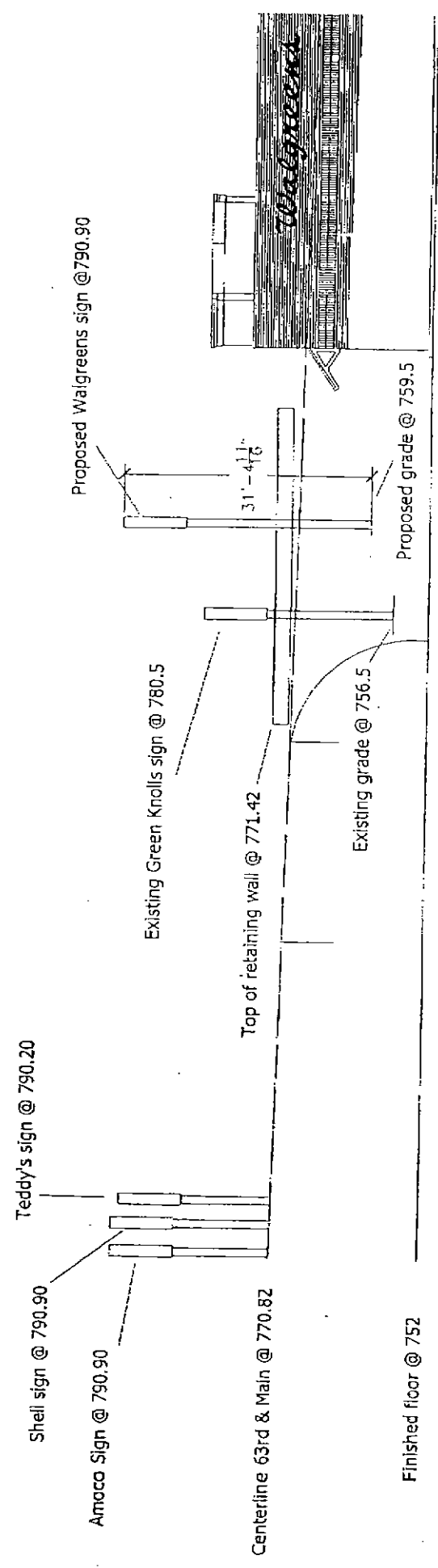








B. N. H. H.  
 DANIA & STANLEY MUSEY, CO.  
 2/20



EAST ELEVATION (VIEW ALONG MAIN STREET)

## Memo

**To:** Jim Russ  
**From:** Tim Hague  
**CC:** Mark Nosky  
**Date:** April 2, 2004  
**Re:** Proposed Walgreen's - NWC Main Street & 63<sup>rd</sup> Street, Downers Grove, Illinois

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During the site presentation and site design process, Mark Nosky, Stewart-Nosky Architects, prepared, presented and review several site plan layouts with Michael Krasucki, Real Estate Manager and Paula Hubbert, Planning and Facilities, Walgreen Co. This was necessary due to the dramatic grade differential existing at this location.

These various site plan reviews included building orientations with the store entrance facing southwest and northwest. The only acceptable building orientation was the proposed solution with the store entrance facing southwest. The building orientation with the store entrance facing northwest was unacceptable to due:

- Lack of visibility of the store's entrance element to both of the adjoining streets. A pro-to-typical Walgreens site plan orients the store entrance facing the intersection to maximize the visibility of the entrance and the accompanying pronounced architectural design. The severe grade differential at this particular location precludes this approach. The solution of facing the store entrance towards the southwest preserves visibility to 63<sup>rd</sup> Street.
- Concern of available parking relative to the existing retail uses. If the building is rotated and the store entrance orientated to the northwest, the primary parking demand generated by Walgreens would be shifted to the middle of the parking lot and competing for the same parking spaces that present serve the shopping center. The building orientation with the store entrance facing southwest allows the primary parking demand for customers of the Walgreens store to focused immediately south and west of Walgreens' entrance and away from the middle of the existing shopping center. This relationship better manages the parking demand between the proposed Walgreens store and the anchor use of the existing shopping center, Ace Hardware.

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A LOT RECONFIGURATION FOR  
THE PROPERTIES LOCATED AT 6202-6248 MAIN STREET AND  
6250 MAIN STREET, DOWNERS GROVE, ILLINOIS**

WHEREAS, the owners of the property located at 6250 Main Street (Parcel 1, PIN 09-07-0308-011 & -112) and the owners of the property located at 6002-6248 Main Street (Parcel 2, PIN 09-07-0308-011 & -112), Downers Grove, Illinois have petitioned for a lot reconfiguration pursuant to Section 20-601 of the Downers Grove Municipal Code to transfer a portion of land from 6250 Main Street (Parcel 1) to 6202-6248 Main Street (Parcel 2); and

WHEREAS, a lot reconfiguration must be approved by the Downers Grove Village Council in accordance with Section 20-601; and

WHEREAS, upon approval of the requested lot reconfigurations, that the 6250 Main Street (Parcel 1) property will have a reduction in lot area by approximately 174 square feet for a total of 41,113 square feet (.094 acres), and 6002-6248 Main Street (Parcel 2) property will increase in lot area from 174 square feet for a total of 213,596 square feet (4.9 acres); and

WHEREAS, both reconfigured parcels exceed minimum bulk requirements per Code and there are no exceptions relating to the proposed lot reconfiguration; and

WHEREAS, the Plan Commission has given the required public notice and has conducted a public hearing respecting the proposed lot reconfiguration without exceptions in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove and has reported its findings and recommendations to the Village Council of the Village of Downers Grove pursuant to the provisions of the Downers Grove Municipal Code; and

WHEREAS, the Plan Commission has recommended that the lot reconfiguration without exceptions be granted for the 6250 Main Street (Parcel 1) and the 6002-6248 Main Street (Parcel 2) properties.

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

SECTION 1. That the provisions of the preamble are incorporated into this ordinance.

SECTION 2. That the lot reconfiguration is hereby approved to permit the transfer of approximately 174 square feet from 6250 Main Street (Parcel 1) to 6002-6248 Main Street (Parcel 2).

SECTION 3. That the lot reconfiguration, without exceptions, is subject to the following conditions:

- a. The properties shall be reconfigured into two (2) parcels and shall be in general conformance with the "Proposed Parcels Exhibit 2" dated February 9, 2004, attached hereto and incorporated herein as Exhibit A.
- b. The owners shall comply with the conditions and recommendations of the Plan Commission as set forth in the minutes of their meeting of February 16, 2004.
- c. A copy of this ordinance shall be recorded in the Office of the Recorder of Deeds for DuPage County, at the expense of the applicant.
- d. Compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.

SECTION 4. The Village Manager and staff are authorized and directed to take all steps necessary to implement the Village's approval of the lot reconfiguration.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Passed:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING SPECIAL  
USE AT WALGREENS, 63<sup>rd</sup> & MAIN STREETS,  
TO PERMIT A DRIVE-THRU (PHARMACY) WINDOW OPERATED  
IN CONJUNCTION WITH A 14,500 SQUARE FOOT RETAIL SALES FACILITY**

WHEREAS, the following described property, to wit:

Parcels 1 and 2 of Lot 8 in Block 5 of Jelinek's 2nd Addition to Downers Grove, being a subdivision in the Southwest Quarter of the Southwest Quarter of Section 17, Township 38 North, Range 11 East of the Third Principal Meridian, according to the Plat thereof recorded April 27th, 1959 as Document 920641, in DuPage County, Illinois. Commonly known as the Green Knolls Shopping Center (6202-6248 Main Street) and the former location of the Lonestar Steakhouse (6250 Main Street), Downers Grove, IL (PIN 09-17-308-011,-012)

(hereinafter referred to as the "Property") is presently zoned in the "B-2, General Retail Business 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 be granted for the Property to allow a drive-thru (pharmacy) window operated in conjunction with a 14,500 square foot retail sales facility including the following variations:

1. Newly Proposed/Reconfigured Parcel 1 (Walgreens):
  - A. Variation from Chapter 28, Section 28-1110, *Front Yards*, to allow a zero foot setback as measured from the front property line on Main Street versus the minimum requirement of 25 feet to allow for site lighting and parking;
  - B. Variation from Chapter 28, Section 28-1110, *Front Yards*, to allow a zero foot setback as measured from the front property line on 63<sup>rd</sup> Street versus the minimum requirement of 25 feet to allow for site lighting and parking;
  - C. Variation from Chapter 28, Section 28-1106, *Open Space - Landscaped Greenspace*, to allow a greenspace percentage of 3.9% versus the minimum requirement of 10%;
  - D. Variation from Chapter 28, Section 28-1519, *Regulations for the B-2 General Retail District*, to allow a freestanding sign with a height of 35 feet versus the maximum permitted 20 feet; and
  - E. Variation from Chapter 28, Section 28-1410, *Number of Off-Street Parking and Off-Street Loading Spaces Required*, to allow the required loading space to be located partially on an adjacent parcel.
  
2. Newly Proposed/Reconfigured Parcel 2 (Green Knolls Shopping Center):
  - A. Variation from Chapter 28, Section 28-1110, *Front Yards*, to allow a zero foot setback as measured from the front property line along 63<sup>rd</sup> Street versus the minimum requirement of 25 feet to allow for site lighting and parking; and
  - B. Variation from Chapter 28, Section 28-1106, *Open Space - Landscaped Greenspace*, to allow a greenspace percentage of 4.1% versus the minimum requirement of 10%; and,

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, 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 and variations, 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 a drive-thru (pharmacy) window operated in conjunction with a 14,500 square foot retail sales facility.

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

1. The petitioner should continue to evaluate means to reduce or eliminate the need for variations to the extent possible and practical;
2. The property owner(s) shall consult with the Village regarding potential future uses or changes to uses, as such may require temporary use or special use review, or regarding other uses that may result in negative impacts to any approved parking and traffic conditions as part of this petition;
3. Executed, perpetual and reciprocal easement/access agreements between all property owners of the two subject parcels must be obtained and recorded with the recordation of the reconfigured parcels;
4. Loading/unloading operations, including refuse removal, shall occur on-site and shall not obstruct or hinder safe parking and site circulation for vehicular and pedestrian traffic within the center nor negatively impact on 63<sup>rd</sup> Street or Main Street;
5. All storage of refuse shall occur completely in appropriate enclosures at all times;
6. Rooftop screening of mechanical equipment is to be provided in an architecturally compatible manner;

7. The owner(s) should work cooperatively to explore and implement increased landscaping throughout the center;
8. The variation for the freestanding sign is recommended to be granted only in an amount equal to 10 feet above the grade of the pavement as measured at the intersection of the street centerlines of Main Street and 63<sup>rd</sup> street. All other signage shall comply with code. Rooftop signage shall not be allowed;
9. Substantial compliance with the plans submitted to the Plan Commission, a reduced copy of which is attached hereto and incorporated herein by reference as Exhibit A.
10. Substantial compliance with the Staff report dated February 13, 2004, a copy of which is attached hereto and incorporated herein by reference as Exhibit B.
11. Compliance with all Public Works/Engineering requirements/conditions as outlined in their memorandum dated January 30, 2004 including recommended conditions, a copy of which is contained in Exhibit B; and
12. Compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.

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.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk

To: Plan Commission  
Prepared By: Amanda G. Browne, Planner, Planning and Community Development  
Meeting Date: February 16, 2004  
Date Prepared: February 13, 2004

Project Title: Walgreens; 63<sup>rd</sup> and Main Streets  
Petitioner: Green Knolls Partners, LLC and GKW, LLC  
c/o James Russ, Jr., Attorney  
Petitioner Address: 8711 East Pinnacle Peak Road, Scottsdale, AZ

#### BACKGROUND INFORMATION

Property Address: 6202-6248 and 6250 Main Street, Downers Grove  
Existing Zoning: B-2, General Retail Business

#### Requested Action

1. Approval of proposed lot reconfiguration per Chapter 20, Section 20-601, *Lot Reconfiguration*.
2. Approval of proposed Special Use to authorize a drive-up (pharmacy) window operated in conjunction with a retail sales facility per Chapter 28, *Special Uses*.

#### Currently Required Variations (part of Requested Action):

1. Newly Proposed/Reconfigured Parcel 1 (Walgreens):
  - A. Variation from Chapter 28, Section 28-1110, *Front Yards*, to allow a zero foot setback as measured from the front property line on Main Street versus the minimum requirement of 25 feet to allow for site lighting and parking;
  - B. Variation from Chapter 28, Section 28-1110, *Front Yards*, to allow a zero foot setback as measured from the front property line on 63<sup>rd</sup> Street versus the minimum requirement of 25 feet to allow for site lighting and parking;
  - C. Variation from Chapter 28, Section 28-1106, *Open Space - Landscaped Greenspace*, to allow a greenspace percentage of 3.9% versus the minimum requirement of 10%;
  - D. Variation from Chapter 28, Section 28-1519, *Regulations for the B-2 General Retail District*, to allow a freestanding sign with a height of 35 feet versus the maximum permitted 20 feet; and
  - E. Variation from Chapter 28, Section 28-1410, *Number of Off-Street Parking and Off-Street Loading Spaces Required*, to allow the required loading space to be located partially on an adjacent parcel.
2. Newly Proposed/Reconfigured Parcel 2 (Green Knolls Shopping Center):
  - A. Variation from Chapter 28, Section 28-1110, *Front Yards*, to allow a zero foot setback as measured from the front property line along 63<sup>rd</sup> Street versus the minimum requirement of 25 feet to allow for site lighting and parking; and
  - B. Variation from Chapter 28, Section 28-1106, *Open Space - Landscaped Greenspace*, to allow a greenspace percentage of 4.1% versus the minimum requirement of 10%.

#### BACKGROUND

The subject properties are located at the northwest corner of the intersection of Main Street and 63<sup>rd</sup> Street. The larger existing westerly parcel (Parcel 2; Green Knolls) is currently occupied by the Green Knolls Shopping Center, which was developed in the early 1960s. The existing easterly parcel (Parcel 1; former Lonestar restaurant), currently vacant, was previously occupied by a restaurant, which was constructed in 1973 as a Ponderosa and was occupied most recently by the Lonestar Steakhouse, which was destroyed by fire in April of 2000. The site has been vacant since the former restaurant was demolished after the fire.

The Village has entertained discussions over the past several years with various potential petitioners regarding re-establishing commercial uses on the site. To date, the site remains unutilized and physically and economically unproductive. A key factor contributing to the site's long-term vacant status is that it is located approximately 18 feet below the grade of the intersection at 63<sup>rd</sup> and Main Streets. Both 63<sup>rd</sup> and Main Streets slope upward to meet the grade at the intersection, thus requiring a retaining wall at the east and south property lines of the site. This is considered a

significant disadvantage from a retail visibility standpoint and has been a significant obstacle to the site's beneficial redevelopment. In addition, as a result of the physical constraints, the geometry of the parcels requires that variations must be requested in order for this site to be put back into productive and beneficial use.

The petitioner is aware of the above conditions, and is electing to move forward with the subject request. The petitioner is proposing to redevelop the former restaurant site as a new 14,500 square foot Walgreens retail facility and pharmacy with parking to accommodate 51 cars on site (49 standard sized spaces and two code compliant handicapped accessible spaces). The retail facility is proposed to include retail space, offices, restrooms receiving/stock areas and ancillary employee areas. The facility is also proposed to contain a two-lane drive-up pharmacy window.

The retail portion of the proposed Walgreens is allowed by right in the B-2 zoning district; however, the drive-up pharmacy window component requires Special Use approval. Also, in order to facilitate the proposed redevelopment, the petitioner is proposing a lot reconfiguration with the adjacent Green Knolls Shopping Center property, and is also requesting certain variations from Code as outlined above under Requested Action. The petitioner has submitted a project narrative letter (attached) and will further elaborate on the proposed project and the operation of the facility and the project site at the public hearing.

The integrated physical nature of the two parcels necessitates discussion of other previous petitions that may impact the current petition. The Village has previously authorized two Special Uses for the Green Knolls Shopping Center parcel. A Special Use was authorized in 1988 for an outdoor café for a former restaurant, which occupied the space now occupied by Roundhead's Pizza (ZBA Case C-4-88, Ord. No. 3155, 6/27/88). Roundhead's Pizza does provide an outdoor café each year; however, they have opted not to operate under the provisions of the previously authorized Special Use, rather, they obtain a Temporary Use Permit on an annual basis. A Special Use was also authorized in 1978 for an outdoor display area for Ace Hardware (ZBA Case V-2-78, Ord. No. 2156, 3/20/78). However, neither of these two previously issued Special Uses authorized the outdoor uses to be located in the drive aisles or parking spaces, but confined them to the existing walkways adjacent to the Green Knolls shopping center.

## ANALYSIS

### Requested Action

#### Lot Reconfiguration

Lot reconfigurations, which change the boundaries of contiguous parcels of land but do not create any new lots, are allowed per Code. If the proposed reconfiguration would not result in the need for bulk exceptions to be granted from Section 20-301 of the Subdivision Ordinance, the Director of Planning and Community Development may approve the proposed lot reconfiguration. Although the proposed lot reconfiguration will not result in the need for bulk exceptions from the Subdivision Ordinance, Staff is forwarding this aspect as part of the petitioner's requested action due to the more complex and interrelated nature between the two parcels with respect to all aspects of this petition.

The two subject parcels were created in their current configuration from the larger single parcel by way of a lot split (PC File 124) approved by Plan Commission in October 1973. The existing Green Knolls parcel is an irregularly shaped parcel of approximately 213,422 (4.89 acres) square feet in area, with approximately 169 feet of frontage on 63<sup>rd</sup> Street and approximately 346 feet of frontage on Main Street. The property also fronts 62<sup>nd</sup> Place to the northwest for a distance of approximately 579 feet. As part of the proposed reconfiguration, the Green Knolls parcel would increase in area by approximately 174 square feet for a total area of 213,596 square feet (4.9 acres). Its frontage along 63<sup>rd</sup> Street would increase by approximately 202 feet for a total of 371 feet, and its frontage along Main Street would increase slightly by approximately one foot for a total of 347 feet.

The existing former Lonestar parcel is flag-shaped and bounded on the north and west by the Green Knolls parcel. This parcel is approximately 41,287 square feet, with approximately 413 feet of frontage on 63<sup>rd</sup> Street and approximately 191 feet of frontage on Main Street. As part of the proposed reconfiguration, the now proposed Walgreens parcel would decrease in area by approximately 174 square feet for a total of 41,113 square feet (0.94 acres). Its frontage along 63<sup>rd</sup> Street would decrease by approximately 202 feet for a total of 210 feet, and its frontage along Main Street would decrease slightly by approximately one foot for a total of 189 feet.

Nevertheless, as reconfigured, both proposed reconfigured parcels will exceed minimum bulk requirements per Code, and there are no required or requested exceptions relating to the proposed lot reconfiguration.

Special Use

The Walgreens retail sales facility itself is allowed as of right in the B-2 zoning district; however, the petitioner is requesting a Special Use in order to include a drive-up (pharmacy) window which does require Special Use approval per Code. The drive-up window is proposed to contain two service lanes with a by-pass lane, and is intended for pharmacy transactions only. The Walgreens is intended to be open daily from 8:00 a.m. to 10:00 p.m., and the hours of operation of drive-up window are proposed to be from 8:00 a.m. to 10:00 p.m. as well. The petitioner has provided a synopsis of the operation of the proposed Walgreen's facility in the attached correspondence dated February 11, 2004, and will further address the criteria for consideration of a Special Use Request to the Plan Commission at the Plan Commission hearing per Section 28-1902 of the Zoning Ordinance, *Standards for Approval*.

Request for Variations

The proposed redevelopment poses, at minimum, certain practical difficulties in addressing the complete spectrum of site, operational, Code, and aesthetic/landscaping issues. Based on discussions with Staff, the petitioner has made several site plan modifications in an earnest attempt to satisfactorily address all of the issues. However, variations from Code will still be required for parking and lighting standard setbacks, greenspace, as well as for the proposed height of the freestanding sign. The requested variations are further outlined below, and the petitioner will also address the requested variations to the Plan Commission at the Plan Commission hearing per the evaluation criteria set forth in Section 28-1803 of the Zoning Ordinance, *Standards for Granting a Variation*. Nevertheless, the petitioner is encouraged to evaluate any means to further reduce or eliminate variations to the maximum extent possible.

**Zoning and Future Land Use Plan**

*Surrounding Land Uses and Zoning*

	Existing Zoning	Existing Use	Future Land Use Plan
North	R-4, Single Family Residence	Residential Uses	Residential at 0-6 d.u. per acre (Yellow)
	R-5, Two Family Residence		
South	B-2, General Retail Business	Commercial Uses	Commercial (Red)
	R-4, Single Family Residence	Residential Uses	Residential at 0-6 d.u. per acre (Yellow)
East	B-2, General Retail Business	Commercial Uses	Commercial (Red)
West	R-4, Single Family Residence	Residential Uses	Residential at 0-6 d.u. per acre (Yellow)
	R-5A, Townhouse Residence		

The subject property is currently zoned B-2, General Retail Business, consistent with the Future Land Use Plan designation of Commercial (Red).

**Site**

General

The overall redevelopment site is relatively flat; however, the site's southeast corner is significantly lower than the adjacent street grade at the intersection of 63<sup>rd</sup> and Main Streets. There are currently two main access driveways located on Main Street approximately 300 feet and 460 feet north of the intersection of 63<sup>rd</sup> and Main Streets respectively, and an additional access driveway is currently located on 63<sup>rd</sup> Street approximately 375 feet west of the intersection. Two secondary driveways are also present, one each on Carpenter Street and 62<sup>nd</sup> Place, both of which primarily provide access to employee parking and loading areas located at the rear (north) of the shopping center. Efforts should be made by the owner(s) of the shopping center parcel to ensure that headlights and loading/refuse areas are adequately screened along 62<sup>nd</sup> Place and Carpenter Street from the residential properties to the north and west.

Also, the proposed collocation of the existing shopping center with the new Walgreens will provide for "shared" vehicle trips in that a trip to either the existing center or the proposed Walgreens will likely result in an additional trip to the other facility, depending upon where the shopper went first. This is a desirable result as part of smart growth planning, as it eliminates some vehicle trips to stand-alone locations. Consequently, on-site pedestrian circulation should be provided for in a safe and efficient manner, in particular with respect to loading operations. A defined pedestrian connection between the existing center and the proposed Walgreens should be provided. An architecturally compatible walkway, potentially including pavers, should be considered to differentiate the pedestrian walkway from the drive aisles.

Yards and Setbacks

Proposed yards and setbacks can be summarized as follows, with variations requested from Code as noted:

	Minimum Required From Property Line	Proposed	Surplus / (Deficit)
<b>WALGREENS PARCEL</b>			
<u>Main Street</u>			
Building Setback	32.5 feet	71.1 feet to building 51.9 feet to drive-up canopy	+38.6 feet +19.4 feet
Parking Setback	25 feet	3.6 feet	(-21.5 feet or -85.67%)
Lighting Standard Setback	25 feet	Zero feet	(-25 feet or -100%)
Signage Setback	8 feet	12.5 feet	+4.5 feet
<u>63<sup>rd</sup> Street</u>			
Building Setback	32.5 feet	71.5 feet to building 65.8 feet to drive up canopy	+39 feet +33.3 feet
Parking Setback	25 feet	Zero feet	(-25 feet or -100%)
Lighting Standard Setback	25 feet	Zero feet	(-25 feet or -100%)
Signage Setback	8 feet	8 feet	0
<b>GREEN KNOLLS PARCEL</b>			
<u>Main Street</u>			
Building Setback	25 feet	68.9 feet (existing)	+43.9 feet
Parking Setback	25 feet	Zero (existing and proposed)	(-25 feet or -100%)
Lighting Standard Setback	25 feet	Zero (existing and proposed)	(-25 feet or -100%)
Signage Setback	8 feet	8 feet	0
<u>63<sup>rd</sup> Street</u>			
Building Setback	25 feet	48.5 feet (existing)	+23.5 feet
Parking Setback	25 feet	Zero (existing and proposed)	(-25 feet or -100%)
Lighting Standard Setback	25 feet	Zero (existing and proposed)	(-25 feet or -100%)
Signage Setback	8 feet	8 feet	0

It should be noted that the south property lines of the subject tracts are located approximately 26 feet north of the curb edges on 63<sup>rd</sup> Street, and the east property lines are located approximately 27 feet west of the curb edges on Main Street. Though not on private property, these parkway areas provide a notable amount of greenspace and an added perceived setback.

Bulk Characteristics

The total land area of the redevelopment site is approximately 254,709 square feet (5.8 acres), with overall dimensions of approximately 582 feet as measured east to west along 63<sup>rd</sup> Street and 537 feet as measured north to south along Main Street. The proposed reconfigured Green Knolls parcel will be 213,596 square feet in area, and the proposed reconfigured Walgreens parcel will be 41,113 square feet. Based upon the maximum Floor Area Ratio (FAR) in the B-2 District of 0.75, the proposed reconfigured Green Knolls parcel would have a maximum gross floor area of 160,197 square feet as compared to the proposed 67,333 square feet (an effective FAR of 0.32 or 42% below the maximum permitted). The proposed reconfigured Walgreens parcel would have a maximum floor area of 30,835 square feet as compared to 14,488 square feet proposed (an effective FAR of 0.36 or 47% below the maximum permitted).

	Required	Proposed	Difference
<b>Green Knolls Parcel Lot Area</b>	Minimum 10,500 sq.ft.	213,596 sq.ft.	+203,096 sq.ft. above minimum
<b>Green Knolls Parcel FAR</b>	Maximum 0.75 or 160,197 sq.ft.	0.32 or 67,333 sq.ft.	-42% or 92,864 sq.ft. below maximum
<b>Walgreens Parcel Lot Area</b>	Minimum 10,500 sq.ft.	41,113 sq.ft.	+30,613 sq.ft. above minimum
<b>Walgreens Parcel FAR</b>	Maximum 0.75 or 30,835 sq.ft.	0.36 or 14,488 sq.ft.	-47% or 16,347 sq.ft. below maximum

Parking

Per Code, required parking is based upon the gross square footage of the various uses/tenants within each tenant space or building. Based upon the current tenant mix and assuming any vacant tenant spaces would contain general commercial uses, the Green Knolls parcel requires 246 regular sized parking spaces and seven code compliant handicapped accessible spaces. As proposed, the Green Knolls parcel will provide 252 regular sized parking spaces, an excess of 6 spaces, as well as seven code compliant handicapped accessible spaces.

The proposed Walgreens parcel will require 49 regular sized parking spaces and two code compliant handicapped accessible spaces. As proposed, the Walgreens parcel will provide the minimum required 49 regular sized spaces and two code compliant handicapped accessible spaces. Based upon current plans, no parking variations are required per Code. The petitioner has also submitted a Parking Demand Analysis as part of the petition, which has been reviewed by the Village's Traffic Engineer and is further discussed below.

	Required	Proposed	Difference
Green Knolls Parcel Parking	246 standard spaces 7 handicap spaces	252 standard spaces 7 handicap spaces	+ 6 standard spaces
Walgreens Parking	49 standard spaces 2 handicap spaces	49 standard spaces 2 handicap spaces	0
Total Parking	295 standard spaces 9 handicap spaces	301 standard spaces 9 handicap spaces	+ 6 standard spaces

In addition, as requested from the petitioner, the attached draft Declaration of Easements, Covenants, Conditions and Restrictions provides for a perpetual and reciprocal access and parking easement agreement (REA) between the two parcels. The REA provides for full and complete access and shared parking between the two parcels to be fully executed and provided to the Village as part of the recordation of the proposed lot reconfiguration should the petition be approved. Also, it should be noted that the REA does not contradict Code, as it does not allow satisfying parking requirements for any one parcel by counting parking spaces from another parcel.

Loading

Code requires one loading/unloading area for the Walgreens parcel. This loading space is provided primarily on site as required per Code; however, due to the existing physical constraints, the approach area straddles the common property line between the Walgreens parcel and the Green Knolls parcel. As noted, this requires a variation per Code. The petitioner also intends to address this issue through the execution of the above noted REA. Also, loading/deliveries should be scheduled to minimize negative impact and risk to parking and traffic operations, as well as to pedestrians. Staff has requested that the petitioner provide architecturally compatible screening of the loading area; however, the building elevations do not clearly indicate such screening, and the site plan detail is also not clear. In previous correspondence with the petitioner, Staff has suggested a screening wall that is integral to and architecturally compatible with the Walgreen's building be provided to adequately screen the loading and refuse areas. This aspect should be confirmed.

Greenspace

The petitioner is proposing to increase landscaping over that currently existing, which is approximately 3.3% for the overall tract as compared to the minimum requirement within the B-2 District of 10% of the lot area. As proposed, the greenspace percentage for the reconfigured Green Knolls parcel is 4.1% or 8,784 square feet, which is 5.9% or 12,575 square feet below the minimum requirement of 21,359 square feet. The proposed greenspace percentage for the reconfigured Walgreens parcel is 3.9% or 1,591 square feet, which is 6.1% or 2,520 square feet below the minimum requirement of 4,111 square feet. The resulting overall greenspace percentage for the entire redevelopment tract is 4.1%. Opportunities to increase landscaping should continue to be explored.

	Required	Proposed	Difference
Greenspace Green Knolls Parcel	10% or 21,359 sq.ft.	4.1% or 8,784 sq.ft.	(- 5.9% or -12,575 sq.ft.)
Greenspace Walgreens Parcel	10% or 4,111 sq.ft.	3.9% 1,591 sq.ft.	(-6.1% or -2,520 sq.ft.)

Some greenspace areas at the ends of parking rows and at driveway entrances are proposed to help enhance the shopping center overall; however, the landscape areas located adjacent to the parking areas are narrow and unable to reasonably accommodate shrub or tree plantings. At minimum, more landscaping opportunities should be explored in parking islands that are currently indicated as being striped pavement, as well as along/within the walkways adjacent to the storefronts of the shopping center and other practical opportunities to increase landscaping. For instance, the proposed striped parking island immediately north of the 63<sup>rd</sup> Street access drive should be aligned with the parking island to the north for traffic safety reasons, as previously discussed with the petitioner, and this would also provide an opportunity for an additional landscaped island that would be adequate in size to accommodate tree and/or shrub plantings.

Signs

Walgreens proposes the installation of a freestanding sign at the southeast corner of the site. This freestanding sign is proposed to be 35 feet in height as compared to the maximum allowable 20 feet, or an increase of 75%. The 35 foot height is proposed due to the 18-foot grade differential between the grade of the subject property and the grade of the adjacent streets of both 63<sup>rd</sup> and Main. Consequently, the sign will project approximately 17 feet above the grade at the intersection of 63<sup>rd</sup> and Main. As noted on the petitioner's submitted plans, additional code compliant wall and window-mounted signs are proposed for the Walgreens parcel. Existing Code-compliant signage on the Green Knolls parcel is not proposed to be amended as part of this petition.

	Maximum	Proposed	Difference
Height of Walgreens Sign	20 feet	35 feet	+15 feet or 75%

Site Lighting

With respect to exterior lighting levels, it is recommended that lighting levels should not exceed 0.1 footcandles as measured at the property line of any adjacent residentially zoned lot. The properties to the southwest of the subject site are zoned R-4, Single Family Residence and are occupied by single-family residences. The petitioner is using shielded fixtures to direct site lighting onto the subject properties at the perimeter, and a photometric plan was submitted for review. The submitted photometric plan indicates lighting levels of 0.0 footcandles at the property lines of the residentially zoned properties, which therefore conform to the recommended lighting levels. In addition, efforts should be made to provide and maintain a consistent, adequate level and quality of lighting throughout the entire shopping center, in addition to providing a consistent visual aesthetic.

**Buildings and Design**

Building Height

The maximum building height per Code is 35 feet as measured to the midpoint between the bottom of the eave and the top of the peak. The Walgreens building design includes a two-story corner tower, which is proposed to be 35 feet in height as measured per Code, equal to the maximum height permitted. The main portion of the building is proposed to have a flat roof with a height of 27 feet 4 inches as measured from grade to the top of the parapet wall. Color renderings of the proposed facility, as well as dimensioned elevations, are attached. The height of the existing shopping center structure is a maximum of 26 feet and is not proposed to be altered as part of this project. No building height variations are required.

	Maximum	Proposed	Difference
Height of Walgreens Building	35 feet	35 feet	0

Design

The petitioner is proposing a traditionally based aesthetic/design and a combination of materials that is an upgraded departure from Walgreen's standard corporate design program. The proposed building is comprised predominantly of earth toned brick masonry, accented and highlighted with a rusticated or split-faced (rough finish) architectural stone that comprises the building base, string courses, and cornice. Cast stone lintels provide additional beneficial architectural detail and embellishment. In addition, metal standing seam awnings and hipped roof at the entry pavilion help reinforce a traditional, historically based aesthetic. A colored rendering of the proposed building is attached, and sample finishes will be available at the Plan Commission hearing. Material designation and color/finish specifications should be provided to Staff.

In addition, given that the Walgreens site is well below the level of 63<sup>rd</sup> and Main Street intersection, attention must be paid to architecturally compatible screening of major roof top equipment. Nevertheless, the proposed design should pose an overall positive and upgraded visual/aesthetic addition to the shopping center and area. The Green Knolls center should give additional consideration to an architectural and signage upgrade of its building commensurate with and complementary to the quality of the proposed new Walgreens.

#### **Public Works / Engineering**

##### Engineering and Stormwater Management

Public Works Staff and the Village's engineering consultant have reviewed the proposed plans and detail their conclusions in the attached memorandum dated January 30, 2004. There are no outstanding engineering/stormwater management issues affecting the currently proposed petition; however, certain procedural requirements will be required to be satisfied prior to issuance of construction and/or stormwater permits.

The project proposes the utilization of a series of underground storage pipes located on both the Walgreens parcel and the Green Knolls parcel, generally to the east and northwest of the proposed Walgreens building. Additional grading work will be undertaken on both parcels to further improve surface water flow to the inlets for the underground storage pipes. The proposed engineering and stormwater management plans have been found to meet the Village's Stormwater and Floodplain Ordinance.

##### Parking

The petitioner has commissioned Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) as a parking and traffic consultant to perform the attached Parking Demand Analysis of the subject shopping center and the proposed Walgreens facility. The study concluded that the existing parking supply is sufficient to accommodate the peak parking demand of the existing Green Knolls shopping center and the proposed Walgreens facility; however, this includes the assumption of current uses in the center, including existing restaurants and retail occupancy for all currently vacant tenant spaces within the shopping center.

The Village's Traffic Engineer has reviewed the parking consultant's Parking Demand Analysis and as outlined in the attached memorandum dated January 15, 2004, concurs with its findings and conclusions that parking supply will meet the demands of the shopping center and the proposed Walgreens facility.

##### Traffic

The entire site will continue to be accessed by five existing driveways; two located on Main Street, one located on 63<sup>rd</sup> Street and two located on 62<sup>nd</sup> Place. Although the proposed Walgreens parcel retains frontage along both the Main Street and 63<sup>rd</sup> Street rights-of-way, significant elevation changes at this intersection preclude the Walgreens parcel from taking direct physical access from either street. As noted, the petitioner proposes the utilization of a perpetual and reciprocal parking and easement agreements (REA) for access to/from the Walgreens parcel by way of the access driveways and parking areas on the Green Knolls parcel.

The petitioner's traffic consultant also reviewed trip generation and site access, and with respect to trip generation, concluded that although the proposed Walgreens store is expected to generate additional trip activity during the evening peak hour as compared to the former restaurant use of the site, not all of these trips will be new trips on the roadway system. The study notes that a considerable number of trips made to retail development stores during the weekday peak hours are diverted, or pass-by traffic already currently in the traffic system on adjacent streets. Additionally with respect to site access, the traffic consultant concluded that the existing site access system has been designed for safe and efficient access to and from the site with minimal interruption to through traffic and is further sufficient to accommodate additional traffic generated by the proposed Walgreens facility. Site traffic will continue to be distributed rather evenly throughout the five available access points to the site and should not overload any one access point.

The Village's Traffic Engineer has also evaluated potential traffic impacts as a result of the proposed drive-up use in conjunction with the proposed Walgreens store. Based on anticipated trip generation characteristics, it was concluded that traffic impact contribution of the Walgreens, including the proposed drive-up component, would not negatively impact traffic characteristics as compared to existing conditions.

Landscape Plan

The proposed landscape plan has been reviewed by the Village Forester who recommended two plant substitutions on the originally submitted plan. The petitioner has amended the landscape plan to reflect the two plant substitutions as recommended by the Village Forester.

Consideration should be given to additional landscaping opportunities throughout the shopping center and on the Green Knolls parcel to approach as closely as possible to the nominal 10% greenspace requirement. Additionally, as the two parcels are perceived and work together as a whole, responsibility for the landscaped areas and plantings should be defined, and the property owners should work cooperatively to ensure a consistency of visual quality and level of maintenance to ensure the center overall remains a functional and visual amenity to the Village.

**Fire Department**

The Fire Prevention Division of the Fire Department has reviewed the proposed plans and as indicated in the attached report dated January 19, 2004, has found the proposed plans acceptable at this preliminary stage, subject to review of permit plans in the future.

**RECOMMENDATION:**

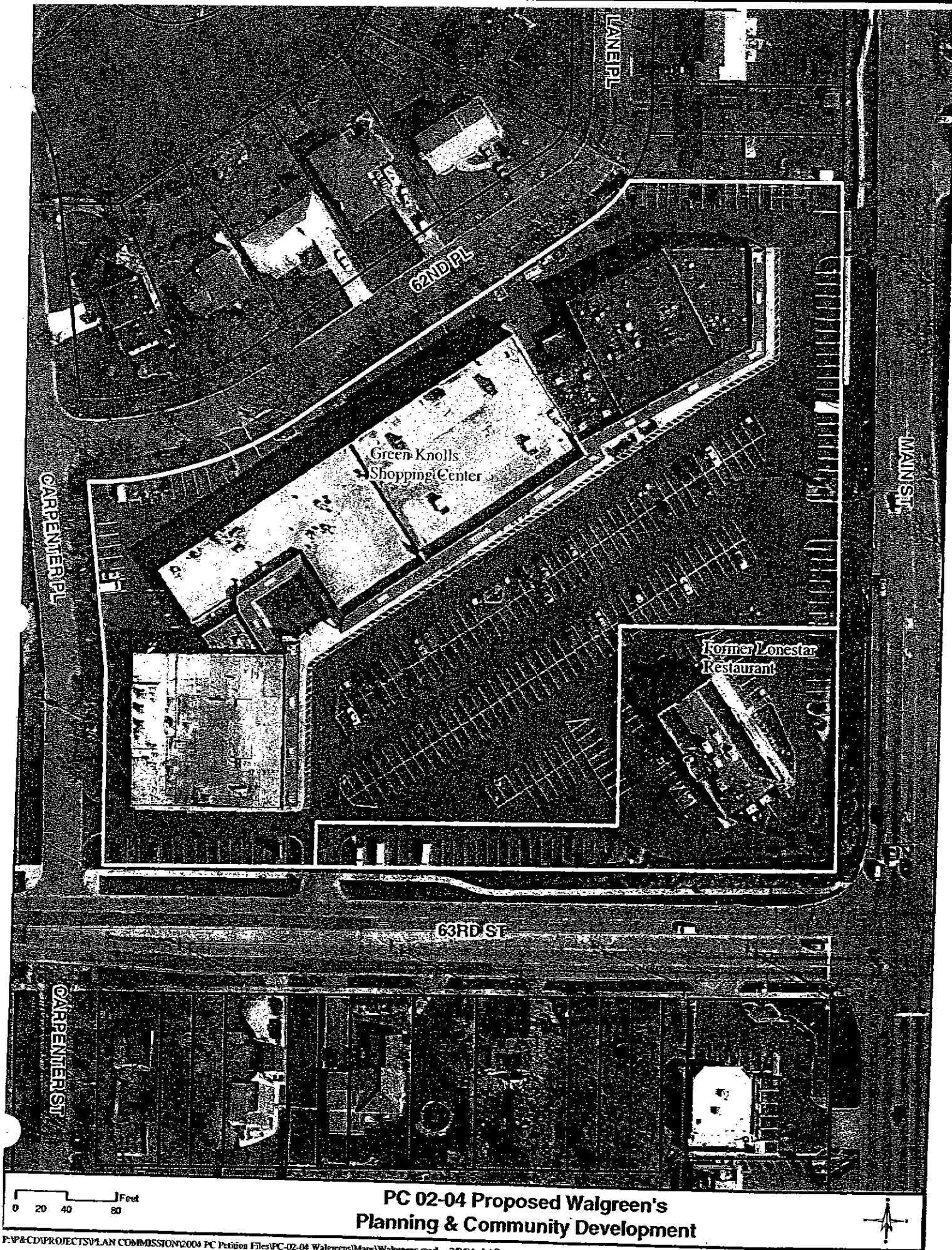
The Staff Development Team has reviewed the petitioner's Requested Action and concurs to recommend that the Plan Commission consider forwarding a positive recommendation to the Village Council regarding the proposal to construct a new 14,500 square foot Walgreen's retail sales facility to include a drive-up (pharmacy) component, subject to the following:

1. The petitioner should continue to evaluate means to reduce or eliminate the need for variations to the extent possible and practical;
2. The property owner(s) shall consult with the Village regarding potential future uses or changes to uses, as such may require Temporary Use or Special Use review, or regarding other uses that may result in negative impacts to any approved parking and traffic conditions as part of this petition;
3. Executed, perpetual and reciprocal easement/access agreements between all property owners of the two subject parcels must be obtained and recorded with the recordation of the reconfigured parcels.
4. Loading/unloading operations, including refuse removal, shall occur on-site and shall not obstruct or hinder safe parking and site circulation for vehicular and pedestrian traffic within the center nor negatively impact on 63<sup>rd</sup> Street or Main Street.
5. All storage of refuse shall occur completely in appropriate enclosures at all times;
6. Rooftop screening of mechanical equipment is to be provided in an architecturally compatible manner;
7. The owner(s) should work cooperatively to explore and implement increased landscaping throughout the center.
8. Should the variation from sign Code standards be approved as part of this petition, all other signage shall comply with Code. Rooftop signage shall not be allowed.
9. Compliance with all Public Works/Engineering requirements/conditions as outlined in their memorandum dated January 30, 2004 including recommended conditions;
10. Compliance with all applicable Federal, State, and Village laws, ordinances, regulations and policies;



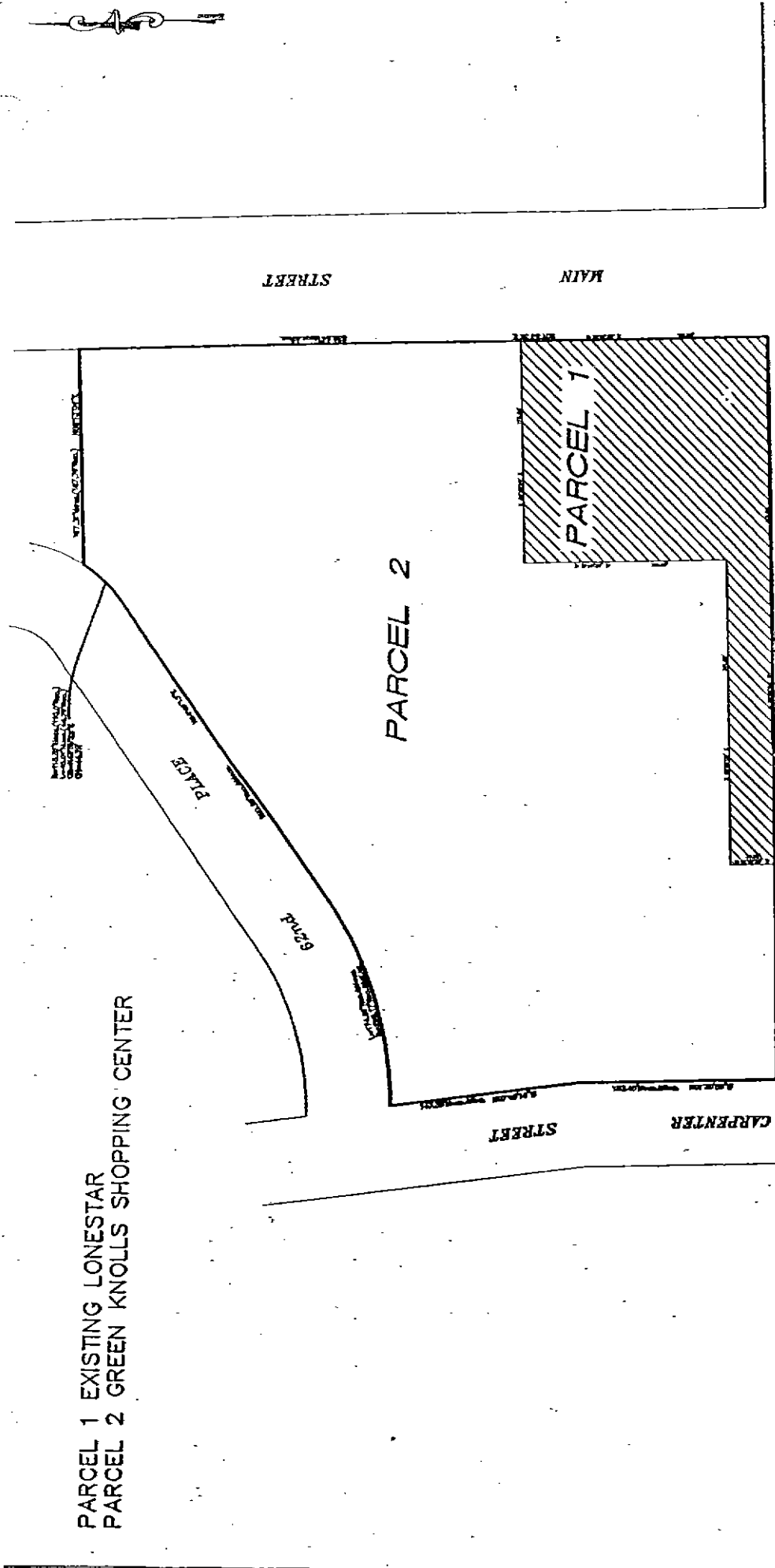
Joseph Skach, Director, Planning and Community Development

- c: Riccardo Ginex, Village Manager  
David Barber, Director, Public Works  
Don Rosenthal, Director, Code Services  
Michael Millette, Assistant Director, Public Works, Engineering  
Jonathan Hall, Development Engineering Manager  
Howard Hoffman, Chief, Fire Prevention Bureau  
File



**PC 02-04 Proposed Walgreen's  
Planning & Community Development**

PARCEL 1 EXISTING LONESTAR  
 PARCEL 2 GREEN KNOLLS SHOPPING CENTER



STREET  
 63rd

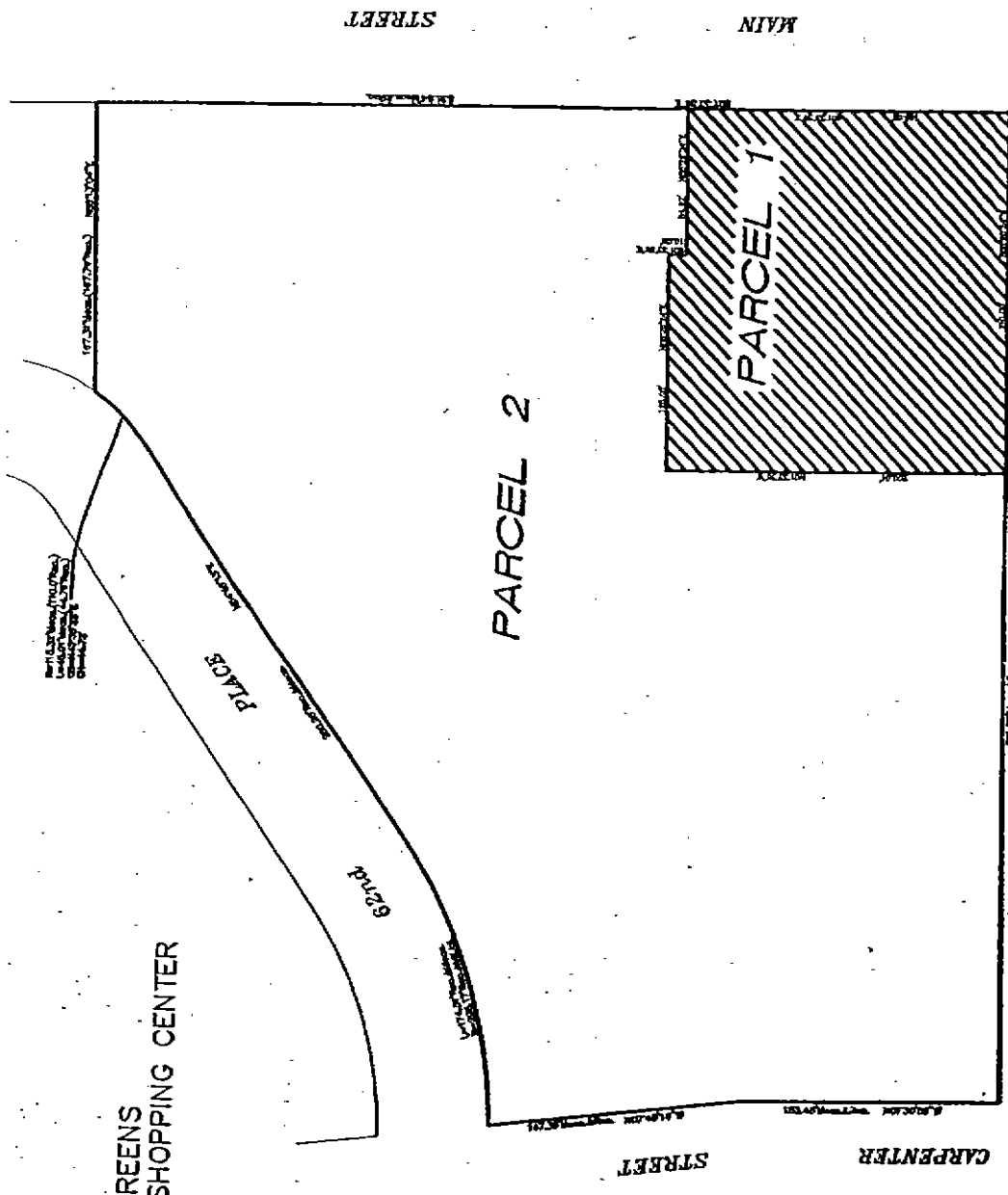
INTECH CONSULTANTS, INC.  
 848 WALNUT AVE. DOWNERS GROVE, ILL.  
 ENGINEERS SURVEYORS

VALGREENS  
 GORD AND MAN  
 DOWNERS GROVE

EXISTING PARCELS  
 EXHIBIT 1

EXISTING LOT  
 CONFIGURATION

PARCEL 1 PROPOSED WALGREENS  
 PARCEL 2 GREEN KNOLLS SHOPPING CENTER

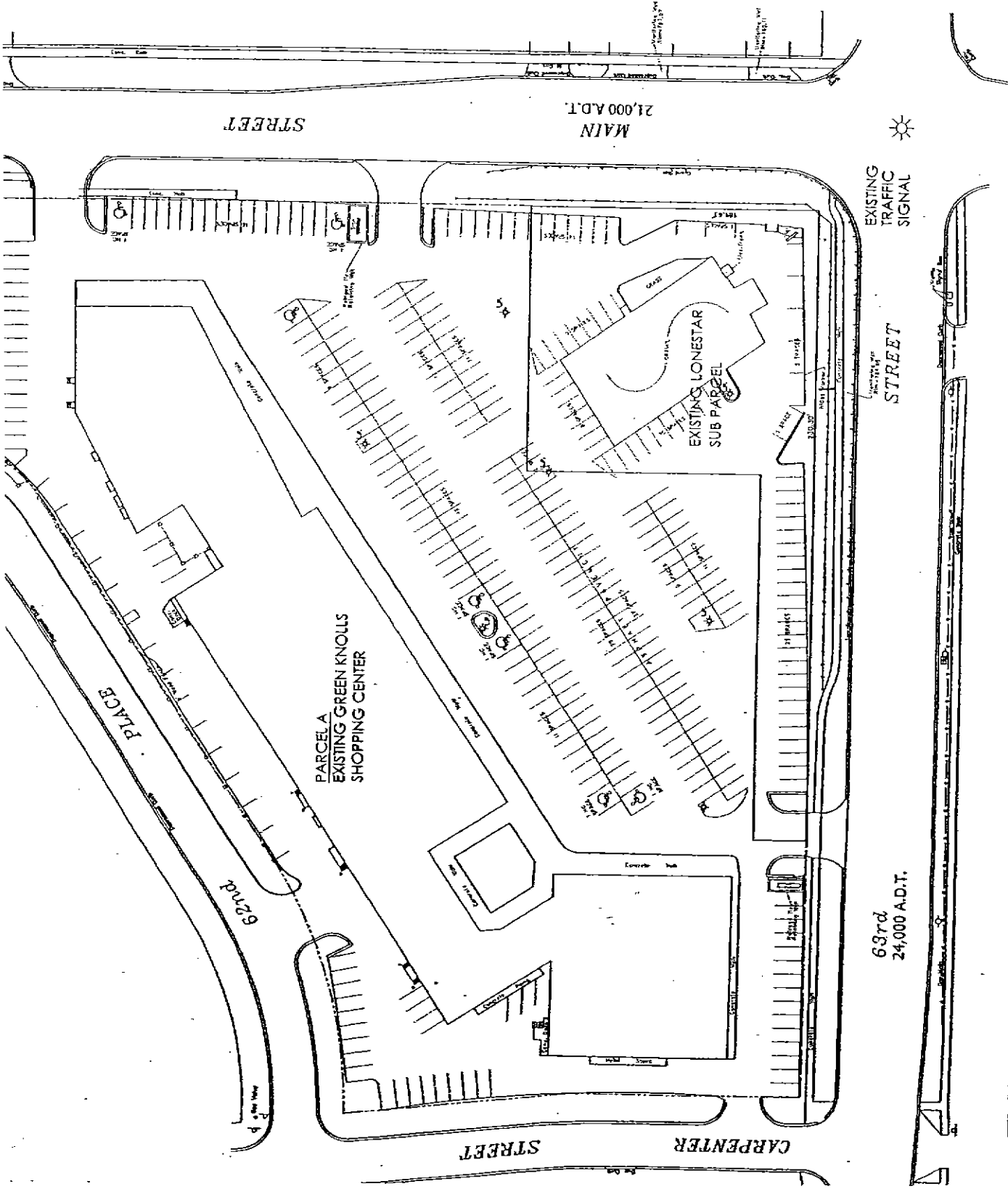


INTECH CONSULTANTS, INC.  
 6418 WALNUT AVE. DOWNERS GROVE, ILL.  
 ENGINEERS & SURVEYORS

DATE	BY	REVISION
11/11/08	gbs	PROPOSED PARCELS EXHIBIT 2
03/08	gbs	WALGREENS AND MAIN DOWNERS GROVE

PROPOSED LOT RECONFIGURATION

63rd STREET

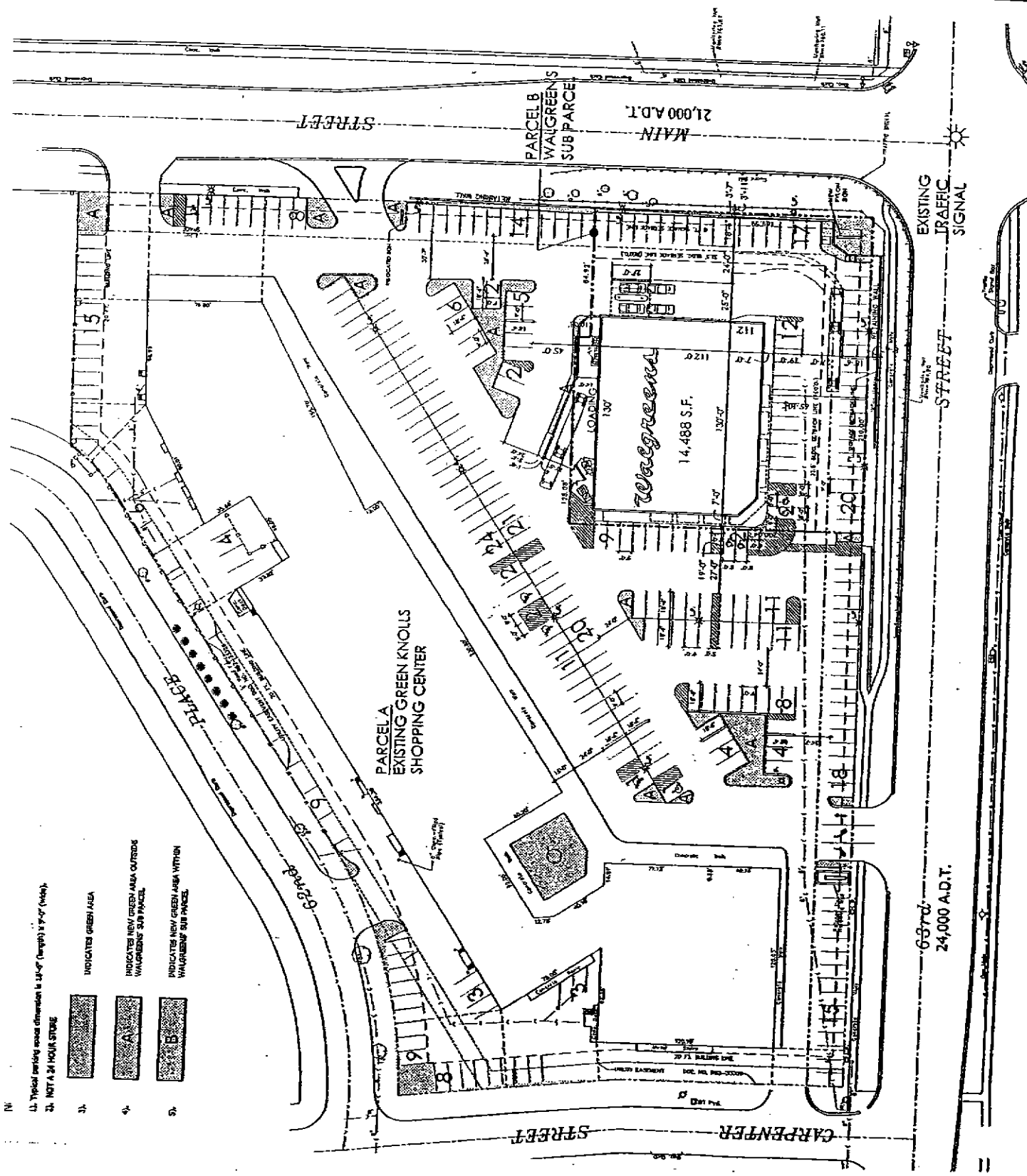


**EXISTING SITE PLAN**

GRAPHIC SCALE  
 1" = 100'-0"



NORTH



1. Typical parking space dimension is 9'-0" (length) x 5'-0" (width).  
 2. NOT A 24 HOUR STORE  
 3. INDICATES GREEN AREA  
 4. INDICATES NEW GREEN AREA OUTSIDE WALGREENS' SUB PARCEL  
 5. INDICATES NEW GREEN AREA WITHIN WALGREENS' SUB PARCEL

6670' 24,000 A.D.T.  
 STREET

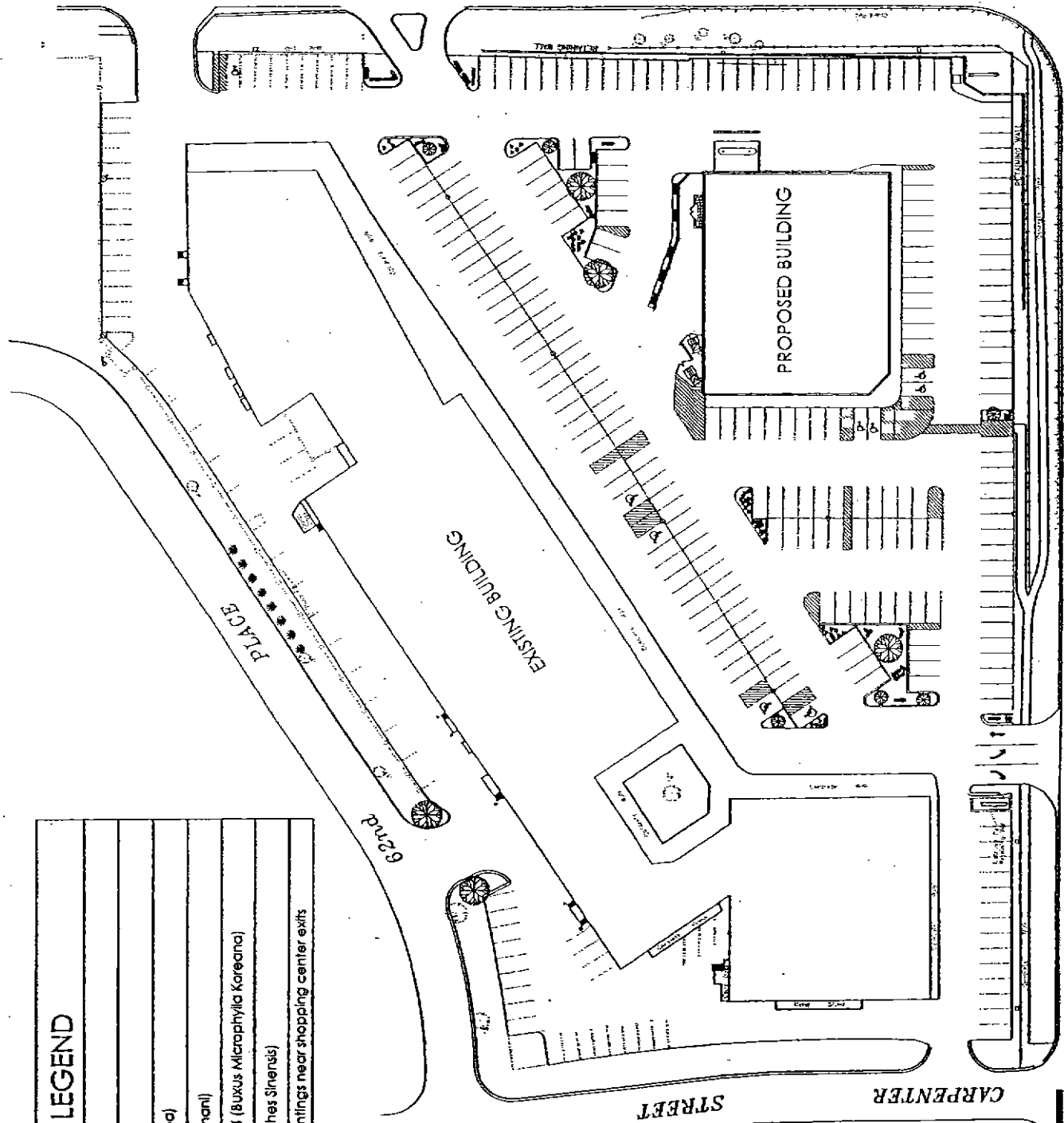
PROPOSED SITE PLAN



### LANDSCAPE PLAN LEGEND

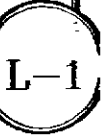
Quantity	Size	Symbol	Plant Type
Numerous	As Ref.	(Symbol)	Existing plantings
5	3"	(Symbol)	Burr Oak ( <i>Quercus Macrocarpa</i> )
6	2 1/2"	(Symbol)	Freeman Maple ( <i>Acer X Freeman</i> )
60	12"	(Symbol)	Korean Wintergreen Boxwood ( <i>Buxus Microphylla Koreana</i> )
86	24"	(Symbol)	Japanese Silvergrass ( <i>Miscanthus Sineris</i> )

Note: All plants salt resistant with emphasis of lower plantings near shopping center exits



WALGREEN'S  
63RD AND MAIN STREET  
DOWNERS GROVE, ILLINOIS

Job No: 0446-10 Date: 10 DEC 2003 Rev: 08 JAN 2004



STREET

63rd

STREET

CARPENTER

PROPOSED BUILDING

EXISTING BUILDING

PLACE

63rd



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12

PROJ.  
UNIVERSITY OF CALIFORNIA  
ARCHITECTURAL DEPARTMENT  
1150 S. BURNBANK AVENUE  
LOS ANGELES, CALIF. 90024

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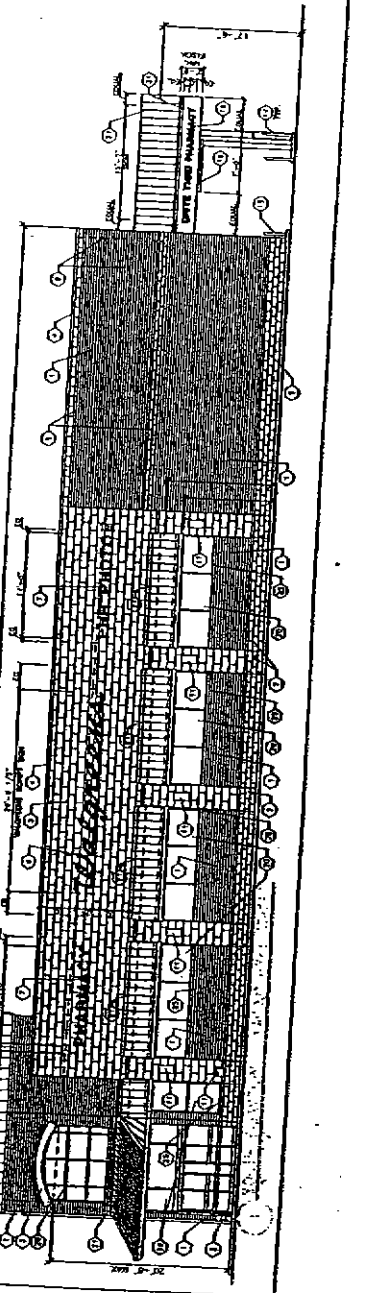
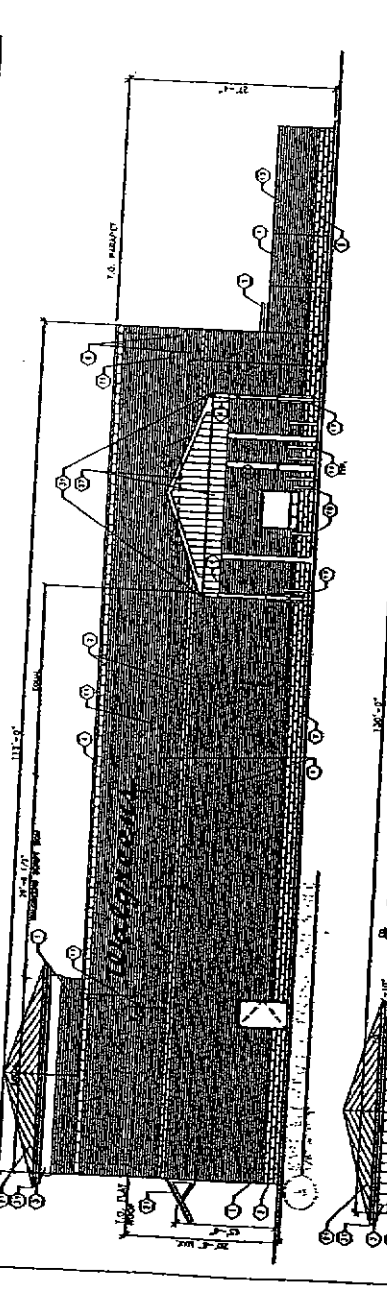
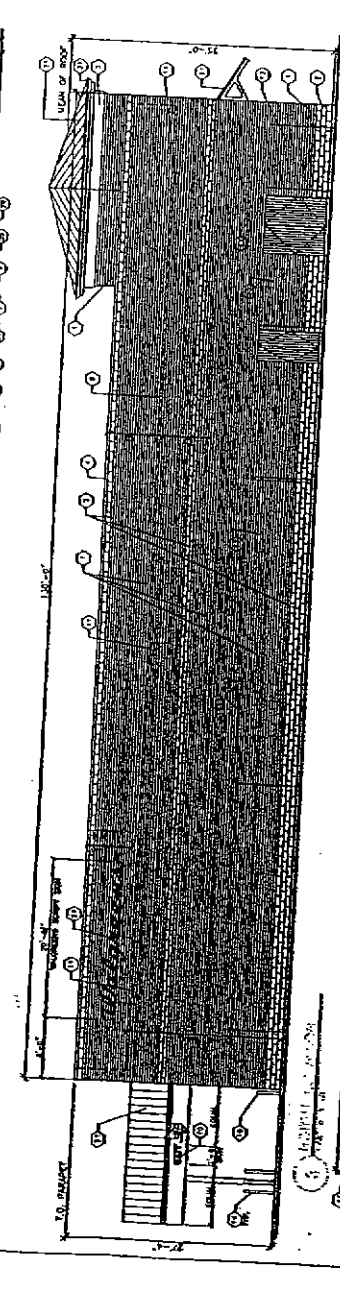
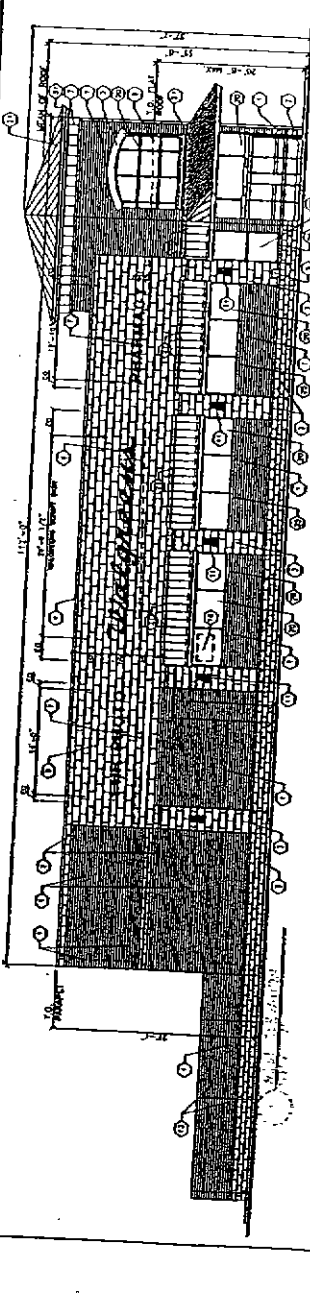
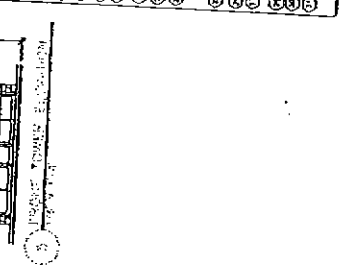
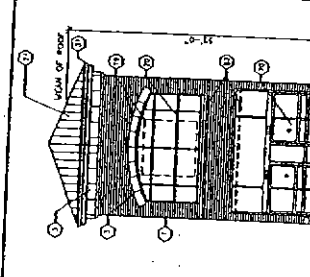
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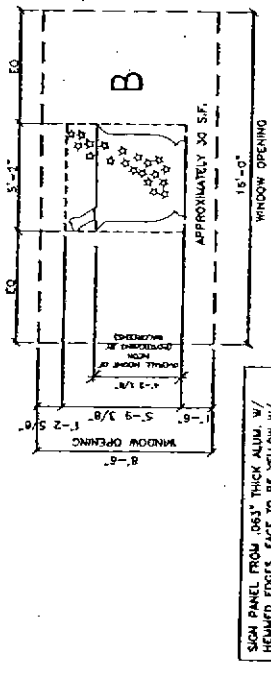
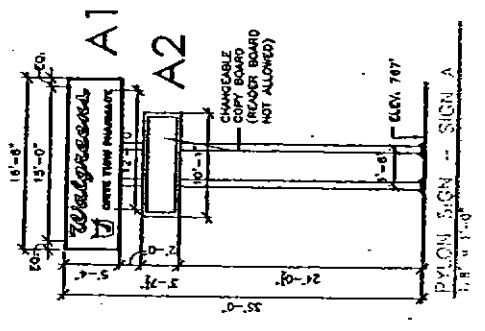
WALGREENS  
1000 N. BURNBANK AVENUE  
LOS ANGELES, CALIF. 90024

SCALE: 1/8" = 1'-0"  
DRAWN BY: [Name]  
DATE: [Date]  
CHECKED BY: [Name]

EXTERIOR ELEVATIONS OF  
WALGREENS  
1000 N. BURNBANK AVENUE  
LOS ANGELES, CALIF. 90024

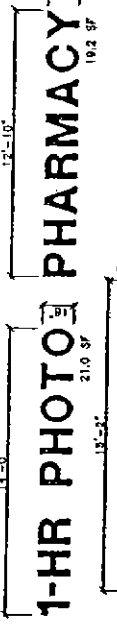
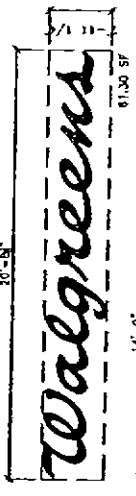
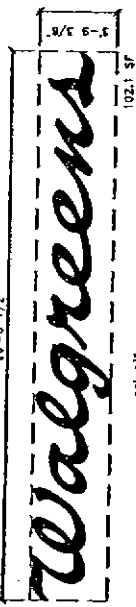
- EXTERIOR ELEVATIONS REFERRED NOTES
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SIGN PANEL FROM 0831 THICK ALUM. W/ HEMMED EDGES. FACE TO BE YELLOW W/ HIGH BLACK HELVETICA MEDIUM CAPITAL LETTER COPY. BACKGROUND SURFACE COATING TO BE 3M SCOTCHLITE REFLECTIVE FILM. YELLOW 1800-71

RED 12703 HELVETICA FACE HELVETICA MEDIUM CHANNEL LETTERS. PRE-FINISHED BACKS OF LETTERS 112 ALUM. PLATE



SIGN AREA SUMMARY**	
ELEVATION #1	
C. 24'-8 1/2" WALGREENS SCRIPT SIGN	102.1
D. 14'-0" WALGREENS SCRIPT SIGN	102.1
E. 13'-2" 1-HR PHOTO SIGN	21.0
F. 12'-10" OBIVE THRU PHARMACY SIGN	12.6
ELEVATION #2	
B. 20'-8 1/2" WALGREENS SCRIPT SIGN	102.1
ELEVATION #3	
C. 20'-8 1/2" WALGREENS SCRIPT SIGN	102.1
ELEVATION #4	
F. 12'-10" OBIVE THRU PHARMACY SIGN	12.6
G. 13'-2" 1-HR PHOTO SIGN	21.0
H. 14'-0" WALGREENS SCRIPT SIGN	102.1
I. 20'-8 1/2" WALGREENS SCRIPT SIGN	102.1
WINDOW SIGN	
G. 14'-0" X 12'-10" APPROXIMATELY	194.9
TOTAL BUILDING SIGNAGE	590.0
SITE SIGN AREA	
A. ONE SIGN	0.0
B. ONE SIGN	0.0
C. ONE SIGN	0.0
D. ONE SIGN	0.0
E. ONE SIGN	0.0
F. ONE SIGN	0.0
G. ONE SIGN	0.0
H. ONE SIGN	0.0
I. ONE SIGN	0.0
TOTAL SITE SIGNAGE	0.0
TOTAL SIGNAGE AREA	590.0
PERMITS SUBJECT TO AREA	590.0

SIGN CODE SUMMARY  
 PERMIT OFFICIAL: NAME: Don Rosenbld  
 PHONE: 503-534-9514

SIGN CODE  
 RESTRICTIONS ARE: ALL SIGNAGE NOT TO EXCEED 7'6"  
 2 3/4" AT OF LOT FRONTAGE  
 Pylon sign not to exceed 20'-4"  
 REAR SIGNAGE NOT ALLOWED

WALL SIGN RETURNS TO BE:  
 STANDARD BRONZE

NO. DATE DESCRIPTION LOOK

REVISIONS

PROJECT NAME  
**WALGREENS STORE**  
 63rd & MAIN  
 Downers Grove, Illinois

EXTERIOR ELEVATIONS, DETAILS, SIGN DATA

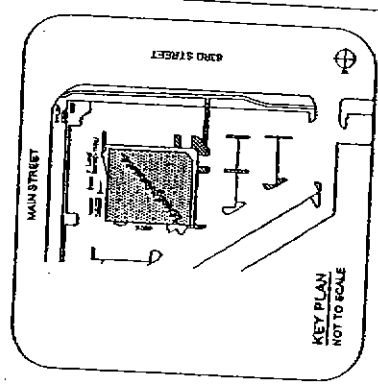
CADD PLOT: SCALE: 1/8" = 1'-0" DRAWING NO.

VOID PLOT: DRAWN BY: SHS

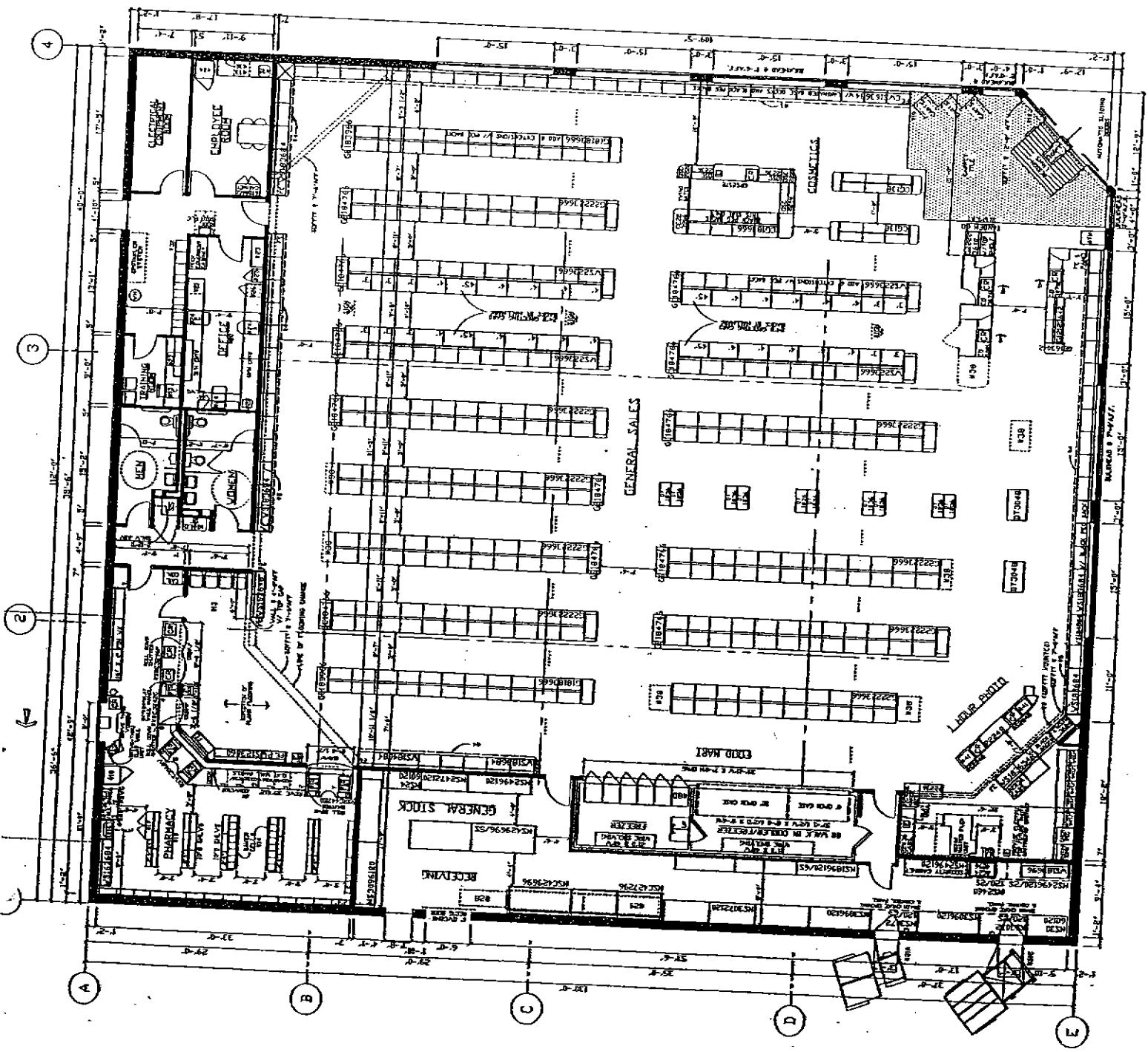
RELEASED TO CONSTRUCTION DATE: 3/28/04

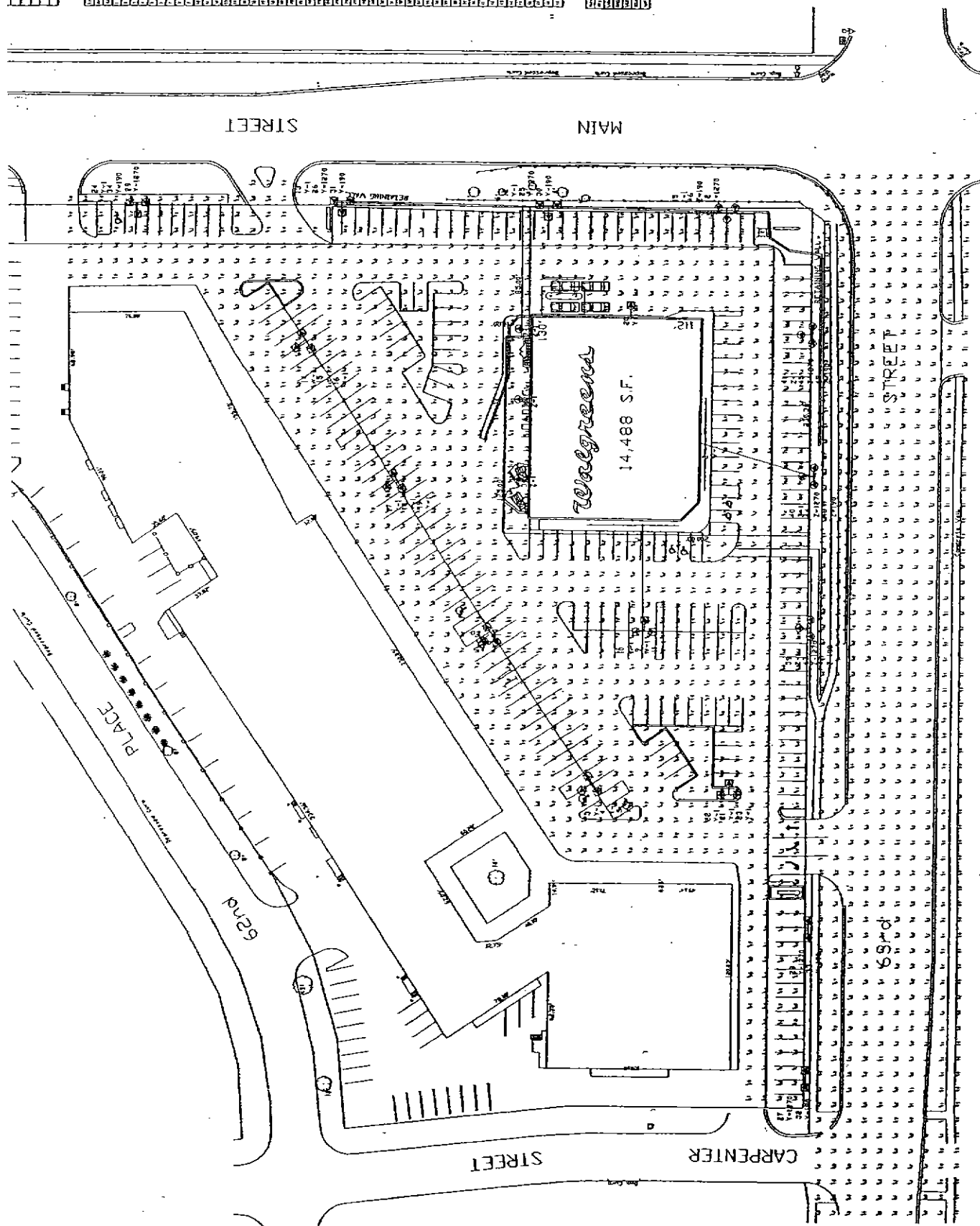
REVIEWED BY: A2.1S

STORE # 0771		DRAWING NO.	
PROJECT NAME NWC/MAN & GORD DOWNERS GROVE, IL RELOCATION OF 80018 @ 7211 LEAVITT RD		DRAWING NO. <b>D1</b>	
DRAWING TITLE FIXTURE FLOOR PLAN		OF DWGS.	
CAO PLOT:	SCALE 1/8" = 1'-0"	DATE:	DATE:
VOID PLOT:	DRAWN BY:	RELEASED TO:	SUPERSEDES PLAN:
CONSTRUCTION:			



EXECUTIVE APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_





**SITE PHOTOMETRIC PLAN**

GRAPHIC SCALE

WALGREEN'S  
63RD AND MAIN STREET  
DOWNERS GROVE, ILLINOIS

Job No: 084810 Date: 22 JAN 04 Rev:





INTEROFFICE CORRESPONDENCE  
DEPARTMENT OF PUBLIC WORKS

TO: Joseph P. Skach, AIA, AICP, Director of Planning & Community Development  
FROM: David H. Barber, P.E., Director of Public Works  
BY: Michael D. Millette, P.E., Asst. Director of Public Works – Engineering *MDM*  
Jonathan C. Hall, P.E., Development Engineering Manager *JH*  
DATE: January 30, 2004  
RE: Planning / Zoning Petition for Special Use Amendment  
Walgreens – 63rd Street & Main Street  
Public Works Department 4<sup>th</sup> Review

Documents Reviewed:

- Revised Site Plans dated 1/28/04.

Attachments:

- Christopher B. Burke Engineering, Ltd. review memorandum dated 1/16/04.
- Traffic Manager memorandum dated 1/15/04.
- Letter from petitioner's attorney dated 1/29/04.

Public Works Review Summary:

Division	Representative	Date	Recommendation	Comments included
Engineering	M. Millette	1/30/04	Place on PC Agenda	X
Stormwater	J. Hall	1/30/04	Place on PC Agenda	X
Water	D. Bird	12/12/03	Approval as noted	X
Traffic	D. Fera	1/15/04	Approval as noted	X
Forestry	K. Von der Heide	1/9/04	Place on PC Agenda	X
Pavement	R. Ebel	-	No Comments	

Recommendation:

The Public Works Department recommends that the petition be placed on the Plan Commission Agenda. Comments not yet fully addressed will be incorporated into the future required building permit review.

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**Public Works Department Review:**

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**Engineering Review Comments:**

The Engineering Division recommends placement on the Plan Commission Agenda.

**Stormwater Review Comments:**

The proposed development is in substantial compliance with Village stormwater standards. Following is a summary of key issues reviewed:

- ✓ No wetlands will be impacted by the development.
- ✓ The development is not located in a Special Flood Hazard Area (FEMA).
- ✓ The development is not located in a Localized Poor Drainage Area (LPDA).
- ✓ A LPDA is located to the northwest of the site; however, it may be slightly affected in a positive manner with proper stormwater detention design.
- ✓ Stormwater detention is provided per volume requirements (underground).

Following is an update of previously identified (updated information is noted in bold italics):

1. The maximum allowable slope of 2% is exceeded in the handicapped parking stalls (shown at 2.2%).  
***Accepted***
2. Clearly delineate limits of grading. If the total area of parcels under development is 1.0 acres or more, and 25,000 SF or more area is disturbed, stormwater detention will be required.  
***Accepted***
3. Any stormwater detention basin must be designed to facilitate efficient maintenance and inspection, including future sediment / debris removal. Complicated pipe manifold systems are discouraged due to maintenance concerns, unless efficient access can be incorporated for jetting / cleaning of all pipe sections.  
***Accepted***
4. Best management practices (BMPs) for stormwater quality management shall be incorporated into the site design, to the extent practicable (as defined by DuPage County and IEPA). Describe how BMPs are incorporated into the site design.  
***Accepted***

5. A Plat of Easement will be required granting easements over all storm sewers, overland flow routes, and detention areas. Include discharge pipe from detention area to the public storm sewer connection point.  
**Accepted – Utility agreement form accepted.**
6. Add a DuPage County benchmark reference to the plan.  
**Accepted**
7. A minimum of one foot of freeboard will be required in the detention basin. This shall be measured from the maximum water surface elevation at the emergency overflow to the lowest "top-of-berm" elevation (assuming 1 cfs per acre discharge rate).  
**Accepted**
8. The Village's standard outlet control manhole design (minimum 72-inch diameter manhole), or an approved alternative design, shall be utilized for the detention basin outlet to meet the efficient function and maintenance requirements. Generally, the restrictor orifice should be accessible for cleaning without pumping when the basin is flooded to the 100-year high water level.  
**Accepted**
9. Provide an erosion control plan.  
**Accepted**
10. Revise grading and storm sewer design to convey all 100-year runoff to the detention basin. Consider half-clogged inlet capacity for 100-year pipes.  
**Accepted**
11. Per normal procedures, the stormwater permit would be issued, simultaneously with the building permit, requiring receipt of distribution plan copies, fees, and performance securities at that time.  
**Accepted**
12. Clearly differentiate existing from proposed storm sewer pipes and structures.  
**Accepted**
13. Show proposed storm sewer pipes and structures (e.g. south and east parking areas).  
**Accepted**
14. Provide completed IEPA Notice of Intent application form.  
**Accepted – To be provided by contractor.**
15. The outlet from the detention basin appears to discharge beneath the existing shopping center building. We request that the petitioner explore alternatives,

such as reconfiguring some of the designed length of underground detention pipe to extend northward under the existing east parking lot to the Lane Place public storm sewer. If the existing discharge must be utilized, the pipe must be inspected via remote control video camera. Confirm any existing easements over this pipe.

**Accepted**

16. Provide a written plan for removal of sediments from the detention basin. Consider whether additional catch-basins and smooth-surface pipes or vaults may promote better cleaning of underground detention areas.  
**Accepted**
17. Provide detention basin connection details, *shop drawings, and complete manufacturer's specifications.*  
**Accepted**
18. Provide standard manhole and catch-basin details.  
**Accepted**
19. Provide connection detail to the outfall storm sewer.  
**Accepted**
20. Delineate limits of pavement removal.  
**Accepted**
21. Manhole number 6 appears to have the potential for ponding 18 inches or more in depth should it become clogged. This would appear to threaten damage to a number of parked vehicles. Please consider grading alternatives, or ensure that the inlet and pipe can convey 100-year flow if the inlet is 50% clogged.  
**Accepted**

See also attached Christopher B. Burke Engineering, Ltd. review memorandum dated 1/16/04.

**Traffic Review Comments:**

See attached memo dated 1/15/04.

**Forestry Review Comments:**

On L-1, the trees listed (Pin Oak and Red Oak) are not acceptable trees for parking lots. Alternate choices include Burr Oak and Freeman Maple.

**Pavement Review Comments:**

No comments.

**Water Review Comments:**

1. Water Service size needs to be 1 ½" or 2" Copper. Noted on plan as 1 ¾".
2. Water Main noted on plan needs to be CL 52 D.I.P not C151.
3. Water service must have a B-Box located outside the building with easy access for the Water Department.
4. The proposed storm sewer must have a casing where it crosses the new 6" water Main.
5. Water main needs to be pressure tapped at 200 PSI for two (2) hours. Then Chlorinated at 50 PPM.
6. Water tap should be Ductile Iron with Stainless Steel Bolts.
7. Shut off Valve should be Waterous Resilient Wedge w/ stainless steel bolts.

c: PW Division Managers  
Director of Code Services  
Stormwater Management Engineer  
C. Chalberg, Administrative Technician



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 West Higgins Road • Suite 600 • Rosemont, Illinois 60018-4920 • TEL (847) 823-0500 • FAX (847) 823-0520

January 16, 2004

Village of Downers Grove  
Public Works Department - Engineering  
5101 Walnut Ave.  
Downers Grove, IL 60515

Attention: Jon Hall, PE

Subject: 4<sup>th</sup> Stormwater Management Review for Walgreens, 63<sup>rd</sup> and Main St.  
(CBBEL Project No. 01-528B213)

Dear Mr. Hall:

Christopher B. Burke Engineering, Ltd. (CBBEL) has reviewed the following documents:

1. Walgreens, Downers Grove, Illinois Engineering Plans (6 sheets), prepared by Intech Consultants, Inc., dated September 8, 2003, revised October 17, 2003, revised November 13, 2003, revised December 12, 2003, revised January 7, 2004.
2. Stormwater Management Report of Walgreens, prepared by Intech Consultants, Inc., dated October 17, 2003, revised November 10, 2003.
3. "Exhibit", prepared by Intech Consultants, Inc., dated April 1, 2003, revised May 2, 2003.
4. Walgreen's Proposed Architectural Plan, prepared by Stewart Nosky Architects, Ltd., dated October 14, 2003, revised December 15, 2003.

**Project Description**

The subject site disturbs approximately 1.9 acres. The proposed development includes the construction of a commercial site on a parcel that is an existing parking lot and building.

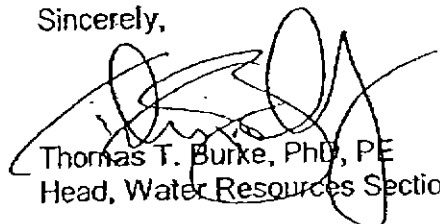
CBBEL has reviewed the revised plans and finds the stormwater permit application in conformance with the Downers Grove Stormwater and Flood Plain Ordinance (Ordinance #4271). This review did not include the review of utility installations or connections. The site does not contain floodplain, localized poor drainage area or wetlands.

An advance copy of this letter may be provided to a permit applicant as a Village service to expedite the review and response process, but it does not include a comprehensive review from the Village of Downers Grove.

The applicant should be reminded that certain issues are reviewed only by the Village, and that the final responsibility for interpretation of the Village Code rests with the Village. The applicant should expect to receive additional review comments from the Public Works Department, Code Services Department, and the Planning and Community Development Department as applicable.

CBBEL recommends approval of the stormwater submittal for Walgreens to the Village of Downers Grove. If you have any questions, please call.

Sincerely,



Thomas T. Burke, PhD, PE  
Head, Water Resources Section III

Cc: Derek Stancik – Intech Consultants, Inc.  
Joe Skach – Village of Downers Grove - Development  
Alicia Hightower – Village of Downers Grove – Public Works  
June Gornik – Village of Downers Grove – Code Services

**VILLAGE OF DOWNERS GROVE**  
**INTEROFFICE MEMORANDUM**

**TO:** Joe Skach, Director of Planning & Community Development  
Amanda Browne, Village Planner

**FROM:** Dorin Fera, Manager Traffic Division

**DATE:** January 15, 2004

**RE:** Traffic Review\_Update  
New Walgreens  
63<sup>rd</sup> Street and Main Street

Page 1

The proposed new Walgreens (14,488 s.f.) at the subject location has been reviewed. The Traffic Division's comments are:

Current Comments from January 7, 2004 Plans:

- 1.) The Traffic Division has reviewed the submitted Parking Demand Analysis and agrees with its findings and conclusions that parking supply will meet the demands of the shopping center and the proposed Walgreens facility.
- 2.) The potential traffic impacts as a result of the proposed drive-up use in conjunction with the proposed Walgreens store have also been reviewed. Based on anticipated trip generation characteristics, it was concluded that traffic impact from this proposed Walgreens development, including the proposed drive-up component, would be negligible when compared with the existing conditions.
- 3.) The petitioner has provided satisfactory responses to previous Staff comments from both the October 7, 2003 and December 1, 2003 events.
- 4.) The Traffic Division recommends approval for submittal to Plan Commission and Village Council.

Comments from December 1, 2003 Meeting

1. Provide positive walk area to guide visitors from parking stalls to Walgreens' front door.
2. Provide approximate peak hours of operation, both AM and PM.
3. Total # of ADA spaces provided by Walgreens, and Total on site.
4. Show truck route to delivery area from both Main Street and 63<sup>rd</sup> Street.
5. State number of deliveries scheduled, either daily or weekly, and time of day expected.

General Comments from October 7, 2003 Plans:

1. Submit a formal Traffic Impact Study Report is required for this development. A total of 100 or greater new trips will be generated by this facility.
2. Submit calculations, and/or analyses for the remaining parking on site. Show the net result of anticipated shared parking on site.
3. Correct the right-in-right-out access driveway design at Main Street to be in accordance with DuPage DOT requirements. It is not shown correctly.
4. A pre-construction meeting to discuss construction staging, and truck routing to/from the site is Not Required.

**WIEDEL, HUDZIK, RUSS & PHILIPP**

A Partnership of Professional Corporations

Attorneys & Counselors

4915 Main Street

P.O. Box 578

Downers Grove, Illinois 60515

Michael C. Wiedel, P.C.  
Richard F. Hudzik, P.C.  
James F. Russ, Jr., P.C.†  
Michael G. Philipp, P.C.

Beth A. Indelicato\*

Telephone 630/969-2300  
Fax 630/969-1342

†Also Licensed in Wisconsin  
\*Also Licensed in California

January 29, 2004

Via FAX (434-6873)  
and REGULAR MAIL

Ms. Amanda Browne  
Planning and Community Development  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, IL 60515

Re: Walgreens Project

Dear Amanda:

We have been requested by the Engineering Department of Public Works to provide you with a letter indicating our agreement to video the storm sewer on this property as part of our project and provide the results of that video to the Village of Downers Grove.

In addition, Mr. Hall has forwarded to me for my review a Utility Maintenance Agreement, which has been reviewed by me and my client. We agree to the terms of that Utility Maintenance Agreement as proposed by Mr. Hall and accept that as a term of any approvals with regard to this project.

Should you have any further questions, please do not hesitate to contact me.

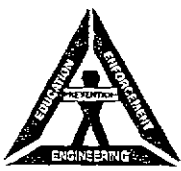
Sincerely,

WIEDEL, HUDZIK, RUSS & PHILIPP

  
James F. Russ, Jr.

JFR/brd

cc: Mr. John Hall



**DOWNERS GROVE FIRE  
DEPARTMENT  
PREVENTION DIVISION**

801 Burlington Ave., Downers Grove, IL 60515  
Phone: 630-434-5983 Fax: 630-434-5593



**Site Plan Review**

Date: 01/19/04

To: Amanda Browne, Planner

From: Division Chief Hoffman

Re: Walgreens Submittal (63<sup>rd</sup> & Main)

.....

The fire department approves of the preliminary site plan for the proposed Walgreens store at 63<sup>rd</sup> and Main. Access to the proposed Walgreens store appears acceptable for fire apparatus. This approval is for the preliminary site plan **only**, specific approval of the plans for the fire alarm system and the fire sprinkler system will be required prior to permit approval. Any questions or concerns please contact me at 434-5983.

# WIEDEL, HUDZIK, RUSS & PHILIPP

A Partnership of Professional Corporations

Attorneys & Counselors

4915 Main Street

P.O. Box 578

Downers Grove, Illinois 60515

Michael C. Wiedel, P.C.  
Richard F. Hudzik, P.C.  
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Michael G. Philipp, P.C.

February 12, 2004

Telephone 630/969-2300  
Fax 630/969-1342

†Also Licensed in Wisconsin  
\*Also Licensed in California

Beth A. Indelicato\*

Mr. Alan Jirek, Chairman  
Village of Downers Grove Plan Commission  
801 Burlington  
Downers Grove, IL 60515-4776

Dear Chairman Jirek:

Attached is our Petition for Lot Reconfiguration, Special Use and Variation from certain green space requirements and parking requirements with regard to the Green Knolls Shopping Center and the vacant building pad of the former Lonestar Restaurant.

Parcel 1, the former Lonestar parcel, is located at the corner of 63rd and Main Street. The parcel has a street frontage along Main Street of approximately 190 feet and street frontage along 63rd Street of approximately 113 feet. The parcel currently is L-shaped and has a depth from Main Street of 172 feet and a depth from 63rd Street of 156 feet with a 35-foot strip of land that runs to the west along 63rd Street. The second parcel, which is bounded by Carpenter Street on the west, 62nd Place on the north, Main Street on the east and 63rd Street on the south is currently improved with the multi-use Green Knolls Shopping Center.

Our Petition proposes to reconfigure Parcel 1 and Parcel 2 to square-off the parcel at the corner of 63rd and Main Street with street frontages along Main Street of 189.63 feet and street frontage along 63rd Street of 230.3 feet, a west property line of 200 feet and a north property line of 210 feet. The existing Green Knolls Shopping Center will remain in its current configuration.

Parcel 1 would be developed with a 14,488 sq. ft. Walgreens building to be built pursuant to the specifications of Walgreens and the Village ordinances. Also proposed is a two-lane drive-thru. This drive-thru would be located on the east side of the building along the Main Street frontage. We would propose that parking be modified to accommodate the new building pad on Parcel 1 pursuant to the site plan we have provided. In addition, the site plan proposes allowing the parking and lighting standards within the 32.5-foot required building setback pursuant to a variation request as authorized by Chap. 28, Section 28-1110. We would also request the same variation for Parcel 2 to allow for the non-conforming parking along the perimeter of the property to remain in its current configuration.

We are seeking a variation from Chapter 28, Section 28-1106 to allow greenspace of 3.87% versus the minimum requirement of 10% under the Village of Downers Grove Landscape and Greenspace Ordinance for Parcel 1. Currently, there is very little, if any, landscaping existing on this property. We propose providing substantial additional landscaping from the current non-existing landscaping on Parcel 2. This landscaping would be provided through parking islands to be created by the redesigned parking layout.

We are next requesting a sign height variation from Chapter 28, Section 28-1519, of the Village of Downers Grove Sign Ordinance. We are proposing a free-standing sign with a height of 35 feet versus the maximum permitted height of 20 feet. As I am sure you are aware, this parcel has an 18-foot grade differentiation between Main Street and 63rd Street and the surface of this property. Due to the substantial grade differentiation, additional height will be necessary for the new pylon sign to allow it to be above the road grade at the intersection of 63rd Street and Main Street.

Finally, we are seeking a variation from Chapter 28, Section 28-1410 to allow the required loading space for Parcel 1 to be partially on Parcel 2. An access agreement has been entered between the current property owners to allow access for parking and loading purposes.

In summary, we will be seeking the following variations with this Petition:

Walgreens Parcel (Parcel 1):

- Reduction of green space requirements;
- Special use for drive-thru;
- Parking be allowed in required setback;
- Increase of sign height; and
- Allowance of the required loading space to be located partially on an adjacent parcel.

Shopping Center Parcel:

- Reduction of green space requirement; and
- Parking to be allowed within the required setback.

Chapter 28, Section 28-1110, authorizes a request of up to a 100% variation to allow parking and lighting standards in a required setback. We are seeking a 100% variation with regard to parking and lighting standards in a setback. The Board is authorized to grant this variation subject to certain standards pursuant to Chapter 28-1803, Subparagraph (a), which indicates that:

“A variation shall be permitted only if the Board finds that it is in harmony with the general provisions and interest of this Zoning Ordinance and that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of the Zoning Ordinance.”

The Board is to consider certain criteria in determining the practical difficulties or particular hardships with regard to a Petition. Those factors are, 1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. 2) The plight of the owner is due to unique circumstances. 3) The variation, if granted, will not alter the essential character of the locality.

The Board in making this determination may consider six factors:

1. That the particular physical surroundings or topographical conditions of the property involved 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. In our Petition, the parking and lighting has existed in the required setback since the property was developed in the 1960s. In addition, the topography of this property is quite unique in that there is a substantial drop of grade between 63rd and Main Streets and the current parking. Because of the 18-foot grade differentiation, most of the parking and lighting is not known to be within the setback and, therefore, has minimal, if any, impact on surrounding properties. In addition, there is a substantial right-of-way surrounding this parcel providing additional greenspace and separation between the road and the parking and lighting within the required setback. These topographical conditions result in a hardship upon the owner and not a mere convenience. The owners, if held to the setback, would be penalized by not being able to use their property as it has been used since the 1960's development of this parcel.
2. That the conditions upon which the requested variation is based would not be applicable generally to other properties within the same zoning classification. This parcel is unique due to the topographical factors involved. It is also unique in that it is located at an intersection which has been developed as a commercial intersection which fronts Main Street and 63rd Street and substantially shelters the residential uses surrounding this parcel from the commercial activity of the intersection.
3. That the alleged difficulty or hardship has not resulted from the actions of the owner. This property was developed in the 1960s with the non-conformities that currently exist. The property owner was granted the current configuration at the time the parcel was developed. The owner has not changed the parcel since the original development was approved. Requiring the developer to meet new criteria at this time would create a substantial burden on the owner. The owner for the approximately 40 years that this parcel has been developed has met all of the criteria of the original development and seeks only to improve the property from its current condition to insure the continued commercial success of the property.
4. That the proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets or increase the danger of fires or endanger the public safety or substantially diminish or impair property value within the neighborhood. This property currently is a commercial use and will remain a

commercial use. There existed a building on Parcel 1, which was a commercial building. A traffic study has been performed to indicate that there will not be a substantial increase in traffic as a result of the development of this parcel as proposed. It is, in fact, indicated by the traffic consultant that less trips will be generated from this development as opposed to the restaurant development previously existing on this parcel. This development will have no impact on the adequate supply of light or air to adjacent properties nor will the public safety or fire danger increase. We believe that the property values of the surrounding properties will not be impacted as a commercial use existed on this property previous to our Petition.

5. That the proposed variation will not alter the land use characteristic of the district. As previously stated, this parcel was developed as a commercial parcel and will not change the commercial nature of the area.

6. That the granting of the variation requested will not confer on the owner any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same district. The variations requested with regard to parking, landscaping and special use for a drive-thru are available to all B2 property owners. Special uses have been granted for several Walgreens within the community already, including the Walgreens at Main Street and Ogden Avenue. There are several parcels along Ogden Avenue which currently provide parking in the required setback for which the parking variation we are requesting would be applicable. Many commercial areas in our community have been developed with a reduction of the required greenspace similar to the greenspace proposed on this parcel. There are many examples within our community of parcels that have been developed with the variations that we are requesting, although they may be non-conforming at this time, our variation request will simply bring this property to a legal non-conforming status as opposed to a non-conformity status.

Pursuant to Chapter 28, Section 28-1519, -1802(c), this Board is authorized to grant a variation to height limitations imposed by the applicable regulations. We are seeking a variation to allow for a free-standing sign to exceed the maximum height of 20 feet-by-15 feet. This variation is requested due to the unique topography of this property. There is currently an 18-foot difference between the pavement level of the parcel and the street pavement level surrounding this parcel. As a result of that unique topographical situation, a sign to be read above the street level must be 35 feet in height. This is the minimum height that would be required to allow the sign to be read from the intersection of 63rd and Main Street. Our request is within this Board's authorization.

The previously mentioned factors for determining the authorization of the variation would be applicable to this particular variation also. The particular physical surroundings or topography create a hardship for this parcel. The difficulty is not the result of the owners actions and this request would be available to other properties zoned B2 if the topographical issues existed. The height request will not impair the air or light of surrounding properties, nor will it increase the danger to the public. In fact, the public will be better served by a sign that can be easily seen

from street level. The use will remain the same and the owner will not be given any special privilege since the request is due to the unique circumstances of this parcel.

Pursuant to Chapter 28, Section 1106, this Board is authorized "to permit the waiver or reduction of any provision regarding open space and landscaped greenspace requirements, provided any variation shall be conditioned upon the owner, to the extent practical, providing alternative landscaping greenspace on the property of a quality and quantity as determined by the Board, necessary to reduce or eliminate the impact of the variance granted. In our proposed site plan, we are providing 3.87% greenspace on Parcel 1 and 3.45% greenspace on Parcel 2 by reconfiguring the parking lots. The result is substantially more greenspace than the almost 0% that currently exists. In addition, this parcel is surrounded by a substantial green band in the street right-of-way along 63rd and Main Street. This green band cannot be counted towards the greenspace requirements, however, the property benefits from this greenspace which adds to the overall feel of substantially more greenspace than what is provided.

Finally, pursuant to Chapter 28, Section 1900, we request a special use for a drive-thru facility. This drive-thru facility is appropriate for the type of development proposed. The drive-thru facility will consist of a two-lane drive-thru with substantial stacking ability and by-pass ability. The drive-thru will be open during the store's regular hours of 8:00 a.m. to 10:00 p.m., seven days a week.

Pursuant to Chapter 28, Section 1902, with which council may authorize a special use provided evidences presented to establish the following:

- I. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community. Walgreens has placed several drive-thru facilities throughout our community. There is currently no drive-thru facility at this location. The drive-thru service or facility is in the public interest as a convenience to the busy lifestyles of the people of our community. We believe that this will contribute to the general welfare of the community as providing another service which is greatly in need in this area, as there are no other drive-thru pharmacy facilities within this area.
- ii. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals and general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity. This facility is a commercial use within a commercial zoned district at the intersection of 63rd and Main Street. This use will benefit the health, safety and morals of the persons residing or working in our community by providing a service which is greatly needed. The drive-thru facility will be configured in such a way as it will have a minimal, if any, impact upon the rest of the commercial developments surrounding this parcel. Due to the severe grade differentiation between the intersection of 63rd and Main Street and the surface of the Walgreens facility, the drive-thru will

not be visible at street level, nor have any impact on the surrounding properties. A by-pass lane has been provided to alleviate traffic flow issues and substantial stacking has been provided.

iii. That the proposed use will comply with the regulation specified in the zoning ordinance for the District in which the proposed use is to be located. The Walgreens use will comply with all of the regulations of the Zoning Ordinance for the B2 zoning district, with the exception of the variations requested previously in this summary of the project.

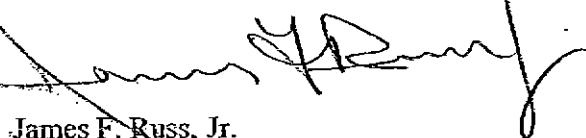
iv. That it is one of the special uses specifically listed for the District in which it is to be located. Drive-thru facilities are specifically listed as a special use within the B2 zoning district under the Village of Downers Grove Zoning Ordinance.

Our drive-thru plan has been reviewed by the Village Traffic Engineer as well as an independent traffic engineer. Both the Village and our traffic engineer have determined the designed drive-thru to be appropriate for this development. The traffic flow will not impact the surrounding development. We have met all of the requirements of the traffic engineer with regard to the drive-thru special use. In addition, it has been determined through our traffic study and reviewed by the Village traffic engineer that the proposed drive-thru will not impact the traffic flow on 63rd Street, nor Main Street.

We look forward to a formal presentation before the Plan Commission on February 16, 2004.

Sincerely,

WIEDEL, HUDZIK, RUSS & PHILIPP



James F. Russ, Jr.

JFR/brd

Enclosure

MEMORANDUM TO: James F. Russ, Jr.  
Wiedel, Hudzik, Russ & Philipp

FROM: Michael A. Werthmann, PE

DATE: December 8, 2003

SUBJECT: Parking Demand Analysis  
Green Knolls Shopping Center  
Downers Grove, Illinois

This memorandum summarizes the results and findings of a parking demand analysis conducted for a proposed Walgreens store to be located in the Green Knolls shopping center in Downers Grove, Illinois. The Green Knolls shopping center, which currently has a total of approximately 67,333 square feet of retail, commercial, and office space, is located in the northwest quadrant of Main Street and 63<sup>rd</sup> Street. In addition, to the main center, the shopping center previously contained a 5,000-square-foot free standing restaurant (outlot parcel) that has since been demolished due to a fire. As proposed, the existing 14,488-square-foot Walgreens store will replace the restaurant outlot parcel.

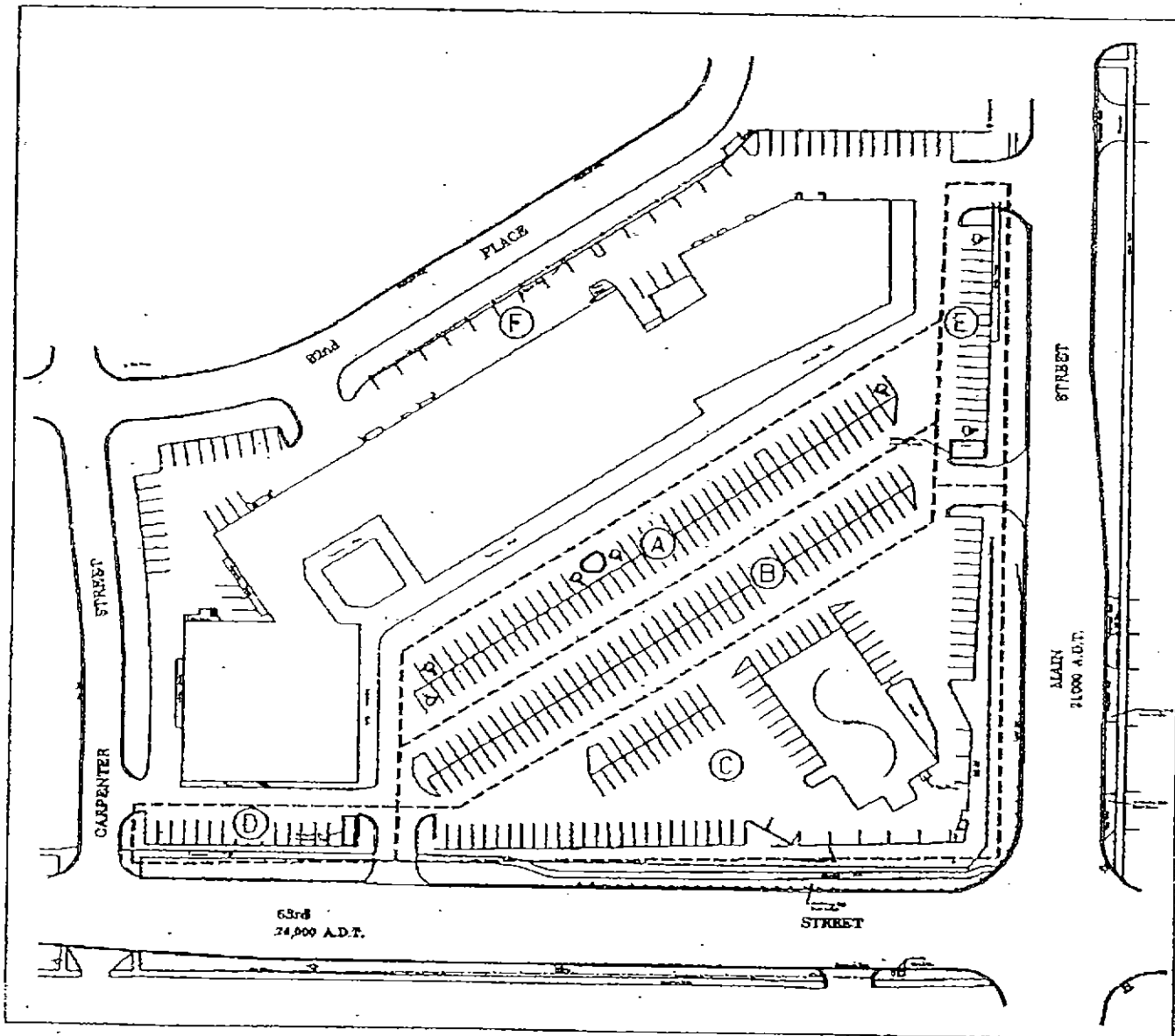
The purpose of the study was to determine the parking needs of the Walgreen's store and to evaluate if adequate parking exists within the shopping center to accommodate the additional parking demand.

#### Existing November Parking Demand

To determine the existing parking demand at the shopping center, KLOA, Inc. conducted parking surveys on Friday and Saturday, November 7 and 8, 2003. The parking surveys included occupancy counts every hour from 10:00 A.M. to 8:00 P.M. as well as a parking inventory of the existing spaces in the shopping center. It should be noted that the parking counts were counted by subarea within the shopping center as illustrated in Figure 1. The results of the existing parking counts by subarea are shown in Table 1.

From Table 1 it can be seen that the existing shopping center provides a total of approximately 317 parking spaces. Based on the parking surveys, the shopping center had a peak parking demand of 138 spaces at 10:00 P.M. on Friday and 91 parking spaces at noon on Saturday. During the peak parking demand at the center, only 44 percent of the parking spaces were occupied. Therefore, more than 179 parking spaces were vacant at the shopping center at any one time.

**KLOA, Inc.** Transportation and Parking Planning Consultants



PARKING SUBAREAS  
GREEN KNOLLS SHOPPING CENTER

FIGURE 1

Table 1  
GREEN KNOLLS SHOPPING CENTER-EXISTING PARKING SURVEYS

Time	Parking Lot Sub-areas						Total
	A	B	C	D	E	F	
Inventory	84	86	64	15	17	51	317
<b>Friday, November 7, 2003</b>							
10:00 AM	48	43	10	9	8	20	138
11:00	41	44	7	10	8	21	131
12:00 P.M.	32	30	6	5	9	18	100
1:00	36	24	6	5	10	21	102
2:00	30	28	10	6	7	19	100
3:00	35	31	9	7	3	23	108
4:00	37	27	7	7	3	24	105
5:00	46	34	9	3	3	25	120
6:00	42	36	7	0	6	21	112
7:00	45	41	5	1	5	21	118
8:00	30	32	4	0	5	19	90
<b>Saturday, November 8, 2003</b>							
10:00 AM	32	33	5	4	2	13	89
11:00	36	28	6	3	5	13	91
12:00 P.M.	22	24	5	4	10	13	78
1:00	33	24	5	0	4	13	79
2:00	33	25	5	2	4	12	81
3:00	22	30	4	2	3	10	71
4:00	21	21	3	1	2	14	62
5:00	29	21	2	2	2	15	71
6:00	30	14	2	1	2	12	61
7:00	25	10	2	3	2	14	56

### Existing Peak (December) Parking Demand

In order to determine the existing *peak* parking demand of the shopping center, the existing November hourly parking counts were increased to account for (1) any vacant space within the shopping center and (2) the fact that the parking counts were conducted in November as opposed to the peak month of December. The following describes how the existing parking counts were increased:

- First, approximately 1,000 square feet of office space and approximately 1,250 square feet of retail space is currently vacant within the shopping center. The estimated parking demand of the vacant retail space was based on the existing parking rates currently experienced at the shopping center.
- Second, the peak parking demand of the shopping center occurs in the month of December. As such, the total existing parking counts had to be increased to account for the fact that the parking counts were conducted in November. The *Shared Parking Manual* published by the Urban Land Institute (ULI) estimates that the retail parking demand in November is 80 percent of the peak December parking demand. Therefore, the total hourly parking counts were increased by 1.25 percent to obtain the total peak parking demand of the existing shopping center.

### Parking Demand of the Walgreens Store

As stated previously, the shopping center previously contained a 5,000-square-foot free standing restaurant (outlot parcel) that has since been demolished due to a fire. As proposed, the existing 14,488-square-foot Walgreens store will replace the restaurant outlot parcel. The estimate of the peak parking demand of the Walgreens store was based on previous surveys conducted by other consultants and the Institute of Transportation Engineers (ITE). To provide a very conservative analyses, the peak parking demand of the Walgreens store was assumed to occur during each hour of the projected parking demand.

Table 2 illustrates the existing November parking counts, the projected peak (December) parking demand at full occupancy, the projected parking demand of the Walgreens store, and the total peak parking demand of the shopping center with the Walgreens store. It should be noted that with the development of the Walgreens store the parking layout within the front portion of the shopping center is proposed to be reconfigured. The shopping center will provide a total of 312 parking spaces with the development of the Walgreens store.

Table 2  
 GREEN KNOLLS SHOPPING CENTER WITH PROPOSED WALGREENS STORE -  
 TOTAL PROJECTED PARKING DEMAND AT FULL OCCUPANCY

Time	Existing November Parking Demand	December Parking Demand (Full Occupancy)	Walgreens Peak Parking Demand	Total Peak Parking Demand (Full Occupancy)
Inventory				312
<b>Projected Weekday Parking Demand</b>				
10:00 A.M.	138	178	37	215
11:00	131	169	37	206
12:00 P.M.	100	129	37	166
1:00	102	132	37	169
2:00	100	129	37	166
3:00	108	139	37	176
4:00	105	135	37	172
5:00	120	155	37	192
6:00	112	144	37	181
7:00	118	152	37	189
8:00	90	116	37	153
<b>Projected Saturday Parking Demand</b>				
10:00 A.M.	89	115	40	155
11:00	91	117	40	157
12:00 P.M.	78	101	40	141
1:00	79	102	40	142
2:00	81	104	40	144
3:00	71	92	40	132
4:00	62	80	40	120
5:00	71	92	40	132
6:00	61	79	40	119
7:00	56	72	40	112

### Parking Conclusions

From Table 2 it can be seen that the shopping center is projected to have a peak parking demand of 215 parking spaces occurring at 10:00 A.M. on a weekday morning. With a total of 312 parking spaces, it can be seen that the existing parking supply is more than sufficient to accommodate the peak parking demand of the shopping center and the proposed Walgreens store. The projected peak parking demand of the shopping center with the Walgreens store will occupy approximately 69 percent of the total available parking spaces. A minimum of 97 parking spaces will be available at the shopping center at any time with the proposed Walgreens store. Therefore, the 312 parking spaces to be provided at the shopping center will be more than adequate to accommodate the peak parking demand of the shopping center and the Walgreens store.

### Traffic Generation and Site Access

Given the fact the proposed Walgreens store will be replacing an existing outlot parcel that contained a 5,000-square-foot restaurant, the net increase in traffic to be generated by the Walgreens store is expected to be reduced. Table 3 provides a comparison of the weekday morning and evening peak hour traffic estimated to be generated by (1) the previous 5,000-square-foot restaurant and (2) the proposed Walgreens store. The estimates of the peak-hour traffic that will be generated by the proposed land-uses were based on rates published by the Institute of Transportation Engineers (ITE) in its *Trip Generation Manual*, 6<sup>th</sup> Edition.

Table 3  
PROJECTED SITE-GENERATED TRAFFIC VOLUMES

Land-Use	Weekday Morning Peak-Hour		Weekday Evening Peak-Hour	
	In	Out	In	Out
Walgreens Store (14,488 s.f.)	23	16	75	75
Sit Down Restaurant (5,000 s.f.)	<u>25</u>	<u>22</u>	<u>33</u>	<u>22</u>
Net Increase in Traffic	-2	-7	42	53

Note: The trip generation estimates were based on the Pharmacy/Drugstore with Drive-Through Window (Land Use Code 881) and the High-Turnover (Site-Down) Restaurant (Land Use Code 832) rates provided in the ITE *Trip Generation Manual*, 6<sup>th</sup> Edition.

From the table it can be seen that the proposed Walgreens store is expected to generate approximately the same volume of traffic during the morning peak hour and approximately 95 additional trips during the evening peak hour than the 5,000-square-foot restaurant. While the proposed Walgreens store is expected to generate some additional traffic during the evening peak hour, not all of the traffic will be *new* trips on the roadway system. Surveys conducted by ITE have shown that a considerable number of trips made to retail development stores, are diverted from existing traffic. This is particularly true during the weekday evening peak hour when traffic is diverted from the home-to-work and work-to-home trips. Such diverted trips are referred to as pass-by traffic. As a result, not all of the additional traffic generated by the proposed Walgreens store will be *new* trips on the roadway system.

Further, the existing site access system serving the Green Knolls shopping center has been designed to provide the development with safe and efficient ingress and egress with minimal interruption to the through traffic. The shopping center currently has a total of five access drives with two access drives on Main Street and one access drive each on 63<sup>rd</sup> Street, Carpenter Street, and 62<sup>nd</sup> Street. Given the number of access drives and the fact that access is provided on four different roads, the traffic generated by the shopping center and the proposed Walgreens store will be distributed rather evenly along the access system. As a result, the excellent flexibility of the access system ensures that no one access drive will be over loaded with site-generated traffic. As such, it is KLOA, Inc.'s opinion that the existing site access system of the Green Knolls Shopping Center is sufficient to accommodate the additional traffic that will be generated by the Walgreens store.

**DECLARATION OF EASEMENTS,  
COVENANTS, CONDITIONS AND RESTRICTIONS**

**THIS DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS** (the "Declaration") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by GREEN KNOLLS PARTNERS LLC, an Illinois Limited Liability Company and GKW LLC, an Illinois Limited Liability Company (as "Declarant" referred to jointly).

RECITALS

A. Declarant is the owner of that certain real property situated in the Village of Downers Grove, County of DuPage, State of Illinois, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference, which real property is made up of two parcels, legally described on Exhibit "A" and referred to herein individually as "Parcel 2" and Parcel 1," and collectively as the "Parcels." Parcel 2 is owned by GREEN KNOLLS PARTNERS, LLC, and Parcel 1 is owned by GKW, LLC.

B. Declarant intends to develop Parcel 1 for use by Walgreen (hereinafter defined) and currently has developed Parcel 2 as a retail/commercial site.

C. Declarant desires to impose certain easements upon the Parcels, and to establish certain covenants, conditions and restrictions with respect to said Parcels, for the mutual and reciprocal benefit and complement of Parcel 2 and Parcel 1 and the present and future owners and occupants thereof, on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the above premises and of the covenants herein contained, the Declarant does hereby declare that the Parcels and all present and future owners and occupants of the Parcels shall be and hereby are subject to the terms, covenants, easements, restrictions and conditions hereinafter set forth in this Declaration, so that said Parcels shall be maintained, kept, sold and used in full compliance with and subject to this Declaration and, in connection therewith, Declarant covenants and agrees as follows:

**AGREEMENTS**

1. Definitions. For purposes hereof:

(a) The term "Owner" or "Owners" shall mean the Declarant and any and all successors or assigns of such persons as the owner or owners of fee simple title to all or any portion of the real property covered hereby, whether by sale, assignment, inheritance, operation of law, trustee's sale, foreclosure, or otherwise, but not including the holder of any lien or encumbrance on such real property.

(b) The term "Parcel" or "Parcels" shall mean each separately identified parcel of real property now constituting a part of the real property subjected to this Declaration as described on Exhibit "A," that is, Parcel 2 and Parcel 1, and any future subdivisions thereof.

(c) The term "Permittees" shall mean the tenant(s) or occupant(s) of a Parcel, and the respective employees, agents, contractors, customers, invitees and licensees of (i) the Owner of such Parcel; and/or (ii) such tenant(s) or occupant(s).

(d) The term "Common Area" shall mean those portions of Parcel 2 and Parcel 1 that are outside of exterior walls of buildings or other structures from time to time located on the Parcels, and which are either unimproved, or are improved as (without limitation) parking areas, landscaped areas, driveways, roadways, walkways, light standards, curbing, paving, entrances, exits and other similar exterior site improvements.

(e) The term "Walgreen" or "Walgreens" shall mean Walgreens Co., an Illinois Corporation corporation (or any of its affiliates, subsidiaries, successors or assigns). Walgreen shall be deemed a third party beneficiary to this Declaration.

(f) The term "Walgreen Lease" or "Walgreens Lease" shall mean that Lease of Parcel 1 from Declarant as landlord to Walgreen as tenant, and any amendments, extensions or replacements thereof.

(g) The term "Site Plan" shall mean that site plan of the Parcels attached hereto as Exhibit "B" and by reference made a part hereof. Except as may be otherwise provided in this Declaration, the Site Plan is for identification purposes only.

(h) The term "Driveway" shall mean that driveway and related driveway improvements, paving, curbing, entrances and exits, in the location on the Parcels as shown on the Site Plan.

## 2. Easements.

2.1 Grant of Reciprocal Easements. Subject to any express conditions, limitations or reservations contained herein, Declarant hereby declares that the Parcels, and all Owners and Permittees of the Parcels, shall be benefited and burdened by the following non-exclusive, perpetual and reciprocal easements which are hereby imposed upon the Parcels and all present and future Owner's and Permittees of the Parcels:

(a) An easement for reasonable access, ingress and egress over all paved driveways, roadways and walkways as presently or hereafter constructed and constituting a part of the Common Area of Parcel 1 and the Common Area of Parcel 2 including, without limitation, the Driveway, so as to provide for the passage of motor vehicles and pedestrians between all portions of the Common Area of such Parcels intended for such purposes, and to and from all abutting streets or rights of way furnishing access to such Parcels;

(b) An easement for the parking of vehicles in the parking areas designated as part of the Common Areas of the Parcels, as such parking areas are indicated on the Site Plan and as the same may be modified or removed from time to time by the Owner of the Parcel upon which the parking areas are located (the "Parking Easement"). The Parking Easement is for customer parking in connection only with the businesses operated from time to time at the Parcels. In no event shall the Parking Easement be used for delivery or truck parking, employee parking, overnight parking, storage or other similar parking purposes that shall constitute an unreasonably prolonged use of the Parking Easement.

2.2 Indemnification. Each Owner having rights with respect to an easement granted hereunder shall indemnify and hold the Owner whose Parcel is subject to the easement (including Walgreen, in the case of the Owner of Parcel 1) harmless from and against all claims, liabilities and expenses (including reasonable attorneys' fees) relating to accidents, injuries, loss, or damage of or to any person or property arising from the negligent, intentional or willful acts or omissions of such Owner, its contractors, employees, agents, or others acting on behalf of such Owner.

## 3. Maintenance.

3.1 General. Until such time as improvements are constructed on a Parcel, the Owner thereof shall maintain the same in a clean and neat condition and shall take such measures as are necessary to control grass, weeds, blowing dust, dirt, litter or debris.

3.2 Buildings and Appurtenances Thereof. Each Owner covenants to keep and maintain, at its sole cost and expense, the building(s) located from time to time on its respective Parcel in good order, condition and repair. Once constructed, in the event of any damage to or destruction of a building on any Parcel, the Owner of such Parcel shall, at its sole cost and expense, with due

diligence either (a) repair, restore and rebuild such building to its condition prior to such damage or destruction (or with such changes as shall not conflict with this Declaration), or (b) demolish and remove all portions of such damaged or destroyed building then remaining, including the debris resulting therefrom, and otherwise clean and restore the area affected by such casualty to a level, graded condition. Nothing contained in subparagraph 3.2(b) shall be deemed to allow an Owner to avoid a more stringent obligation for repair, restoration and rebuilding contained in a lease or other written agreement between an Owner and such Owner's Permittee. Each Parcel shall comply with applicable governmental parking ratio requirements without taking into account the parking provided on the other Owner's Parcel, such that each Parcel shall be self sufficient for vehicular parking, unless a shared parking arrangement approved by the Village of Downers Grove is approved by the Village of Downers Grove.

3.3 Common Area. Each Owner of a Parcel covenants at all times during the term hereof to operate and maintain or cause to be operated and maintained at its expense all Common Area located on its Parcel in good order, condition and repair. Following the construction of improvements thereon, maintenance of Common Area shall include, without limitation, maintaining and repairing all sidewalks and the surface of the parking and roadway areas, removing all papers, debris and other refuse from and periodically sweeping all parking and road areas to the extent necessary to maintain the same in a clean, safe and orderly condition, maintaining appropriate lighting fixtures for the parking areas and roadways, maintaining marking, directional signs, lines and striping as needed, maintaining landscaping, maintaining signage in good condition and repair, and performing any and all such other duties as are necessary to maintain such Common Area in a clean, safe and orderly condition. Except as otherwise expressly provided in this Declaration, once constructed, in the event of any damage to or destruction of all or a portion of the Common Area on any Parcel, the Owner of such Parcel shall, at its sole cost and expense, with due diligence repair, restore and rebuild such Common Area to its condition prior to such damage or destruction (or with such changes as shall not conflict with this Declaration). Each Owner reserves the right to alter, modify, reconfigure, relocate and/or remove the Common Areas or building areas on its Parcel, subject to the following conditions: (i) as to Parcel 1, during the continuance of the Walgreen Lease, the express written consent of Walgreen shall be required; (ii) the reciprocal easements between the Parcels pursuant to paragraph 2.1(a) shall not be closed or materially impaired; (iii) the Driveway and ingress and egress thereto, and to and from the Parcels and adjacent streets and roads, shall not be so altered, modified, relocated, blocked and/or removed without the express written consent of all Owners and Walgreen (during the continuance of the Walgreen Lease); (iv) the same shall not violate any of the provisions and easements granted in paragraph 2; and (v) as to Parcel 2, the requirements of paragraph 3.2 of this Declaration shall be complied with.

3.4 Utilities. Each Owner shall at all times during the term hereof construct, operate and maintain or cause to be constructed, operated and maintained, in good order, condition and repair, at its sole expense, any utility or other installations serving the Parcel of such Owner and from time to time existing on the Parcel of another Owner pursuant to an easement described herein.

4. Construction of Improvements. Every building (including its appurtenant Common Area improvements), now or in the future constructed on Parcel 2, shall be constructed, operated and maintained so that the same is in compliance with all applicable governmental requirements. The Driveway shall be constructed and completed by the Owner of Parcel 1 at the same time as such Owner develops Parcel 1 for Walgreen under the Walgreen Lease (in accordance with plans approved by Walgreen under the Walgreen Lease).

#### 5. Restrictions.

5.1 General. Each Parcel shall be used for lawful purposes in conformance with all restrictions imposed by all applicable governmental laws, ordinances, codes, and regulations, and no use or operation shall be made, conducted or permitted on or with respect to all or any portion of a Parcel which is illegal. In addition to the foregoing, throughout the term of this Declaration, it is

expressly agreed that neither all nor any portion of Parcel 2 shall be used, directly or indirectly, for purposes of a cocktail lounge, bar, disco, bowling alley, pool hall, billiard parlor, skating rink, roller rink, amusement arcade, children's play or party facility, adult book store, adult theater, adult amusement facility, any facility selling or displaying pornographic materials or having such displays, second hand store, odd lot, closeout or liquidation store, auction house, flea market, educational or training facility, blood bank, sleeping quarters or lodging, the outdoor housing or raising of animals, the sale, leasing or storage of automobiles, boats or other vehicles, any industrial use, a car wash, an assembly hall, off track betting establishment, bingo parlor, any use involving the use, storage, disposal or handling on Parcel 2 of hazardous materials or underground storage tanks, any office use (except incidental to a retail use), a restaurant, or any use which creates a nuisance.

5.2 Additional Parcel 2 Restrictions. Throughout the term of this Declaration, it is expressly agreed that Parcel 2 shall be used for purposes the same or similar to those listed in Exhibit C as the current tenant list of Parcel 2.

5.3 Drive-Throughs. No facility on Parcel 2 for vehicular drive-up or drive-through in which the stopping or standing of motor vehicles in line at a location for drop-off and/or pick-up is intended (as, for example, at a restaurant, car wash or bank) shall be assigned, constructed, used or operated in any manner such that motor vehicles in line at such facility stop or stand onto Parcel 1 and/or the Driveway, or otherwise interfere with the normal pattern and flow of pedestrian or vehicular traffic on and across Parcel 1 and/or the Driveway. Nothing contained herein shall be deemed to affect the drive-through serving the building for Walgreen to be initially constructed on Parcel 1 by the Owner thereof, which is hereby expressly approved.

6. Insurance. Throughout the term of this Declaration, each Owner shall procure and maintain general and/or comprehensive public liability and property damage insurance against claims for personal injury (including contractual liability arising under the indemnity contained in paragraph 2.2 above), death, or property damage occurring upon such Owner's Parcel, with single limit coverage of not less than an aggregate of Two Million Dollars (\$2,000,000.00) including umbrella coverage, if any, and naming each other Owner and Walgreen during the continuance of the Walgreen Lease (provided the Owner obtaining such insurance has been supplied with the name of such other Owner in the event of a change thereof) as additional insureds. Walgreen (whether as tenant under the Walgreen Lease or in the event Walgreen becomes an Owner of a Parcel) may elect to self insure and/or carry insurance required hereunder under master or blanket policies of insurance.

7. Taxes and Assessments. Each Owner shall pay all taxes, assessments, or charges of any type levied or made by any governmental body or agency with respect to its Parcel.

8. No Rights in Public; No Implied Easements. Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of Parcel 2 or Parcel 1. No easements, except (i) those expressly set forth in paragraph 2, and/or (ii) an easement over Parcel 2 so as to enable the construction of the Driveway and other improvements required for the initial development for Walgreens by the Owner of Parcel 1, shall be implied by this Declaration; in that regard, and without limiting the foregoing, no easements for parking, signage, drainage or utilities are granted or implied. Except as provided under the terms of this agreement, no further easements for parking, signage, drainage or utilities are granted or implied.

#### 9. Remedies and Enforcement.

9.1 All Legal and Equitable Remedies Available. In the event of a breach or threatened breach by any Owner or its Permittees of any of the terms, covenants, restrictions or conditions hereof, the other Owner(s) and Walgreen shall be entitled forthwith to full and adequate relief by injunction and/or all such other available legal and equitable remedies from the consequences of such breach, including payment of any amounts due and/or specific performance. Walgreen shall

have the right, but not the obligation, to enforce this Declaration on behalf of the Owner of Parcel 1, and/or to cure a breach or default hereunder by the Owner of Parcel 1, which enforcement or cure shall be accepted by the other Owner(s) as if effected by the Owner of Parcel 1.

9.2 Self-Help. In addition to all other remedies available at law or in equity, upon the failure of a defaulting Owner to cure a breach of this Declaration within thirty (30) days following written notice thereof by an Owner or Walgreen (unless, with respect to any such breach the nature of which cannot reasonably be cured within such 30-day period, the defaulting Owner commences such cure within such 30-day period and thereafter diligently prosecutes such cure to completion), Walgreen or any Owner shall have the right to perform such obligation contained in this Declaration on behalf of such defaulting Owner and be reimbursed by such defaulting Owner upon demand for the reasonable costs thereof together with interest at the prime rate charged from time to time by First Chicago NBD (its successors or assigns), plus two (2%) percent (not to exceed the maximum rate of interest allowed by law). Notwithstanding the foregoing, in the event of (i) an emergency, (ii) blockage or material impairment of the easement rights, and/or (iii) the unauthorized parking of vehicles on Parcel 1, an Owner or Walgreen may immediately cure the same and be reimbursed by the other Owner upon demand for the reasonable cost thereof together with interest at the prime rate, plus two (2%) percent, as above described.

9.3 Lien Rights. Any claim for reimbursement, including interest as aforesaid, and all costs and expenses including reasonable attorneys' fees awarded to any Owner (or to Walgreen in connection with the exercise of its rights set forth in paragraphs 9.1 and/or 9.2 above) in enforcing any payment in any suit or proceeding under this Declaration shall be assessed against the defaulting Owner in favor of the prevailing party and shall constitute a lien (the "Assessment Lien") against the Parcel of the defaulting Owner until paid, effective upon the recording of a notice of lien with respect thereto in the Office of the County Recorder of DuPage County, Illinois; provided, however, that any such Assessment Lien shall be subject and subordinate to (i) liens for taxes and other public charges which by applicable law are expressly made superior, (ii) all liens recorded in the Office of the County Recorder of DuPage County, Illinois, prior to the date of recordation of said notice of lien, and (iii) all leases entered into, whether or not recorded, prior to the date of recordation of said notice of lien. All liens recorded subsequent to the recordation of the notice of lien described herein shall be junior and subordinate to the Assessment Lien. Upon the timely curing by the defaulting Owner of any default for which a notice of lien was recorded, the party recording same shall record an appropriate release of such notice of lien and Assessment Lien.

9.4 Remedies Cumulative. The remedies specified herein shall be cumulative and in addition to all other remedies permitted at law or in equity.

9.5 No Termination For Breach. Notwithstanding the foregoing to the contrary, no breach hereunder shall entitle any Owner to cancel, rescind, or otherwise terminate this Declaration. No breach hereunder shall defeat or render invalid the lien of any mortgage or deed of trust upon any Parcel made in good faith for value, but the easements, covenants, conditions and restrictions hereof shall be binding upon and effective against any Owner of such Parcel covered hereby whose title thereto is acquired by foreclosure, trustee's sale, or otherwise.

9.6 Irreparable Harm. In the event of a violation or threat thereof of any of the provisions of paragraphs 2 and/or 5 of this Declaration, each Owner agrees that such violation or threat thereof shall cause the non-defaulting Owner and its Permittees shall have no adequate remedy at law. As a result, in the event of a violation or threat thereof of any of the provisions of paragraphs 2 and/or 5 of this Declaration, the non-defaulting Owner and Walgreen, in addition to all remedies available at law or otherwise under this Declaration, shall be entitled to injunctive or other equitable relief to enjoin a violation or threat thereof of paragraphs 2 and/or 5 of this Declaration.

10. Term. The easements, covenants, conditions and restrictions contained in this Declaration shall be effective commencing on the date of recordation of this Declaration in the office of the

DuPage County Recorder and shall remain in full force and effect thereafter in perpetuity, unless this Declaration is modified, amended, canceled or terminated by the written consent of all then record Owners of Parcel 2 and Parcel 1 in accordance with paragraph 11.2 hereof.

11. Miscellaneous.

11.1 Attorneys' Fees. In the event a party (including Walgreen) institutes any legal action or proceeding for the enforcement of any right or obligation herein contained, the prevailing party after a final adjudication shall be entitled to recover its costs and reasonable attorneys' fees incurred in the preparation and prosecution of such action or proceeding.

11.2 Amendment.

(a) Declarant agrees that the provisions of this Declaration may be modified or amended, in whole or part, or terminated, only by the written consent of all record Owners of Parcel 2 and Parcel 1, evidenced by a document that has been fully executed and acknowledged by all such record Owners and recorded in the official records of the County Recorder of DuPage County, Illinois.

(b) Notwithstanding subparagraph 11.2(a) above to the contrary, no termination of this Declaration, and no modification or amendment of this Declaration shall be made nor shall the same be effective unless the same has been expressly consented to in writing by Walgreen (during the continuance of the Walgreen Lease).

11.3 Consents. Wherever in this Declaration the consent or approval of an Owner is required, unless otherwise expressly provided herein, such consent or approval shall not be unreasonably withheld or delayed. Any request for consent or approval shall: (a) be in writing; (b) specify the section hereof which requires that such notice be given or that such consent or approval be obtained; and (c) be accompanied by such background data as is reasonably necessary to make an informed decision thereon. The consent of an Owner or Walgreen under this Declaration, to be effective, must be given, denied or conditioned expressly and in writing. During the continuance of the Walgreen Lease, any consent by the Owner of Parcel 1, to be effective, shall also require the consent of Walgreen. Any consent of Walgreen may be given, denied or conditioned by Walgreen in Walgreen's sole and absolute discretion.

11.4 No Waiver. No waiver of any default of any obligation by any party hereto shall be implied from any omission by the other party to take any action with respect to such default.

11.5 No Agency. Nothing in this Declaration shall be deemed or construed by either party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between the parties.

11.6 Covenants to Run with Land. It is intended that each of the easements, covenants, conditions, restrictions, rights and obligations set forth herein shall run with the land and create equitable servitudes in favor of the real property benefited thereby, shall bind every person having any fee, leasehold or other interest therein and shall inure to the benefit of the respective parties and their successors, assigns, heirs, and personal representatives.

11.7 Grantee's Acceptance. The grantee of any Parcel or any portion thereof, by acceptance of a deed conveying title thereto or the execution of a contract for the purchase thereof, whether from an original party or from a subsequent owner of such Parcel, shall accept such deed or contract upon and subject to each and all of the easements, covenants, conditions, restrictions and obligations contained herein. By such acceptance, any such grantee shall for himself and his successors, assigns, heirs, and personal representatives, covenant, consent, and agree to and with the other party, to keep, observe, comply with, and perform the obligations and agreements set forth herein with respect to the property so acquired by such grantee.

11.8 Separability. Each provision of this Declaration and the application thereof to Parcel 2 and Parcel 1 are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration. In the event the validity or enforceability of any provision of this Declaration is held to be dependent upon the existence of a specific legal description, the parties agree to promptly cause such legal description to be prepared. Ownership of both Parcels by the same person or entity shall not terminate this Declaration nor in any manner affect or impair the validity or enforceability of this Declaration.

11.09 Time of Essence. Time is of the essence of this Declaration

11.10 Entire Agreement. This Declaration contains the complete understanding and agreement of the parties hereto with respect to all matters referred to herein, and all prior representations, negotiations, and understandings are superseded hereby.

11.11 Notices. Notices or other communication hereunder shall be in writing and shall be sent certified or registered mail, return receipt requested, or by other national overnight courier company, or personal delivery. Notice shall be deemed given upon receipt or refusal to accept delivery. Each party and Walgreen may change from time to time their respective address for notice hereunder by like notice to the other party and Walgreen. Notice given by any Owner hereunder to be effective shall also simultaneously be delivered to Walgreen (during the continuance of the Walgreen Lease). The notice addresses of Declarant and Walgreen are as follows:

Walgreen: Walgreens  
Attention: Law Department  
Mail Stop No. 2252  
200 Wilmot Road  
Deerfield, IL 60015

Declarant: Craig and Lynn Babcock  
8711 East Pinnacle Peak Road  
P.M.B. 282  
Scottsdale, AZ 85255

Copy to: James F. Russ, Jr.  
Wiedel, Hudzik, Russ & Philipp  
4915 Main Street  
Downers Grove, IL 60515

11.12 Governing Law. The laws of the State in which the Parcels are located shall govern the interpretation, validity, performance, and enforcement of this Declaration.

11.13 Estoppel Certificates. Each Owner, within twenty (20) days of its receipt of a written request from the other Owner(s) or Walgreen, shall from time to time provide the requesting Owner or Walgreen, a certificate binding upon such Owner stating: (a) to the best of such Owner's knowledge, whether any party to this Declaration is in default or violation of this Declaration and if so identifying such default or violation; and (b) that this Declaration is in full force and effect and identifying any amendments to the Declaration as of the date of such certificate.

11.14 Bankruptcy. In the event of any bankruptcy affecting any Owner or occupant of any Parcel, the parties agree that this Declaration shall, to the maximum extent permitted by law, be considered an agreement that runs with the land and that is not rejectable, in whole or in part, by the bankrupt person or entity.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date first written above.

**GREEN KNOLLS PARTNERS LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Attest:

\_\_\_\_\_

**GKW LLC**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Attest:

\_\_\_\_\_

EXHIBIT "A"

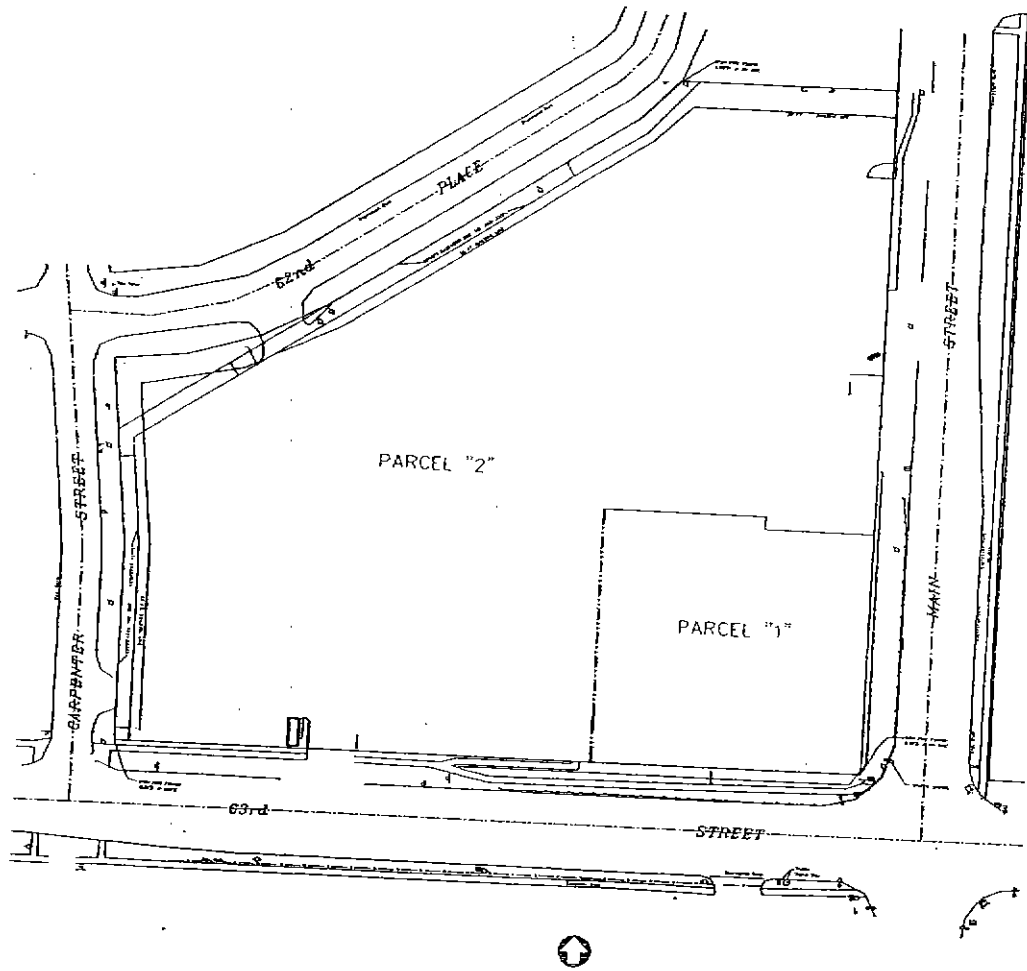
PARCEL 1 LEGAL (WALGREENS)

THAT PART OF LOT 8 IN BLOCK 5 OF JELINEK'S 2<sup>ND</sup> ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 27<sup>TH</sup>, 1959 AS DOCUMENT 920641, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8 AND RUNNING THENCE SOUTH 88°-20'-24" WEST, ALONG THE SOUTH LINE OF SAID LOT 8, SAID LINE BEING THE NORTH LINE OF 63<sup>RD</sup> STREET, 210.00 FEET; THENCE NORTH 1°-33'-36" WEST, 200.04 FEET; THENCE NORTH 88°-26'-24" EAST, 125.08 FEET; THENCE SOUTH 1°-33'-36" EAST, 10.08 FEET; THENCE NORTH 88°-26'-24" EAST, 84.92 FEET, TO THE EAST LINE OF SAID LOT 8, SAID LINE BEING THE WEST LINE OF MAIN STREET; THENCE SOUTH 1°-33'-36" EAST, ALONG SAID EAST LINE, 189.59 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2 LEGAL (REMAINDER)

LOT 8 IN BLOCK 5 OF JELINEK'S 2<sup>ND</sup> ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 27<sup>TH</sup>, 1959 AS DOCUMENT 920641, EXCEPTING THEREFROM THAT PART OF AFORESAID LOT 8 IN BLOCK 5, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8 AND RUNNING THENCE SOUTH 88°-20'-24" WEST, ALONG THE SOUTH LINE OF SAID LOT 8, SAID LINE BEING THE NORTH LINE OF 63<sup>RD</sup> STREET, 210.00 FEET; THENCE NORTH 1°-33'-36" WEST, 200.04 FEET; THENCE NORTH 88°-26'-24" EAST, 125.08 FEET; THENCE SOUTH 1°-33'-36" EAST, 10.08 FEET; THENCE NORTH 88°-26'-24" EAST, 84.92 FEET, TO THE EAST LINE OF SAID LOT 8, SAID LINE BEING THE WEST LINE OF MAIN STREET; THENCE SOUTH 1°-33'-36" EAST, ALONG SAID EAST LINE, 189.59 FEET, MORE OR LESS, TO THE POINT OF BEGINNING OF SAID EXCEPTION, ALL IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT "B"



**MOTION: WITH RESPECT TO FILE NO. PC-01-04, A PETITION SEEKING SPECIAL USE FOR A PARK FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SECOND STREET AND CUMNOR ROAD, MR. NICHOLAOU MOVED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL IN RESPONSE TO THE PETITIONER'S REQUEST SUBJECT TO THE FOLLOWING CONDITIONS: 1. WITH COMPLIANCE WITH ALL PUBLIC WORKS/ ENGINEERING REQUIREMENTS/ CONDITIONS OUTLINED IN THEIR MEMORANDUM DATED JANUARY 21, 2004 INCLUDING PROVISIONS FOR SIDEWALK INSTALLATION/REPAIR AND THE VILLAGE'S ENGINEERING CONSULTANT ANALYSIS DATED DECEMBER 18, 2003, TO ADDRESS LPDA ISSUES; 2. THE PARK DISTRICT LOOK INTO HAVING AT LEAST THREE CAUTION SIGNS – "CHILDRENS PARK" – ONE EASTBOUND, ONE WESTBOUND ON SECOND STREET AND ONE AT THE PEPPERIDGE FARM TERMINAL EXIT; 3. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES. MR. GRIESBAUM SECONDED THE MOTION.**

Chairman Jirik then asked if there were any questions or comments respecting the intent of the motion. Hearing none, he called for the vote.

**ROLL CALL:**

**AYE: Mr. Nicholaou, Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mr. Stark, Mr. Waechter, Chairman Jirik**

**NAY: None**

**The Motion passed unanimously.**

Chairman Jirik advised the members of the audience that after the minutes are prepared and all pertinent information put together, the Plan Commission's recommendation will be forwarded to the Village Council. Staff will advise the petitioner as to when this matter will be placed on a Council Workshop agenda. Chairman Jirik explained those present in the audience who wish to know when this matter would be placed on the Council agenda should contact a member of the Planning and Community Development Department Staff.

Chairman Jirik declared a recess at 8:15 p.m. and reconvened the meeting at 8:30 p.m. Chairman Jirik indicated that Mr. Skach, Director of Planning & Community Development was present in the audience.

**PUBLIC HEARING: FILE NO. PC-02-04** A petition seeking the following: 1) Lot Reconfiguration Approval; 2) Special Use Approval for a drive-thru (pharmacy) window operated in conjunction with a retail sales facility; 3) Approval of certain variations from

Code. The property is located at the northwest corner of Main & 63rd Streets, Downers Grove, Illinois (PIN 09-17-308-011,-012), commonly known as the Green Knolls Shopping Center (6202-6248 Main Street) and the former location of the Lonestar Steakhouse (6250 Main Street); Green Knolls Partners, L.L.C/GKW, L.L.C Owners; James F. Russ, Jr., Attorney/Petitioner

Chairman Jirik asked if there was a representative of the petitioner present.

James F. Russ, Jr., of the law firm of Wiedel, Hudzik, Russ and Phillip, 4915 Main Street, Downers Grove advised that he would give an overview of the petition and the variations being requested as well as the criteria for those variations. He said Ms. Browne would address the technical aspects of the project in her Staff report.

Mr. Russ stated Lynn and Craig Babcock, principals in Green Knolls Partners LLC and GJK LLC, which will be the ultimate owners of the properties, are present this evening. Mr. Russ explained although both LLC's are different entities, they are related and will remain a form of common ownership although the corporate entities will be separate. Mr. Russ indicated Mr. Peter D'Angelo, property manager, Mr. Tim Hague, on behalf of Walgreens and Mr. Mark Nosky, from the architectural firm, were also present to answer any questions.

Mr. Russ stated the property Walgreens wishes to develop is located at the northwest corner of 63<sup>rd</sup> and Main Streets, the former Lone Star Steak House parcel in the Green Knolls Shopping Center. The shopping center was developed back in the 1960's and has basically remained in the same configuration since that time until the Lone Star Restaurant burned down several years ago. Mr. Russ advised currently the property consists of two separate parcels and commented the current configuration does not make a lot of sense. There was a lot split done several years ago to develop the restaurant parcel. Mr. Russ noted the only reason two separate parcels were created was to satisfy parking requirements for the Lone Star parcel.

Mr. Russ advised part of their petition is a reconfiguration of these two parcels to basically square off the southeast corner of the property where the Walgreens parcel would be in order for the two parcels to better fit. It would also allow the reconfiguration of the parking on these parcels into a more logical parking arrangement. Mr. Russ classified the reconfiguration as a housekeeping issue.

Mr. Russ stated the petitioner is also asking for a Special Use for a drive-through window for their pharmacy. They are also asking for a variation to allow parking and lighting poles in the required setback, a variation from the 20-foot maximum height for freestanding signs, a variation to reduce the required green space and a variation to allow a loading area to be partially on the adjacent parcel. All of these variations are being requested for Parcel One, the Walgreens' parcel. Parcel Two is the Green Knolls Shopping Center. With respect to Parcel Two, Mr. Russ indicated they are seeking a variation from the green space requirement, and they are also seeking a variation for parking and lighting pole placement within a required setback.

With respect to the Special Use for the drive-through window on Parcel One, Mr. Russ stated they are proposing a two lane drive-through on the east side of the Walgreens building along the Main Street portion of the building. It is designed with substantial stacking and a by-pass lane. It will operate between the hours of 8:00 a.m. and 10:00 p.m., seven days a week, which will be the hours of operation of the Walgreens store itself. Mr. Russ explained the placement of the drive-through was made to minimize the impact on Parcel Two. The drive-through will not interfere with the Green Knolls Shopping Center in any way, as the east side of the parcel is protected from the rest of the shopping center. Stacking will be to the south, and there is substantial stacking available in this location. A full width by-pass lane has been provided to avoid any congestion in that area. Mr. Russ stated the drive-through is screened from 63<sup>rd</sup> and Main Streets by an 18-foot elevation difference between the street grade and the parking lot or drive-through grade.

Mr. Russ indicated, per Chapter 28 Section 1902 of the Village Zoning Ordinance, Special Uses may be authorized provided that certain evidence is presented. Four provisions must be met. The first provision is that the proposed use at that particular location is necessary or desirable to provide a service or a facility that is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community. Mr. Russ advised that Walgreens already has a drive-through facility in Downers Grove. There are currently no drive-through facilities at this location or anywhere at this intersection. Mr. Russ indicated the drive-through facility is in the public interest as a convenience to the lifestyles of the persons within the community. Mr. Russ expressed the belief that this will contribute to the welfare of the community by providing another service which is greatly needed in this area. Mr. Russ stated they believe it has been designed to minimize any impact on the surrounding properties, the immediate surrounding property being the Green Knolls Shopping Center.

Mr. Russ stated the second provision is that the requested special 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. Mr. Russ explained the drive-through was designed to have a minimal impact visually as well as physically by placing it in a hidden corner of the property. He emphasized there is an 18-foot grade differentiation between the grade at the drive-through and the road surfaces of 63<sup>rd</sup> and Main Streets. From the street, the drive-through will be minimally visible. It will not affect the traffic flow through the Green Knolls parking lot. It will have no affect on the property values in the area, as it will be located in a commercial intersection and will not be impacting any residential area immediately adjacent to it.

Mr. Russ stated the third provision is that 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 or it will comply with any variation authorized pursuant to Section 18-1802. Mr. Russ explained this would comply with the regulations for the B-2 zoning district with the exception of the project itself and the other requested variations, which he would be explaining later in his presentation.

Mr. Russ explained the fourth provision is that it is one of the special uses specifically listed for the district in which it is to be located. Mr. Russ noted a drive-through is specifically listed as a special use in the B-2 zoning district.

Mr. Russ indicated the Village's Traffic Engineer as well as an independent traffic engineer reviewed the drive-through plan. Both the Village's Traffic Engineer and the petitioner's traffic engineer have determined that the design for the drive-through is appropriate for the development, the traffic flow will not impact the surrounding development and it will meet all of the requirements of the Traffic Engineer. Mr. Russ noted the petitioner's traffic study, which has been reviewed by the Village's Traffic Engineer, indicates that the drive-through will not create any additional trips when compared to the trips from the Old Lone Star Restaurant use on this parcel. The impact on the vicinity will be negligible.

Mr. Russ indicated they are seeking a variation to allow parking and light standards in the setbacks on both parcels. Mr. Russ also noted pursuant to Chapter 28 Section 1110, this Board is authorized to grant up to a 100% variation to allow parking and structures within the required setback of the B-2 zoning district. Mr. Russ pointed out Chapter 28 Section 1803 states "A variation shall be permitted only if the Zoning Board of Appeals or Plan Commission finds that it is in harmony with the general provisions and interest of this Zoning Ordinance and that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Zoning Ordinance". Mr. Russ noted there are several factors for this Board to consider in making its determination, and he read them into the record: "1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; 2) The plight of the owner is due to unique circumstances; and 3) The variation, if granted, will not alter the essential character of the locality." Mr. Russ further pointed out that in making a determination on these three factors, there are six factors to consider, and he read those into the record. "1) That the particular physical surroundings, shape or topographical conditions of the specific property involved 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." Mr. Russ advised that their petition with respect to the parking and the lighting is a result of what has existed since the parcel was developed in the 1960's. In addition to its topography, this property is quite unique as there is the substantial grade differentiation as previously stated. Because of the 18-foot grade differentiation, most of the parking and lighting is not known to be within the setback and, therefore, has minimal, if any, impact on the surrounding properties. In addition, there is substantial right of way, which surrounds this parcel providing additional green space and separation between the road and the parking. Mr. Russ stated the topographical conditions result in a hardship to the owner and not just a mere inconvenience as the parcel cannot be developed economically without allowing for the parking to remain where it currently exists. Mr. Russ noted between the current layout and the proposed layout of the parcel, the parking is not going to change along the perimeter. That will remain as it has since the 1960's when this parcel was originally developed.

With respect to the second factor, Mr. Russ continued:

"2) That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification." Mr. Russ reiterated that the parcel is unique due to its location in a commercial corner, and the grade differentiation between 63<sup>rd</sup> and Main Streets and the surface of the parking. The drop from the street is a substantial factor to this parcel. The intersection will not be impacted in any way by allowing the parking to remain within the setback as it currently exists.

Mr. Russ read the third factor:

"3) That the alleged difficulty or hardship has not resulted from the actions of the owner." Mr. Russ stated the owner has taken this parcel as it is and has not created any of these designs, topography or anything else on this parcel. They are trying to work within the existing parameters on this property.

Mr. Russ continued and read the fourth factor:

"4) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values within the neighborhood." Mr. Russ advised that their traffic engineer and the Village's Traffic Engineer have reviewed the proposed design. They have no concern that this will impact the traffic flow on Main or 63<sup>rd</sup> Streets. No substantial increase in traffic to this location will be generated.

With respect to public safety, Mr. Russ indicated all fire and zoning codes would be met in the development of this property. There will be no impact on the property values in the surrounding area as this is a commercial area. The Walgreens parcel would not be adjacent to any residential areas; however, the existing Green Knolls parcel does abut some residential areas.

Regarding the fifth factor:

"5) The proposed variation will not alter the land use characteristics of the district." Mr. Russ indicated this is a commercial use replacing a commercial use.

Mr. Russ commented on the sixth factor:

"6) The granting of the variation request will not confer on the owner any special privilege that is denied by this Zoning Ordinance to other lands or structures in the same district." Mr. Russ stated under Chapter 28, Section 1110 of the Zoning Ordinance all parcels within the B-2 zoning district are allowed to seek the variations, which they are seeking in this petition. This is not any kind of special consideration for this particular parcel.

Mr. Russ explained they are also seeking a variation to allow a freestanding sign in excess of 20 feet in height, which is the maximum allowed under Chapter 28, Section 1519 of the Zoning Ordinance. They are seeking a variation for a sign at the southeast corner of this parcel. The proposed sign height is 35 feet. The reason for the requested height is the 18-foot grade difference between the street intersection and the parcel itself. If this sign were placed from street grade up, it would only measure 17 feet. Had this parcel been at street grade, they would not be asking for this sign variation, as the proposed sign would be within the 20-foot height limit. The remaining 18 feet of grade differentiation below the street level is the motivation for the sign variation.

Mr. Russ stated they are seeking a variation to reduce the green space requirements pursuant to Section 1106 of Chapter 28 of the Zoning Ordinance. Section 1106 requires a ten percent landscaped green space for each parcel. Mr. Russ noted currently there is very little, if any, green space with respect to either of the existing parcel. There is right-of-way surrounding this parcel, which does provide a substantial green strip around the perimeter; however, that green space cannot be counted towards the green space requirement because it is in the right-of-way and not on the private property. The shopping center does receive a visual benefit from that band of green space. Mr. Russ advised currently 3.3% green space is provided on the overall parcel. They are proposing 3.9% green space on Parcel One (Walgreens) and 4.1% green space on Parcel Two (Green Knolls). This will be accomplished through planting areas in the reconfigured parking lot. They will take advantage of any additional green space that could be had through planters along sidewalks or any other green space area within the Green Knolls Shopping Center or surrounding the Walgreens parcel. Although they are increasing the green space on this parcel, due to the configuration, there is no way to achieve the 10% green space requirement without losing a substantial number of parking spaces, thus creating a non-conformity in parking as a result.

Pursuant to Section 1410, Chapter 28 of the Zoning Ordinance, Mr. Russ stated they are also seeking a variation to allow a portion of the loading area to be on the adjoining property. Mr. Russ noted the loading area for the Walgreens parcel would be on the north side of the proposed building. It will be adjacent to an existing aisle of parking and will partially result in trucks being located over the property line for loading and unloading.

Mr. Russ advised they have presented the terms and conditions of an ingress-egress restriction to the Village. Mr. Russ expressed the opinion that the Village has accepted this restriction. The restriction would be recorded against the parcels and would run with the land, which means that the present and all future property owners would continue to have a restriction to allow vehicle access over both parcels. Mr. Russ stated the petitioner is satisfied with the terms and conditions of that access agreement. Mr. Russ indicated the situation is unique because the property owners, although different entities, have common ownership. It is obvious that these two parcels need to work together. The Walgreens parcel cannot have its own access to either Main or 63<sup>rd</sup> Streets due to the grade differentiation at the corner without having access across the Green Knolls' parcel. Mr. Russ expressed the opinion that the requested variation is a housekeeping issue to

some extent because these two parcels have always been used together; however, the use was never memorialized by any type of an access agreement.

With respect to stormwater, Mr. Russ stated currently there is no stormwater detention provided for this parcel. The engineering design proposes some stormwater detention, which will improve the conditions currently present on this parcel. Mr. Russ commented there has not been a stormwater issue with respect to this parcel; however, they are making improvements in order to bring this parcel more into conformance with the current stormwater ordinance, which is substantially different from what existed when the Shopping Center was developed.

With respect to parking, Mr. Russ indicated they would meet all of the parking requirements with respect to the Walgreens parcel, and they will have six excess parking spaces on the Green Knolls parcel. Mr. Russ explained the parking requirement on the Green Knolls parcel is subject to modification depending upon the uses within that property. As part of an occupancy permit application for any new uses, the parking will continue to be reviewed on a regular basis by the Code Services Department.

Mr. Russ noted this project has been in development for a very long time. There were a lot of issues that had to be addressed in order to have a viable, productive parcel within the Village. Staff worked very diligently with the petitioners to minimize the requested variations. The practicality of this petition is that the use is not going to change from what this property has always been. There are several features that will actually improve this parcel from how it exists today. Mr. Russ expressed the belief that this project would have a positive impact on this development as well as the surrounding area and will be a benefit to the community as a whole.

Mr. Russ advised the petitioner would agree to the recommended conditions contained in the Staff report. The only issue still outstanding is in respect to the screening for the mechanicals on the roof of this property. Mr. Russ explained a 6.41-foot parapet wall has been provided around this building as screening for the mechanicals on the roof. Mr. Russ noted, with an 18-foot grade differentiation, the mechanicals would be seen from 63<sup>rd</sup> and Main Streets as they were seen on top of the previously existing Lone Star building. Mr. Russ commented he was not sure if full enclosure of the mechanicals was practical or possible. He indicated they would continue to discuss this issue with Staff. Mr. Russ concluded by stating he and/or the petitioner's representatives would be happy to answer any questions.

Chairman Jirik asked Staff to make its presentation.

Amanda Browne, Planner, advised the proposed redevelopment involves two parcels of land located at the northwest corner of 63<sup>rd</sup> and Main Streets; namely, the Green Knolls Shopping Center and the former Lone Star Restaurant. As the petitioner indicated, the Green Knolls Shopping Center was developed in the 1960's, and the Lone Star Restaurant was originally constructed in 1973 as a Ponderosa Restaurant and destroyed by fire in April of 2000. Ms. Browne noted the site has remained vacant since that time.

The former restaurant site is proposed for development with a 14,500 square foot Walgreens retail facility and pharmacy. The petitioner's requested action has three facets: first, the lot reconfiguration between the Green Knolls Shopping Center parcel and the Walgreens parcel; second, a special use to allow a two-lane drive-up facility for the proposed Walgreens; and third, certain variations from Code for both of the subject properties.

With respect to the proposed lot reconfiguration as outlined in the Staff report, Ms. Browne stated the particular lot reconfiguration is one which would have been able to be granted administratively by the Director of Planning and Community Development as there are no bulk exceptions being requested for either resulting parcel; however, because of the nature of the two parcels requires them to work as a whole in all respects with one another, the lot reconfiguration is being petitioned as part of the petitioner's requested action, and it is being presented to the Plan Commission this evening.

Ms. Browne explained the dimensions of the existing and proposed parcels were outlined in detail in the Staff report. The proposed lot reconfiguration will take the flag-shaped, former Lone Star parcel and turn it into a more rectangular shaped parcel through the transfer of approximately 175 square feet of land area from the former Lone Star parcel to the Green Knolls parcel. Both resulting parcels will exceed the minimum bulk requirements per Code with no exceptions.

With respect to the requested Special Use, Ms. Browne stated the Walgreens facility itself is allowed by right in the B-2 zoning district; however, Special Use approval is required for the drive-up facility. Ms. Browne noted the petitioner did outline in detail the proposed drive-up window component, the two-lane stacking and the by-pass lane adjacent to the easterly-most row of parking.

With respect to the requested variations, Ms. Browne noted throughout the plan review process the petitioner made several site plan modifications in earnest attempts to address all of the site planning and Code-related issues; however, as noted, variations will still be required including reductions in setback for parking and light standards for both parcels, a reduction in the green space percentages for both parcels as well as an increased sign height for a proposed free-standing sign on the Walgreens parcel.

With respect to general site characteristics, Ms. Browne advised the combined overall site is approximately 5.8 acres in area and is zoned B-2, General Retail Business. The site itself is relatively flat; however, as explained by the petitioner, the site's southeast corner is significantly lower than the adjacent grade at the intersection of 63<sup>rd</sup> and Main Streets. The grade difference is approximately 18 feet. There are currently two main access driveways located on Main Street, and one additional main access driveway located on 63<sup>rd</sup> Street. There are also two secondary access driveways, one located on Carpenter and one located on 62<sup>nd</sup> Place, both of which primarily serve the rear or north end of the existing Green Knolls Shopping Center.

With respect to yards and setbacks, Ms. Browne stated a chart of the existing and proposed structure setbacks and parking setbacks for both of the parcels was included in the Staff report. Required and proposed yards were broken down by street and by parcel, and the deficiencies that were required to be addressed by way of variation were noted. Setback variations for the proposed Walgreens parcel include parking and lighting setback standards for both Main and 63<sup>rd</sup> Streets and those setbacks range between 3.6 feet for parking and zero feet for parking and the lighting standards setbacks. Ms. Browne advised setback variations for the proposed reconfigured Green Knolls parcel include the parking and the lighting standards setback, which are proposed to be located with zero setbacks. No other structure setbacks are required as part of the petition. The building and its canopies will all be fully conforming with respect to the proposed Walgreens facility.

With respect to floor area ratios, Ms. Browne advised both parcels as reconfigured would fall below the maximum allowable floor area ratio for the B-2 zoning district, which is 0.75. The Green Knolls parcel, as reconfigured, would have an effective floor area ratio of 0.32, and the Walgreens parcel, as reconfigured, would have an effective floor area ratio of .036, both of which are more than 45% below the maximum threshold of 0.75.

With respect to parking, Ms. Browne stated the Green Knolls Center is required to have 246 regular size parking spaces and 7 handicap-accessible spaces based on the current tenant mix and assuming general retail use of any currently vacant tenant spaces. As proposed, there are 252 regular size parking spaces and 7 handicap-accessible parking spaces provided on the Green Knolls parcel, an excess of 6 spaces assuming general retail occupancy of any vacant tenant spaces. With respect to the proposed Walgreens parcel, there are 49 regular size parking spaces and two handicap-accessible spaces required. As proposed, this requirement will be met; therefore, no parking variations are required to be requested as part of the petition.

Ms. Browne advised the petitioner has also submitted a draft easement agreement, commonly referred to in the Staff report as an REA, which does provide full and complete access as well as shared parking between the two parcels. Should the proposed lot reconfiguration be approved, Staff is recommending that the executed REA be provided to the Village upon recordation of the lot reconfiguration of the two parcels.

With respect to loading, Ms. Browne noted, as the petitioner has indicated, one loading and unloading area is required for the Walgreens parcel, and although it is primarily provided on site, the approach to that loading area does straddle the common property line between the two parcels and is, therefore, required to be addressed by way of a variation. Ms. Browne stated the petitioner intends that the REA would also address this issue by providing full access to and from the loading area on the Walgreens parcel by way of the Green Knolls' parcel.

Ms. Browne advised Staff is recommending consideration of a condition regarding loading and deliveries so as to minimize any potential negative impact to parking, traffic

or pedestrians. Staff has also suggested to the petitioner that an architecturally compatible screening wall be provided for the loading area as well.

With respect to green space, Ms. Browne advised in the B-2 zoning district the minimum requirement is ten percent of the lot area. She noted if you look at the two parcels as one development overall, the green space percentage for the combined tracts would increase from 3.3% to 4.1%. As proposed, the green space for the reconfigured Green Knolls' parcel would be 4.1% and for the reconfigured Walgreens parcel the green space would be 3.9%, both of which require a variation, as they are deficient from the current 10% minimum requirement for each parcel. Ms. Browne stated, although the petitioner is increasing green space overall on site, Staff has identified the need to investigate additional opportunities to increase landscaping throughout the site. For instance, more landscaping opportunities could be explored in parking islands that are currently indicated as striped paving, as well as along and within the walkways adjacent to the storefronts of the shopping center.

With respect to signage, Ms. Browne stated Walgreens proposed the installation of one freestanding sign at the southeast corner of the tract. The freestanding sign is proposed to be 35 feet as measured from grade to the top of the sign as compared to the maximum allowable of 20 feet in the B-2 zoning district. Ms. Browne noted the requested 75% increase does require variation approval. As indicated by the petitioner, given the 18-foot grade difference between the grade at the southwest corner of the site and the intersection at the pavement at 63<sup>rd</sup> and Main Streets, the proposed sign would project approximately 17 feet above grade at the intersection. Ms. Browne pointed out all of the other signage, existing and proposed, is Code compliant for both the Green Knolls Shopping Center and the Walgreens facility.

With respect to site lighting, Ms. Browne advised Staff's recommendation was that lighting levels on any adjacent property line of a residentially zoned property should not exceed 0.1 foot-candles as measured at that property line. The proposed lighting levels as submitted on the petitioner's photometric plan satisfy this requirement.

With respect to the building height, Ms. Browne explained the maximum allowable building height per Code in the B-2 zoning district is 35 feet. Height is defined per Code as being measured from the average grade at the front of the structure to the midpoint between the bottom of the eave and the top of the peak. As proposed for the Walgreens building, there is a two-story tower section at the southwest corner, which is proposed to meet Code measured to its midpoint between the eave and the peak directly at 35 feet. Ms. Browne stated the main portion of the building is proposed to have a flat roof with a height of 27 feet 4 inches as measured from grade to the top of the parapet wall. Ms. Browne recalled the petitioner mentioned that the flat roof of the structure was approximately 6 feet below the top of that parapet wall, but Staff measured it, as it would be seen from grade at 27 feet 4 inches.

Ms. Browne stated the 26-foot height of the existing shopping center building was not proposed to be altered and is conforming.

Ms. Browne noted in the Staff report the design of the proposed Walgreens facility was outlined in detail. Because it is significantly lower than the grade at 63<sup>rd</sup> and Main Streets, Staff recommended some additional consideration be given to the screening of the rooftop mechanical equipment. The petitioner indicated they have proposed an approximately six-foot tall parapet wall. Ms. Browne stated Staff would like to further review this issue. Ms. Browne advised Staff was of the opinion that the design will reflect a positive aesthetic overall.

With respect to engineering and stormwater management, Ms. Browne explained the Public Works Staff and the Village's engineering consultant have both reviewed the proposed plans, and there are no outstanding issues with respect to engineering or stormwater management.

With respect to parking and traffic, Ms. Browne advised the petitioner commissioned a parking and traffic consultant to perform the submitted parking demand analysis, which was attached to the Staff report. That report also included commentary on the trip generation and the site access for the facility. The Village's Traffic Division Manager reviewed the study and concurred with its conclusions and recommendations.

Ms. Browne indicated the Village Forester reviewed the proposed landscape plan and recommended two plant substitutions, which were addressed by the petitioner in the landscape plan included in the Plan Commission packet. Staff also recommended consideration be given to additional landscape/green space areas throughout the site to bring it as close as possible to the minimum 10% threshold.

Ms. Browne stated the Fire Department reviewed the proposed plans and found them acceptable subject to further review when full sets of architectural and building plans are submitted to the Code Services Department.

Ms. Browne concluded by stating the Staff Development Team does concur to recommend that the Plan Commission forward a positive recommendation to the Village Council with respect to the petitioner's requested action subject to the ten conditions listed in the Staff report.

Prior to opening the public participation portion of the public hearing, Chairman Jirik explained anyone who would like to speak should come to the podium and state their name and address before addressing the Commission.

Chairman Jirik advised the members of the audience the Plan Commission allows everyone to speak before allowing someone to speak for the second time. Chairman Jirik stressed that those speaking for the second time should focus on new information or concerns that had not been previously discussed.

Joe Mendrick, 6124 Lane Place, Downers Grove, referred back to the previous petition this evening when the Park District representative said their main goal was to enrich the appearance of the neighborhood. Mr. Mendrick stated he has heard a lot of talk dealing

with 63<sup>rd</sup> and Main Streets including the grade of the street from the ground. The proposed height of the sign is to attract people at 63<sup>rd</sup> and Main Streets, but the effect of the height of the sign on the residential area is not being taken into consideration. Mr. Mendrick commented he also heard a lot about green space design but nothing about green space behind the center.

Mr. Mendrick recalled the residents behind the shopping center negotiated with Mr. Babcock and the Village several years ago to get a fence installed behind the shopping center. Mr. Mendrick advised the fence has been installed, and it is fine. He reiterated consideration must be given to the residential neighborhood behind the center. The residents in the neighborhood have invested a lot of money in their homes, and they are concerned about the appearance behind the shopping center. Mr. Mendrick asked if the proposed reconfiguration was approved, would it have to conform with the current Code for shopping centers adjacent to residential neighborhoods or would it be grandfathered. Chairman Jirik asked Mr. Mendrick in what respect was he referring to conforming to current Code. Mr. Mendrick responded fencing, aesthetics, etc. Chairman Jirik explained square footage is being transferred between the two lots. He asked Ms. Browne for clarification if only the Walgreens parcel is the subject of the petition. Ms. Browne stated the Chairman was correct with respect to the special use being applicable to the Walgreens parcel only. Mr. Mendrick responded the whole center is being reconfigured and stated once you are in Code you cannot go out of Code. Mr. Mendrick again referenced the negotiations with the shopping center owner regarding the fence behind the center. He advised the neighbors had to hire an attorney over the fence issue. He recalled years ago there was a fence, which, over the course of time, deteriorated. The neighbors wanted the fence replaced. Because the shopping center was built before the current Code, it was not required to have fencing, but it was in compliance after the Ordinance was passed. He reiterated it was his understanding once you are in compliance with the current Ordinance you have to stay in compliance. Mr. Mendrick stated that was an issue in the fence negotiations. He wanted to know if this is going to change. Mr. Mendrick asked if the Plan Commission would require that the Center be brought up to date so that it has to comply with current Code. He asked why should this proposal be unique.

Chairman Jirik asked Mr. Mendrick if his main concern was the preservation of the fence, and Mr. Mendrick responded yes and added the residents were also concerned that there would be no truck parking overnight. He added the lighting is irritating to the residents of the neighborhood. Mr. Mendrick acknowledged the neighbors, the Village and Mr. Babcock were able to work out some of these issues. Mr. Mendrick informed the Plan Commission members that the residents in the adjoining neighborhood are just as concerned as the Plan Commission members are. He stated it was very important to maintain our neighborhoods. If the neighborhoods are allowed to start to deteriorate, they will continue to deteriorate.

Chairman Jirik asked Mr. Mendrick if the current fence was acceptable to the residents behind the shopping center. Mr. Mendrick explained part of the fence belongs to the Village. Mr. Mendrick recalled a number of years ago an addition was built onto the

shopping center. Up until that time, the residents were not immediate neighbors to the shopping center. The Village also allowed business lighting on the north side of the center that shone into the residential neighborhood. The Village then installed a partial fence. In the meantime, the other fence fell down and has since been reinstalled. Mr. Mendrick reiterated the neighbors are happy with the current fence, but they want to be assured they will not be forgotten.

Chairman Jirik asked Mr. Mendrick about the lighting. Mr. Mendrick responded they are concerned about the lighting. He stated he could understand if the petitioner wants the Walgreens sign to face 63<sup>rd</sup> and Main Streets and light only towards 63<sup>rd</sup> & Main and dark in the back so it does not reflect back to the residential neighborhood. Mr. Mendrick indicated the neighborhood would be agreeable to that. Mr. Mendrick stated the neighborhood welcomes the addition of Walgreens to the Green Knolls Shopping Center. Chairman Jirik asked for clarification if the existing on-site perimeter lighting was a disturbance at this point. Mr. Mendrick indicated the current lighting was fine.

Nancy Goodman, 5834 Middaugh Avenue, Downers Grove, stated she read in the local newspaper that a petition for a special use for a drive-through window (pharmacy) was on the agenda tonight to be located in the Green Knolls Shopping Center. Mrs. Goodman expressed surprise that she had not previously read or heard anything about a new pharmacy possibly coming to that shopping center which is less than a mile from her home. She commented, as usual, the facts in the case were not available in the library until last Friday night so she went to the library Saturday morning to look over the material in the packet. She expressed amazement that Walgreens, the petitioner, would want to locate another store between existing stores on 63<sup>rd</sup> Street about a mile or two in each direction; Belmont Road and 63<sup>rd</sup> Street and Cass Avenue and 63<sup>rd</sup> Street. She asked why Walgreens was doing this. Mrs. Goodman stated she understood that the Plan Commission was not here this evening to question why, but to recommend or deny recommendation to the Village Council certain special use requests and variations from Code regarding this project.

Mrs. Goodman stated she asked herself why this Commission is called the Plan Commission. She expressed the opinion that the Plan part refers to specific proposed plans of development rather than to responsible planning for the Village as whole. Mrs. Goodman stated she would have to find out where that is done in the Village; what group in Downers Grove looks at which kinds of development should be located where.

Mrs. Goodman indicated she wanted to specifically address some statements in Mr. Russ' February 12, 2004 letter to Chairman Jirik since he is responding to relevant sections of the Village Code concerning variations and special uses. Page Five states "We believe that this will contribute to the general welfare of the community as providing another service which is greatly in need in this area as there are no other drive-through pharmacy facilities within this area". Mrs. Goodman responded while there is not a Walgreens in this area, there is an Osco right across the street with ample parking. She questioned the appropriateness and motivation of Walgreens and its associates for wanting to locate another Walgreens right there in direct competition with an established business. Mrs.

Goodman pointed out there is a Walgreens drive-through facility at Ogden Avenue and Main Street about 20 blocks away, which is not very far if you are driving to that location. Mrs. Goodman next referred to a statement on Page Five she characterized as amazing. "This use will benefit the health, safety and morals of the persons residing or working in our community by providing a service which is greatly needed." Mrs. Goodman expressed strong disagreement with that statement. She expressed her opinion that a Walgreens is definitely not needed on that corner no matter "how upgraded a departure from Walgreens standard design" it is.

Mrs. Goodman next addressed some aesthetic issues. She noted Mr. Russ also stated on Page Five of his letter that the Walgreens proposed site plan provides about four percent more green space than the small percent that currently exists. Mrs. Goodman stated Mr. Russ calls that substantially more. She called it a drop in the bucket. Mr. Russ then cites the "green band" in the street right of way along 63<sup>rd</sup> and Main Streets as adding to the overall feel of substantially more green space than what is provided on private property. Mrs. Goodman stated that means that the Village or the County is, in effect, subsidizing part of the landscape for a privately owned shopping center. On Page Four, Mr. Russ says in referring to Ogden Avenue parcels "Many commercial areas in our community have been developed with a reduction of the required green space similar to the green space proposed in this parcel." Mrs. Goodman asked if two or more wrongs or variations make a right.

With reference to Page Five of the Staff report, Mrs. Goodman noted it states that the overall green space percentage for the entire tract is 4.1%, noting the Staff recommendation that "Opportunities to increase landscaping should continue to be explored." Mrs. Goodman pointed out it is only a suggestion; no requirements. Mrs. Goodman expressed her opinion that, if Walgreens has to be built, a lot more green space should be required to be provided to help make that rather stark and faded shopping center a bit more welcoming; enough green space for a few larger trees, not two or three inch maples or burr oaks. Mrs. Goodman noted such trees would be vandalized in short order unless fairly high fences are protecting them.

Mrs. Goodman stated she was upset that this Village was willing to let itself be manipulated by large corporate interests and to delude itself perhaps in anticipation of a few more tax dollars that another new Walgreens at Green Knolls will be an aesthetic or useful addition to the quality of life in Downers Grove.

Len Bateman, 6116 Lane Place, Downers Grove, stated he lives in the fourth house to the north of the shopping center. He stated trucks coming out of the shopping center constantly bombard them. He expressed the belief the proposed Walgreens would only increase this truck traffic. Mr. Bateman said the 18 wheel trucks try to avoid the intersection at 63<sup>rd</sup> and Main Streets so they come out through the shopping center. Mr. Bateman said it was his understanding that the shopping center would be losing 85 parking spaces in Section B. Mr. Bateman recalled that when the restaurant was in operation most of their business occurred in the evening when traffic for the stores in the shopping center was lighter. Mr. Bateman noted Walgreens would be bringing in

customers to shop during the same hours as the remainder of the shopping center. He expressed concern that there would not be enough parking. Mr. Bateman asked the Plan Commission to bring back a restaurant for this shopping center.

Gordon Goodman, 5834 Middaugh Avenue, Downers Grove, indicated he wanted to address the issue of whether this proposal before the Plan Commission tonight is asking for approval to features of the existing Green Knolls parcel one, the existing shopping center. Dr. Goodman referred to Mr. Russ' letter to the Plan Commission dated February 13, 2004, Page Four, Item No. 6 where he points out this is a case "where there are many examples within our community of parcels that have been developed with variations that we are requesting, although they may be non-conforming at this time, our variation request will simply bring this property to a legal non-conforming status as opposed to a non-conformity status". Dr. Goodman expressed his belief that Green Knolls is now non-conforming but not necessarily legally non-conforming.

Dr. Goodman referenced the points summarized at the beginning of the Staff report. The last two variations requested are variations for Parcel Two and apparently, if the Plan Commission recommends positively, would be recommending that Parcel Two be granted a variation so that they are no longer illegally non-conforming or without legal basis, but they will now, although the Code provides that they should not be within the minimum requirement of 25 foot setback, be granted a variation for the parking along the property line of 63<sup>rd</sup> Street for Parcel Two as well as Parcel One. He pointed out if the Plan Commission forwards a positive recommendation to the Village Council you are recommending they now be regarded as legally non-conforming for their lack of green space. Dr. Goodman expressed the belief that in some measure Parcel Two is in play in this reconfiguration and the recommendations the Commission will be forwarding to the Village Council.

Dr. Goodman next addressed what he characterized as more substantive issues. Dr. Goodman expressed his opinion that this was an inappropriate use of this site. The site is restricted in its access to the main thoroughfares, and Walgreens is a very active retail establishment, especially with a drive-through window. It expects to have a great deal of in and out traffic. Dr. Goodman acknowledged Mr. Bateman's remark that the traffic would be much greater than the restaurant was during normal business hours of the shopping center.

Dr. Goodman expressed his belief that there was a basic conflict between the operation of the shopping center and this proposal for a Walgreens on that site as they are incompatible. Dr. Goodman stated the orientation of the Walgreens building that has been proposed at best detracts from the rest of the shopping center having its loading facilities and parts of the operation that are usually disguised from the public sticking out into the parking lot and removing parking spaces from the rest of the center. Dr. Goodman indicated a more graceful orientation would be to have the finished front of the building facing toward the rest of the shopping center so they play off of each other and make an aesthetically pleasing area.

Dr. Goodman recalled his wife had mentioned this was a rather faded shopping center. It was constructed in the 1960's with a slight modification in the 1970's for a restaurant addition, which was very pleasing to the residents of the neighborhood.

Dr. Goodman stated the criteria and the standards for shopping centers that attract people have changed since the 1960's. Shopping centers are designed with much more green and attractiveness today than they were then. Dr. Goodman noted this is a wonderful opportunity for this shopping area to be upgraded and brought into the 21<sup>st</sup> century. Dr. Goodman stated his opinion that this particular proposal would freeze it and make it much more difficult to make further modifications in Parcel Two and ultimately lead it into a dead end. Dr. Goodman stated this is very poor planning for our community to consider this with a positive recommendation at this point. He expressed the hope that as a result of the work that the Plan Commission and the Economic Development Commission have done on future land use considerations for the community which will be work shopped by the Village Council on February 24, 2004, that some criteria that will help us in cases like this in the future will come forward. Dr. Goodman stressed that we cannot wait for that. He pointed out to the Plan Commission that this proposal is before them tonight, and he urged the Commission to not forward a positive recommendation but to send it back to Staff and the developer to reconsider this use. If this is an appropriate siting for a Walgreens, this particular building and configuration of the site is not appropriate.

Dr. Goodman concluded by referring to a statement made by Mr. Russ that he believed was inaccurate. He mentioned the existing configuration of parking associated with Lone Star also intruded on the setback along Main and 63<sup>rd</sup> Streets, and that the current proposal for intrusion of parking within that setback was no greater. Dr. Goodman stated when he looked at the fourth diagram in the Plan Commission packet and the diagram facing it, it looked to him that the existing Lone Star configuration within that portion of the Lone Star property that will be reconfigured and called Parcel Two, there are 16 non-conforming parking places within the setback. Dr. Goodman continued after the reconfiguration it looks to him that there would be approximately 37 parking places within the setback along Main and 63<sup>rd</sup> Streets. Dr. Goodman noted the level of non-compliance is being raised in this case, and he expressed the belief there were some green space in the Lone Star configuration. It was not zero contribution to the green space of the shopping center. Dr. Goodman admitted he did not know what the exact amount was, but he thought the increase in green space that is being recommended in this development within Parcel Two is much less than the green space that was within the parcel in the Lone Star configuration.

Dr. Goodman stated his belief that the Plan Commission was not being given a completely accurate description of the variances and the changes the Commission is being asked to recommend. Dr. Goodman stated he strongly felt this could be much better for the community, the developer could do a much better job and the Plan Commission should encourage them to do so.

Chairman Jirik commented the Plan Commission acts upon the request of the petitioner. They do not decide what kind of business should go in. The Village is not in the business of that. Chairman Jirik stated while it is nice to know that the residents would like a restaurant, it is not within the Plan Commission's purview.

Chairman Jirik asked that any remaining commentary be focused on the petition before the Plan Commission.

Jim Myczek, 1109 62<sup>nd</sup> Place, Downers Grove, stated he had two concerns; one, the lighting, may have already been addressed. Staff made some comment about the brightness of this lighting. Mr. Myczek indicated he was concerned about the height of the lighting as well as the brightness. Mr. Myczek pointed out his residence is two homes off of Carpenter Street on 62<sup>nd</sup> Place. Any lighting higher than the existing lighting would impact his back yard. He asked for an explanation as to what is expected there. Mr. Myczek stated his second concern was traffic. He commented the studies appeared to have looked at the impact on 63<sup>rd</sup> and Main Streets. He questioned whether the residential areas on Carpenter Street and 62<sup>nd</sup> Place would also be impacted. Mr. Myczek gave an example of egress onto 63<sup>rd</sup> Street from Brookbank, using that residential street as an easier way out onto 63<sup>rd</sup> Street. He asked if that possibility had been studied. Chairman Jirik asked Ms. Browne to be prepared to further discuss lighting and traffic.

As there was no one else who wished to speak, Chairman Jirik closed the public participation portion of the public hearing.

Chairman Jirik noted there were a number of issues raised thus far. He asked the Plan Commission members if they had any questions or comments regarding those issues.

Mr. Nicholaou expressed concerns regarding lighting and signage. Mr. Nicholaou indicated he spent the better part of two hours at the site photographing the site. He distributed copies of the photographs to his fellow commissioners, to the petitioner and to the Staff. Mr. Nicholaou stated while at the site he walked up to the existing sign trying to ascertain its height. He ran into the center manager, identified himself, and the manager was kind enough to tell him the height of the sign. Mr. Babcock clarified he went out and re-measured, and the correct height of the existing sign is 24 feet. Mr. Nicholaou referred to the third photograph, which was a view from the center driveway looking south. The 24-foot high sign is visible above the guardrail at the street. Mr. Nicholaou referred to the next photograph, which was a view from the driver's side of a northbound automobile. The sign was still visible, and Mr. Nicholaou indicated he was probably the third car off the stoplight as he headed northbound. On the second page, the photograph in the upper left-hand corner is an eastbound view from 63<sup>rd</sup> Street. Mr. Nicholaou referred to the larger, vertical photograph on the bottom left side of the page. This photograph is a view from the sidewalk on the south side of 63<sup>rd</sup> Street looking northbound. With regard to the pole on which the traffic signal lights are mounted, the IDOT standard from the ground to the cross member support is 13.6 feet. Mr. Nicholaou pointed out the shopping center sign is clearly visible. The angle of the pole is approximately 27 feet from the ground. Mr. Nicholaou indicated the building is proposed

to be set back 71 feet from 63<sup>rd</sup> and Main Streets and would be 18 feet below grade. If the height of the pole at its angle is 27 feet, and the Walgreens script signs, which are very well illuminated on all their stores, are going to be somewhere between 21 and 22 feet above grade, the signs proposed for this structure would be very visible. Mr. Nicholaou pointed out there would be signage at approximately 22-23 feet above grade on all four sides of the building. He also pointed out traveling east on 63<sup>rd</sup> Street the lighted mortar and pestle sign in the window of the tower at approximately 27-28 feet would be clearly visible. Mr. Nicholaou stated the familiarity of the structure of Walgreens buildings and signage makes him question why a sign that tall would be needed. Mr. Nicholaou noted because the Village's Zoning Ordinance limits the height of a freestanding sign to 20 feet and there is an existing sign 24 feet high, Mr. Nicholaou advised he saw no need to elevate the sign. The proposal for a 35-foot sign has a portion that approximates between three-five feet for a changeable copy board sign to advertise different products, etc. Mr. Nicholaou stated he did not find that to be typical of Walgreens in any of our surrounding communities with the exception of Downers Grove. If the Plan Commission were to recommend to the Village Council that the proposed sign be no higher than the existing Green Knolls Center sign, Mr. Nicholaou indicated that would, in his opinion, exceed Walgreens' need.

Mr. Nicholaou recalled previous testimony regarding lighting shining northbound into the residential neighborhood. Mr. Nicholaou agreed with the neighbors' concerns and questioned the necessity of having any kind of signage that bright or that high facing the center.

With regard to the freestanding sign, Chairman Jirik asked if there were any other members who would like to speak.

Mr. Stark asked if the 18-foot grade difference was measured from the southeast corner where the sign is going to be or was it measured more toward Main Street. Mr. Nicholaou commented, whether you are walking around the site or driving on either eastbound on 63<sup>rd</sup> Street or northbound on Main Street, the current signage is clearly visible. If the proposed building is going to be setback 71 feet from the deepest point of the parcel, the signage becomes more and more visible than if it were actually butted up to the 18-foot drop at the retaining wall.

Mr. Stark also expressed a concern regarding the elevation of the tower portion of the proposed structure. The median roof height from the base is 35 feet, which is exactly the height of the proposed sign, which looks as though it is going to be at the southwest corner of the building. Mr. Stark stated the southeast corner of 63<sup>rd</sup> and Main Streets will have signage and the building tower will have signage. Mr. Stark referred to it as the twin towers of Walgreens. Mr. Stark commented the proposed entrance to the building facing west towards Dairy Queen would not have been his first guess as to where the entrance on this project would have been located. The 18-foot drop is not on the southwest side of the building.

Mr. McCormick asked what the proposed sign would look like from an illumination standpoint. Chairman Jirik and Mr. Nicholaou pointed out the Plan Commission packet contains a small illustration of the proposed sign with its changeable copy board below it. Chairman Jirik noted a number of questions have been raised regarding the sign and asked if a representative of the petitioner would come forward and address these questions.

Mark Nosky, Stewart & Nosky Architects, 1400 Opus Place, Downers Grove, advised he wanted to start with the photographs taken today by Mr. Nicholaou. With regard to the photograph of the current sign, which is approximately 24 feet high, Mr. Nosky pointed out the location of the current sign on the drawing displayed on the overhead screen. Mr. Nosky pointed out the photograph shows that the grade is progressively sloping up to the retaining wall. In order to site the proposed Walgreens on Parcel One, it will be necessary to take the grade down. They are trying to flatten the site as much as possible in order to reduce the grade elevations around the entire building and also to try to line up the drive-through area on the east side. Mr. Nosky indicated the photograph tells a story of what the site is today. Mr. Nosky explained the reason they keep referring to 18 feet is because once they grade the site and take it down, they will be creating a secondary retaining wall to allow them to get the grade to be flat enough to accomplish the Walgreens store. The grade at the intersection is approximately 18 feet above what they consider the finished floor grade of the grading that will occur. Taking 18 feet away from a 35-foot high sign is 17 feet, which is what they are talking about. The 24-foot high sign is correct for where it is today and at today's level, but in terms of taking the grade level down to a lower grade elevation, they find themselves in more of a hole than where they would like to be, but that is where they are.

Mr. Waechtler asked how much are they dropping the grade. Mr. Nosky responded the grade would be around 53 feet.

Mr. Griesbaum asked where would the proposed Walgreens sign be in relation to the existing Green Knolls sign. Mr. Nosky responded that the top of the proposed sign is to be 20 feet above the intersection.

Mr. Nicholaou asked if you were to take down the existing Green Knolls sign, remove the dirt and put the Green Knolls sign back into the ground, how much dirt would be removed and how much lower would the 24 foot Green Knolls sign be.

Chairman Jirik asked Mr. Nosky if he would like the distance from this to that to be about 20 feet. Mr. Nosky clarified it would be 20 feet. Mr. Kahlke referenced the photo on page two of Mr. Nicholaou's photographs and recalled that Mr. Nicholaou stated it was 13.5 feet from grade to the beam of the streetlight. Mr. Nosky estimated the top of the Green Knolls sign shown in the picture is approximately 6-1/2 to 7 feet tall. Chairman Jirik noted Walgreens' goal is to be even higher than that. Mr. Nosky stated the height of the proposed sign would be about in the middle of the streetlight pole shown in the picture. Mr. Nicholaou asked Mr. Nosky if they are going to excavate almost 12-13 feet from below the current sign.

Derek Stancik, Intech Consultants, stated they are doing the civil engineering for this project. He explained the base of the existing sign is approximately four feet higher than the grade of the base of the proposed sign. Mr. Nicholaou stated if he took the existing sign based on what was just said and replanted it four feet lower, the wording on the sign could still be read without a problem. By asking the Plan Commission to allow another eight-nine feet of sign height on top of what is currently existing, would raise the Walgreen's sign above the stoplight pole. Mr. Stancik stated the top of the sign would be 18 feet above the top of the curb of the re-graded parking area. Mr. Nicholaou said if the Village said 35 feet was fine, but we would like to lower it, changing the size of the letters on the sign and bringing it down to 25 or 30 feet could remove five feet. Mr. Nicholaou noted 35 feet of sign height not necessary.

Mr. Nosky asked for clarification from Mr. Nicholaou, as he was having difficulty following his line of reason. Mr. Nicholaou stated the height of the changeable copy sign, which is very difficult to read on the drawing, is approximately two feet, and then there is a measurement from the top of that changing copy sign to the bottom of the Walgreens sign of somewhere between five and five and one-half feet. Mr. Nicholaou commented what he has been suggesting with regard to the height of the proposed sign is not contrary to what Walgreens does in neighboring communities where they install one 15 foot or one 12 foot sign in front of the building with the exception of the signage on the walls. Mr. Nicholaou emphasized he did not see the need for a 35-foot tall sign.

Mr. Nosky stated the request for a 35-foot tall sign is to try to account for the grade differential on the site. The changeable copy sign is pretty much a Walgreen standard, and if Walgreens does not ask for a changeable copy sign, they ask for an electronic reader board. The Village of Downers Grove does not allow electronic reader boards, hence Walgreens is asking for the changeable copy sign.

Mr. Stark asked Mr. Nosky to define a changeable copy sign. Mr. Nosky explained it is a sign that can be dropped down and the letters changed out on the sign and then the sign is raised back up again. Mr. Stark asked if he was talking about an electric sign. Mr. Nosky responded it was not; it is a sign where magnetized letters are physically changed as different sale items are promoted. Several Plan Commission members pointed out it is an advertising sign, and Mr. Nosky agreed but stressed it is not an electronic reader board. Mr. Nosky noted there are a number of signs at this intersection that are much taller than the existing Green Knolls sign. They looked at that as they have been trying to make a recognizable image for Walgreens.

With reference to Mr. Stark's earlier comments about the signs on the building, Mr. Nosky stated the tower of the building has a median height of the roof at 35 feet, but the actual sign inside the tower piece is much lower, the 21 foot range or the middle of the sign. This recognizable feature was presented to upgrade the building and create an interesting design for this particular site.

With regard to the signage for the building, Mr. Nosky stated when you recognize the grades are sloping down from the intersection the signs on the building are pretty much at

the 21-foot range. Some cars at the top of the intersection would be looking down at the site to look at the signage.

Mr. Matejczyk stated it would have been helpful to the Commission if the petitioner had provided elevations for the road; the present elevation of the ground level, the proposed elevation of the height of the sign. He commented it is very difficult to visualize this. Mr. Nosky stated he did have such a display and regretted not bringing it this evening.

Mr. Stark asked for clarification of whether the proposed sign is two-sided, and if so, it would face the residents to the north. Mr. Nosky clarified the sign would be two faced, perpendicular to 63<sup>rd</sup> Street so that the sign does not really face the homes to the north.

With regard to site lighting, Mr. Nosky advised they have a photometric plan, which indicates the proposed new lighting scheme would not throw light onto the residential neighborhood to the north. He recalled some statements from residents to the north that the existing lighting on the backside of the shopping center building may not be a problem, but it is a concern.

Mr. Nosky concluded by stating they are asking for a sign height that would be appropriate for a retailer of this magnitude.

Chairman Jirik summarized the request is for a variation for a sign to be as tall as 35 feet. He expressed the opinion that the Commission has accomplished a visualization of what that would mean.

Mr. Russ said had this property been at street level; the existing sign would be higher than what is being proposed for the Walgreens. The proposed height is the same as what is currently allowed at the other corners of the intersection; 20 feet from street grade. Because this parcel is 18 feet below street grade, Mr. Russ said they are asking for 17 feet of sign height above street grade, which he said is still below what is allowed for properties at street level. Mr. Russ re-emphasized had the parcel been at street grade and they had proposed a 17-foot tall sign, they would not have had to ask for a sign variation because they would have been below the requirement of 20 feet from street grade. Mr. Nicholaou agreed with Mr. Russ; however, he stated the proposal to reduce the grade at the sign by three feet, but to then add an additional eight feet of sign height over what is already there is unacceptable.

Mr. Russ pointed out the existing Green Knolls Center sign at 24 feet is substantially lower than the two signs at the Shell station and the Amoco station on opposite corners. Mr. Russ emphasized they are here this evening asking for a sign variation because of the grade differentiation not because of the height of the sign above street grade.

Mr. Kahlke commented as a 12-year resident, he has always been able to see the current Green Knolls Center sign when driving by the center.

Chairman Jirik asked the Plan Commission members to defer the deliberations on the sign until all of the issues have been addressed. He anticipated a very healthy debate when these issues are deliberated. Chairman Jirik asked the Commissioners to continue the fact finding in order to build a record for the Mayor and Village Council.

Chairman Jirik recalled that one of the residents raised the question of lighting. Chairman Jirik asked if there was a representative of the petitioner who could address lighting issues. Mr. Nosky displayed the photometric plan. The table on the right of the plan notes the height of the actual pole fixtures would be 32 feet with a concrete base, which is usually two to two and one-half feet tall. Mr. Nosky noted they did not take any photometric measurements on the backside of the shopping center because they were not changing the existing lighting. The only fixtures being changed are the ones indicated on the plan. The photometric plan shows the foot-candle levels drop off at the property line, and no light is shed on a residential lot even across 63<sup>rd</sup> Street to the south.

With regard to 62<sup>nd</sup> Street to the north, Chairman Jirik asked if the lighting conditions would be better or would there be no net change. Mr. Nosky responded there would be no net change on 62<sup>nd</sup> Street. Chairman Jirik recalled a resident living behind the center indicated the current lighting was fine.

Mr. Stark asked if there was a height measurement done on the mortar and pestle sign to be located within the second story window in the tower at the entrance to the store. Mr. Nosky said that sign is dimensioned at 20 foot 8 inches which is the approximate centerline of the mortar and pestle sign. Mr. Stark noted it is about the same elevation as the red Walgreens sign on the side of the building.

Mr. Nosky advised, in order to make the building more recognizable, Walgreens raised the parapet five feet to camouflage the rooftop units, and they also added cornices to the building, which was a design feature not present in the first set of elevation drawings submitted to the Village.

Mr. Nosky stated at the high point of the roof, there is a six foot four inch dimension from the top of the parapet from roof level. The roof slopes off at a quarter inch per foot and in the middle of the roof the parapet measures approximately eight feet in height. Mr. Nosky noted the parapet was designed to be fairly large in order to camouflage rooftop units.

Mrs. Schroeder, ex-officio Plan Commission member, asked about the orientation of the building with the delivery and the dumpsters facing towards the shopping center. She said the proposed orientation reminds her of the backward houses at 59<sup>th</sup> and Main Streets. She also asked if the fancy details added to the building would be visible from 63<sup>rd</sup> Street or from Main Street.

Mr. Griesbaum also expressed concern about the location of the loading dock facing towards the parking lot. He expressed the opinion that seems to be a very awkward

position for the way in which the front of the building is actually facing. He noted Ace Hardware holds various sales in the parking lot during the summer.

Chairman Jirik asked how much of a hardship would it be to rotate the building 90 degrees to have the tower facing northwest. Mr. Nosky responded Walgreens would consider it such a hardship that they would walk away from this proposal. Mr. Nosky further explained Walgreens typically faces the main tower towards the intersection; that is their preference. He recalled that every time he has prepared a site plan for Walgreens, that is where they want their front door; however, Mr. Nosky stated in this particular case, facing the front door away from the intersection does not mesh with Walgreens' philosophy as to how they orientate a store. Mr. Nosky noted, when the approach to put the entrance facing Main Street was proposed, he did not think Walgreens would accept it. Walgreens recognized the site would be 18 feet below grade and felt this design of facing the entrance to the southwest would be the best solution for them.

Mr. Nosky acknowledged the loading dock is on the side of the building facing the Green Knolls center. Mr. Nosky advised they altered the plan to add the masonry screen wall, which architecturally is the same material as the face of the building. When a truck is in the loading berth, the screening wall wraps it. Also, deliveries are made once a week. Chairman Jirik stated his understanding is that the trade-off was the corporate identity of the parapet. Mr. Nosky responded the fact that the main entrance would be facing a main thoroughfare was paramount. Walgreens would not agree to point the tower section towards the inside of the parking lot. Chairman Jirik indicated his understanding that Walgreens does not see that tower as generating visibility from both thoroughfares, and Mr. Nosky agreed. Mr. Nosky pointed out the façade of the building facing Main Street has a drive-through which is below grade and a parapet or side of a wall that has one sign on it. Chairman Jirik asked if there was any thought given to switching the location of the drive-through with the loading dock. Mr. Nosky responded he drew that scheme for Walgreens showing them how the circulation would work. Mr. Nosky indicated he probably prepared eight different site plans. Mr. Nosky stated Walgreens is not interested in a site until you can prove to them that it has benefits. Chairman Jirik asked what Walgreens comment was with regard to switching the location of the drive-through and the loading dock. Mr. Nosky stated he did not recall their response to that particular proposal.

Lynn Babcock, owner and manager of the Green Knolls Shopping Center, recalled they have been discussing this unique site for several years. He noted they did not create it; they bought it in 1986. Later, the Ponderosa Restaurant closed, and they were faced with boarded-up windows, which was an eyesore to the other tenants and to the Village of Downers Grove. He said Lone Star Steakhouse then expressed an interest in the location. Mr. Babcock recalled they wanted to rent the site to them, but Lone Start wanted to buy the property. The site was configured as such in order for both parcels to meet the parking requirements in place at that time.

Mr. Babcock indicated, to the best of his knowledge, the Green Knolls sign has always been there at that height. Mr. Babcock noted the sign has never been an issue. He

acknowledged it is more at eye level than it is in the air as are the other commercial signs currently in place. This site would have been allowed those same types of signs had the site been level with the street. Mr. Babcock advised the telephone calls they have received from other potential commercial usages of that site indicate that in order to comply with the current zoning ordinances of the Village of Downers Grove since Lone Star did not rebuild in the time allotted, indicates that the site itself just is not going to happen because the dollars required to purchase it from Lone Star are out of the question. As much as the neighborhood would like it, a mom and pop restaurant cannot afford the site; Lone Star no longer wants to be there and Ponderosa closed up. Mr. Babcock indicated they have discussed this site with a number of people, and the grade separation scares them silly.

Mr. Babcock acknowledged Green Knolls Center does not need this Walgreens to stay economically viable; it has been viable for the last two years. Mr. Babcock expressed the belief that this opportunity is going to enhance the Green Knolls Shopping Center. Mr. Babcock acknowledged the proposed sign is difficult.

Chairman Jirik asked Mr. Babcock to focus his remarks on the previous discussion concerning the orientation of the building. Mr. Babcock apologized. He explained when Walgreens first came to them with an interest in this site, Mark Nosky and his group worked with Walgreens to try to give them everything they needed on that site in order to facilitate traffic movement, the drive-up facility, the loading facility and exposure. They gave Walgreens different building orientations; they rotated the building 180 degrees, 90 degrees both ways, etc. Mr. Babcock stated they ultimately proposed what they thought was a pretty good site to Walgreens. The drive-up facility and the loading facility were nestled back into the grade differentiation at the two corners. Walgreens rejected that concept. Mr. Babcock stated they tried to convince them to accept that plan, but Walgreens still said no. Mr. Babcock explained they tried to work something out they felt would be viable for Walgreens, the shopping center, its existing tenants and traffic flow.

Chairman Jirik asked if there had ever been any discussion of swapping the loading bay and the drive-up; not necessarily rotating the building. Mr. Babcock recalled they proposed rotating the building 90 degrees, which would have accomplished the swap of the loading bay and the drive-up, but it did not work for Walgreens because they stack their merchandise and have the store floor plan worked out. Mr. Babcock indicated the tower front entryway is at that particular corner for a reason.

Chairman Jirik asked if there was anyone else who had questions regarding the rotation or the orientation of the building. Mr. Waechtler noted if the loading dock were placed on the Main Street side of the store, it would be less visible because it would be below street grade. Mr. Babcock acknowledged they tried that scheme but that would have changed the main exposure to the newly designed building, which they did not want. If they did that, their interiors would not match the other Walgreens. Mr. Babcock pointed out if you walk into any Walgreens store, they are all stacked pretty much alike, which is the way Walgreens wants them.

Mr. Babcock stated, as owners and managers of the property and as developers, they tried to convince Walgreens that the swap of the drive-up and loading dock was better, but Walgreens said no. Mr. Babcock explained their next step was to hide the drive-up facility and propose an architectural screening wall similar to the one at the Walgreen's on Cass Avenue.

Chairman Jirik asked the architect if standard designs are used in all cases such that you cannot flip the two faces and maintain the orientation of the parapet. Mr. Nosky responded you could do exactly as the Chairman stated. He said he provided such a design to Walgreens, and they said no; it was not an option. Mr. Nosky pointed out the plan before the Commission this evening is the only option Walgreens would allow them to pursue.

Chairman Jirik asked if there were any other questions on building orientation. There were no further questions on the orientation of the building.

With regard to parking, Mr. Stark noted every square inch of the property is being utilized. He asked Staff to display the drawing showing the parking configuration. He noted there are parking spaces over by 62<sup>nd</sup> Place, which are being included in the parking count, and other spaces on the far northeast portion of the site, which are also being included in the count. Mr. Stark expressed the opinion Walgreens would generate more parking and more traffic flow than the former restaurant would have. Mr. Stark asked if the proposed plan shows six extra parking spaces, and Mr. Nosky agreed. Mr. Stark asked if there were parking spaces next to the island north of the loading area. Mr. Nosky agreed. Mr. Nosky stated they have also taken away a lot of parking spaces trying to create green areas that previously were not there. It was a balanced trade-off between parking and green space. Mr. Nosky noted some of the parking spaces behind the center are used for employee parking. Mr. Nosky acknowledged Walgreens would bring business to the center.

Mr. Babcock stated the parking spaces along 62<sup>nd</sup> Place are in place as are the parking stalls on the extreme northeast part of the site. The current driveway at 62<sup>nd</sup> Place is wider than what is depicted. On the proposed site plan, that driveway has been narrowed to create one or two more parking stalls. Mr. Babcock emphasized that is not Walgreens parking; it is Green Knolls' employee parking. Mr. Babcock advised no customers would park there and walk around the building to get to Walgreens.

Mr. Babcock agreed with Mr. Stark and acknowledged they have squeezed every parking spot that they could onto this site and still meet Code. They have made 24-foot wide aisles and 18.5 foot wide parking stalls required per Code. The use of this site, which was designed in the 1960's, has been maximized. According to the current usages in the shopping center, Mr. Babcock agreed there is a surplus of six parking stalls on that parcel. Mr. Babcock stated parking is of the utmost importance to the viability of a shopping center. Mr. Babcock indicated they would love to have more of the parking stalls converted to green space, but there is a trade-off. If they cannot fill vacancies in the

center because of a lack of parking stalls, vacancies breed more vacancies and suddenly you have a center with big For Rent signs on the store windows.

Mr. Babcock noted the truck traffic that now enters off of 62<sup>nd</sup> Place would continue to do so because that truck traffic is necessary to service the Green Knolls Center, as it exists today. It has no bearing whatsoever on Walgreens. Mr. Babcock stated if that truck traffic is exiting onto 62<sup>nd</sup> Place, he does not know why, as there are designated lanes around the shopping center to exit onto Carpenter Street. Mr. Babcock acknowledged he did not know if narrowing the driveway on 62<sup>nd</sup> Place would reduce the truck traffic, but he believed it would not make it worse.

Mr. Babcock emphasized Walgreens does not have any impact on the shopping center parking to the north or west of the building. The only impact would be to the interior parking arrangement. For the most part, the long diagonal rows of parking going from the northeast to the southwest are currently in place. Mr. Babcock stated all of the work that has been done to accommodate this potential development is from the diagonal row of parking to the southeast. In doing so, they have been able to pick up more parking islands, more green space, and the parking along 63<sup>rd</sup> Street and along Main Street is being counted and used as it has been used since the shopping center was built.

Mr. Babcock noted the construction of the retaining wall as part of the County's improvements to the intersection of 63<sup>rd</sup> and Main Streets, accentuates the area where those stalls would be. Now there is a wall that comes straight down out of the vertical to the horizontal where the prior condition was a barely mowable strip of green space. Mr. Babcock pointed out the green area previously referred to by Mr. Russ as a fringe benefit of the setbacks is not owned by the shopping center; however, the shopping center does maintain it.

Mr. Russ stated the traffic study indicated the projected peak parking demand of the shopping center with the Walgreens store would occupy approximately 69% of the total available parking spaces. A minimum of 97 spaces will be available at the shopping center at any time with the proposed Walgreens store. The number of parking spaces will far outweigh the demand at peak hours.

Chairman Jirik asked if there were any further questions with regard to parking.

Mrs. Schroeder asked if Walgreens has special hours for deliveries or would there be truck traffic at any time of the day or night. She also asked how the Walgreens trucks would enter and exit the center and questioned if the trucks are expected to use the Main Street driveway. With regard to the right-in, right-out driveway, Mrs. Schroeder asked how many feet has it been moved and how will it change the traffic coming down Main Street.

Tim Hague with the Taxman Corporation stated they represented Walgreens' interests to the owners of the shopping center in this transaction. He further advised his company has also developed several Walgreens stores throughout Chicago land. He indicated he

would comment with regard to the frequency of the unloading due to his familiarity of the Walgreens operations and then would let the architect and the civil engineer speak to the patterns of the trucks arriving at the site. Mr. Hague explained what Walgreens does as a matter of typical practice is they receive the vast majority of their inventory from the Walgreens distribution centers. They typically get two larger deliveries a week that happen in the off-hours in the morning before the retail operations are open and experiencing their peak, which during the week has been estimated at this shopping center at 10 a.m. and on the week-ends at the Noon hour. Mr. Hague noted there are third party delivery trucks that do arrive at the store, but those deliveries are not controlled by Walgreens and are minimal.

To address the Main Street driveway, Mr. Babcock stated currently that driveway is a two way, in and out driveway. It is currently located about 30-40 feet south of the driveway depicted on the proposed site plan. Mr. Babcock advised they felt this was an excellent opportunity to try and straighten out a problem that had been there for a long time. In icy conditions, people have a difficult time negotiating the current driveway because it is too steep. With the reconfiguration of the lot to allow the construction of the building and to allow the reconfiguration of the parking and the driveway, the driveway is proposed to be shifted to the north. They have also restricted its ingress and egress with the island. And it would no longer be a four way in and out. Vehicles will come in southbound, and anyone wanting to exit northbound would go north through the parking lot and out through the northernmost driveway, which is pretty level. Mr. Babcock acknowledged that is what most people do in winter conditions, and currently, anyone wanting to go northbound avoids the current driveway because it is too close to the intersection at 63<sup>rd</sup> and Main Streets. Mr. Babcock stressed the reconfiguration has given them an opportunity to utilize the grade more effectively.

Mrs. Schroeder again asked where the Walgreen trucks would enter. Mr. Babcock responded if they were coming southbound on Main Street, they would make a right-hand turn into the parking lot. There would no longer be a left-hand turn out onto Main Street and no more left-hand turn northbound off of Main Street. The restriction has been cut in half. Mrs. Schroeder asked if the departing trucks would be expected to back up. Mr. Babcock agreed and clarified the trucks would come down the 24-foot aisle and back right into the angular loading area.

Chairman Jirik asked if there were any further parking or traffic questions. There were none, and Chairman Jirik asked if there were other questions.

Mr. Waechtler recalled that there was a question raised by one of the residents with regard to the three other Walgreens' locations close by. Mr. Waechtler noted there is a Walgreens at 63<sup>rd</sup> Street and Cass Avenue in Westmont, one at 63<sup>rd</sup> Street and Belmont Road in Downers Grove and one at 75<sup>th</sup> Street and Lemont Road in Downers Grove. He indicated he did not include the Walgreens at Main Street and Ogden Avenue in Downers Grove, as he was focusing on existing stores at or near the south end of town. Mr. Waechtler recalled at one time Walgreens had a location on Ogden Avenue east of Fairview Avenue. When the store at Main and Ogden opened, Walgreens closed their

store east of Fairview. He asked if there would be a possible trade-off or closing of one of these stores. Chairman Jirik advised Mr. Waechtler that line of questioning was not within the Plan Commission's purview. Mr. Babcock noted there are no Walgreens to the west with drive-up capabilities. Mr. Waechtler addressed the Chairman stating he thought his line of questioning was appropriate. He stated if the Village believes it would derive extra revenue by opening another Walgreens, and then one or two are closed, he believes his line of questioning is appropriate. Chairman Jirik responded the Plan Commission does not recommend approval because of possible revenue. The Plan Commission is not the Economic Development Commission nor is it the tax revenue department. Chairman Jirik acknowledged this might be interesting to talk about, but it should not have any merits with regard to the Commission's deliberations. We are here to look at the requested exceptions and the site plan. The Commission has asked excellent questions with regard to the lighting, signs, parking, variations, etc. Variations are granted not because the Village would make more money; variations are granted because of need and unique circumstances. Chairman Jirik continued it is not an economic decision to grant one property owner a variation because he makes more money and not grant it to somebody else because his business is not as economically important.

Mr. Babcock stated they did not know how or why Walgreens makes such decisions. He acknowledged demographics mean a lot to retailers. The opportunity to provide a drive-up where they do not currently have one could be a factor.

Chairman Jirik stressed it is the Plan Commission's job to filter through the details of a particular petition and the comments made by residents. The Plan Commission has to work with the technical basis of what is within our purview to render judgment. The economics do not enter into the equation.

Mr. Waechtler expressed hope his next question would fall within the boundaries of the Commission's deliberations. He asked if the hours of operations would be 8:00 a.m. to 10:00 p.m., would Walgreens have to come before the Village if they wanted to extend those hours. Mr. Russ responded the hours of operation for just the retail aspect of the store could be changed by right because those hours are not part of this special use. Mr. Russ expressed the belief that if the hours of operation for the drive-up were expanded, they would have to come back to the Plan Commission to amend the special use. Ms. Browne agreed Staff would consider that a significant amendment to the special use requiring further consideration. Mr. Russ emphasized further consideration would only be for the special use relating to the drive-through window, not for the hours of operation for the store.

With respect to lighting and hours of operation, Mr. McCormick asked when the store closes for the day, are the lights on the signs turned off. Mr. Russ responded it was his belief the signs would remain lighted. Mr. McCormick asked if the signs are lit 24-7, and Mr. Russ responded he believed that would be the case.

Mr. Hague advised typically the signs are turned off when the store closes. The signs would not be illuminated past 10:00 p.m. Mr. McCormick asked if that would include the freestanding sign, and Mr. Hague agreed.

Chairman Jirik commented the excellent Staff report outlined the nature of parking, etc for the two parcels. He asked Staff if per Ordinance that constituted the grandfathering of exceptions. Ms. Browne responded, with respect to the requested setback variations for the proposed Green Knolls parcel, that variation is essentially limited to the new area that is being gained from what is essentially the pole portion of the flag shaped Walgreens parcel. The setback in that portion of the site was an existing non-conformity as it applied to the Lone Star parcel. When the land transfer occurs, that non-conformity is lost, so that portion of the parking and the lighting standard setbacks for that strip does need to be addressed by way of a variation. The other existing parking areas on site that are currently non-conforming with respect to setback remain non-conforming with respect to setback and are unchanged due to the lot reconfiguration.

Chairman Jirik asked Ms. Browne if there are any other non-conformities or things that require variations regarding either parcel. Ms. Browne stated all identified variations have been listed in the Staff report. She recalled the question was raised why the green space variation was included on the Green Knolls parcel. Because the land area of both parcels is changing, specifically with respect to the Green Knolls parcel, their green space areas are also changing not only due to an increase in land area but also due to the reconfiguration of the parking areas and the addition of certain green space. It is being impacted, and it is, therefore, being addressed by way of a variation as part of the requested action. Any other non-conformities on site, for instance the setback for the parking along 62<sup>nd</sup> Place, are not being affected or amended. They are currently non-conforming and will remain non-conforming.

Mr. Babcock added with the reconfiguration, the Green Knolls parcel would gain 170 square feet as opposed as to what it has now.

Mrs. Schroeder referenced one of her previous questions and noted she did not get an answer. It had to do with setbacks off of 63<sup>rd</sup> Street. She indicated she understood the setback variation is being asked for the parking. She asked if it also answers part of their need to be visible. She asked if the façade of the building would be visible from 63<sup>rd</sup> Street or is it invisible. Chairman Jirik indicated he was confused by her questions, which seemed to be addressing two different issues. Mr. Nicholaou stated he thought she was asking because the building is being set back 71 feet, does it not have more visibility than if it were structured up against the retaining wall. Chairman Jirik responded because Mrs. Schroeder's question was not related to a requested variation, it was not a relevant question. Mrs. Schroeder asked if there was a requested variation for the setback. Chairman Jirik responded the requested variation is for parking in the setback. Mrs. Schroeder again asked if the building would be visible.

Mr. Nosky indicated if Mrs. Schroeder is referring to the façade as seen from 63<sup>rd</sup> Street, he responded when the grade of the road comes down it reveals more of the building

elevation, and it becomes more apparent on the southwest side of the building. The grade is fairly high on the southeast side, so the building is not as apparent. Mr. Nosky indicated the increased parapet height would help with the visibility on that corner.

With reference to the hours of operation, Mr. Griesbaum asked if the drive-up was going to be open 24 hours. Mr. Russ responded the hours of operation for the drive-up would be the same as the hours of operation for the store itself; 8:00 a.m. to 10:00 p.m. Mr. McCormick asked if the Green Knolls sign is going to be removed, and Mr. Babcock answered yes.

Chairman Jirik encouraged dialogue among the Plan Commission members. He advised the Commission members now is the time to develop some basis to communicate to the Mayor and Village Council so that they are aware of the Commission's concerns.

Mr. Griesbaum advised he had two issues of concern, one being signage. He stated he felt it was important that the signage should be where the Commission believes it should be from an aesthetic standpoint, for the neighbors and for the community. Mr. Griesbaum advised his second issue is with the overall positioning of the Walgreens building and where the entryway is proposed to be located. Mr. Griesbaum stated he would be in favor of shifting the position of the building 90 degrees clockwise. He expressed the opinion that having the entryway to the Walgreens building facing the shopping center would be aesthetically pleasing. He noted the entryway would be seen going south on Main Street and going east on 63<sup>rd</sup> Street. Mr. Griesbaum stated rotating the building would help the loading situation at least aesthetically and would help with the overall drive-up. Mr. Griesbaum recognized Walgreens was opposed to changing the position of the proposed building.

Mr. Stark acknowledged this is a difficult site. He recalled the Economic Development Commission in conjunction with the Plan Commission looked at this area and tried to envision what sort of business would thrive there. One of the recognized problems was whether a business would be able to advertise correctly given the grade difference at the intersection. That group knew the way the streets were going to be configured that some of the proposed variations we are faced with here today would need to be addressed. Mr. Stark indicated the Commission has not really touched on them but did not think that was a problem.

Mr. Stark continued that because of the uniqueness of this site, the front yard variation for parking and lighting should be allowed. The requested variations as noted in the Staff report as A) parking and lighting setbacks on Main Street; B) parking and lighting setbacks of 63<sup>rd</sup> Street and C) green space variations, are all warranted, in his opinion, due to the fact that the distance between the sidewalks and where they could put some green space is limited. Mr. Stark asked even though the lot is unique, could the Village allow such a great variance for the advertising sign for this business, and he also asked if it would cause such a hardship on this business to require that the freestanding sign meet current Code? Mr. Stark remarked he had no comment with regard to the siting of the

building or the placement of the entranceway. He expressed his opinion that was a business decision for Walgreens.

Mr. Stark noted the Plan Commission could address the tower and the freestanding sign. In his opinion, the tower on the building is a glorified sign, and it does not serve any other reason for the business other than to make its presence known and to be as tall and as imposing as possible on the neighborhood. He suggested the Commission members might want to consider further comment as to what would be a reasonable compromise on the signage for this type of business if the Commission were willing to go along with it given the visibility achieved with the building tower.

Mr. McCormick stated there are three factors that lead him to believe the signage may not be unacceptable: 1) It is no higher than any other sign from the street grade. As a matter of fact, he said it would be a little lower; 2) The sign more or less faces 63<sup>rd</sup> Street traffic headed east and west as opposed to traffic on Main Street headed north and south. Arguments can be made as to what impact that is going to have on the neighbors, which is the biggest underlying concern; and 3) The sign is turned off at 10:00 p.m. At the same intersection there is the Jewel-Osco, which is open 24-7 and has a strobe light on the top of the building. The BP Amoco is open until 11:00 p.m. Mr. McCormick stated from his perspective, which is easy for him to say because it is not in his backyard, the proposed signage is in conformance with the surrounding area.

Mr. Waechtler stated he hoped there would be some way to increase the green space percentage, which would still be below the minimum. Mr. Kahlke commented he also understands the problem there, but a center called Green Knolls should do as much as possible to live up to its name.

Mr. Stark commented the petitioner is asking for an additional 15 feet of height for their freestanding sign at the intersection of 63<sup>rd</sup> and Main Streets because that is what they would be entitled to under the Code if the lot were at the same grade as the street. Mr. Stark said that would be fine, except when you go south on Main Street, you would get the full appreciation of the tower on the building because you start low and then go up the hill. Mr. Stark reiterated that is the unusual circumstance with which he is having problems. Mr. Stark again commented he was looking for a compromise to some way get the proposed sign to a height with which everyone will be satisfied.

Mr. Nicholaou concurred with Mr. Stark. He commented when all is said and done, he did not know if the Commission would be in favor of limiting the sign to 24, 30 or 29.5 feet. Mr. Nicholaou stated he did not think a height limitation would penalize the petitioner from exposure. Based on the four script signs on the building and the fact that the building is going to be set back away from the southeast corner, Mr. Nicholaou expressed the opinion the building would be a formally exposed structure. Mr. Nicholaou agreed if the proposed freestanding sign were at street level, it would be 20 feet high, and there would be no discussion because no variation would be necessary.

Mr. Nicholaou also referred to the many hours of discussions with the Economic Development Commission where it was acknowledged there would be necessary variations in order to develop this site. Mr. Nicholaou noted he did not have any problem with the proposed wall signage, but he did have a problem with the proposed freestanding sign and the lighted tower sign that concerns Mr. Stark. Mr. Nicholaou expressed the opinion that portion of the site it would like the Electric Light Orchestra from dusk until 10 p.m. Mr. Nicholaou asked if that was the type of aesthetic the Plan Commission was looking for in regard to development and redevelopment. Mr. Nicholaou concluded there should be a limit on the height of the freestanding sign.

Mr. Stark suggested the proposed freestanding sign be allowed to such a height that it would be as equally above street grade as the height of the current Green Knolls Center sign. Such a sign, along with the tower sign and the wall signage, would give Walgreens five different ways of being recognized by the public. Mr. Stark commented that would be a fair compromise in his opinion.

Mr. Nicholaou stated if they have to remove three feet of dirt to level the site, then, in his opinion, the sign picks up three feet of overall height, but the height from the street level should not change. Mr. Nicholaou pointed out the Village Council wants the Plan Commission to be explicit in their recommendations and determinations.

Mr. McCormick asked if Mr. Nicholaou was suggesting that instead of approving a sign 35 feet high, that the sign should be 27 feet high? Mr. Nicholaou responded if that were done, the Village would be giving Walgreens the existing sign height as Mr. Stark suggested.

Mr. Matejczyk clarified the elevation of the sign above street grade would remain the same.

Chairman Jirik offered another perspective. He noted, with the change of elevation and the relative height of the road, the Plan Commission has worked very hard to get their hands around this issue. Chairman Jirik pointed out visibility and signage is critical to the business plan of very competitive businesses. Walgreens made the argument that the other three corners of the intersection get 20 feet above street grade. Chairman Jirik expressed his opinion that 20 feet was too much in this case, but a sign height just above the ground where the current Green Knolls sign is could also be a business concern regarding the ability to generate visibility and traffic.

Chairman Jirik stated the orientation of the proposed sign is to make it visible along 63<sup>rd</sup> Street. He suggested the top of the sign height could be limited to eight to ten feet above the centerline of 63<sup>rd</sup> Street measured perpendicular from the sign location. Chairman Jirik noted he chose ten feet as a number for discussion. Chairman Jirik stated that is functionally what the sign is going to accomplish. The sign functionally is not accomplishing anything relative to local grade. Walgreens wants to know what that sign is going to do for the traffic on 63<sup>rd</sup> Street. Chairman Jirik acknowledged the Plan Commission might not be able to compute the exact variation because of existing and

proposed contouring and topography, etc. He asked what would the appropriate number be that is respectful of the neighbors and is beneficial and appropriate for the business. Staff could make the calculation and provide the appropriate figure so the Commission could grant a specific variation. Using this approach, we would be communicating a specific principle that this sign would be visually eight to ten feet above the road. Chairman Jirik indicated his preference right now is for something between eight to ten feet, which is a little more than what is currently present, but it is not as much as 20 feet which we already have across the street. Chairman Jirik stated this would be a compromise.

Mr. Nicholaou stated any time a petitioner brings a petition forward to the Plan Commission that ultimately goes forward to the Village Council, there has to be an attitude of give and take on the petitioner's part. Mr. Nicholaou commented as a marketing professional, he wanted to give this business as much visibility as he possibly could. Mr. Nicholaou noted detailed discussion is not only healthy for the Plan Commission and the Village Council, but it is healthy for the petitioner as well. Mr. Nicholaou expressed his opinion that the Plan Commission is not denying their variation request by suggesting modifications.

Chairman Jirik emphasized the metric measurement he is defining would codify the visual affect of the sign for the public. It would actually prevent any mischief like piling up 20 feet of dirt and then putting up a 20-foot tall sign.

Mr. Nicholaou agreed Chairman Jirik's proposal was a reasonable compromise.

Mr. Russ stated, after talking with Mr. Hague, he also had a compromise to offer. Walgreens would be willing to reduce the sign from 35 feet to 30 feet.

Chairman Jirik then offered a few comments regarding the rotation of the building. Chairman Jirik indicated he had some concern about this issue as he listened to the comments of other Commissioners. Chairman Jirik stated he understood Walgreens' concern, and he hoped that they understood the Commission's concern; however, he continues to be concerned about the oddity of the orientation. He noted the 90-degree clockwise orientation would be visible from all sides of Main Street; the intersection, the gas station, down the road, and it would actually be a beautiful focus for wherever you are driving on Main Street. You would see the building at both points of ingress and egress at all points on the property, and you would see it at the stoplight from whatever direction you were traveling. Chairman Jirik acknowledged aesthetics is very weakly within the Plan Commission's purview. He indicated his concern was more for the overall flow within the property; the synergy the Village would like the businesses to have.

Mr. Stark stated the Chairman is addressing salient points, but the Commission has a list of variations, A through E, as listed on Page One of the Staff report to consider, and a number of things we can talk about. Mr. Stark commented if he had to micromanage these businesses as to what his personal thoughts were, we would be here at a later hour

than we are now. Mr. Stark stated for the Commission to give recommendations on every possible nuance as to how a petitioner should arrange their business or what would look best is purposely left out of what the Commission is supposed to do. Mr. Stark noted the market would tell Walgreens if they are right or not. Mr. Stark emphasized to the Chairman his opinion that is not something he can address or something the Commission can put into the record. He noted a lot has been placed into the record for informational purposes, but for the recommendation the Commission is going to forward to the Village Council it can be said that the petitioner asked for a variance for the height of the sign, and the Commission thinks this is a compromise the Council should consider. The other requested variations are either yea or nay, or recommended with some compromise.

Chairman Jirik stated he would agree unless the inherent design creates a risk hazard to the public that an alternative design would remedy, mitigate or reduce. Mr. Stark agreed.

Chairman Jirik pointed out he is looking at the loading bay, the flow around the corner of the building, the ingress and egress, and he expressed some concern he could not quantify. Chairman Jirik stated his qualitative sense is that the 90-degree clockwise spin gives better traffic flow, better pedestrian flow, better ingress and egress. Chairman Jirik recalled the hesitation on the part of the applicant to change the building's orientation was visibility. In response, Chairman Jirik expressed his opinion the visibility would be better if the building were rotated.

Mr. Nicholaou stated he has to accept the architect at face value when he says he drew this project eight different ways, and Walgreens rejected all of them except the plan presently before the Commission; this is the plan we have to consider.

Mrs. Schroeder recalled when the houses at the intersection of 59<sup>th</sup> and Main Streets were built with the rear of the houses facing Main Street, former Mayor Cheever asked if we had anything in our Code that says which way something has to be orientated on a lot. Chairman Jirik responded in that case we did not. Mrs. Schroeder asked if we now have something in the Code regarding orientation of buildings on lots. Chairman Jirik responded to the best of his understanding we do not. Mrs. Schroeder stated this petitioner is asking for variances and exceptions because of the topography and character of the site, which would not be needed if the building's orientation was turned 90 degrees. Chairman Jirik advised her if the building were turned 90 degrees, the plan would still have the same variations for parking, setbacks and green space. Nothing would change.

Mrs. Schroeder pointed out in reference to Mr. Waechtler's earlier question about other Walgreen stores in the area, that on the bottom of the future floor plan drawing in the Plan Commission packet it states "plans for relocation of store at 7221 Lemont Road". Chairman Jirik advised Mrs. Schroeder that information was not material, and Mrs. Schroeder responded she was just answering Mr. Waechtler's question.

Chairman Jirik asked if there were any further questions or comments from the Plan Commission members. Hearing none, Chairman Jirik advised that he would entertain a motion to recommend approval, recommend approval with changes or recommend denial.

**MOTION: MR. NICHOLAOU MOVED WITH RESPECT TO PLAN COMMISSION FILE NO. PC-02-04, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSAL TO CONSTRUCT A NEW 14,500 SQUARE FOOT WALGREENS RETAIL SALES FACILITY TO INCLUDE A DRIVE-UP (PHARMACY) COMPONENT, SUBJECT TO THE FOLLOWING:**

- 1. THE PETITIONER SHOULD CONTINUE TO EVALUATE MEANS TO REDUCE OR ELIMINATE THE NEED FOR VARIATIONS TO THE EXTENT POSSIBLE AND PRACTICAL;**
- 2. THE PROPERTY OWNER(S) SHALL CONSULT WITH THE VILLAGE REGARDING POTENTIAL FUTURE USES OR CHANGES TO USES, AS SUCH MAY REQUIRE TEMPORARY USE OR SPECIAL USE REVIEW, OR REGARDING OTHER USES THAT MAY RESULT IN NEGATIVE IMPACTS TO ANY APPROVED PARKING AND TRAFFIC CONDITIONS AS PART OF THIS PETITION;**
- 3. EXECUTED, PERPETUAL AND RECIPROCAL EASEMENT/ACCESS AGREEMENTS BETWEEN ALL PROPERTY OWNERS OF THE TWO SUBJECT PARCELS MUST BE OBTAINED AND RECORDED WITH THE RECORDATION OF THE RECONFIGURED PARCELS;**
- 4. LOADING/UNLOADING OPERATIONS, INCLUDING REFUSE REMOVAL, SHALL OCCUR ON-SITE AND SHALL NOT OBSTRUCT OR HINDER SAFE PARKING AND SITE CIRCULATION FOR VEHICULAR AND PEDESTRIAN TRAFFIC WITHIN THE CENTER NOR NEGATIVELY IMPACT ON 63<sup>RD</sup> STREET OR MAIN STREET;**
- 5. ALL STORAGE OF REFUSE SHALL OCCUR COMPLETELY IN APPROPRIATE ENCLOSURES AT ALL TIMES;**
- 6. ROOFTOP SCREENING OF MECHANICAL EQUIPMENT IS TO BE PROVIDED IN AN ARCHITECTURALLY COMPATIBLE MANNER;**

7. **THE OWNER(S) SHOULD WORK COOPERATIVELY TO EXPLORE AND IMPLEMENT INCREASED LANDSCAPING THROUGHOUT THE CENTER;**
8. **THE VARIATION FROM SIGN CODE STANDARDS IS RECOMMENDED TO BE ESTABLISHED AS FOLLOWS: THAT A SIGHT LINE BE ESTABLISHED FROM THE HIGHEST POINT OF THE INTERSECTION OF 63<sup>RD</sup> AND MAIN STREETS AND THAT SHALL DICTATE THE HEIGHT OF THE SIGN. ALL OTHER SIGNAGE SHALL COMPLY WITH CODE. ROOFTOP SIGNAGE SHALL NOT BE ALLOWED;**
9. **COMPLIANCE WITH ALL PUBLIC WORKS/ENGINEERING REQUIREMENTS/CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JANUARY 30, 2004 INCLUDING RECOMMENDED CONDITIONS;**
10. **COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.**

Chairman Jirik asked if there were any questions or comments respecting the motion.

Chairman Jirik asked Mr. Nicholaou if it was his intent to look at the intersection of 63<sup>rd</sup> and Main Streets, but that the height at the top of the sign should not be more than "X" number of feet above the street grade. Chairman Jirik pointed out that was not what he had suggested earlier. Mr. Nicholaou stated his intent was that the height of the sign should not be more than 28 feet from the base to the top. Several commission members pointed out to Mr. Nicholaou that the figure has to be calculated from the centerline at the street. Mr. Stark suggested Mr. Nicholaou look at Variation D, which says you would propose to allow a freestanding sign with a height of 28 feet versus the maximum permitted of 20 feet. Mr. Nicholaou responded he felt what Chairman Jirik had said earlier about establishing a sight line made more sense because he does not know the depth of the ground being excavated below the base of the sign. Mr. Matejczyk noted it does not matter. He suggested measuring it at the centerline of the road or to pick a number such as 10 or 12 feet above grade.

Chairman Jirik clarified the motion needs to either strike the concept of measurement from the centerline and go in a different direction, or if Mr. Nicholaou wishes to proceed in that direction, he advised the motion should specify a variation necessary to achieve "X" number of feet measured above the centerline of the highway to be computed by Staff before forwarding the recommendation to the Village Council. Chairman Jirik suggested either way would work, but the two concepts cannot be mixed because they are not compatible. He suggested to Mr. Nicholaou if he went with the centerline concept, the most that could be achieved would be a net of 35 feet. You are not going to get 20 feet above grade because that would be over 35 feet in sign height. Mr. Nicholaou agreed

to amend his motion to recommend that the variation be granted only in an amount necessary to achieve a sign height of ten feet above the grade at the centerline of the intersection.

Mr. Matejczyk pointed out the proposed sign is 11 feet high from the bottom of the sign.

Ms. Browne pointed out earlier Chairman Jirik had suggested the sign height be measured at a point at the centerline of 63<sup>rd</sup> Street perpendicular to the sign. Chairman Jirik stated Mr. Nicholaou changed his motion so that grade is measured at the centerline of the intersection. Ms. Browne stated for clarification she did not want to lose the proposed language "All other signage shall comply with Code. Rooftop signage shall not be allowed." Mr. Nicholaou agreed.

Mr. Stark asked in clarification of the motion did it also address the variances that are asked for Green Knolls as well. Ms. Browne responded yes that all of the items listed in the Staff report as part of the Requested Action are included in a motion unless the Commission feels otherwise. Mr. Stark clarified the variations for both parcels would be addressed in the same motion, and Ms. Browne agreed.

Chairman Jirik clarified for the record the intent of this motion is to incorporate variations for both parcels.

Mr. McCormick stated the petitioner asked for a 35-foot sign. He asked if the Plan Commission's recommendation is 10 feet above the centerline, how are we then varying from the request of the petitioner if the height is now being allowed as a certain height as measured above grade. Chairman Jirik clarified Staff would need to compute the precise value. If we knew the precise offset, we could insert the precise value into the motion. Chairman Jirik expressed the belief it will result in a precise value; it just needs to be determined. Ms. Browne stated she would recommend that the petitioner be required to determine and verify what that calculation would be. Chairman Jirik stated the intermediate benchmark would be such that the delta above the street centerline is less than or equal to ten feet. Chairman Jirik emphasized the result will be a number less than 35 feet but greater than 20 feet. Ms. Browne agreed.

Mr. Nicholaou stated to his thinking the sign height is 24 feet now, minus three feet lost to grade of the site that yields 21 feet, if he takes their word they are removing three feet of dirt. If he took the 21 feet and added 9 feet, the number would be 30 feet. Mr. Nicholaou also stated he did not think it was necessary to have the letterbox included on the sign. He wants to give Walgreens its identification; therefore, coming down 10 feet would give them the 27 to 28 feet of overall sign height, which he thinks is plenty of visibility.

Chairman Jirik asked to what extent is the final grading a locked-in value and commented that the road centerline is not going to be changing any time soon. The calculation of height from the centerline preserves the visual look and does grant a specific numerical value that can be determined by the petitioner prior to going to the Village Council.

Ms. Browne again asked for clarification whether the data would be measured at the centerline of the intersection of the rights of way. Chairman Jirik corrected by stating Mr. Nicholaou said the center of the intersection. Ms. Browne asked if this would be measured directly south of the sign. Chairman Jirik clarified what Mr. Nicholaou said was different that what he as Chairman proposed. Ms. Browne asked if Mr. Nicholaou's amended motion stated the centerline of the rights of way of 63<sup>rd</sup> and Main Street or the centerline of the intersection of the street pavement. Chairman Jirik responded the centerline of the street pavement.

For clarification, the final motion reads as follows:

**MOTION: MR. NICHOLAOU MOVED WITH RESPECT TO PLAN COMMISSION FILE NO. PC-02-04, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSAL TO CONSTRUCT A NEW 14,500 SQUARE FOOT WALGREENS RETAIL SALES FACILITY TO INCLUDE A DRIVE-UP (PHARMACY) COMPONENT, SUBJECT TO THE FOLLOWING:**

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- 5. ALL STORAGE OF REFUSE SHALL OCCUR COMPLETELY IN APPROPRIATE ENCLOSURES AT ALL TIMES;**
- 6. ROOFTOP SCREENING OF MECHANICAL EQUIPMENT IS TO BE PROVIDED IN AN ARCHITECTURALLY COMPATIBLE MANNER;**

7. THE OWNER(S) SHOULD WORK COOPERATIVELY TO EXPLORE AND IMPLEMENT INCREASED LANDSCAPING THROUGHOUT THE CENTER;
8. THE VARIATION FOR THE FREESTANDING SIGN IS RECOMMENDED TO BE GRANTED ONLY IN AN AMOUNT EQUAL TO 10 FEET ABOVE THE GRADE OF THE PAVEMENT AS MEASURED AT THE INTERSECTION OF THE STREET CENTERLINES OF MAIN STREET AND 63<sup>RD</sup> STREET. ALL OTHER SIGNAGE SHALL COMPLY WITH CODE. ROOFTOP SIGNAGE SHALL NOT BE ALLOWED;
9. COMPLIANCE WITH ALL PUBLIC WORKS/ENGINEERING REQUIREMENTS/CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JANUARY 30, 2004 INCLUDING RECOMMENDED CONDITIONS; AND
10. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.

MR. STARK SECONDED THE MOTION.

Chairman Jirik asked the Plan Commission if they had any further clarification regarding the intent of the motion. There was no response. He next asked if there was any further commentary the Commission needs to hear before he entertains a vote.

Mr. McCormick asked a procedural question. He asked if a Commission member agrees with 90% of the motion, but does not agree with 10% of the motion, do they have to vote no. Mr. McCormick stated he does not agree with the amended portion of the motion regarding the sign. Chairman Jirik advised Mr. McCormick he would have to decide the weight of the issue and the magnitude of his concern. He suggested Mr. McCormick could voice his concern now.

Mr. McCormick stated he would vote in favor of Mr. Nicholaou's amended motion regarding the height of the sign, but he did have concerns as to whether the ultimate height recommended would be sufficient. He strongly urged the Village Council to pay close attention and give serious consideration to the height of the sign being more than what would be recommended in this motion. Mr. McCormick stated other than the one concern he mentioned, he would be happy to see Walgreens at that site, or to be honest he would be happy to see anything at that site.

Mr. Matejczyk agreed with Mr. McCormick because he believed the sign height proposed by the Plan Commission would be inadequate because it would be overly restrictive.

Mr. Nicholaou stated he felt very strongly that it was incumbent on the Plan Commission when we have issues such as these that we send a clear message to the Village Council

that we have a concern about signage on the property, and the Council would address it in the best manner they knew how. For the record, we want to be sure the Council knows the Commission thoroughly discussed this issue.

Hearing none, he called for the vote.

**ROLL CALL:**

**AYE: Mr. Nicholaou, Mr. Stark, Mr. Kablke, Mr. Matejczyk, Mr. Waechtler,  
Chairman Jirik**

**NAY: Mr. Griesbaum**

**The Motion passed 7:1**

Mr. Griesbaum stated he wanted to be on record that he feels very strongly with regard to the orientation of the building on the site. Mr. Griesbaum recalled other places in Downers Grove where the Plan Commission compromised, and in the long run when we look back on it we say why did we do that; why did we even allow that to get built that way. It is not the way we wanted it. Mr. Griesbaum stated other villages and cities absolutely say no way, and if Walgreens or some other national chain wants to really build, those communities say if you want to build here you are going to build it the way we want it built. For the record, Mr. Griesbaum stated we needed to do more of that in Downers Grove.

Chairman Jirik again explained after the minutes are prepared and all pertinent information is compiled, the Plan Commission's recommendation would be forwarded to the Village Council. Staff will advise the petitioner as to when this matter will be placed on a Council Workshop agenda. Chairman Jirik advised those present in the audience who wanted to know when this would be placed on the Council agenda to contact the Planning and Community Development Department or the Village Clerk. He also noted the Council agenda is published on Fridays in the Village Corner section of the Downers Grove Reporter and can be seen on DGTV, Channel 6.

Ms. Browne stated the next Plan Commission meeting would be on Monday, March 15, 2004 in the Council Chambers.

As there was no further business, Chairman Jirik called for a motion to adjourn. **MR. NICHOLAOU MOVED TO ADJOURN THE MEETING, AND MR. GRIESBAUM SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**  
The meeting adjourned at 11:35 p.m.

C: D. Barber, Director Public Works  
M. Millette, Assistant Director Public Works-Engineering  
J. Hall, Development Engineering Manager