

VILLAGE OF DOWNERS GROVE
Report for the Village
5/16/2023

SUBJECT:	SUBMITTED BY:
Planned Unit Development Amendment at 3300 Finley Road	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The petitioner is requesting approval of an amendment to PUD #57, 3300 Finley Road to add limited industrial uses as permitted uses and warehouse uses as a special use.

STRATEGIC PLAN ALIGNMENT

The goals for 2021-2023 include a *Strong and Diverse Local Economy*.

FISCAL IMPACT

N/A

RECOMMENDATION**UPDATE & RECOMMENDATION**

This item was discussed at the May 9, 2023 Village Council meeting. Staff recommends approval on the May 16, 2023 Active Agenda per the Plan Commission's 5-3 positive recommendation.

The following businesses have a combination of warehouse or industrial uses with a retail component:

- Crate & Barrel, 1860 W. Jefferson Avenue, Naperville, IL
- Edward Don, 9801 Adam Don Pkwy, Woodridge, IL 60517
- M.Cooper Supply, 8605 Springlake Dr, Mokena, IL 60448
- Weathertech, 841 Remington Blvd, Bolingbrook, IL 60440
- Paramount EO, 1000 Davey Rd Ste 100, Woodridge, IL 60517
- Downtown Pet Supply, 1000 Davey Rd Ste 500, Woodridge, IL 60517
- Brew & Grow Hydroponics and Homebrewing, 181 Crossroads Pkwy, Bolingbrook, IL 60440
- Advanced Autoparts, 900 N Independence Blvd, Romeoville, IL 60446
- Wayfair, 1040 W Renwick Rd, Romeoville, IL 60446

The Plan Commission recommended:

- Limited industrial uses be allowed as a special use
- Warehouse uses be allowed as a special use
- Warehouse uses shall include retail sales
- The same conditions apply to both limited industrial and warehouse uses

	Limited Industrial	Warehouse
Petitioner	Permitted Use with Conditions	Special Use
Staff & PC	Special Use	Special Use, Retail Required with Conditions

The dissenting commissioners stated concerns to allow businesses that are not allowed in the B-3 Zoning District and believed that the proposed amendment was not consistent with the Comprehensive Plan.

BACKGROUND

Property Information & Zoning Request

The petitioner is requesting approval of a Planned Unit Development amendment to Planned Unit Development #57, 3300 Finley Road. The 16.18 acre property, which is zoned B-3, General Services and Highway Business, PUD #57 is located at the southwest corner of Finley Road and Opus Place. The site fronts Finley Road and backs up to I-355 and is currently developed with a vacant commercial structure; formerly a Fry's Electronics Store which closed in 2020. PUD #57 was approved in 2016 for the purposes of establishing a master sign plan.

The petitioner's request is to amend the existing PUD by adding the following uses in the PUD:

1. *Limited Industrial* as a permitted use for the Property, subject to the following conditions in association with the use:
 - a. The use must occur within a wholly enclosed building
 - b. The building may have no more than 1 dock per 20,000 gross square feet.
 - c. All new or relocated docks must be located on the west facade of an existing or proposed building.
 - d. Existing docks and loading doors as of the date of the PUD amendment approval may remain in place and will not count towards dock restriction of 1 dock per 20,000 gross square feet.
 - e. Docks must be screened with natural vegetation at a height of six feet at time of planting or an 8-foot solid design fence
 - f. No overnight parking of commercial trucks on site unless the vehicle is parked in an approved dock
 - g. No exterior container storage
2. *Warehouse* to be permitted as a Special Use, subject to the conditional review and approval by the Community Development Director, Plan Commission, and Village Council pursuant to Section 28.12.050 of the Code.

Compliance with the Comprehensive Plan

The Future Land Use Plan designates the site as Regional Commercial in the Comprehensive Plan. Regional Commercial comprises commercial uses that provide goods and services that draw patrons from within, and beyond, the Village. Appropriate regional commercial uses include large shopping centers, “big box” retail, auto dealerships, restaurants, and hotels. The Land Use Plan designates areas for regional commercial where excellent visibility and access provide the ability to draw from a regional customer base.

The Butterfield Focus Area Plan calls for the area to leverage the unique location of this focus area adjacent to two highways to attract new retail and office tenants. Development and redevelopment should be focused on attracting a regional customer base as well as providing services, retail, and entertainment to the substantial daytime population in the area.

The Comprehensive Plan also notes that industrial uses, when organized into parks, provide a level of protection for the uses themselves and for surrounding uses. When isolated, these uses need to be compatible with surrounding and adjacent uses, with screening, buffering and other separation techniques used when appropriate and necessary. The Village’s industrial areas should be improved and upgraded as self-contained business areas with an emphasis on expanding existing businesses and targeting contemporary industrial users, including those with accessory retail components. Uses should be restricted to light industrial and office, thus protecting the area from the infiltration of non-compatible commercial, institutional, membership, or recreational uses.

Zoning Ordinance – See below definitions:

Limited Industrial Definition – “Manufacturing and industrial uses that process, fabricate, assemble, treat or package finished parts or products without the use of explosive or petroleum materials. Uses in this subcategory do not involve the assembly of large equipment and machinery and have very limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic.”

https://downersgrove.municipalcodeonline.com/book?type=ordinances#name=Sec_28.5.070_Industrial_Use_Category

Warehouse Definition – “Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a ‘self-service storage facility’ or a ‘trucking and transportation terminal.’”

[https://downersgrove.municipalcodeonline.com/book?type=ordinances#name=Sec_28.5.060_Wholesale, Distribution And Storage Use Category](https://downersgrove.municipalcodeonline.com/book?type=ordinances#name=Sec_28.5.060_Wholesale,_Distribution_And_Storage_Use_Category)

ATTACHMENTS

Ordinance

List of B-3 Uses

Aerial Map

Staff Report with attachments dated April 6, 2023

Draft Minutes of the Plan Commission Hearing dated April 6, 2023

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: May 16, 2023
(Name)

RECOMMENDATION FROM: Plan Commission FILE REF: 23-PLC-0006
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to adopt "AN ORDINANCE APPROVING AN AMENDMENT TO PLANNED UNIT DEVELOPMENT #57, TO ADD LIMITED INDUSTRIAL USE AND WAREHOUSE AS ALLOWED SPECIAL USES AT 3300 FINLEY ROAD, as presented.

SUMMARY OF ITEM:

Adoption of this ordinance shall approve an amendment Planned Unit Development #57 to add limited industrial use and warehouse as allowed special uses at 3300 Finley Road.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____**AN ORDINANCE APPROVING AN AMENDMENT TO PLANNED UNIT DEVELOPMENT #57, TO ADD LIMITED INDUSTRIAL USE AND WAREHOUSE AS ALLOWED SPECIAL USES AT 3300 FINLEY ROAD**

WHEREAS, the Village Council has previously adopted Ordinance No. 5597 on December 20, 2016 designating the property described therein as Planned Unit Development #57; and,

WHEREAS, the Owners have filed a written petition with the Village conforming to the requirements of the Comprehensive Zoning Ordinance and requesting an amendment to Planned Unit Development #57 to allow limited industrial use and warehouse to the planned unit development ordinance last adopted on December 19, 2017; and,

WHEREAS, such request was referred to the Plan Commission of the Village of Downers Grove, and the Plan Commission has given the required public notice, conducted a public hearing for the petition on April 3, 2023, 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 petition, subject to certain conditions; and,

WHEREAS, the Village Council has considered the record before the Plan Commission, as well as the recommendations of Plan Commission.

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

SECTION 1. That the provisions of the preamble are incorporated into and made a part of this ordinance as if fully set forth herein.

SECTION 2. That the limited industrial and warehouse use is consistent with and complimentary to the overall planned unit development site with the requirements of the "B-3/PUD, *General Services and Highway Business/Planned Unit Development #57*" zoning district.

SECTION 3. That a Planned Unit Development amendment is hereby adopted authorizing *Limited Industrial*, as a principal use, to be allowed as a Special Use pursuant to Section 28.12.050 of the Code and subject to the following conditions:

- a. The use must occur within a wholly enclosed building
- b. The building may have no more than seven (7) new docks. Existing docks and loading doors as of the date of the PUD amendment approval may remain in place and will not count towards the dock restriction of seven (7) new docks
- c. All new or relocated docks must be located on the west facade of the existing or proposed building.
- d. Docks must be screened with natural vegetation at a height of six feet (6') at time of planting or an 8-foot solid design fence
- e. No overnight parking of commercial trucks on site unless the vehicle is parked in an approved dock
- f. No exterior storage

SECTION 4. That a Planned Unit Development amendment is hereby adopted authorizing *Warehouse* to be allowed as a Special Use pursuant to Section 28.12.050 of the Code and subject to the following conditions:

- a. Must include retail sales
- b. The use must occur within a wholly enclosed building
- c. The building may have no more than seven (7) new docks. Existing docks and loading doors as of the date of the PUD amendment approval may remain in place and will not count towards the dock restriction of seven (7) new docks
- d. All new or relocated docks must be located on the west facade of the existing or proposed building.
- e. Docks must be screened with natural vegetation at a height of six feet (6') at time of planting or an 8-foot solid design fence
- f. No overnight parking of commercial trucks on site unless the vehicle is parked in an approved dock
- g. No exterior storage

SECTION 5. That the approval set forth in Section 3 and Section 4 of this ordinance is subject to the findings and recommendations of the Downers Grove Plan Commission regarding File 23-PCE-0006 as set forth in the minutes of their April 3, 2023 meeting.

SECTION 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. 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

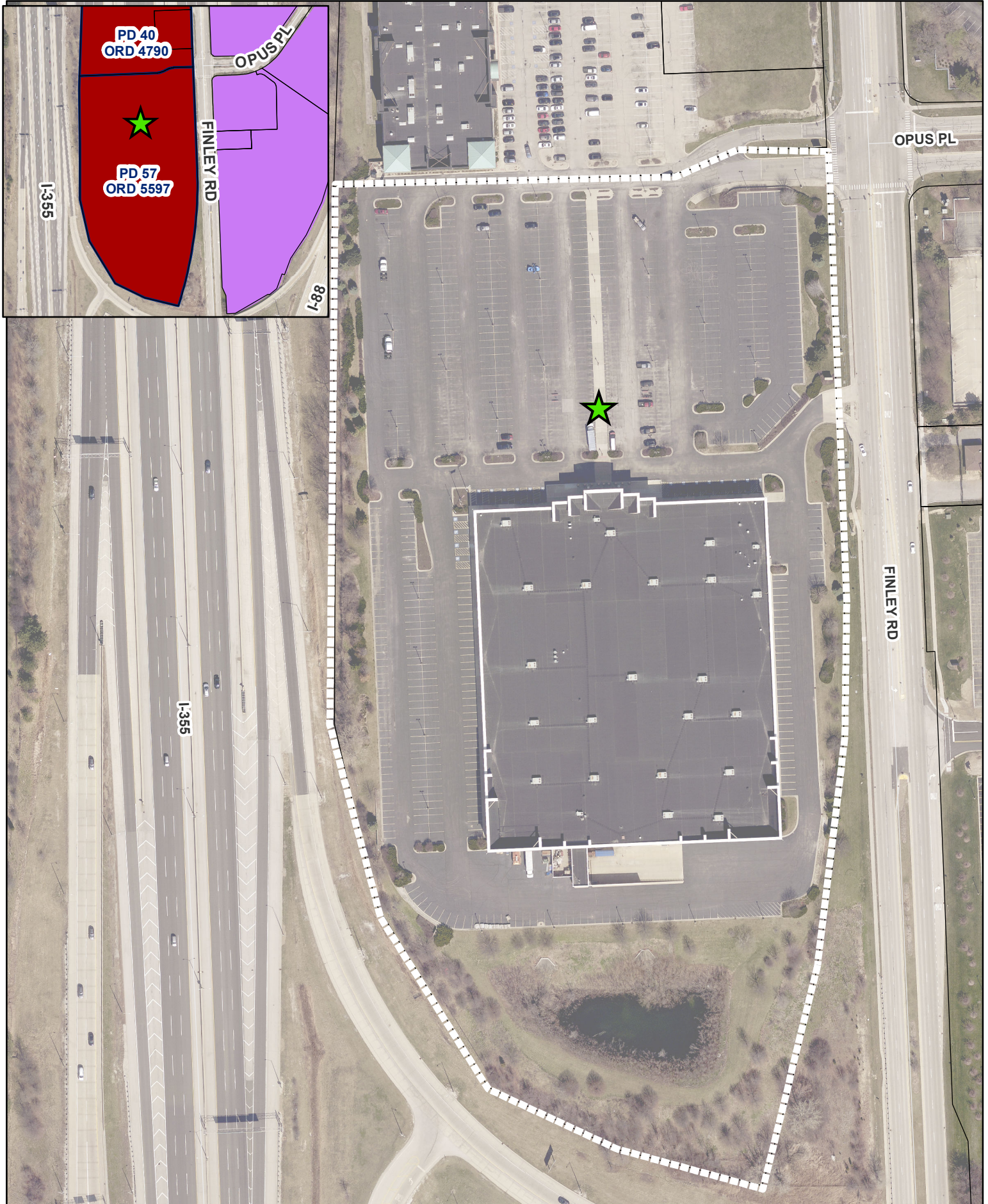
B-3 (General Services and Highway Business) Use list

Zoning Ordinance Table 5-1 Allowed Uses

<http://www.downers.us/public/docs/code/Table%205-1.pdf>

Permitted Use	Special Use
<ul style="list-style-type: none"> • Fraternal Organization • Governmental Facility • Hospital • Natural Resource Preservation • Religious Assembly • Safety Service • Utilities and Public Service Facility (Minor) • Wireless Telecommunications (Building or Tower Mounted) • Animal Service <ul style="list-style-type: none"> ○ Boarding or Shelter ○ Grooming ○ Veterinary Care • Assembly and Entertainment <ul style="list-style-type: none"> ○ Auditorium ○ Cinema ○ Theater • Commercial Service <ul style="list-style-type: none"> ○ Building Service ○ Business Support Service ○ Consumer Maintenance and Repair ○ General Personal Improvement Services ○ Health and Fitness Services ○ Studio or Instructional Services ○ Tattoo and Body Piercing Establishments ○ Research Service • Day Care Center • Restaurant • Wine and/or Beer Boutique • Financial Services • Lodging • Business and Professional Office • Medical, Dental and Health Practitioner • Retail Sales <ul style="list-style-type: none"> ○ Convenience Goods ○ Consumer Shopping Goods ○ Building Supplies and Equipment • Trade School • Wholesale Sales and Distribution 	<ul style="list-style-type: none"> • Attached House • Apartment / Condo • Nursing Home • Sheltered Care • Aircraft Landing Area • Library • Museum or Cultural Facility • Utilities and Public Service Facility (Major) • Wireless Telecommunications (Freestanding Tower) • Funeral or Mortuary Service • Parking, Non-Accessory • Vehicle Sales and Service <ul style="list-style-type: none"> ○ Commercial Vehicle Repair and Maintenance ○ Commercial Vehicle Sales and Rentals ○ Fueling Station ○ Personal Vehicle Repair and Maintenance ○ Personal Vehicle Sales and Rentals • Trucking and Transportation Terminals • Recyclable Material Drop-off Facility • Drive-in or Drive-Through Facility

<ul style="list-style-type: none">• Artisan Industrial• Limited Industrial (only if ancillary to sporting goods, uniform supply and public safety equipment stores principal use)• Community Garden	
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0 250 500 1,000
Feet

3300 Finley Road - Location Map



Subject Property



Project Location



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
APRIL 3, 2023 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
23-PCE-0006 3300 Finley Road	PUD Amendment	Jason R. Zawila, AICP Planning Manager

REQUEST

The petitioner is requesting approval of a Planned Unit Development amendment to PUD #57, 3300 Finley Road to add limited industrial as an allowed use and warehouse as a special use in PUD #57.

NOTICE

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

GENERAL INFORMATION

**APPLICANT/
OWNERS** SCLP I Downers Grove LLC
302 Datura Street, Suite 100
West Palm Beach, Florida 33401

PROPERTY INFORMATION

EXISTING ZONING: B-3, General Services and Highway Business/PUD #57
EXISTING LAND USE: Commercial
PROPERTY SIZE: 704,747 square feet (16.18 acres)
PIN: 06-31-101-017

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
East:	O-R-M, Office-Research-Manufacturing	Office Corporate Campus
WEST:	O-R-M, Office-Research-Manufacturing/PD #20 R-1, Residential Detached House 1	Office Corporate Campus Park and Open Space
NORTH:	B-3, General Services and Highway Business	Regional Commercial
SOUTH:	Tollway Right-of-Way	N/A

ANALYSIS

SUBMITTALS

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

1. Project Narrative
2. Findings of Fact – PUD Amendment

3. Plat of Survey

PROJECT DESCRIPTION

The petitioner is requesting approval of a Planned Unit Development amendment to Planned Unit Development #57, 3300 Finley Road to add the following uses in the PUD:

1. *Limited Industrial* as a permitted use for the Property, subject to the following conditions in association with the use:
 - a. The use must occur within a wholly enclosed building
 - b. The building may have no more than 1 dock per 20,000 gross square feet.
 - c. All new or relocated docks must be located on the west facade of an existing or proposed building.
 - d. Existing docks and loading doors as of the date of the PUD amendment approval may remain in place and will not count towards dock restriction of 1 dock per 20,000 gross square feet.
 - e. Docks must be screened with natural vegetation at a height of six feet at time of planting or an 8-foot solid design fence
 - f. No overnight parking of commercial trucks on site unless the vehicle is parked in an approved dock
 - g. No exterior container storage

2. *Warehouse* to be permitted as a Special Use, subject to the conditional review and approval by the Community Development Director, Plan Commission, and Village Council pursuant to Section 28.12.050 of the Code.

The 16.18 acre property, which is zoned B-3, General Services and Highway Business, PUD #57 fronts Finley Road and backs up to I-355. The property is located on the southwest corner of Finley Road and Opus Place, east of I-355, commonly known as 3300 Finley Road. The site is currently developed with vacant commercial structure; formerly a Fry's Electronics Store which closed in 2020. The only access to the subject property is via Finley Road. PUD #57 was approved in 2016 for the purposes of establishing a master sign plan.

The underlying zoning district of the Planned Unit Development is B-3, General Services and Highway Business. This zoning district does not list limited industrial or warehouse uses as permitted or Special Uses in the B-3 District. The petitioner is requesting the allowance of additional uses to maximize potential tenants for the subject property, as stated in their submitted narrative and findings

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Future Land Use Plan designates the site as Regional Commercial in the Comprehensive Plan. Regional Commercial comprises commercial uses that provide goods and services that draw patrons from within, and beyond, the Village. Appropriate regional commercial uses include large shopping centers, "big box" retail, auto dealerships, restaurants, and hotels. The Land Use Plan designates areas for regional commercial where excellent visibility and access provide the ability to draw from a regional customer base.

The Butterfield Focus Area Plan calls for

- Leverage the unique location of this focus area adjacent to two highways to attract new retail and office tenants.
- Reduce the heat island effect through a combination of providing shade on-site and using light colored building and paving materials.

- Development and redevelopment should be focused on attracting a regional customer base as well as providing services, retail, and entertainment to the substantial daytime population in the area

The Comprehensive Plan further states that the Regional Commercial land use

- Should continue to stay competitive and draw from the surrounding region, reinvestment should occur to improve the aesthetics and function of regional commercial uses. Reinvestment will assist in retaining current businesses while also attracting new retailers and restaurants.

The Comprehensive Plan also notes the following:

- Reinvestment should occur in the Finley Road/Butterfield Road area to improve the aesthetics and function of regional commercial uses.
- A policy of the Commercial Areas Plan is to strengthen the economy by creating more local jobs.
- Industrial uses, when organized into parks, provide a level of protection for the uses themselves and for surrounding uses. When isolated, these uses need to be compatible with surrounding and adjacent uses, with screening, buffering and other separation techniques used when appropriate and necessary.
- The Village's industrial areas should be improved and upgraded as self-contained business areas with an emphasis on expanding existing businesses and targeting contemporary industrial users, including those with accessory retail components. Uses should be restricted to light industrial and office, thus protecting the area from the infiltration of non-compatible commercial, institutional, membership, or recreational uses.

COMPLIANCE WITH ZONING ORDINANCE

The underlying zoning district of the PUD is B-3, General Service and Highway Business. This zoning district does not provide for limited industrial or warehouse uses. An amendment to PUD #57 is requested per VoDG Section 28.4.030(g) which states the following:

(g) Allowed Uses. The uses to be allowed in a PUD must be identified as part of the PUD approval process along with all applicable conditions or supplemental use regulations that apply to such uses. Unless otherwise expressly stated, the Village Council may, through the PUD approval process, approve use types that are not allowed in the underlying zoning district as a means of accommodating mixed-use developments, housing diversity, economic development opportunities and promoting other Village policies.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property in addition to posting public hearing notice signs and publishing the legal notice in the *Daily Herald*. Staff received one inquiry from the property owner representative of the lot directly to north of the subject property (X-Sport Fitness). The inquiry was general in nature and feedback was not provided on the petition.

STANDARDS OF APPROVAL

The petitioner is requesting approval of a final Planned Unit Development Amendment to PUD #57. The review and approval criterion for each request is listed below.

The petitioner has submitted a narrative that attempts to address all the standards of approval. The Plan Commission should consider the petitioner's documentation, the staff report and the discussion at the Plan Commission meeting in determining whether the standards for approval have been met.

23-PCE-0006; 3300 Finley Road
April 3, 2023

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Section 28.12.040.C.6 Review and Approval Criteria

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

- a. The zoning map amendment review and approval criteria of Sec. 12.030.I, in the case of new Planned Unit Development proposals (not applicable).*
- b. Whether the proposed PUD development plan and map amendment would be consistent with the comprehensive plan and any other adopted plans for the subject area.*
- c. Whether PUD development plan complies with the PUD overlay district provisions of Sec. 4.030.*
- d. Whether the proposed development will result in public benefits that are greater than or at least equal to those that would have resulted from development under conventional zoning regulations.*
- e. Whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public.*

DRAFT MOTION

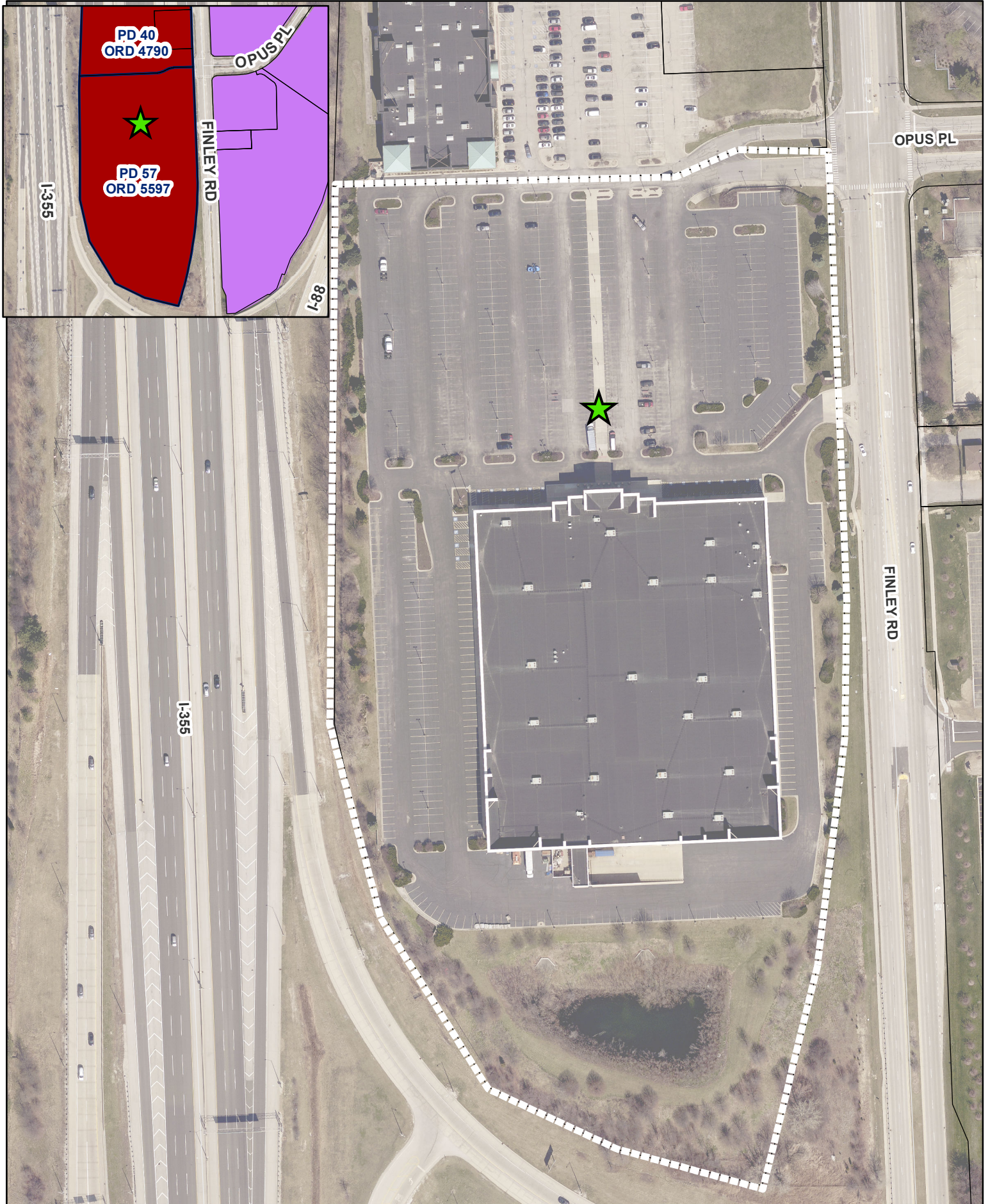
Staff will provide a recommendation at the April 3, 2023 meeting.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development

SP;jz
-att



0 250 500 1,000
Feet

3300 Finley Road - Location Map



Subject Property



Project Location

DIAMOND & KAPLAN, P.A.

Attorneys at Law
302 Datura Street, Suite 300
West Palm Beach, Florida 33401
Tel: (561) 653-2300
www.diamondlawpa.com

March 13, 2023

VIA E-MAIL & ONLINE SUBMITTAL

spopovich@downers.us

Stanley Popovich
Community Development Director
Village of Downers Grove

RE: Application # 23-PCE-0006 – 3300 Finley Road PUD Amendment

Mr. Popovich,

We represent SCLP I Downers Grove, LLC (the “Applicant”), the owner of the property located at 3300 Finley Road (the “Property”) in the Village of Downers Grove, Illinois (PIN #06-31-31-101). This letter shall serve as the project summary and narrative for the Petition for Plan Commission to amend the existing Planned Unit Development (Ordinance 2017-7626) to allow for expanded uses on the Property, subject to proffered restrictions and approval processes to allow for the use and character of the Property to be more compatible and consistent with its surrounding context (the “Application”).

Property. The Property is an approximately 16.15-acre parcel of land that is improved with an approximately 152,000 square foot building, 826 parking spaces and related improvements. The Subject Property’s most recent use was a Fry’s Electronics Store which, according to public testimony, had an approximately 100,000 square foot showroom floor, 40,000 square feet of warehouse/distribution and the balance used for office and ancillary uses. Prior to Fry’s occupancy of the Subject Property, AutoNation operated a used car dealership on the site.

Zoning. The Property is classified by the Village of Downers Grove (the “Village”) Zoning Ordinance as B-3/PUD, General Services and Highway/Planned Unit Development (the “B-3 District”). The Zoning Ordinance provides that the B-3 District is “primarily intended to accommodate very large retail and service establishments, business establishments that generate large volumes of automobile traffic, high-impact commercial and limited manufacturing activities.” The Planned Unit Development overlay was added in 2016 to accommodate an extraordinary sign package for Fry’s Electronics.

Stanley Popovich,
Community Development Director
March 13, 2023
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The predominant zoning classification and land uses to the east (across Finley Road) and west (across I-355) is O-R-M Office-Research Manufacturing. The O-R-M district allows for uses such as *General Industrial*, *Limited Industrial*, and *Warehouse* as of right. The property immediately to the north is classified as B-3/PUD, General Services and Highway/Planned Unit Development. The Property to the south is an Illinois Department of Transportation facility that parallels industrial uses and impacts in its operations. It is also worth noting that there is a large Amazon distribution facility located just to the south at 3800 Finley Road.

Relief Requested. Pursuant to Section 28.12.040, the Applicant respectfully requests an amendment to the existing PUD for the Property as follows:

1. Add *Limited Industrial* as a permitted principal use for the Property without the limitation of note [11] in Table 5-1 Allowed Uses¹, subject to the following conditions proffered by the Applicant in association with the use:
 - a. The use must occur within a wholly enclosed building
 - b. The building may have no more than 1 dock per 20,000 gsf
 - c. All new or relocated docks must be located on the west facade of an existing or proposed building.
 - d. Existing docks and loading doors as of the date of the PUD amendment approval may remain in place and will not count towards dock restriction of 1 dock per 20,000 gsf
 - e. Docks must be screened with natural vegetation at a height of six feet at time of planting or an 8-foot solid design fence
 - f. No overnight parking of commercial trucks on site unless the vehicle is parked in an approved dock
 - g. No exterior container storage

2. Add *Warehouse* to be permitted as a Special Use, subject to the conditional review and approval by the Community Development Director, Plan Commission, and Village Council pursuant to Section 28.12.050 of the Code.

The full analysis regarding satisfaction of the application criteria can be found in the accompanying Review and Approval Criteria package submitted.

¹ According to Table 5-1 Allowed Uses of the Code, *Limited Industrial* is permitted in the B-3 district only as an ancillary use to the following principal uses: sporting goods stores, uniform supply stores and public safety equipment stores. The Relief Requested in this PUD amendment will seek to allow *Limited Industrial* as a principal use on the Property.

Stanley Popovich,
Community Development Director
March 13, 2023
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Conclusion. Pursuant to the above and the additional application materials, the Applicant respectfully requests approval of this PUD Amendment. Please feel free to reach out if you have any questions or would like to discuss.

Best Regards,



Greg Fontela

cc: Andrew Scott (apscott@dykema.com)
Jason Zawila (jzawila@downers.us)

PLANNED UNIT DEVELOPMENTS

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

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

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

See the Zoning Map Amendments section above.

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

According to the Comprehensive Plan, the Property is designated for Regional Commercial Uses. Both the existing B-3 zoning and the proposed additional uses are compatible with this designation.

(3) Whether the PUD development plan complies with the PUD overlay district provisions of Sec. 28.4.030.

The proposed PUD development plan seeks to update the PUD applicable to the Property to allow for (1) *Limited Industrial* use as of right (subject to additional restrictions) and (2) *Warehouse* use subject to subsequent Special Use approval. Based on the above assessment, the proposed PUD plan is compatible with Section 28.4.030 as it is intended to accommodate development and use of the Property that would be difficult to carry out under exclusive B-3 or the neighboring O-R-M zoning. The proposed PUD allows for a range of uses that will both be compatible with the surrounding area and the transition of the existing site. The proposed PUD development plan will provide benefit to Downers Grove through economic development and revitalization of a site that has been stagnant and without clear solution to activate. The flexibility of uses will allow adaptive reuse and improvements to the property that will maximize compatibility with the surrounding area, while still ensuring that site layout and operational restrictions within the purview of the Village will accompany any *Limited Industrial* or *Warehouse* use on the Property.

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

The expansion of use profile for the Property resulting from the Application will result in greater public benefits for the area through tax generation, economic development, employment opportunity, unlocking the highest and best use for the Property, and maintaining a site layout that is compatible and complementary with the surrounding area. The unique nature of the existing site makes it so that maintaining conventional zoning regulations under B-3 or O-R-M zoning would limit the potential of the site. The site is uniquely situated to accommodate any of the potential uses that would be permitted under the proposed B-3/PUD zoning while protecting

against any impact on surrounding areas due to the site's unique layout buffered by major roadways and compatible uses.

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

The range of potential uses for the Property will have no negative effect on surrounding property owners and residents. There is no nearby residential use as the Property is surrounded by major highway corridors and the nearest uses are all those which are consistent and compatible with the scope of uses contemplated under the proposed B-3/PUD zoning. The proposed PUD plan calls for two requests:

1. Adding *Limited Industrial* as a permitted use for the Property, subject to the following conditions proffered by the Applicant:
 - a. All uses must be completed within a wholly enclosed building
 - b. The building may have no more than 1 dock per 20,000_gsf
 - c. All new or relocated docks must be located on the west facade of an existing or proposed building.
 - d. Existing docks and loading doors as of the date of the PUD amendment approval may remain in place and will not count towards dock restriction of 1 dock per 20,000_gsf
 - e. Docks must be screened with natural vegetation at a height of six feet at time of planting or an 8-foot solid design fence
 - f. No overnight parking of commercial trucks on site unless the vehicle is parked in an approved dock
 - g. No exterior container storage
2. Adding *Warehouse* to be permitted as a Special Use, subject to the conditional review and approval by the Community Development Director, Plan Commission, and Village Council pursuant to Section 28.12.050 of the Code. This will ensure that a prospective user seeking an operation that is categorized as *Warehouse* will need to use the site and operate in a manner that is considerate and beneficial to the surrounding area and the Village, as a whole.

This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.



This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.

1 TITLE DESCRIPTION

PARCEL 1: THAT PART OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST 1/4 WITH THE WEST LINE OF FINLEY ROAD ACCORDING TO THE PLAT OF DEDICATION RECORDED JULY 15, 1959 AS DOCUMENT NO. 931536, SAID WEST LINE OF FINLEY ROAD BEING A LINE 50.00 FEET, AS MEASURED AT RIGHT ANGLES, WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST 1/4 (BEARINGS AND DISTANCES REFERRED TO IN THIS LEGAL DESCRIPTION AS "RECORD" ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM-EAST ZONE AND SHOWN ON PLATS OF SURVEY PREPARED BY THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY); THENCE SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST ALONG SAID WEST LINE OF FINLEY ROAD, 514.02 FEET TO A POINT FOR A PLACE OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST ALONG SAID WEST LINE OF FINLEY ROAD, 1014.96 FEET TO A POINT OF CURVATURE IN SAID WEST LINE; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID FINLEY ROAD, BEING A CURVED LINE CONVEX SOUTHEASTERLY, HAVING A RADIUS OF 2146.85 FEET AND BEING TANGENT TO SAID LAST DESCRIBED LINE AT SAID LAST DESCRIBED POINT, AN ARC DISTANCE OF 755.84 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF THE NORTH-SOUTH TOLLWAY (THE CHORD OF SAID ARC BEARS SOUTH 09 DEGREES 41 MINUTES 54 SECONDS WEST, 751.94 FEET); THE FOLLOWING 8 COURSES ARE ALONG THE EASTERLY LINE OF THE NORTH-SOUTH TOLLWAY; THENCE NORTH 74 DEGREE 14 MINUTES 00 SECONDS WEST, 186.94 FEET (RECORD NORTH 76 DEGREES 24 MINUTES 30 SECONDS WEST, 186.84 FEET) TO A POINT 526.25 FEET EAST OF STATION 1245 + 59.12 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 82 DEGREES 16 MINUTES 01 SECONDS WEST, 178.70 FEET (RECORD NORTH 84 DEGREES 26 MINUTES 31 SECONDS WEST 178.71 FEET) TO A POINT 367.92 FEET EAST OF STATIONS 1246 + 40.98 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 29 DEGREES 38 MINUTES 25 SECONDS WEST (RECORD NORTH 31 DEGREES 48 MINUTES 55 SECONDS 268.82 FEET TO A POINT 234.54 FEET EAST OF STATION 1248 + 74.36 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 11 DEGREES 03 MINUTES 31 SECONDS WEST, 230.01 FEET (RECORD NORTH 13 DEGREES 13 MINUTES 59 SECONDS WEST, 230.00 FEET) TO A POINT 190.00 FEET EAST OF STATION 1251 + 00 ON THE CENTER LINE OF THE NORTH-SOUTH TOLL WAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 02 DEGREES 00 MINUTES 58 SECONDS EAST 300.18 FEET (RECORD NORTH 00 DEGREES 09 MINUTES 27 SECONDS WEST, 300.19 FEET) TO A POINT 200.00 FEET EAST OF STATION 1254 + 00 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 01 DEGREES 03 MINUTES 43 SECONDS EAST, 300.06 FEET (RECORD NORTH 01 DEGREES 06 MINUTES 43 SECONDS WEST, 300.07 FEET) TO A POINT 205.00 FEET EAST OF STATION 1257 + 00 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 03 DEGREES 41 MINUTES 34 SECONDS EAST (RECORD NORTH 01 DEGREES 31 MINUTES 09 SECONDS EAST), 751.51 FEET TO A POINT 252.00 FEET EAST OF STATION 1264 + 50.00 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 05 DEGREES 29 MINUTES 54 SECONDS EAST (RECORD NORTH 03 DEGREES 19 MINUTES 34 SECONDS EAST), 58.17 FEET ALONG A STRAIGHT LINE, THE NORTHERLY EXTENSION OF WHICH RUNS TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 31, 283.00 FEET EAST OF THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE SOUTH 84 DEGREES 30 MINUTES 06 SECONDS EAST, 46.23 FEET; THENCE SOUTH 23 DEGREES 56 MINUTES 52 SECONDS WEST, 26.70 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 24 SECONDS EAST, 42.11 FEET; THENCE SOUTH 41 DEGREES 10 MINUTES 43 SECONDS EAST, 50.04 FEET; THENCE SOUTH 29 DEGREES 22 MINUTES 44 SECONDS EAST, 79.90 FEET; THENCE SOUTH 38 DEGREES 18 MINUTES 06 SECONDS EAST, 102.90 FEET; THENCE SOUTH 67 DEGREES 40 MINUTES 00 SECONDS EAST, 45.92 FEET; THENCE SOUTH 78 DEGREES 29 MINUTES 35 SECONDS EAST, 67.95 FEET; THENCE SOUTH 88 DEGREES 03 MINUTES 51 SECONDS EAST, 95.54 FEET; THENCE NORTH 83 DEGREES 49 MINUTES 53 SECONDS EAST, 57.95 FEET; THENCE NORTH 77 DEGREES 36 MINUTES 17 SECONDS EAST, 56.30 FEET; THENCE NORTH 73 DEGREES 54 MINUTES 04 SECONDS EAST, 44.32 FEET; THENCE NORTH 62 DEGREES 59 MINUTES 28 SECONDS EAST, 38.32 FEET; TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS;

EXCEPTING THEREFROM THAT PART CONVEYED BY SPECIAL WARRANTY DEED RECORDED JUNE 28, 2005 AS DOCUMENT NO. R2005-136239 AND RE-RECORDED SEPTEMBER 9, 2005 AS DOCUMENT NO. R2005-199446, DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST 1/4 WITH THE WEST LINE OF FINLEY ROAD ACCORDING TO THE PLAT OF DEDICATION RECORDED JULY 15, 1959 AS DOCUMENT NO. 931536, SAID WEST LINE OF FINLEY ROAD BEING A LINE 50.00 FEET, AS MEASURED AT RIGHT ANGLES, WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST (BEARINGS AND DISTANCES REFERRED TO IN THIS LEGAL DESCRIPTION AS "RECORD" ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM-EAST ZONE AND SHOWN ON PLATS OF SURVEY PREPARED BY THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY); THENCE SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST, ALONG SAID WEST LINE OF FINLEY ROAD, 514.02 FEET TO A POINT FOR A PLACE OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST, ALONG SAID WEST LINE OF FINLEY ROAD, 460.72 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 43 SECONDS WEST, A DISTANCE OF 92.07 FEET TO A POINT OF CURVATURE, THENCE SOUTHWESTERLY, ALONG A CURVE CONVEXLY, HAVING A RADIUS OF 125.00 FEET AND AN ARC LENGTH OF 59.11 FEET TO A POINT OF REVERSE CURVATURE, THENCE SOUTHWESTERLY, ALONG A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 125.00 FEET AND AN ARC LENGTH OF 58.78 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 36 MINUTES 37 SECONDS WEST, A DISTANCE OF 410.23 TO A POINT ON THE EASTERLY LINE OF THE NORTH-SOUTH TOLLWAY; THENCE NORTHEASTERLY, ALONG THE EASTERLY LINE OF SAID NORTH-SOUTH TOLLWAY FOR THE FOLLOWING 2 COURSES: 1) THENCE NORTH 03 DEGREES 41 DEGREES 34 MINUTES EAST, A DISTANCE OF 679.83 FEET TO A POINT BEING 252.00 FEET EASTERLY OF STATION 1264 + 50.00 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; 2) THENCE NORTH 05 DEGREES 29 MINUTES 54 SECONDS EAST, A DISTANCE OF 58.17 FEET ALONG A STRAIGHT LINE, THE NORTHERLY EXTENSION OF WHICH RUNS TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 31 BEING 283.00 FEET EAST OF THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE SOUTH 84 DEGREES 30 MINUTES 06 SECONDS EAST, A DISTANCE OF 46.23 FEET; THENCE SOUTH 23 DEGREES 56 MINUTES 52 SECONDS WEST, A DISTANCE OF 26.70 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 24 SECONDS EAST, A DISTANCE OF 42.11 FEET; THENCE SOUTH 41 DEGREES 10 MINUTES 43 SECONDS EAST, A DISTANCE OF 50.04 FEET; THENCE SOUTH 29 DEGREES 22 MINUTES 44 SECONDS EAST, A DISTANCE OF 79.90 FEET; THENCE SOUTH 38 DEGREES 18 MINUTES 06 SECONDS EAST, A DISTANCE OF 102.90 FEET; THENCE SOUTH 67 DEGREES 40 MINUTES 00 SECONDS EAST, A DISTANCE OF 45.92 FEET; THENCE SOUTH 78 DEGREES 29 MINUTES 35 SECONDS EAST, A DISTANCE OF 67.95 FEET; THENCE SOUTH 88 DEGREES 03 MINUTES 51 SECONDS EAST, A DISTANCE OF 95.54 FEET; THENCE NORTH 83 DEGREES 49 MINUTES 53 SECONDS EAST, A DISTANCE OF 57.95 FEET; THENCE NORTH 77 DEGREES 36 MINUTES 17 SECONDS EAST, A DISTANCE OF 56.30 FEET; THENCE NORTH 73 DEGREES 54 MINUTES 04 SECONDS EAST, A DISTANCE OF 44.32 FEET; THENCE NORTH 62 DEGREES 59 MINUTES 28 SECONDS EAST, A DISTANCE OF 38.32 FEET, TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: A NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY RECIPROCAL EASEMENT AGREEMENT AND DECLARATION OF COVENANTS AND RESTRICTIONS DATED MAY 31, 2005 AND RECORDED JULY 18, 2005 AS DOCUMENT NO. R2005-152905 BY AND BETWEEN URBS IN HORTO, LP, AN ILLINOIS LIMITED PARTNERSHIP AND DGR REALTY, L.L.C. AN ILLINOIS LIMITED LIABILITY COMPANY, AS AMENDED BY FIRST AMENDMENT TO RECIPROCAL EASEMENT AGREEMENT AND DECLARATION OF COVENANTS AND RESTRICTIONS DATED SEPTEMBER 8, 2005 AND RECORDED APRIL 20, 2006 AS DOCUMENT NO R2006-072720.

The land shown in this survey is the same as that described in Chicago Title Insurance Company Commitment Number CCHI2102890LI with an effective date of May 21, 2021.

2 TITLE INFORMATION

The Title Description and Schedule B items hereon are from Chicago Title Insurance Company, Commitment No. CCHI2102890LI, Dated May 21, 2021.

4 SURVEYOR CERTIFICATION

CERTIFIED TO: Certified Acquisitions Subsidiary, LLC, a Florida limited liability company, its successors and/or assigns, [PLACEHOLDER SPE NAME], a Delaware limited liability company Chicago Title Insurance Company and Commercial Due Diligence Services

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(a), 11(b), 13, 14, 16, 17, 18 and 19 of Table A thereof. The field work was completed on 05/12/2021. Date of Plat: 06/22/2021

BY: ILLINOIS PROFESSIONAL LAND SURVEYOR #3681 LICENSE EXPIRES: NOVEMBER 30, 2022

CONSULTING, INC. CONSULTING CIVIL ENGINEERS & LAND SURVEYORS 300 MARQUARDT DRIVE, WHEELING, ILLINOIS 60090 PH: (847) 215-1133 FAX: (847) 215-1177 1129 MAIN STREET, UNION GROVE, WISCONSIN 53182 PH: (262) 878-6200 E-MAIL: ig@consulting.net JOB #21351 FIRM NO. 184-001330

3 SCHEDULE 'B', PART II ITEMS

ITEMS NOT LISTED BELOW ARE NOT MATTERS OF SURVEY. Unrecorded lease with certain terms, covenants, conditions and provisions set forth, URBS IN HORTO, LP, lessor, Fry's Electronics Inc., lessee, as evidenced by Subordination, Nondisturbance and Attornment Agreement and Estoppel Certificate recorded on April 29, 2005 as Document No. R2005-088783. And all rights thereunder of, and all acts done or suffered thereunder by, said Lessee or by any party claiming by, through or under said Lessee. DOCUMENT CONTAINS NO SURVEY MATTERS.

Easement(s) for the purpose(s) and rights incidental thereto, as granted in a document, granted to Commonwealth Edison Company, for purpose of utility easement, recorded on December 29, 1997 as Document No. R97-200144, affects 10 feet along a Northernly portion of the East line of the land. 10' EASEMENT PER DOCUMENT IS PLOTTED HEREON.

Easement in favor of the Commonwealth Edison Company, and its/their respective successors and assigns, to install, operate and maintain all equipment necessary for the purpose of serving the land and other property, together with the right of access to said equipment, and the provisions relating thereto contained in the grant recorded/as Document No. R98-009499, affecting 15 feet along a portion of the East line of the land, lying 824 feet South of the Northeast corner of the land. 15'X15' EASEMENT PER DOCUMENT IS PLOTTED HEREON.

Agreement for Enforcement of Fire Lane Restrictions on Private Property recorded October 20, 1998 as Document No. R98-216835, made by and between the Village of Downers Grove and First Security Bank, as Trustee under Trust No. 1996-1. (affects land and other property) ATTACHMENT B OF DOCUMENT DEPICTS A SITE PLAN FOR A DIFFERENT BUILDING AND PARKING LOT THAT EXISTED PRIOR TO THE CURRENT PLAN AND CONSTRUCTION OF THE SUBJECT PROPERTY. APPROXIMATE LOCATION OF FIRE LINES AS GRAPHICALLY SCALED PER DOCUMENT ARE PLOTTED HEREON.

Reciprocal Easement Agreement and Declaration of Covenants and Restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document recorded on July 18, 2005 as Document No. R2005-152905. First Amendment recorded as Document No. R2006-072720.

DOCUMENT R2005-152905 SECTION 4 GRANTS: INGRESS AND EGRESS EASEMENTS FOR VEHICULAR AND PEDESTRIAN TRAFFIC OVER COMMON AREA "UTILITY SYSTEMS" EASEMENTS OVER COMMON AREA MONUMENT SIGN EASEMENT FOR REDESIGN/MODIFICATION OF THE THEN EXISTING MONUMENT SIGN. STORM WATER DRAINAGE AND SANITARY SEWER EASEMENT PER EASEMENT PLAT EASEMENTS PER EASEMENT EXHIBIT B OF DOCUMENT ARE PLOTTED HEREON. DOCUMENT R2006-072720 EASEMENT EXHIBIT IS ILLEGIBLE, APPROXIMATE LOCATION OF WATERMAIN EASEMENT AS GRAPHICALLY SCALED PER DOCUMENT IS PLOTTED HEREON

Plat of Highways in favor of Illinois State Toll Highway Authority (North-South Tollway) recorded March 30, 2009 as Document No. R2009-045551. Plat of Highways recorded July 22, 2009 as Document No. R2009-113615 affecting County Highway 2 - Finley Road. (see plats for detail) RIGHTS-OF-WAY ARE PLOTTED HEREON.

(A) Terms, provisions, and conditions relating to the easement described as Parcel 2 contained in the instrument creating said easement (B) Rights of the adjoining owner or owners to the concurrent use of said easement PLOTTABLE EASEMENTS PER DOCUMENT ARE SHOWN HEREON PER ITEM J ABOVE.

5 FLOOD INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X-UNSHADED" OF THE FLOOD INSURANCE RATE MAP 17034C-0159-I, WHICH BEARS AN EFFECTIVE DATE OF 08/01/2019 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA, NO SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ZONE "X-UNSHADED" DENOTES AREAS OUTSIDE OF THE 500 YEAR FLOOD PLAIN.

6 CEMETERY

NO RECORD EVIDENCE OF CEMETERIES OR BURIAL GROUNDS WAS PROVIDED NOR WAS ANY EVIDENCE OBSERVED AT THE TIME OF THIS SURVEY.

7 POSSIBLE ENCROACHMENTS

FENCE LIES UP TO 0.21' E. OF THE W. LINE. PORTIONS OF THE FIRE LANE PER PRIOR SITE DEVELOPMENT PLAN LIE ACROSS THE EXISTING BUILDING.

11 SURVEYOR'S NOTES

- 1. ONLY THOSE BUILDING LINE RESTRICTIONS OR EASEMENTS SHOWN ON A RECORDED SUBDIVISION PLAT ARE SHOWN HEREON UNLESS THE DESCRIPTIONS ORDERED TO BE SURVEYED CONTAINS A PROPER DESCRIPTION OF THE REQUIRED BUILDING LINES OR EASEMENTS.
2. ALL DISTANCES IN FEET AND DECIMAL PARTS THEREOF. NO DIMENSIONS TO BE ASSUMED FROM SCALING.
3. COMPARE YOUR DESCRIPTION AND SITE MARKINGS WITH THIS PLAT AND AT ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.
4. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES AND POSSIBLE ENCROACHMENTS; ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
5. NO RECORD EVIDENCE OF CEMETERIES, BURIAL GROUNDS OR GRAVESITES WAS PROVIDED TO SURVEYOR, NOR WAS EVIDENCE OBSERVED AT THE TIME OF SURVEY.
6. THE PROPERTY SURVEYED AND SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN THE REFERENCED TITLE COMMITMENT.
7. THE PROPERTY HAS ACCESS TO FINLEY ROAD, A PUBLIC ROAD.
8. TABLE A ITEMS:
TABLE A #2: THE ADDRESS OF THE SUBJECT PROPERTY AS FOUND IN PUBLIC RECORDS AND AS OBSERVED AT THE TIME OF THIS SURVEY IS: 3300 FINLEY ROAD, LOMBARD, IL
TABLE A #11: APPROXIMATE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON PRIVATE UTILITY LOCATE PROVIDED BY CLIENT AND AS FOUND AT THE TIME OF SURVEY.
TABLE A #16: NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WAS OBSERVED AT THE TIME OF THIS SURVEY.
TABLE A #17: PROPOSED RIGHT-OF-WAYS PER DOCUMENT R2009-113615 ARE PLOTTED HEREON.
TABLE A #18: NO PLOTTABLE OFFSITE EASEMENTS OR SERVITUDES WERE DISCLOSED IN DOCUMENTS PROVIDED TO, OR OBTAINED BY, THE SURVEYOR AT THE TIME OF THIS SURVEY.

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10 BASIS OF BEARING

ILLINOIS STATE PLANE COORDINATE SYSTEM W. LINE OF FINLEY ROAD S02°31'35"E(M)

12 PARKING INFORMATION

STANDARD STRIPED PARKING SPACES: 808
HANDICAPPED STRIPED PARKING SPACES: 18
TOTAL STRIPED PARKING SPACES: 826

13 LAND AREA

703,709 SQ.FT. 16.15 ACRES

14 BUILDING AREA

EXTERIOR FOOTPRINT AT GRADE: 152,080 SQ.FT.

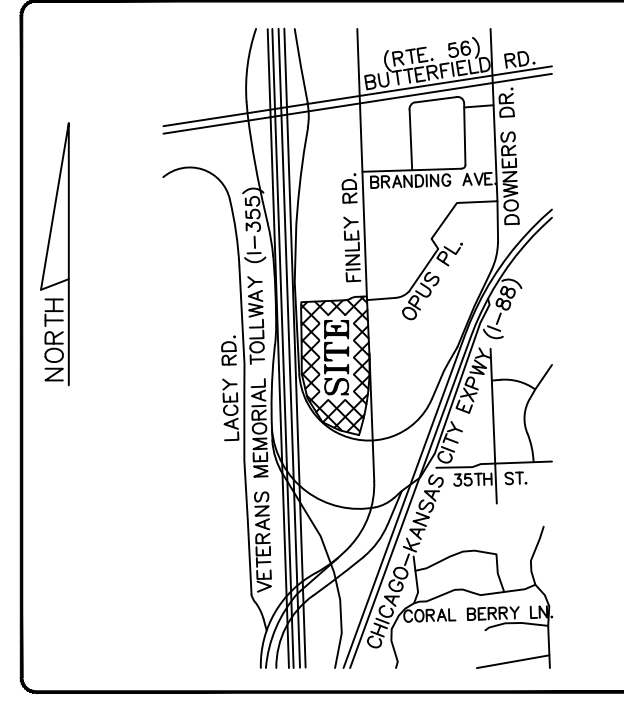
15 BUILDING HEIGHT

BUILDING HEIGHT ABOVE GRADE: 49.5'

9 LEGEND

- (D) DEED
(R) RECORD
(M) MEASURED
R= RADIUS
A= ARC LENGTH
CH.B. CHORD BEARING
CH.L. CHORD LENGTH
SIGN POST
BOLLARD
GAS VALVE
GAS METER
MANHOLE, ELECTRIC
MANHOLE, TRAFFIC
TRAFFIC BOX
ELECTRIC BOX
TRANSFORMER
TRAFFIC SIGNAL POLE
LIGHT POLE
LIGHT POLE, MAST-ARM
MANHOLE, COMMUNICATIONS
COMMUNICATIONS BOX
UTILITY POLE
UTILITY POLE ANCHOR
MANHOLE, SANITARY
MANHOLE
INLET
CATCH BASIN, BEEHIVE
VALVE VAULT
VALVE BOX
FIRE HYDRANT/AUTO SPRINKLER
RAILING
FENCE, CHAIN-LINK
GUARD RAIL
WATER PRIVATE LOCATE MARK
SEWER PRIVATE LOCATE MARK
COMM. PRIVATE LOCATE MARK
IRRIGATION SYSTEM PRIVATE LOCATE MARK
ELECTRIC PRIVATE LOCATE MARK
GAS PRIVATE LOCATE MARK
OVERHEAD WIRE(S)
PROPERTY LINE
PROPOSED R.O.W.
EASEMENT LINE

16 VICINITY MAP NO SCALE



8 ZONING INFORMATION

THE PLANNING & ZONING RESOURCE COMPANY 1300 South Meridian Avenue, Suite 400 • Oklahoma City, OK 73108 Telephone (405) 840-1544 • Fax (405) 940-2608 Date: Final - 6/9/2021 PZR SITE NUMBER: 146530-1
This report was prepared by Rhonda Chancellor. Questions may be directed to David Stodard at 800.344.2944 ext. 3347 or by email to david.stodard@pwr.com.
Existing Zoning Designation: "B-3 / PD 57 & 40" General Services and Highway Business with Planned Development 57 & 40
Adjacent Zoning Designation and or Uses if Applicable: North: "B-3 / PD 40" General Services & Highway Business with Planned Development 40
South: "M-2" Restricted Manufacturing
East: "O-R-M" Office, Research and Manufacturing
West: Public Right-of-Way - L356
Building Set-Back Lines: Front: 25 Feet. Side / Rear: 0 Feet
Maximum Building Height or Stories: 60 Feet
Building Density Formula: Maximum Floor Area Ratio: 0.75
Parking Space Formula: Retail: 3.5 Spaces per 1,000 Square Feet
Parking Spaces Required: 532 Total Parking Spaces

Key to CDS ALTA Survey
1 TITLE DESCRIPTION
2 TITLE INFORMATION
3 SCHEDULE 'B' ITEMS
4 SURVEYOR CERTIFICATION
5 FLOOD INFORMATION
6 CEMETERY
7 POSSIBLE ENCROACHMENTS
8 ZONING INFORMATION
9 LEGEND
10 BASIS OF BEARING
11 SURVEYOR'S NOTES
12 PARKING INFORMATION
13 LAND AREA
14 BUILDING AREA
15 BUILDING HEIGHT
16 VICINITY MAP
17 NORTH ARROW / SCALE
18 CLIENT INFORMATION BOX
19 SURVEY DRAWING
20 PROJECT ADDRESS

18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2021)

The Work Coordinated By: FA Commercial Due Diligence Services Co. CDS COMMERCIAL DUE DILIGENCE SERVICES 3550 W. Robinson Street, Third Floor Norman, Oklahoma 73072 Office: 405-253-2444 website: www.firstamcads.com Toll Free: 888.322.7371

Table with 2 columns: Field, Value. Includes Drawn By: J.H., Date: 06/02/2021, Surveyor Ref No: 3681, Revision: New title & comments, Aprvd By: K. C. L., Date: 06/21/2021, Revision: Zoning Report & comments, Field Date: 05/12/2021, Date: 06/22/2021, Revision: New title & comments, Scale: 1"=50', Date: 06/22/2021, Revision:

Prepared For: Client Ref. No:

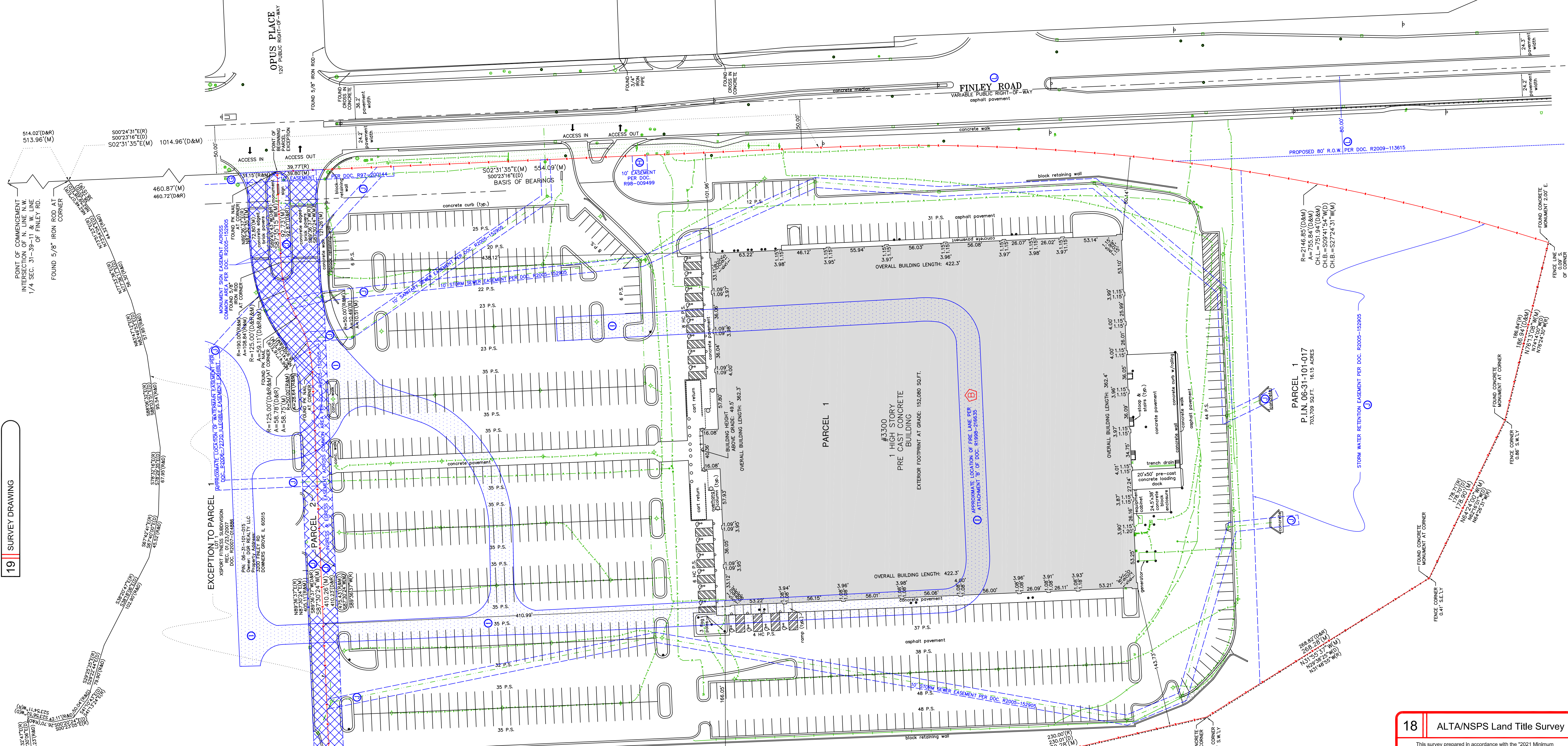
20 PROJECT ADDRESS

3300 Finley Rd., Downers Grove, IL
Project Name: Finley Rd-Downers Grove, IL
CDS Project Number: 21-04-0669



This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.

This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.



19 SURVEY DRAWING

EXCEPTION TO PARCEL 1
SUBDIVISION
P.L.N. 06-31-101-015
D.C. #2007-014886
CONCRETE CURB I.L. 60015

PARCEL 1
P.L.N. 06-31-101-017
760,798 SQ.FT. 16.10 ACRES

I-355 TOLLWAY
VARIABLE PUBLIC RIGHT-OF-WAY

18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2021)

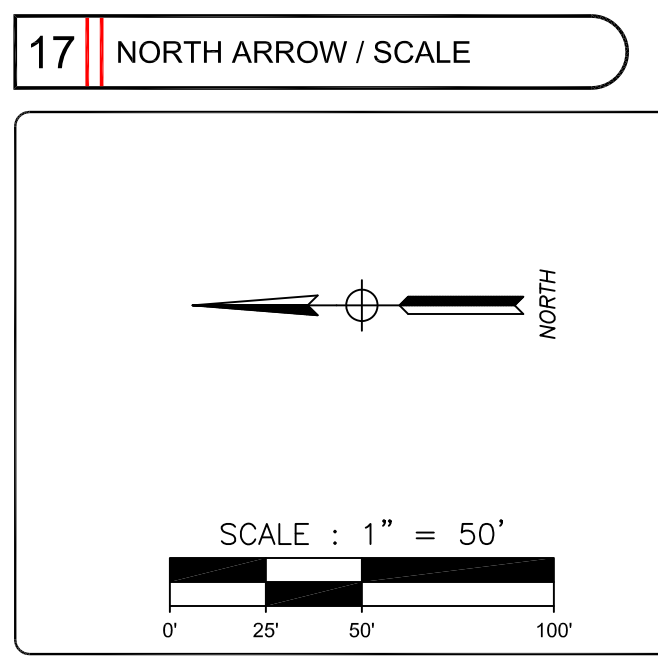
This Work Coordinated By:
FA Commercial Due Diligence Services Co.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES

3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405-253-2444
website: www.firstamcds.com
Toll Free: 888.322.7371

Project Name:
Finley Rd-Downers Grove, IL

CDS Project Number:
21-04-0669



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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING

April 3, 2023, 7:00 P.M.

FILE 23-PCE-0006: A petition seeking an Amendment to Planned Development #57 to allow for an amendment to the allowed uses in PUD #57. The property is located on the southwest corner of Finley Road and Opus Place, east of I-355, commonly known as 3300 Finley Road, Downers Grove, IL. (06-311-01-017). SCLP I Downers Grove, LLC, Petitioner and Owner.

Andrew Scott, on behalf of SCLP I Downers Grove, LLC, a subsidiary entity of the Sterling Organization, stated they were the owner of the 3300 Finley Road property. Mr. Scott gave some background on the Sterling Organization. He stated they were seeking to add two uses as allowed uses within the PUD, one being a limited industrial as permitted use, and then adding a warehouse as a special use with conditions. Mr. Scott showed pictures and explained the location of the property, which was the former Fry's Electronics site that was vacated in 2021. Mr. Scott stated Sterling bought the property in July 2021 and spent a lot of time marketing the property and trying to find users. He said they had extensive discussions with staff about what the site was supposed to be and the challenges in attracting users to purchase the property. Mr. Scott said they had been working with the Village extensively to try to come up with a solution that would allow the property to be utilized.

Mr. Scott continued stating that Sterling had put in a great deal of effort and spent over 2 million dollars by doing improvements to the appearance of the site. He said they came up with the opportunity to change the PUD to introduce new uses, such as a warehouse. He said in terms of the uses, there was a consistency in what they were asking for, like a wholesale distribution type use that would be allowed, and in B3 light industrial is allowed as an incidental use. The subject property is not a good retail site.

Mr. Scott said staff had indicated there was a desire to have a retail component, but both parties were not in agreement on that. He said they did not discount retail tenants, but did not want that to be a criteria to further narrow and limit the pool of potential users of the property. Mr. Scott said one element on the conditions, the number of loading docks, was critical to warehouse users. He said they were mainly just looking to open to a couple new uses to give them a better opportunity in the marketplace.

Commissioner Dmytryszyn stated he understood the challenges of the location and the want for different uses of the property, but there still seemed to be some ambiguity as to what the end use could be. He asked why they come to them now before that was figured out. Mr. Scott stated they had been at it for 18 months and their proposal was the end of a long dialogue with staff about having the warehouse as a permitted use, because that seemed to be where the demand was. He said they would rather have half a loaf then no loaf at all. He stated that at least having a warehouse as a special use gave them a better opportunity to get an occupant.

Chairman Rickard asked for public input.

Scott Richards, stated he thought they would be talking about a different proposal, so it was new to him. He stated he was dismayed that the proposal was for another warehouse particularly in that

area and thought it was waste of valuable land to put another warehouse in that location. He asked what was the best use for the property, especially for the community and the residents who had invested in the town. He talked about the heavy traffic that was down there and how this would affect that.

Chairman Rickard then asked for the staff report.

Planning Manager, Jason Zawila, stated the petitioner was requesting approval of a PUD amendment for PUD #57. He said that a notice was provided to all property owners as required by Village Ordinance and the public hearing notice posted. He said the petitioner was requesting to add two uses to the PUD, limited industrial as a principal use and warehouse use permitted as a special use subject to potential review and approval. Mr. Zawila stated the PUD currently allowed only uses permitted and special use in the B3 District, with limited industrial and warehouse specifically prohibited. Because this was a PUD there was an approval process to allow those uses to be allowed if applicable conditions and supplemental use regulations could be provided on such uses.

Mr. Zawila then stated that per the Comprehensive Plan, developments and redevelopments in the Butterfield focus area plan focused on attracting regional customer base and service, retail, and entertainment in the area. He said recommendations in the Comprehensive Plan was for regional/commercial land use, which was the future land use for this property. In reference to the Comprehensive Plan, there were also recommendations related to industrial areas, including protecting the area from infiltration of noncompatible uses. Mr. Zawila added there were policies in the commercial area plan to strengthen the economy and create more jobs.

Mr. Zawila stated staff's recommendation could be found in the motion on the presentation screen, which provided certain modifications from the petitioner's original request. He said they agreed with the petitioner on the conditions related to limited industrial, with one slight adjustment clarifying that the number of new docks allowed to be seven. He said the second modification was related to the process for a special use, must follow the special use requirements as provided in 28.12.050. He then stated that the same conditions should apply to warehouse uses, as limited industrial. Lastly, he said staff did want to see warehouse uses requires a retail sales component. Mr. Zawila said staff supports the conditions due to them offering different separation techniques in addition to the limitation on docks would minimize impacts on adjacent uses. Furthermore the potential uses could take part in the creation of new local jobs. Mr. Zawila said they were not supportive of just a warehouse use without a retail component.

Commissioner Dmytryszyn asked what it meant to include retail sales. Mr. Zawila stated the intention was that a point of sale had to occur on that site and the business would have to collect a sales tax.

Commissioner Dmystrsyzn asked about the zoning of the Amazon facilities to the south of the property. Mr. Zawila stated it was zoned ORM which allowed that use in that district. Commissioner Boyle further inquired about parking at the Amazon location, in reference to a previous request that was in front of the Plan Commission. Mr. Zawila stated that they needed to request a special use; because of the distance from the business and that, an accessory use was established before a principal use.

Commissioner Boyle asked Mr. Zawila to speak to traffic at the property for the industrial use. Mr. Zawila stated it would depend on the user. He said if it was permitted, they would review it through the normal building permit process. He said if it was a special use for the warehouse use, it is likely they would have to provide a traffic study. Commissioner Boyle stated since they did not have the traffic study now, how would they understand what the impact would be. Mr. Zawila stated if it was permitted the Village would treat it like any other building permit. He said if it were a warehouse, it would be reviewed during the the special use process where they would have an opportunity to require a traffic study and look at the potential impacts. Commissioner Boyle further asked if there was any way to ballpark the use for traffic. Mr. Zawila stated it would depend on the user.

Chairman Rickard stated instead of having an industrial or warehouse use, would it be more appropriate if they wanted to exclusively put some type of industrial or warehouse use to rezone the property. He stated he was nervous about taking a B3 property to change the use of the building to something that was currently not allowed there. He felt a more appropriate way to get there would be through rezoning. Mr. Zawila emphasized that they need to review the application in front of them and a rezoning is not part of the petitioner's request.

Commissioner Rector asked if there was anything stopping it from being a retail component and warehouse component. Mr. Zawila stated if it was a warehouse with retail use, the underlying zoning allowed for retail, so just the warehouse component is what is not allowed currently.

Commissioner Dmystrsyzn asked if the property owner could have two different tenants, would each tenant need to have retail sales. Mr. Zawila stated if it was a warehouse use, that it would to have a retail point of sale.

Chairman Rickard went back to the petitioner. He stated it was the petitioner's opportunity to address some of the comments and concerns from the public input, staff, and commissioners, and any closing comments.

Mr. Scott stated it was a very different retail environment these days than it was a few years ago and finding users for a property of this size was very hard, so they believe it was not a good retail site. He said there was 5 to 10 acre sites sitting on Finley that could not get filled. He said when they talk about the Comprehensive Plan it does encompass the entire village, but when it gets into the key focus areas, 90% of that focus was up on Butterfield. He said the property was located in the B3 zone but was so far off the main drag that it was not a strong retail location. Mr. Scott said he heard concern about traffic, but the reason they set it up as a special use was so that they could come back to them with additional details, such as traffic. He said the same was true for ingress/egress, which they would come back with a specific site plan for a specific user.

Mr. Scott further stated that when you're talking about a 150,000 square foot retailer, the traffic generation was substantial and would generate a lot more traffic than a light industrial user. He said they liked that the property was separated from any residential use, so it would not affect the residents of the Village. Mr. Scott added they had engaged with the Village over 18 months ago and had extensive dialogues with pushback from the staff on the warehouse use suggestion. Mr. Scott said they saw it as an opportunity to open up the property to other users while at the same time giving the Village opportunity for control over uses such as a warehouse. He stated the sales tax requirement would set them back significantly if that was a requirement of any part of warehouse

use and would make it that more difficult to find a user. He stated that was the only requirement they would like to see removed.

Dominic Carbonari, stated they had gone through relatively extensive grinding through different user types. He said they talked to retailers and real estate groups and got different feedback. He stated groups were trying to get in and identify terms they could tolerate on a transaction. He said all they were trying to do was widen their net a little bit. He stated requiring the retail sales tax would significantly reduce their users. He stated the access and traffic would be a concern for the Plan Commission and the user, and they understood that would be a hurdle.

Commissioner Roche asked if they would continue to market the property as retail use with the off chance that maybe a larger retailer user would pick it up even if they got the approval to widen the net for industrial use. Mr. Carbarnari said they were not taking anything off the table. He said they talked weekly with Sterling team to find the best solution for them and for the Village. He said they only want to open the net to have the ability to broaden their market. Commissioner Roche further asked if they had identified any perspective tenants under the industrial or warehouse if they did approve the uses. Mr. Carbarnari said most of the showings were groups that said they thought it fit and if they could make it work to bring in front of the Commission.

Chairman Rickard stated they were tasked with meeting standards to approve the petition such as this and was personally struggling with some of the standards. He asked if Mr. Scott wanted to comment on those standards before they discussed them.

Mr. Scott stated it was identified as regional commercial in the Comprehensive Plan, but also spoke to industry uses being contemplated and did not specifically say warehouses, but some would say industrial includes warehouses. He said with the Amazon facility to the west of the property, there would be consistency with the general area. He stated the public benefit it would bring would be a stabilization of their tax base, generated real estate taxes, create job opportunities, and also have the benefit of shopping convenience. Mr. Scott said there would be no parking of large commercial vehicles except in the docks themselves and all operations indoors would be conditions that ensured there would be no adverse impact on the community. He said there was also the opportunity the Village had to make decisions on whether warehouse use was positive or negative.

Chairman Rickard asked for discussion or comments from the commissioners.

Commissioner Dmytryszyn stated he shared some of the same concerns as the Chair, regarding if it was consistent with the comprehensive plan if it was an industrial use because it did not have the commercial component. He also had concerns with standard (d) and (e). He stated he was a little hesitant as it was different than the Comprehensive Plan and brought up if a zoning change was more appropriate.

Commissioner Toth stated he did not think it had been proven or demonstrated that it would be of greater value other than the current zoning. He also said two different retailers that had been there both failed. He said maybe a zoning change was better.

Commissioner Rector liked adding the special use because there were a lot of things they had questions about, but without a known tenant, they could not answer. She said she would be for

changes with special use so they had the opportunity to run it back to see if it was appropriate and met some of the criteria.

Commissioner Roche said part of the issue was they did not know who the actual tenant would be and or the use. She also said she liked the special use because it gave them the opportunity to come back in front of them to decide those details they do not yet have.

Commissioner Boyle stated having the retail component requirement or special use consideration for limited industrial ensured there was some ability to look at it when more details were provided, but also gave the landowner the ability to market it differently and explore different potential options.

Commissioner Frankovic added it sounded like they had many different ways they were marketing so it was not definitively any one thing.

Commissioner Roche asked if the special use was just the warehouse portion or the industrial. Mr. Zawila stated the petition was to allow limited industrial as a permitted use and a special use for the warehouse use.

Commissioner Patel asked if there was a reason why the limited industrial was not also a special use. Mr. Zawila answered that Village staff was supportive to allow those additional uses based off the conditions presented in the petition.

Chairman Rickard stated he could empathize with the situation that retail seemed to be a different animal right now than it was, but was the case all over town. He said he struggled with allowing uses that the property was not really in the zone for and was worried other B3 properties would all of the sudden want to start incorporating those kind of uses too. He said he struggled with two of the standards and did not really feel that they were met and did not feel comfortable supporting it. He said he thought the more appropriate procedure would be to try to rezone. Mr. Zawila said the petition in front of them was not for a rezoning.

Commissioner Dmystryshyn stated they could just approve it for warehouse use with special use and not limited industrial to ensure warehouse use would come back to Plan Commission.

Commissioner Rector stated she would feel better if both categories were special use. She said she would love to see some use happening instead of none at all. Mr. Zawila stated they could start with the motion presented on the screen and amend accordingly.

Chairman Rickard said his opinion was the same no matter how they mixed the two. He said he still struggled with the standards. Further discussion occurred on making both uses a special use and the procedure to amend the motion.

Commissioner Boyle mentioned being open to rezoning changes. Mr. Zawila said the petition in front of them was not for rezoning.

Commissioner Roche stated by allowing special use either way would allow the landowner to be able to market to try to get some tenants in all three of the categories. She said their approval would allow them opportunity to find tenants in other sectors either in industrial or warehouse/retail. Mr. Zawila clarified that if it was a special then there would be a different set of standards to respond to.

Commissioner Frankovic stated in regards to limited industrial as a special use, it would have different criteria that was before them tonight. She asked if that was specific to the retail component associated with the industrial or would that limit the ability in the future for a recommendation to also include that retail component. Mr. Zawila stated what they had in front of them was a warehouse with retail sales component.

Commissioner Boyle said if in the future it was limited industrial with a special use, would that retail component be part of the criteria in the future. He asked if that portion of it could be tied to a future special use if staff still felt retail was an important portion of that special use. Mr. Zawila stated what they had in front of them right now was warehouse with retail sales.

Chairman Rickard asked if anyone wanted to make a motion.

WITH RESPECT TO FILE 23-PCE-0006 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, IT IS FOUNDED THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR THE FINAL PLAN UNIT DEVELOPMENT #57 AMENDMENT AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST, AND THEREFORE, COMMISSIONER RECTOR MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF FILE 23-PCE-0006, WHICH WILL ADD THE FOLLOWING USES TO PUD #57

1. LIMITED INDUSTRIAL, AS A PRINCIPAL USE, TO BE ALLOWED AS A SPECIAL USE PURSUANT TO SECTION 28.12.050 OF THE CODE AND THE FOLLOWING CONDITIONS:

- A. THE USE MUST OCCUR WITHIN A WHOLLY ENCLOSED BUILDING**
- B. THE BUILDING MAY HAVE NO MORE THAN SEVEN NEW DOCKS**
- C. ALL NEW OR RELOCATED DOCKS MUST BE LOCATED ON THE WEST FACADE OF AN EXISTING OR PROPOSED BUILDING.**
- D. EXISTING DOCKS AND LOADING DOORS AS OF THE DATE OF THE PUD AMENDMENT APPROVAL MAY REMAIN IN PLACE AND WILL NOT COUNT TOWARDS DOCK RESTRICTION OF 1 DOCK PER 20,000 GSF**
- E. DOCKS MUST BE SCREENED WITH NATURAL VEGETATION AT A HEIGHT OF SIX FEET AT TIME OF PLANTING OR AN 8-FOOT SOLID DESIGN FENCE**
- F. NO OVERNIGHT PARKING OF COMMERCIAL TRUCKS ON SITE UNLESS THE VEHICLE IS PARKED IN AN APPROVED DOCK**
- G. NO EXTERIOR CONTAINER STORAGE**

2. WAREHOUSE BE ALLOWED AS A SPECIAL USE PURSUANT TO SECTION 28.12.050 OF THE CODE AND THE FOLLOWING CONDITIONS:

- A. MUST INCLUDE RETAIL SALES**
- B. THE USE MUST OCCUR WITHIN A WHOLLY ENCLOSED BUILDING**
- C. THE BUILDING MAY HAVE NO MORE THAN SEVEN NEW DOCKS**
- D. ALL NEW OR RELOCATED DOCKS MUST BE LOCATED ON THE WEST FACADE OF AN EXISTING OR PROPOSED BUILDING.**

- E. EXISTING DOCKS AND LOADING DOORS AS OF THE DATE OF THE PUD AMENDMENT APPROVAL MAY REMAIN IN PLACE AND WILL NOT COUNT TOWARDS DOCK RESTRICTION OF 1 DOCK PER 20,000 GSF**
- F. DOCKS MUST BE SCREENED WITH NATURAL VEGETATION AT A HEIGHT OF SIX FEET AT TIME OF PLANTING OR AN 8-FOOT SOLID DESIGN FENCE**
- G. NO OVERNIGHT PARKING OF COMMERCIAL TRUCKS ON SITE UNLESS THE VEHICLE IS PARKED IN AN APPROVED DOCK**
- H. NO EXTERIOR CONTAINER STORAGE**

SECOND BY COMMISSIONER ROCHE, ROLL CALL:

AYE: RECTOR, ROCHE, BOYLE, FRANKOVIC, PATEL, TOTH

NAY: DMYTRYSZYN, PATEL, CHAIRMAN RICKARD

MOTION APPROVED. VOTE: 5-3

/s/ Celeste K. Weilandt
Recording Secretary

(As transcribed by Ditto Transcripts)