

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Applicant **DATE:** October 18, 2005  
(Name)

**RECOMMENDATION FROM:** Plan Commission **FILE REF:** PC-23-05  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE FOR NATIONAL CITY BANK TO PERMIT CONSTRUCTION OF A DRIVE-THROUGH BANKING FACILITY WITH VARIATIONS", as presented.



**SUMMARY OF ITEM:**

At their meeting of September 12, 2005, the Plan Commission unanimously recommended that a Special Use be granted for the property located at 401 Ogden Avenue for a drive-through banking facility with variations.

**RECORD OF ACTION TAKEN:**

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

**AN ORDINANCE AUTHORIZING A SPECIAL  
USE FOR NATIONAL CITY BANK TO PERMIT  
CONSTRUCTION OF A DRIVE-THROUGH BANKING FACILITY WITH VARIATIONS**

WHEREAS, the following described property, to wit:

Parcel 1:

Lots 1, 2 and 3 in Block 1 in Street's Addition to Downers Grove, being a subdivision in the Southeast Quarter of Section 5, Township 38 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois, excepting that part of Lots 1 and 2 in Block 1, as aforesaid described as follows: beginning at the Northeast corner of said Lot 1, thence westerly along the North line of said Lots 1 and 2, a distance of 35.84 feet; thence southeasterly 135 degrees 00 minutes to the left of the last described course extended a distance of 2.83 feet; thence easterly 45 degrees 00 minutes to the left of the last described course extended a distance of 20.84 feet; thence southeasterly 45 degrees 00 minutes to the right of the last described course extended a distance of 15.12 feet; thence southeasterly 38 degrees 37 minutes 15 seconds to the right of the last described course extended a distance of 20.78 feet to a point on the east line of said Lot 1, 33.34 feet south of the place of beginning; thence northerly along said east line a distance of 33.34 feet to the place of beginning,

Commonly known as 401 Ogden Avenue, Downers Grove, IL (PIN 09-05-415-029)

Parcel 2:

Lots 4 and 5 in Block 1 in Street's Addition to Downers Grove, being a subdivision in the Southeast Quarter of Section 5, Township 38 North, Range 11 East of the Third Principal Meridian according to the plat thereof recorded October 9, 1875 as Document 20678 in DuPage County, Illinois.

Commonly known as 405 Ogden Avenue, Downers Grove, IL (PIN 09-05-415-013,-012)

Parcel 3:

Lots 6 and 7 in Block 1 in Street's Addition to Downers Grove, being a subdivision in the Southeast Quarter of Section 5, Township 38 North, Range 11 East of the Third Principal Meridian according to the plat thereof recorded October 9, 1875 as Document 20678 in DuPage County, Illinois,

Commonly known as 413 Ogden Avenue, Downers Grove, IL P.I.N. (09-05-415-011)

(hereinafter referred to as the "Property") is presently zoned in the "B-3, 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 per Section 28-609 of the Zoning Ordinance be granted to allow a drive-through banking facility operated in conjunction with a retail bank facility.

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 28-1902 of the Zoning Ordinance be granted to allow a banking facility including the following Variations:

- A. Variation from Chapter 28, Section 28-1802 (c), *Setback*, to allow a 38 foot parking setback versus the minimum requirement of 50 feet.

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 a bank facility with drive-through banking windows including the requested Variations as outlined under Item A above.

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

1. Compliance with the Staff Report dated September 6, 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 A; and
2. Compliance with all Public Works/Engineering requirements/conditions as outlined in their memorandum dated August 17, 2005, prior to permitting, a copy of which is contained in Group Exhibit A; and
3. Compliance with all Fire Prevention Division requirements/conditions prior to permitting; and
4. Receipt and acceptance of sidewalk easement prior to permit issuance; and

5. All signage must comply with the regulations of Chapter 28, Article 15 Signs, of the Zoning Ordinance; and
6. Receipt and acceptance of a cross access easement agreement with the 415-417 Ogden Avenue property owner.
7. Receipt and acceptance of the photometric plan; and
8. Petitioner shall provide screening for utilities along west elevation; and
9. 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 of the Special Use or Variations; and
10. 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

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Mayor

Passed:

Published:

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

Village Clerk

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