



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

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR AN OFFICE BUILDING WITH VARIATIONS**

WHEREAS, the following described property, to wit:

Lots 20 through 25 inclusive, in Block 3 in the Maple Hill Subdivision, being a subdivision of Lots 18, 19 and 20 of Arthur T. McIntosh's Belmont Farms, being a subdivision in the Southwest Quarter of Section 7, Township 38 North, Range 11 East of the Third Principal Meridian, and in the Southeast Quarter of Section 12, and in the Northeast Quarter of Section 13, Township 38 North, Range 10 East of the Third Principal Meridian, according to the plat of said Maple Hill Subdivision recorded February 8, 1928 as Document 251608, also all that part of Belmont Avenue lying westerly and adjacent to Lots 20 and 21, lying northerly of the southerly line extended westerly) of Lot 20 in Block 3 in Maple Hill Subdivision, as aforesaid, and lying southerly of the south line extended easterly of the north 86 feet of the south 150 feet of Lot 22 in Arthur T. McIntosh's Belmont Farms, as aforesaid, all in DuPage County, Illinois.

Commonly known as 5505, 5507 & 5509 Belmont Road (PIN Nos. 08-13-201-003 through -008)

(hereinafter referred to as the "Property") is presently zoned in the "*R-6, Multiple Family Residence District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28-514 of the Zoning Ordinance be granted to allow an Office Building including the following Variations:

- A. Variation from Chapter 28, Section 28-1406(b), *Screening and Landscaping*, to allow vegetative screening of the expanded parking area to be located within the required 25 foot setback along Belmont Road;

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. 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 will comply with any variation(s) authorized pursuant to Section 28-1802.

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 an office building and an expanded parking area including the requested Variations as outlined under Item A above.

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

1. Compliance with the plans incorporated herein by reference as Group Exhibit A; and
2. Compliance with the Staff Report dated June 1, 2005 and all plans attached as recommended by the Plan Commission, a copy of which is attached hereto and incorporated herein by reference as Group Exhibit B; and
3. Compliance with all Public Works/Engineering requirements/conditions as outlined in their memorandum dated January 1, 2005, a copy of which is contained in Group Exhibit B; and
4. Compliance with all Fire Prevention Division requirements/conditions as outlined in their memoranda dated March 10, 2005, a copy of which are contained in Group Exhibit B; and
5. Submission of a photometric plan, indicating 0.0-0.1 foot candles at the property line; and
6. Properly permitted demolition or removal of the existing residence prior to the issuance of any construction permit for the proposed parking lot expansion; and
7. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. Changes may require additional review; and
8. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use with Variations 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

