off or pickup their pets.

A parking variation is being requested as part of this proposal for the animal boarding use to permit 34 parking spaces where 48 are required based on the square footage of the building per section 7.030 of the Zoning Ordinance. The parking ratio of 3.5 spaces per 1,000 square feet of building area accounts for all animal services that could occur under one roof such as veterinarian services. In this case, much of the parking will be used as drop-off and pick-up for animal boarding.

#### **TRAFFIC AND CIRCULATION**

Due to the southern access point leading to commuter parking, a cross-access easement is requested to permit vehicles to exit away from the railroad crossing in anticipation of future development. This would facilitate a more comprehensive traffic management plan for future benefit. The parking lot drive aisle is designed to accommodate on-site and off-site traffic. The required minimum width is 24'. The site plan shows the current width at 45'2" with the narrowest portion at the new landscape island shown as 36'7". This should be sufficient to safely allow through-traffic.

#### **ENGINEERING/PUBLIC IMPROVEMENTS**

No on-site stormwater detention is required, and the applicant is proposing additional open space for landscaping. A water service upgrade is required with directional boring under Maple Avenue to tap into the water line. This will also have to accommodate sprinkling and fire suppression system requirements.

The applicant is required to convert the existing asphalt drop-off on Maple Avenue into green space and install a sidewalk to fill in the gap between the two adjacent properties. The existing stairs from the building will lead directly to the sidewalk. The conversion of the drop-off space will include new curb and gutter and will enhance safety along Maple Avenue.

#### **PUBLIC SAFETY REQUIREMENTS**

The Fire Prevention Division of the Fire Department has reviewed the proposed plans. The proposed building will be fully sprinkled and equipped with a fire alarm system.

#### **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 a legal notice in *Downers Grove Suburban Life*. Staff has received no inquiries regarding the petition.

A neighborhood meeting was held by the petitioner on August 27, 2016 in accordance with Section 12.010.F.3 of the Zoning Ordinance. No member of the public attended, and a summary of the meeting is attached.

**FINDINGS OF FACT**

The petitioner outlined the request in the attached narrative letter/project summary, site plan, floor plan, and associated exhibits. Staff finds that the proposal meets the standards for granting the Rezoning, Special Use, and Variation as outlined below:

Zoning Map Amendment – Rezoning

**Section 28.12.030.I. Review and Approval Criteria – Zoning Map Amendments (Rezoning)**

*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 uses and zoning of nearby property.***

The subject property is the only O-R-M zoned district in this area. It is bordered to the east by B-1 and B-2 commercial zoning. To the west, a personal storage facility is zoned M-1. The majority of the commercial properties around the Fairview train station are zoned for commercial purposes. This criteria is met.

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

The proposed improvements and rezoning will have no negative impact on surrounding property values. Value will be added to the property by rezoning to a designation that allows commercial uses that are consistent with the Comprehensive Plan. This criteria is met.

**(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. This criteria is met.

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

The subject property is already the site of a commercial building with a commercial tenant. The current use is a musical instrument retail and service facility which is consistent with a commercial zoning category. This criteria is met.

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

The existing music store is operational and has been open for many years but has plans to close shortly. In consideration of the O-R-M zoning, the site will likely become vacant once the store closes if no rezoning is undertaken. This criteria is met.

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

Doggie Depot currently operates in Downers Grove at a different location and has been there for 10 years. The business continues to expand and has outgrown the existing facilities and is looking to invest in the subject site and stay in the community. Many residents use this service on a regular basis and this business is conveniently located close to the Fairview Train Station. This criteria is met.

**(7) *The Comprehensive Plan.***

The proposal is consistent with the Comprehensive Plan because the Future Land Use is designated as Neighborhood Commercial. The current zoning designation of O-R-M does not permit the majority of commercial uses. The proposed investment in the property will improve the overall appearance and enhance pedestrian connectivity that is desired in the Fairview Focus Area. This criteria is met.

*Special Use*

The applicant is requesting Special Use approval for Animal Boarding/Kennel. The proposed use meets the standards for granting a Special Use as outlined below:

***Section 28.12.050.H Approval Criteria – Special Uses***

*No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the applicant has presented evidence to support each of the following conclusions:*

***(1) That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;***

The property, if rezoned, would be located in the B-2, General Retail Business zoning district. Under Section 5.010 of the Zoning Ordinance, an animal boarding facility is listed as an allowable Special Use in the B-2 zoning district. This standard has been met.

***(2) That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.***

The proposed redevelopment of this site with a new animal boarding facility is desirable and will contribute to the general welfare of the community. The proposed development will meet various Comprehensive Plan goals including the redevelopment of an underutilized property, enhance pedestrian interconnectivity, and add landscaping and buffering. This standard has been met.

***(3) That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.***

The proposed development will not be detrimental to the health, safety or general welfare of persons residing in or working in the vicinity and will not be injurious to property values or improvements in the vicinity. The proposed development will assist with implementing the Fairview Focus Area principles and enhance landscaping. There have been no complaints regarding Doggie Depot which is located more closely to residential properties at the current location. This standard has been met.

*Variation*

The petitioner is requesting approval of 34 parking spaces where 48 are required:

***Section 28.12.090.G Standards and Review Criteria – Variations***

Variations require evaluation per Section 28.12.090 of the Municipal Code, *Standards and Review Criteria*: “No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner. The consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:”

- (1) ***The subject property cannot yield a reasonable return if required to comply with the regulations that apply to it.***

Most commercial uses including animal services requires 3.5 parking spaces per 1,000 square feet and without a variation, none of them would be permitted to operate on this site based on the square footage of the existing building and the parking lot capacity. Therefore, after the rezoning, the subject property would not be able to yield a reasonable rate of return. This standard has been met.

- (2) ***The plight of the owner is due to unique circumstances.***

The existing parking lot is nonconforming. In order to comply with landscaping and ADA requirements, some portions of the parking lot have to be converted thus reducing the parking supply. Furthermore, the business is geared towards serving animals and requires outdoor play areas which furthers reduces the number of available spaces.

The nature of the business is unique in that many of its clients drop-off and pick-up their pets, spending less than 3 minutes per trip on the property based on the operations of the current location in Downers Grove. The use more closely resembles a Day Care operation and its associated parking requirements. If longer durations of time are required, meetings are scheduled during off-peak hours. There are also a variety of uses associated with the business that will not run concurrently meaning the entire square footage of the building will not be active at one time. This standard has been met.

- (3) ***The variation, if granted, will not alter the essential character of the locality.***

The proposed variation will not alter the essential character of the locality. The existing parking lot and commercial building will remain but with improvements that will render it code compliant. Overall, the proposed project will enhance the character of the locality by adding improvements. This standard has been met.

- (4) ***That the particular physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.***

The property was developed in 1947 before the advent of modern zoning requirements. The physical conditions of the property does not allow for the expansion of the parking lot due to the proximity to BNSF right-of-way. The site is already laid out in the most efficient manner and does not allow for additional parking. The proposed site plan allows for both pedestrians and motorists to utilize the site with only one variation from the Zoning Ordinance. This standard has been met.

- (5) ***That the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification.***

The conditions leading to the requested variation are very specific to this property and the Animal Boarding/Kennel use and are not generally found with other properties within the B-2 district. Most other B-2 properties are larger in size and are the product of modern development. Also, the proposed use is closer to a day care use in parking intensity. As such, the variation request is only applicable to this property. The proposed site design will meet all other safety and design regulations. This standard has been met.

- (6) ***That the alleged difficulty or hardship was not created by the current property owner.***

Regardless of what type of commercial use is proposed, it is impossible for the nonconforming site to meet the parking requirements based on square footage of the building floor area with only 39 spaces provided onsite. The applicant has attempted to mitigate the parking supply and demand gap

by restriping, but village landscaping and ADA requirements has also removed parking spaces in order to make the property code compliant. This standard has been met.

- (7) ***That the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.***

The approval of the proposed variation will not diminish or impair the property values of similar properties within the neighborhood. Adequate landscaping, screening, and buffering will be provided so as to not endanger the public health, safety or welfare. The extension of the public right of way sidewalk and the creation of an aisle in the parking lot will enhance pedestrian safety. The granting of the requested variation will not negatively impact the desirability of adjacent properties. This standard has been met.

- (8) ***That the proposed variation will not alter the essential character of the area.***

The granting of a variation will not alter the essential character of the area. The proposed use of the existing building is consistent with B-2 commercial properties but lacks comparable parking. It will maintain the current site layout of the property. This standard has been met.

- (9) ***That the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.***

If this request is granted, it will not confer a special privilege to the subject property as there are physical hardships and unique circumstances associated with this proposed use. Based on staffing and the configuration of the floor plan, the applicant requires fewer spaces than what is required per the zoning code and is requesting what it needs. This property could not accommodate the animal service use or any commercial use without the variation. This standard has been met.

## RECOMMENDATIONS

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The proposed Zoning Map Amendment, Special Use, Variation for the operation of Animal Boarding/Kennel is compatible with surrounding zoning and land use classifications, meets the key criterion for Zoning Map Amendments, Special Uses and Variations, and is consistent with the Comprehensive Plan.

Based on the findings listed above, staff recommends that the Plan Commission make a positive recommendation to the Village Council regarding 16-PLC-0036 subject to the following conditions:

1. The proposed Zoning Map Amendment, Special Use and Parking Variation requests to operate an Animal Boarding/Kennel Service shall substantially conform to the plans prepared by Studio 21 Architects, dated 9/1/16, attached to this report except as such plans may be modified to conform to Village codes, ordinances, and policies.
2. The petitioner shall consolidate the two lots into a single lot of record pursuant to Section 20.507 of the Subdivision Ordinance.
3. A cross access easement shall be granted between this property and the adjacent BNSF owned commuter parking lot.

Staff Report Approved By:



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Stanley J. Popovich, AICP

Director of Community Development

SP:sw  
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2016 PC Petition Files\16-PLC-0036 421 Maple SUP, Rezoning from O-R-M to B-2, Parking Variation - Doggie Depot\Staff Report 16-PLC-0036.docx



0 20 40  
Feet

421 Maple Avenue-Location Map





DIAMOND BUSH  
DiCIANNI  
& KRAFTHEFER

A Professional Corporation  
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August 12, 2016

Via: E-Mail and Hand Delivery

Mr. Stan Popovich  
Downers Grove Community Development Director  
801 Burlington Avenue  
Downers Grove, Illinois 60515  
[spopovich@downers.us](mailto:spopovich@downers.us)

**Re: Doggie Depot - Rezoning of 421 Maple Avenue**

Dear Stan,

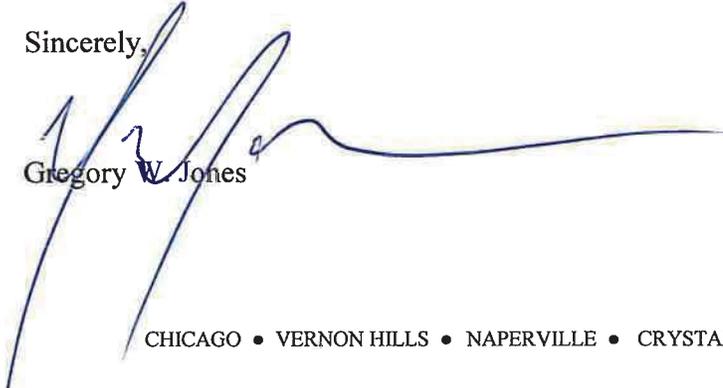
On behalf of Doggie Depot, Inc., I'm pleased to submit this Plan Commission Application Packet. Doggie Depot opened its doors in Downers Grove over a decade ago to provide superior pet care services to residents of the village and surrounding communities. Since that time, this family owned and operated business has grown with the community. Doggie Depot now serves over 1,200 customers from nearly 60 communities, including over 500 Downers Grove families. These families make regular – and in many cases, daily – trips to Downers Grove to visit Doggie Depot and the village's other businesses.

A victim of its own success, Doggie Depot has outgrown its rented space at 635 Rogers Street. The need for additional room coupled with a desire to invest in the community by owning property led Doggie Depot to the property located at 421 Maple Avenue, which is currently occupied by Hendricks Pianos. This soon-to-be-vacant property is uniquely situated to meet both Doggie Depot's needs and the village's development goals.

Doggie Depot seeks village approval of a map amendment to rezone 421 Maple Avenue from O-R-M to B-2, a special use to accommodate animal boarding, and a parking variance to reduce the required number of parking spaces from 50 to 35. As discussed in the enclosed exhibits, Doggie Depot's approval requests are reasonable, justified, and consistent with the goals in the village's Comprehensive Plan.

Downers Grove has a long tradition of supporting its residents and businesses. Doggie Depot's owners, Brian and Colleen McLachlan, have lived in Downers Grove for over a decade and look forward to continuing to grow their business and their family in the village. Thank you for your consideration, and please don't hesitate to contact myself, Brian, or Colleen with questions.

Sincerely,

  
Gregory W. Jones

ANCEL, GLINK, DIAMOND, BUSH, DICIANNI & KRAFTHOFER, P.C.

August 12, 2016

Page 2

cc: Brian McLachlan, Doggie Depot, Inc. (via e-mail)  
Colleen McLachlan, Doggie Depot, Inc. (via e-mail)  
Bill Styczynski, Studio21 Architects (via e-mail)  
Scott Williams, Planner, Village of Downers Grove (via e-mail)

Enclosures

4850-6263-7874, v. 1

**EXHIBIT A  
REZONING FACTORS**

**1) The existing use and zoning of nearby property.**

The subject property is zoned O-R-M and is directly bordered by properties zoned B-2, B-1, and M-1. The nearest O-R-M-zoned property is located over 2 miles west of the subject property at the intersection of Belmont Road and the Burlington Northern Santa Fe Railway. Doggie Depot proposes to rezone the subject property from O-R-M to the B-2 Zoning District to remain consistent with the zoning designations of properties located along the Fairview Avenue corridor.

The properties located at all corners of the adjacent Maple Avenue and Fairview Avenue intersection are uniformly zoned B-2. Additional B-2-zoned properties are located to the east at Burlington Avenue and Wilcox Avenue, and the south at Fairview Avenue and 2nd Street. Complimentary business zoning designations (*i.e.*, B-1, B-3) are located throughout the immediate area. Downers Grove's Comprehensive Plan designates the subject property's future land use as "neighborhood commercial," which is consistent with the types of uses allowed in the B-2 Zoning District.

The subject property has long been occupied by Hendricks Pianos, a musical instrument retail and service facility. The properties immediately east of the subject property are occupied by a Speedway Gas Station, dance studio, insurance office, optometrist, and a variety of related service uses. West and north of the subject property is a contractor's office, a storage facility and an automotive facility. The BNSF Railway borders the property on the south. The area is comprised of a mix of neighborhood business and light industrial uses.

**2) Extent to which the particular zoning restrictions affect property values.**

The existing O-R-M zoning designation does not permit many of the uses contemplated by the Comprehensive Plan's "neighborhood commercial" future land use designation, including pet care facilities. For example, the O-R-M Zoning District does not allow retail sales, instructional studios, or service uses including business support or consumer maintenance and repair. All of these uses are commonly found in neighborhood commercial districts and are allowed in the B-2 Zoning District. Without rezoning the property from O-R-M to B-2, it is unlikely that the village will successfully foster neighborhood commercial use of the subject property. Failure to encourage the neighborhood commercial atmosphere identified in the Comprehensive Plan will have a negative impact on the value of the subject property and the surrounding area. In contrast, rezoning the property to the B-2 Zoning District will allow the subject property to provide a valuable service to residents of the surrounding neighborhood.

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

The existing zoning designation provides no clear benefit to the public health, safety, and welfare. The existing music business provides a service to the community. The proposed pet

care facility also offers a valuable community service, albeit one that will likely be used by more customers and on a more regular basis. The proposed pet care facility generates more frequent customer visits than the existing business.

**4) Suitability of the subject property for the zoned purposes.**

The current O-R-M zoning designation does not accommodate neighborhood commercial uses. The Comprehensive Plan recommends that the subject property provide residents with “convenient, day-to-day goods and services within a short walk or drive from their homes.” The O-R-M Zoning District allows research, development, manufacturing, assembly, and limited office uses. The uses allowed in the O-R-M Zoning District are inconsistent with the Comprehensive Plan’s recommendation for the subject property. In contrast, the B-2 Zoning District accommodates many businesses that provide the services encouraged by the Comprehensive Plan, including pet care facilities.

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

The subject property has been occupied by a music store for many years. The owners of Hendricks Pianos plan to wind up the business shortly. If the subject property is not rezoned to the B-2 Zoning District, the subject property will likely become vacant.

**6) The value to the community of the proposed use.**

Doggie Depot opened on Rogers Street ten years ago and has grown considerably since that time. Doggie Depot is grateful to call more than 500 Downers Grove families customers. In addition, Doggie Depot serves over 700 families from nearly 60 other communities from Naperville, to Champaign, to Wilmette. Doggie Depot’s loyal customers make regular trips to Downers Grove for a variety of pet service needs, from grooming, to training, to retail services, to boarding. Doggie Depot is proud to have built a strong reputation in the village and wants to continue to do so by significantly investing in the subject property.

**7) The Comprehensive Plan.**

Downers Grove’s Comprehensive Plan designates the subject property as “neighborhood commercial” and suggests that the property should provide residents with day-to-day goods or services within a short walk or drive from home. Doggie Depot’s business model is based on serving the community seven days a week. As discussed earlier, Doggie Depot relies heavily on those that live or work in the village and are either a short walk or drive away. Simply put, Doggie Depot cannot succeed without catering to the local population.

The subject property’s location will enable Doggie Depot to attract additional customers and tax revenue for the village. The close proximity of the Fairview Metra stop (a ~2 minute walk) will allow commuters to drop off and pick up their dogs without making significant adjustments to their daily routine. The subject property’s convenient location will likely increase Doggie Depot’s retail business as well, generating additional revenue for the village. Reducing reliance

on cars, minimizing the number trips, and increasing customer access and convenience are all consistent with the area's "catalyst site" designation in the Comprehensive Plan.

Further, rezoning the subject property to B-2 would set the table for future redevelopment of the neighboring properties to the west and north. If the six properties comprising the catalyst site ever came under common ownership (they are currently owned by 6 different entities) and the village chose to vacate, realign, and reconstruct Maple Avenue, the subject property's B-2 zoning designation would clearly communicate development expectations for the properties to the north and west. The subject property's B-2 zoning designation may help transition the neighboring properties away from their current industrial use and zoning designation. Stated differently, the proposed rezoning creates both immediate and long-term benefits consistent with the Comprehensive Plan's goals.

4826-3915-3204, v. 1

**EXHIBIT B  
SPECIAL USE FACTORS**

**1) The proposed use is expressly authorized as a special use in the B-2 Zoning District.**

Animal service facilities are allowed as a permitted use in the B-2 Zoning District. In addition to offering retail products, grooming services, and training opportunities, Doggie Depot will also provide pet boarding. The proposed boarding service requires special use approval; all other components of Doggie Depot's operations are permitted by right in the B-2 Zoning District.

**2) The proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.**

Doggie Depot's proposed use meets an important and demonstrated community need for pet care. Village residents and those residing in surrounding communities have loyally and repeatedly relied on Doggie Depot's services for over ten years. Relocating Doggie Depot's operations from a facility it currently leases to the subject property will bring Doggie Depot closer to its customers. The subject property is located at the intersection of three arterial streets (Fairview Avenue, Maple Avenue, and Rogers Street) and within a two minute walk of the Fairview Metra Station. Situating Doggie Depot at the confluence of these significant transportation corridors increases both convenience for village customers and accessibility for customers travelling from surrounding communities. The subject property's strategic location and Doggie Depot's regional draw will likely increase tax revenue for the community.

**3) The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.**

Doggie Depot's proposed use will not adversely impact the surrounding properties, residents, or businesses. Doggie Depot's facility will be licensed by the Illinois Department of Agriculture and subject to regular inspection. Doggie Depot's staff is comprised of trained professionals educated in proper animal care techniques. Most of the staff currently works at Doggie Depot's facility on Rogers Street. The staff is familiar with, invested in, and a part of the community.

The proposed business is consistent with the use of the surrounding properties, particularly the neighborhood service uses located along Fairview Avenue to the east. Like these uses, Doggie Depot will provide valuable, daily services within close proximity to the village's residents. The industrial uses located to the west and north are comparatively more intense than Doggie Depot's planned use of the subject property. The property north of Doggie Depot includes a significant outdoor storage and work yard located within close proximity of a residential neighborhood, including single-family homes.

In contrast, nearly all of Doggie Depot's activities will be conducted indoors. Doggie Depot's small outdoor exercise area is located adjacent to the BNSF Railway at the southern edge of the

property and will be fully screened by an eight foot tall fence. Dogs will not be permitted outside of the exercise area and will be supervised by Doggie Depot staff.

The nearest residential property is located 180 feet south of the subject property on the opposite side of the BNSF railway and Burlington Avenue. The nearest residential structure – the multi-family building located at 425-431 Burlington Avenue – is located 210 feet away from the subject property. The nearest single-family home is located over 350 feet away from the proposed exercise area on the opposite side of Rogers Street and Maple Avenue.

Notably, Doggie Depot's existing outdoor exercise area located at 635 Rogers Street is located only 130 feet from the nearest residential properties – single-family homes located at 624 and 630 Maple Avenue. The proposed exercise area is comparable in size, but located significantly farther away from neighborhood residential uses.

4826-0586-0916, v. 1

**EXHIBIT C  
VARIANCE FACTORS**

- 1) The proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.**

The proposed parking variance will not threaten public safety or harm property values. The subject property provides more parking than what is needed to accommodate Doggie Depot's needs. The site's 35 parking spaces will comfortably accommodate Doggie Depot's employees and clients. Doggie Depot's maximum shift includes 12 employees, and its smallest shift includes 2 employees. Generally, about 8 employees will be present on the subject property, reserving 27 parking spaces for client use.

Clients typically visit the property twice a day. The average dog drop off and pickup trip lasts 1-3 minutes. Stated differently, clients typically spend less than 5 minutes per day on the subject property. The morning peak generally runs from 7:00 a.m. to 8:30 a.m. Doggie Depot's evening rush begins at 4:30 p.m. and concludes at 6:00 p.m. Excluding a limited number of employee vehicles, the parking lot will be nearly empty between 8:30 a.m. and 4:30 p.m.

The facility will accommodate up to 100 dogs at any one time. An analysis of Doggie Depot's existing Rogers Street facilities reveals that it is uncommon for Doggie Depot to be at full capacity, with the exception of during holidays. Doggie Depot's busiest seasons tend to be spring break, July, and around the end of the year.

Doggie Depot schedules new client meetings during off-peak hours. These meetings typically last 20-30 minutes and occur on an as-needed basis at 10:00 a.m., 3:00 p.m. and 6:00 p.m. Using off-peak hours for longer appointments further eliminates potential parking congestion during mornings and evenings.

A review of Doggie Depot's operations shows that the subject property provides more than enough parking capacity. The parking lot contains a total of 35 parking spaces. Conservatively assuming that 12 parking spaces will be occupied by employees at all times (the actual number of employees is nearly always less), a total of 23 parking spaces would be available at all times for Doggie Depot's customers.

These parking spaces turnover quickly during morning dog drop off and evening pickup. As stated earlier, the vast majority of Doggie Depot's clients spend less than 3 minutes per trip on the subject property. Even if Doggie Depot's customers linger for 5 minutes on the subject property, the existing parking lot could accommodate 414 cars during the morning rush and another 414 cars during the evening rush.<sup>1</sup> Assuming each car carries only 1 dog, the parking

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<sup>1</sup> The morning peak lasts 90 minutes. If each customer spends 5 minutes on the property, a total of 18 vehicles could be accommodated in a single parking space during the morning peak (*i.e.*,  $90 / 5 = 18$ ). If 23 parking spaces are reserved solely for customer use, the parking lot could

lot's capacity exceeds building's 100 dog maximum capacity by a factor of 4. The subject property's parking supply is more than sufficient to accommodate Doggie Depot's needs.

**2) The property cannot yield a reasonable return if required to comply with applicable regulations.**

The subject property could not accommodate Doggie Depot or any other animal care facility absent approval of a parking variance. The building located on the subject property is uniquely suited to accommodate an animal service use. The building's open floor plan and warehouse features uniquely lend themselves to Doggie Depot's needs. Unfortunately, the parking lot provides only 35 spaces, and the village code requires 50 parking spaces for any animal care business that wishes to occupy the subject property. Absent approval of a variance, the building may fall vacant until demolition or redevelopment.

**3) The plight of the owner is due to unique circumstances.**

Township records indicate that the property was developed in 1947. The property has remained largely unchanged during the last 70 years. Doggie Depot did not originally develop the subject property; it is simply trying to invest in the subject property to grow its business with – and in – the village.

Doggie Depot's business model differs from other animal care providers. In addition to daycare, Doggie Depot provides overnight boarding, training, grooming, and retail services. Accommodating this range of uses under one roof requires space. The Village's parking requirement for an animal care facility is based on variable: square footage. While facility size certainly influences overall parking demand, how the space within a facility is used plays an equal – if not larger – role in determining how many parking spaces are actually needed. For instance, not all of Doggie Depot's services are offered concurrently, which means that certain portions of the facility are inactive while other areas are being used. This reality is not reflected in a parking ratio that relies solely on building square footage.

The Village Code's general parking ratio does not account for Doggie Depot's broad range of services or the parking efficiencies it creates. It relies solely on the building's size. As discussed in Response 1 above, data from Doggie Depot's existing facilities indicates that far fewer than the 35 existing parking spaces are required to meet Doggie Depot's parking needs.

**4) If granted, the variance will not alter the essential character of the locality.**

Approving Doggie Depot's parking variance will not negatively impact the neighborhood or the village. Response 1 above demonstrates that the subject property's 35 parking spaces are more than sufficient to meet Doggie Depot's needs. The surrounding area is an auto-oriented

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accommodate a total of 414 vehicles during the morning peak (*i.e.*, 23 parking spaces x 18 vehicles per parking space = 414 total vehicles). The same analysis applies to the 90 minute evening peak.

neighborhood commercial center. Doggie Depot intends to rely on the subject property's accessibility by car, train, and foot to provide a valuable service to the neighborhood, village, and region as a whole.

**5) The physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.**

The subject property's building and parking lot were constructed nearly 70 years ago, far before the advent of modern parking standards. Excluding the small grassy areas located near the north property line, the entire site is covered by pavement and structures. Simply put, there is no room on the subject property to construct additional parking spaces.

Constructing a parking deck for the sole purpose of satisfying the code's general parking ratio is neither financially feasible nor justified by Doggie Depot's actual parking needs. Further, demolishing part of the existing structure to construct additional parking would undermine Doggie Depot's planned use for the subject property. The subject property attracted Doggie Depot largely because of the amount of indoor space it provides. Reducing the building square footage simply to satisfy a general parking ratio would impose an undue hardship on Doggie Depot.

**6) The conditions leading to the need for the requested variance are not applicable, generally, to other properties within the same zoning classification.**

The subject property is uniquely situated. Its location in an established, older neighborhood distinguishes it from conditions present on other B2-zoned properties, including those located around the intersection of 75th Street and Main Street. Generally speaking, B2-zoned properties located elsewhere in the village are larger in size and inhibited by fewer existing site constraints.

In addition to being paved from corner to corner, the subject property is bordered on two sides by rights-of-way: Maple Avenue to the north, and the BNSF Railway to the south. It is not practical for Doggie Depot to purchase right of way for the purpose of constructing additional unneeded parking spaces.

Also, the location of the existing building on the subject property eliminates potential opportunities for a shared parking arrangement with the storage facility to the west. The existing building obstructs any potential access drive that could connect the two properties. Finally, the property to the east is fully developed with parking necessary to accommodate its current tenants.

**7) Granting the variance will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.**

Doggie Depot is requesting a variance to provide a reasonable number of parking spaces on the subject property. As demonstrated at Doggie Depot's existing facility, the 50 parking spaces

required by code far exceeds what Doggie Depot needs to serve its clients and employees. Doggie Depot is not seeking a special privilege; rather, it simply seeks the village's permission to provide only the parking spaces it needs.

4842-1660-4724, v. 1

# ALTA/ACSM LAND TITLE SURVEY

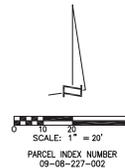
PROFESSIONAL LAND SURVEYING, INC.

3080 OGDEN AVENUE SUITE 307  
LISLE, ILLINOIS 60532  
PHONE: 630-778-1757  
FAX: 630-778-1758  
E-MAIL: info@plslc.com

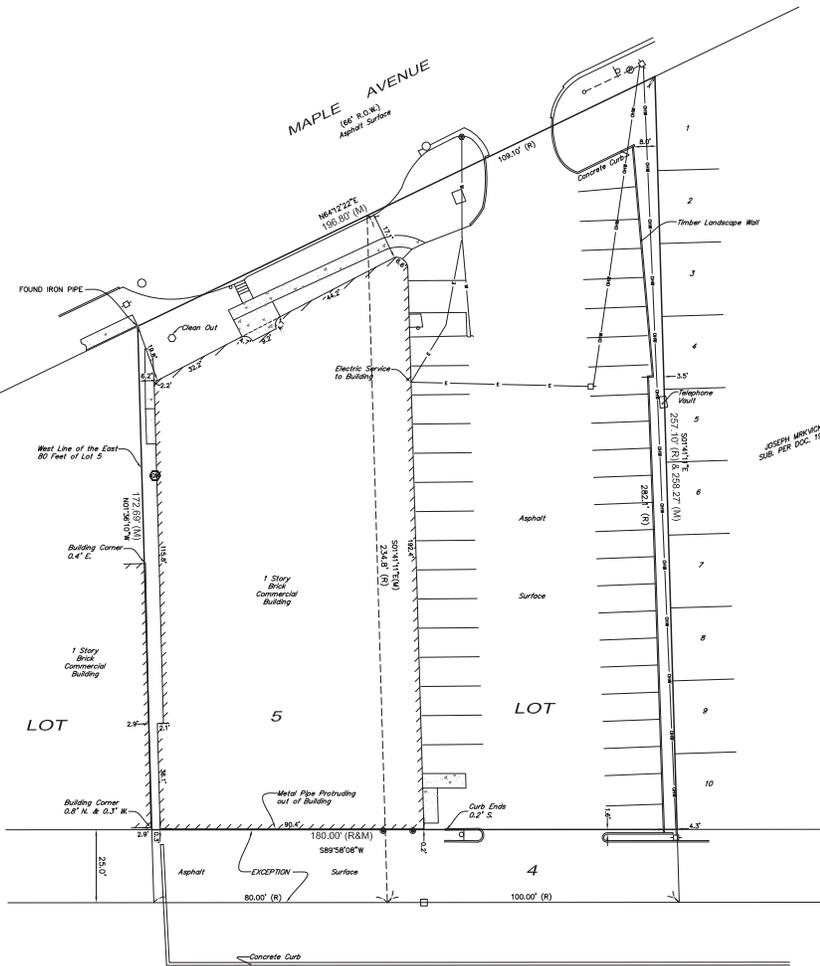


VICINITY MAP

NO SCALE



SCALE: 1" = 20'  
PARCEL INDEX NUMBER  
09-08-227-002



## SURVEYOR'S NOTES

- THE UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD MARKS ON THE GROUND, AND ABOVE GROUND OBSERVABLE EVIDENCE ONLY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
- COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE. ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND REPORT ANY DIFFERENCE IMMEDIATELY.
- BEARINGS SHOWN HEREON ARE BASED ON ILLINOIS STATE PLANE EAST ZONE COORDINATE SYSTEM.
- BUILDING LINES ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THE MAPS. REFER TO YOUR DEED OR ABSTRACT FOR ADDITIONAL ZONING RESTRICTIONS.
- THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL.
- EASEMENTS AND SERVITUDES SHOWN HEREON ARE BASED UPON A TITLE COMMITMENT ISSUED BY CHICAGO TITLE INSURANCE COMPANY IDENTIFIED AS NUMBER 165104261RH WITH AN EFFECTIVE DATE OF MAY 23, 2016. A REVIEW OF WHICH INDICATES THAT:
  - ITEMS 1-7, A, B, C, D, F, G, H, I, J, K, L, E, N, O & R ARE NOT SURVEY RELATED.
  - ITEM M PERTAINS TO A SANITARY SERVICE ACCESS AGREEMENT OVER THE SANITARY SERVICES LOCATED ON THE SUBJECT PROPERTY. NO SERVICES WERE FOUND BY OBSERVABLE EVIDENCE AND THEREFOR ARE NOT SHOWN ON THE FACE OF THIS SURVEY.
  - ITEM O & P PERTAIN TO POSSIBLE EASEMENTS FOR UTILITIES. UTILITY POLES ARE SHOWN HEREON.
- (R) = RECORD DATA  
(M) = MEASURED DATA
- AREA OF SURVEY= 38,730 SQ. FT., OR 0.89 ACRES, MORE OR LESS.
- PROPERTY DESCRIBED HEREON LIES WITHIN ZONE X AS DELINEATED ON THE NATIONAL FLOOD INSURANCE RATE MAP 17043C0901H WITH AN EFFECTIVE DATE OF DECEMBER 16, 2004.
- NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING

## SYMBOL LEGEND

- |                        |                                |
|------------------------|--------------------------------|
| ● - BOLLARD            | (R) - RECORD DATA              |
| ⊙ - GAS METER          | (M) - MEASURED DATA            |
| ⊕ - BUFFALO BOX        | — - WATERMAIN                  |
| ▭ - CONCRETE SURFACE   | — - UNDERGROUND ELECTRIC CABLE |
| □ - INLET              | ○ - CATCHBASIN                 |
| ⊕ - UTILITY POLE W/GUY | — - OVERHEAD WIRES             |
| ⊕ - POWER POLE         | ⊕ - TELEPHONE CANSITER         |
| ∇ - STREET SIGN        |                                |

## SURVEYOR'S CERTIFICATE

CERTIFIED TO:  
CHICAGO TITLE INSURANCE COMPANY  
DOGGIE DEPOT, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 15 & 21 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON JULY 16, 2016,  
DATED THIS 2ND DAY OF AUGUST, 2016.



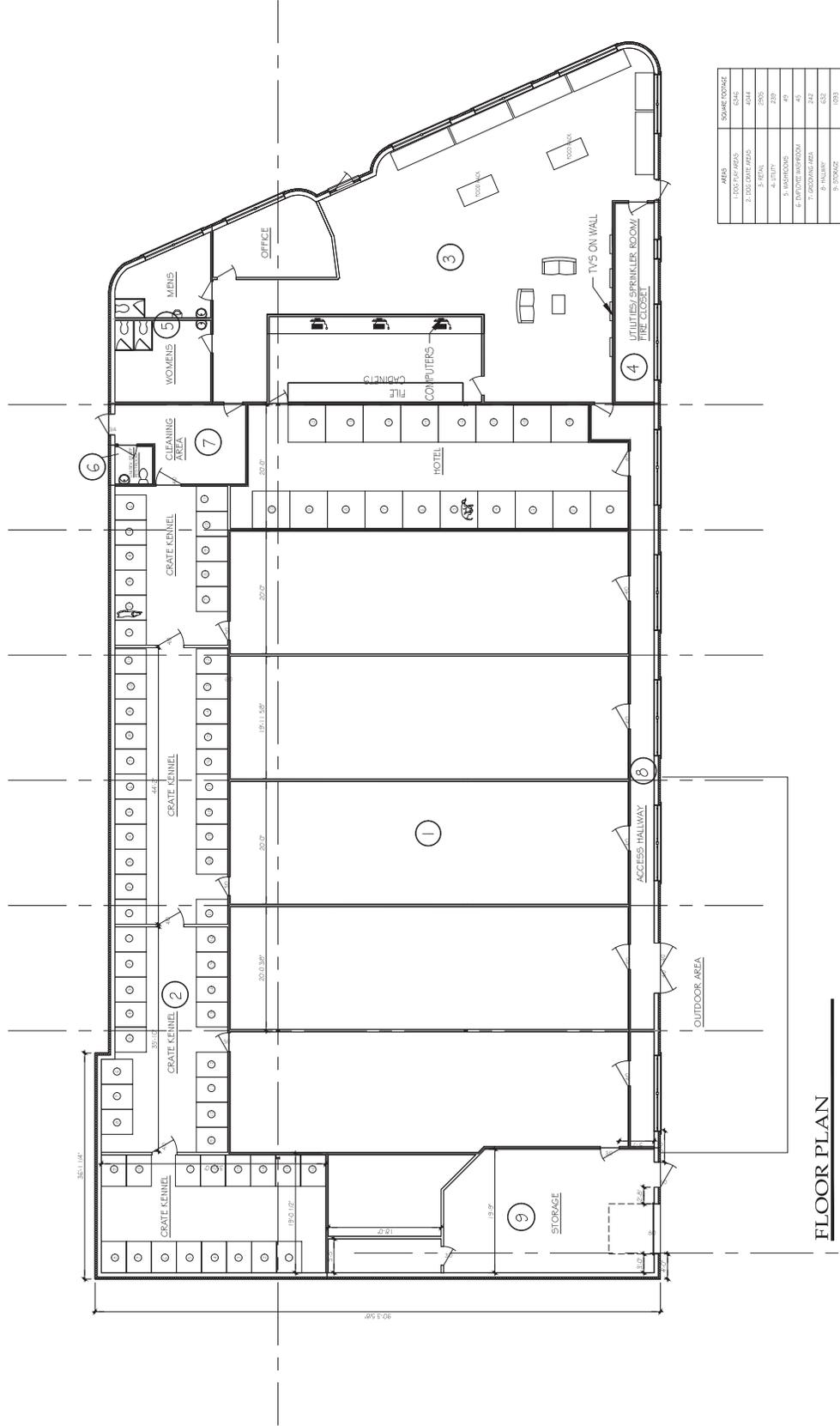
PLS No. 3483  
MY LICENSE EXPIRES 11/30/2016

## LEGAL DESCRIPTION

LOT 4 (EXCEPT THE SOUTH 25 FEET THEREOF) AND THE EAST 80 FEET (EXCEPT THE SOUTH 25 FEET THEREOF) OF LOT 5 IN HIGHLAND ACRES, BEING A SUBDIVISION OF THE EAST HALF OF THE SOUTHEAST QUARTER AND THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTER LINE OF MAPLE AVENUE (EXCEPT RAILROAD) ACCORDING TO THE PLAT THEREOF RECORDED JULY 22, 1912 AS DOCUMENT 108797, IN DUPAGE COUNTY, ILLINOIS.

PREPARED FOR: PANKAJ LAW  
ADDRESS: 421 MAPLE AVENUE, DOWNERS GROVE, ILLINOIS  
BOOK & PG: 160/67 DATE: 07/29/16 JOB NO: 1612525  
DRAWN BY: JLK CHECK BY: \_\_\_\_\_  
REVISED: \_\_\_\_\_





FLOOR PLAN

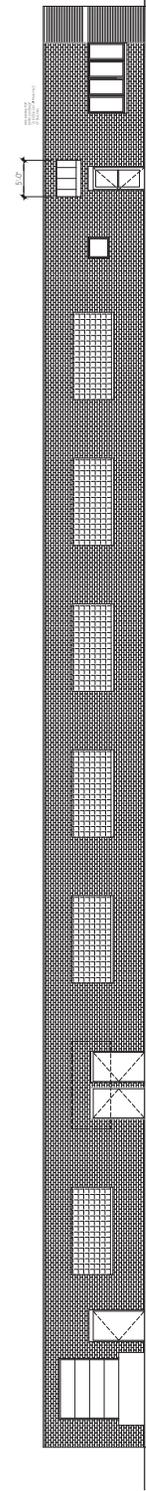
PROPOSED SIGNAGE  
 13.50' FT ALIGNED WITH SIGN POSTAGE

**doggie depot**  
 BOARDING & TRAINING

13.50'

5.0'

**SOUTH ELEVATION**



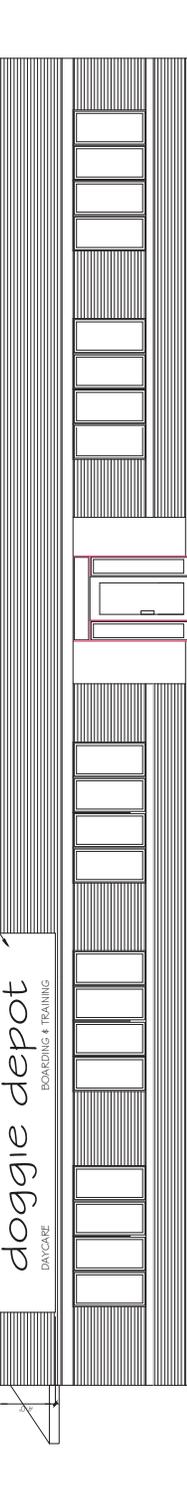
**EAST ELEVATION**

PROPOSED SIGNAGE  
 13.50' FT ALIGNED WITH SIGN POSTAGE

**doggie depot**  
 DAYCARE  
 BOARDING & TRAINING

13.50'

5.0'



**MAPLE AVENUE  
 NORTH ELEVATION**  
 SCALE: 1/4" = 1'-0"



DIAMOND BUSH  
DiCIANNI  
& KRAFTHEFER

A Professional Corporation  
140 South Dearborn Street, Suite 600  
Chicago, IL 60603  
www.ancelglink.com

Gregory W. Jones  
gjones@ancelglink.com  
(P) 312.604.9195  
(F) 312.782.0943

September 1, 2016

Via: E-Mail and Hand Delivery

Mr. Scott Williams  
Planner  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, Illinois 60515

**Re: *Neighborhood Meeting Summary  
Doggie Depot – 421 Maple Avenue***

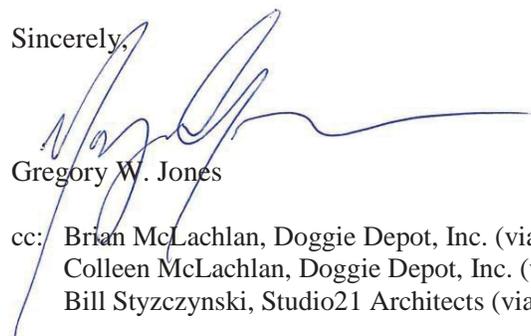
Dear Scott,

As part of its application for zoning approval, Doggie Depot, Inc., held a neighborhood meeting on Saturday, August 27, 2016 at 11:30 a.m. The meeting was held at 635 Rogers Street in Downers Grove. Written meeting invitations were mailed on August 18, 2016, to the owners of all property located within 250 feet of 421 Maple Avenue. A copy of the meeting invitation is enclosed for reference.

The meeting was attended by Doggie Depot's President, Brian McLachlan, and two Doggie Depot employees. No members of the public attended the meeting. After waiting for 30 minutes, Brian and his team cleaned up and vacated the meeting space.

Please don't hesitate to contact me with questions.

Sincerely,



Gregory W. Jones

cc: Brian McLachlan, Doggie Depot, Inc. (via e-mail)  
Colleen McLachlan, Doggie Depot, Inc. (via e-mail)  
Bill Styczynski, Studio21 Architects (via e-mail)

Enclosures

4811-9394-6935, v. 1



# We're Moving!

(but, not too far)

## Neighborhood Meeting Invitation

After a decade of serving Downers Grove's pet lovers at our Rogers Street location, Doggie Depot is moving to a larger space! We are in the process of buying 421 Maple Avenue (Maple Avenue just west of Fairview Avenue) and seeking the Village of Downers Grove's approval to continue serving the community. In September, the Village will conduct a public hearing to consider our proposed relocation and our application for a rezoning, special use permit, and a parking variance.

Before that, though, we want to invite the community to discuss Doggie Depot's exciting plans. **Please join us at 11:30 a.m. on Saturday, August 27, 2016 at 635 Rogers Street in Downers Grove for a neighborhood meeting.** We will provide an overview of our plans and be available to answer questions.

It's been an honor serving the community for the last 10 years. We look forward to another great 10 years (or more!) to come.

Thank you for your support!

Colleen and Brian McLachlan

P.S. – If you can't attend the meeting but would like to learn more about our plans, please feel free to call us at (630) 969-7529 or stop by the store during business hours. We're located at 635 Rogers Street in Downers Grove.



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
SEPTEMBER 12, 2016 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
16-PLC-0037 4824 Prince Street	Final Plat of Subdivision	Swati Pandey Planner

**REQUEST**

The petitioner is requesting approval of a final plat of subdivision to create two lots of record where three lots of record currently exist.

**NOTICE**

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

**GENERAL INFORMATION**

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<b>OWNER/APPLICANT:</b> Jeffrey and Melanie Crane 4825 Saratoga Avenue Downers Grove, IL 60515	Fredric and Cynthia Zaeske 1130 Franklin Street Downers Grove, IL 60515
--	---

**PROPERTY INFORMATION**

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**EXISTING ZONING:** R-4, Residential Detached House 4  
**EXISTING LAND USE:** Vacant Lot, Two Single Family Homes  
**PROPERTY SIZE:** 23,208 square feet (0.53 acre)  
**PINS:** 09-08-107-014; -006; -016

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>EAST:</b>	R-4, Residential Detached House 4	Single Family Residential
<b>WEST:</b>	R-4, Residential Detached House 4	Single Family Residential
<b>NORTH:</b>	R-4, Residential Detached House 4	Single Family Residential
<b>SOUTH:</b>	R-5, Residential Attached House 5 & DT, Downtown Transition	Single Family Residential Institutional/Public/Train

**ANALYSIS**

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**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. Final Plat of Subdivision

**PROJECT DESCRIPTION**

The petitioner is requesting approval of the Final Plat of Subdivision to create two lots of record where currently three lots of record exist. Two of the properties, 4825 Saratoga Avenue and 1130 Franklin Street, are improved with a single family home and are under separate ownership. The vacant parcel on Prince Street, commonly known as 4824 Prince Street (09-08-107-014) abuts both of these properties along the west and south property lines. The vacant parcel is owned by the property owner at 4825 Saratoga Avenue and is proposed to be subdivided and consolidated with the neighboring aforementioned properties. The petitioner’s proposal is essentially for consolidation of the existing lots rather than creation of a new lot. However, the consolidation of these lots cannot be approved administratively by staff since Section 20.507.(d)(3) prohibits administrative consolidation of lots that have a common lot line that is shared for less than 100 feet.

The newly created Lot 1, located on Saratoga Avenue, would be 50 feet wide by 198 feet deep and Lot 2, located on Franklin Street, would be 66 feet wide by 200 feet deep. If the subdivision were approved, the petitioner intends to use the expanded part of Lot 1 as a rear yard and install a swimming pool in the future. The property owner on Lot 2 shall have a larger rear yard, although the street setback requirements would be applicable for any future structures. An existing fence on the vacant parcel will be removed.

**COMPLIANCE WITH COMPREHENSIVE PLAN**

The Residential Areas Plan section of the Comprehensive Plan identifies the subject property as being within the Traditional Grid area containing detached single family residences. This category is characterized by a uniform layout due to standard street and lot widths as well as pedestrian and vehicular connectivity. The lot widths in this area are typically around 50 feet with the some wider corner lots between 50 to 100 feet width. The Land Use Plan identifies this area as Single Family Residential.

The petitioner would have two buildable lots of record and the two existing single family residences would remain. This is a decrease from three buildable lots available today. The Comprehensive Plan vision statement encourages the continued reinvestment into residential neighborhoods “enhancing and maintaining their distinctive character”. The vacant lot has been vacant for five years. The proposed subdivision will maintain the existing neighborhood character.

**COMPLIANCE WITH ZONING ORDINANCE**

The properties are zoned R-4 Single Family Detached House 4 and are improved with two single family homes on two lots and a vacant parcel. In its current configuration, the detached garage at 4825 Saratoga Avenue is non-conforming at 4.9 feet from the rear property line where a minimum of five feet is required. The proposed subdivision will eliminate the non-conformity.

The two residential lots will meet the minimum lot width and area dimension requirements outlined in Section 2.030 of the Village’s Zoning Ordinance. The proposed lot dimensions are specified in the table below:

<b>Lot 1 &amp; 2</b>	<b>Lot Width (req. 50 ft.)</b>	<b>Lot Depth (n/a)</b>	<b>Lot Area (req. 7,500 sq. ft.)</b>
4825 Saratoga Avenue	50 ft.	198 ft.	9,900 sq. ft.
1130 Franklin Street	66 ft.	200 ft.	13,200 sq. ft.

The proposed subdivision complies with the lot area and lot width requirements of the Zoning Ordinance. If the subdivision is approved, two new lots of record will be created and would be entitled to have one single family house on each lot of record. Any improvements which are proposed by the petitioner or subsequent owners will be required to meet all bulk and setback requirements of the R-4 zoning district.

**COMPLIANCE WITH THE SUBDIVISION ORDINANCE**

The two residential lots will not meet the minimum lot width dimension requirements outlined in Section 20.301 of the Village’s Subdivision Ordinance. However, the consolidation of these three lots into two lots will bring the parcels closer into compliance with the Subdivision Ordinance. In cases where an administrative consolidation is not allowed, the petitioner can request the consolidation via the Plan Commission and Village Council. The proposed lot dimensions are specified in the table below:

<b>Lot 1 &amp; 2</b>	<b>Lot Width (req. 75 ft.)</b>	<b>Lot Depth (req. 140 ft.)</b>	<b>Lot Area (req. 10, 500 sq. ft.)</b>
4825 Saratoga Avenue	50 ft.	198 ft.	9,900 sq. ft.
1130 Franklin Street	66 ft.	200 ft.	13,200 sq. ft.

The petitioner is providing the required five-foot wide public utility and drainage easements along the side lot lines and the ten-foot wide public utility and drainage easements along the rear lot lines. Park and school donations are not required as part of this subdivision application since a single family home exists on each lot prior to executing the Final Plat of Subdivision.

**ENGINEERING/PUBLIC IMPROVEMENTS**

The village engineers noted that these properties contain Localized Poor Drainage Area (LPDA) and cannot be filled without providing compensatory storage. Any development on the vacant land will require a building permit and meet all village stormwater ordinance regulations.

**NEIGHBORHOOD COMMENT**

Notice was provided to all property owners within 250 feet of the subject property in addition to posting a public hearing notice sign onsite and publishing the notice in *Downers Grove Suburban Life*. Staff has received one general inquiry regarding the proposal at this time.

**RECOMMENDATION**

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The proposed final plat of subdivision to subdivide the existing property from three existing lots into two new lots is compatible with surrounding zoning and land use classifications. Based on the findings above, staff recommends that the Plan Commission make a positive recommendation associated with 16-PLC-0037 to the Village Council subject to the following conditions:

1. The Final Plat of Subdivision shall substantially conform to the Final Plat of Subdivision prepared by Professional Land Surveying, Inc. dated 08-11-2016, last revised on 9/2/16.
2. The fence on the vacant parcel at 4824 Prince Street must be removed/relocated prior to the approval of the Final Plat of Subdivision.

Staff Report Approved By:

A handwritten signature in black ink, appearing to read "Stanley J. Popovich".

---

Stanley J. Popovich, AICP  
Director of Community Development

SP:sp  
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2016 PC Petition Files\16-PLC-0037 4824 Prince - Plat of Subdivision\Staff Report 16-PLC-0037.docx



0 25 50 Feet



4824 Prince Street, 4825 Saratoga Avenue, 1130 Franklin Street - Location Map

Crane

4825 Saratoga Ave.  
Downers Grove, IL 60515  
630-390-4066  
jlcrane@yahoo.com

August 3, 2016

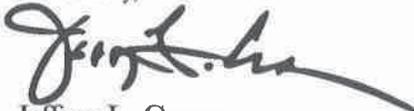
Department of Community Development Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, IL. 60515

Dear Sir or Madam:

The purpose of this Plat of Subdivision is to divide the property at 4824 Prince St. into two parcels which then will be consolidated and joined with two existing properties as backyard space. The final configuration of the Prince St. portion will be consistent and complementary to the neighborhood and landscape. In addition, this proposal will sooth storm water drainage issues that has plagued the area by providing permanent permeable space.

If you have any questions or comments, please call me at (630) 390-4066

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey L. Crane", written in a cursive style.

Jeffrey L. Crane

# PLAT OF SURVEY

PROFESSIONAL LAND SURVEYING, INC.

3080 OGDEN AVENUE SUITE 307

LISLE, ILLINOIS 60532

PHONE: 630-778-1757

PROF. DESIGN FIRM # 184-004196

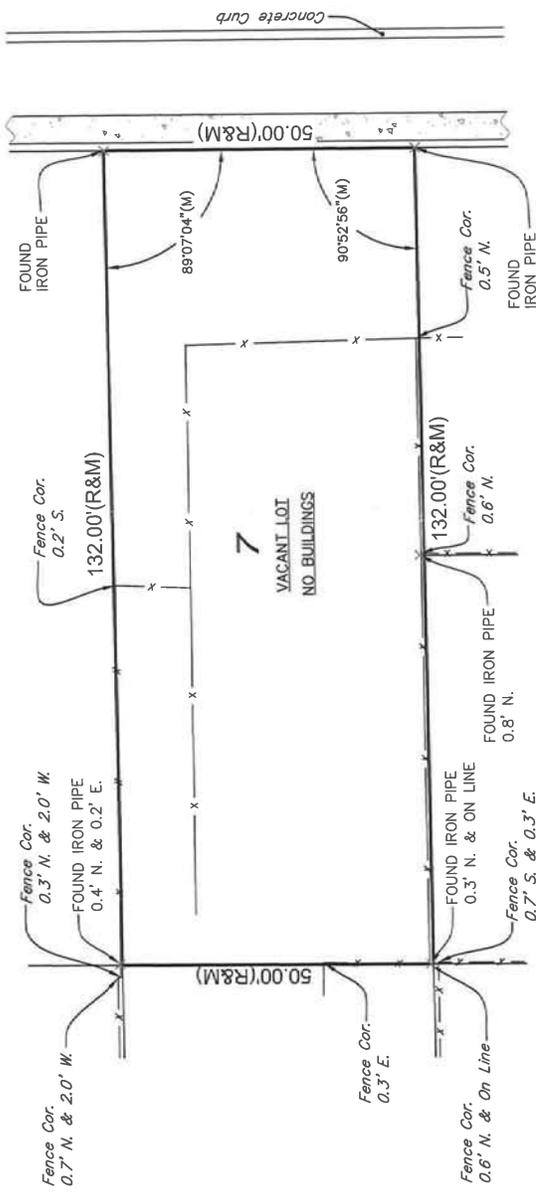
E-MAIL: info@plisile.com

15

6



PARCEL INDEX NUMBER  
09-08-107-014



(66' R.O.W.)

Concrete Curb

50.00'(R&M)

132.00'(R&M)

50.00'(R&M)

89°07'04"(M)

90°52'56"(M)

0.7' N. & 2.0' W.

0.3' N. & 2.0' W.

0.4' N. & 0.2' E.

0.3' E.

0.7' N. & 0.3' E.

0.3' N. & ON LINE

0.6' N.

0.8' N.

0.5' N.

FOUND IRON PIPE

14

7

8

13

## LEGAL DESCRIPTION

LOT 7 IN BLOCK 9 IN E. H. PRINCE AND COMPANY'S ADDITION TO DOWNERS GROVE, SAID ADDITION BEING SITUATED UPON AND A PART OF SECTIONS 5, 6, 7 AND 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PREPARED FOR: CRANE  
ADDRESS: 4824 PRINCE STREET, DOWNERS GROVE, ILLINOIS  
BOOK & PG: 167/14 DATE: 08/10/2016 JOB NO: 1613048  
DRAWN BY: AA CHECK BY: JRP  
REVISED:

## SYMBOL LEGEND

- X-X- CONCRETE SURFACE
- (R) - RECORD DATA
- (M) - MEASURED DATA
- ⊕ - UTILITY POLE
- OHW- OVERHEAD WIRES



PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

FIELD WORK COMPLETED AND DATED THIS 8TH DAY OF AUGUST, 2016.

NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING

STATE OF ILLINOIS }  
COUNTY OF DUPAGE } SS

REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND LOCAL BUILDING AND ZONING ORDINANCE FOR ITEMS NOT SHOWN HEREON.

SURVEYED AREA: 6,599± SQ. FT.

# PLAT OF SURVEY

PROFESSIONAL LAND SURVEYING, INC.

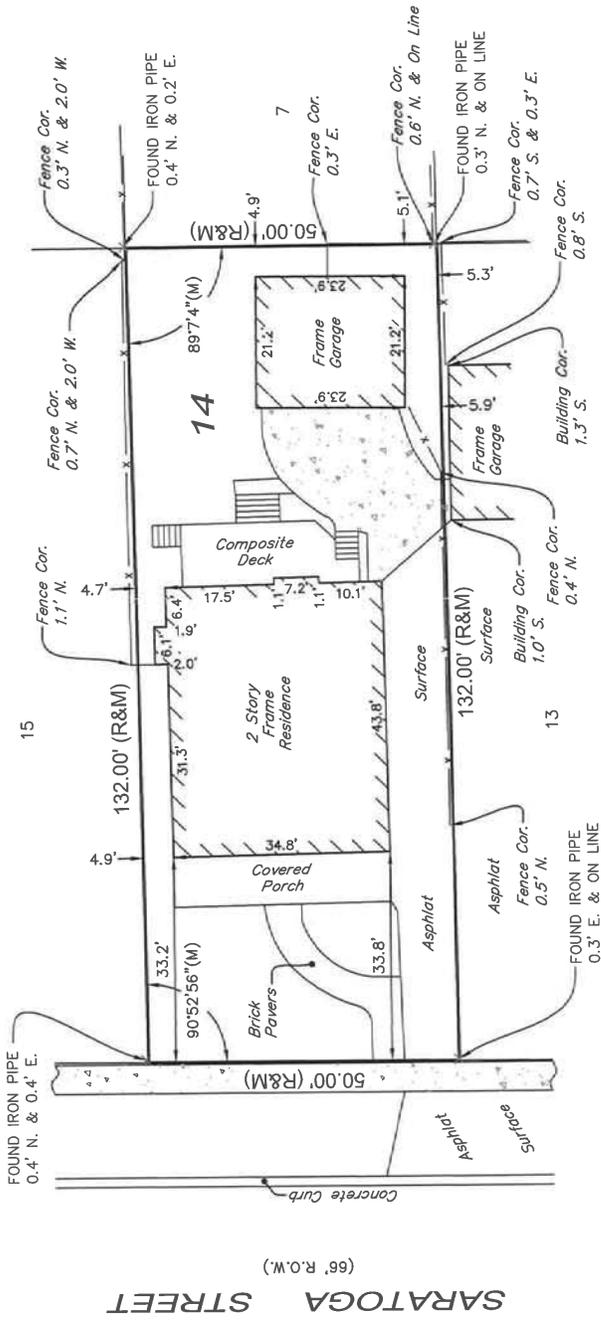
3080 OGDEN AVENUE SUITE 307

LISLE, ILLINOIS 60532

PHONE: 630-778-1757

PROF. DESIGN FIRM # 184-004196

E-MAIL: info@plisile.com



PARCEL INDEX NUMBER  
09-08-107-006

SURVEYED AREA: 6,600± SQ. FT.  
REFER TO YOUR DEED, ABSTRACT, TITLE POLICY  
AND LOCAL BUILDING AND ZONING ORDINANCE  
FOR ITEMS NOT SHOWN HEREON.  
NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING  
STATE OF ILLINOIS }  
COUNTY OF DUPAGE }

PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS  
SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE  
HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.



FIELD WORK COMPLETED AND DATED  
THIS 8TH DAY OF AUGUST, 2016.

*JRP*

PLS No. 3483  
MY LICENSE EXPIRES 11/30/2016

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT  
ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

© 2016 PLS INC., ALL RIGHTS RESERVED

### SYMBOL LEGEND

	CONCRETE SURFACE
	FENCE LINE
	RECORD DATA
	MEASURED DATA

### LEGAL DESCRIPTION

LOT 14 IN BLOCK 9 IN E.H. PRINCE AND COMPANY'S  
ADDITION TO DOWNERS GROVE IN SECTIONS 5, 6, 7 AND  
8 TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD  
PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PREPARED FOR: CRANE  
ADDRESS: 4825 SARATOGA AVENUE, DOWNERS GROVE, ILLINOIS.  
BOOK & PG: 167/15 DATE: 8/8/2016 JOB NO: 1613048  
DRAWN BY: JHH CHECK BY: JRP  
REVISED:

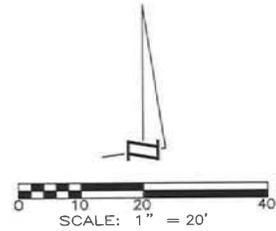


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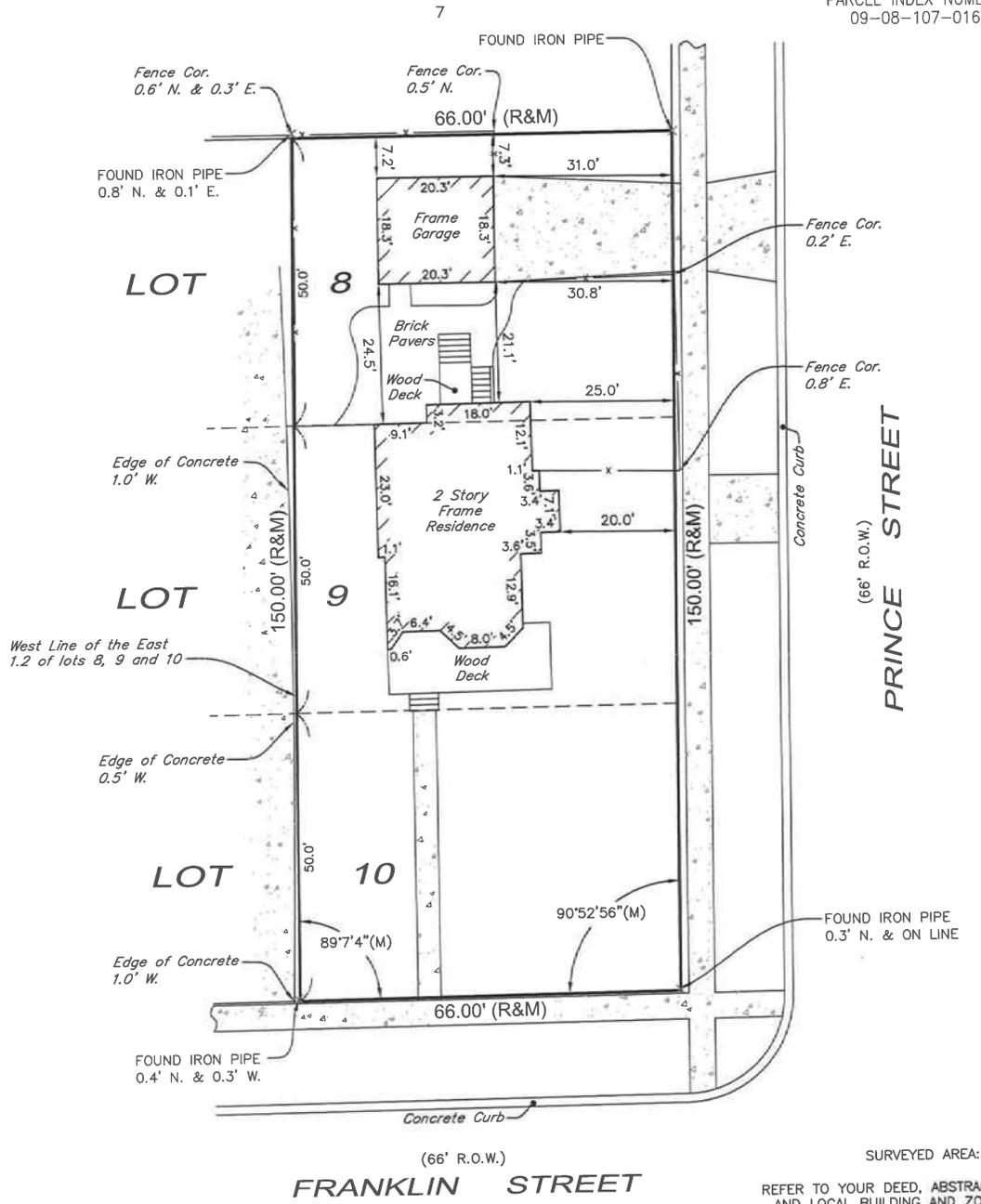
# PLAT OF SURVEY

PROFESSIONAL LAND SURVEYING, INC.

3080 OGDEN AVENUE SUITE 307  
 LISLE, ILLINOIS 60532  
 PHONE: 630-778-1757  
 PROF. DESIGN FIRM # 184-004196  
 E-MAIL: info@plslisle.com



PARCEL INDEX NUMBER  
 09-08-107-016



SURVEYED AREA: 9,899± SQ. FT.

REFER TO YOUR DEED, ABSTRACT, TITLE POLICY  
 AND LOCAL BUILDING AND ZONING ORDINANCE  
 FOR ITEMS NOT SHOWN HEREON.

NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING

STATE OF ILLINOIS )  
 COUNTY OF DUPAGE ) SS

## LEGAL DESCRIPTION

THE EAST 1/2 OF LOTS 8, 9, AND 10 IN E.H. PRINCE AND CO'S ADDITION TO DOWNERS GROVE BEING A SUBDIVISION IN SECTIONS 5, 6, 7 AND 8 TOWNSHIP 38 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 30, 1890 AS DOCUMENT 46300 IN DUPAGE COUNTY, ILLINOIS.

PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

FIELD WORK COMPLETED AND DATED  
 THIS 8TH DAY OF AUGUST, 2016.



PREPARED FOR: CRANE  
 ADDRESS: 1130 FRANKLIN STREET, DOWNERS GROVE, ILLINOIS  
 BOOK & PG: 167/13 DATE: 8/10/2016 JOB NO: 1613048  
 DRAWN BY: JHH CHECK BY: \_\_\_\_\_  
 REVISED: \_\_\_\_\_



IPLS No. 3483  
 MY LICENSE EXPIRES 11/30/2016

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT  
 ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

