

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
OCTOBER 16, 2007 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use for a drive through at 950 Ogden Avenue	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A Special Use ordinance has been prepared for a drive through at 950 Ogden Avenue.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Vibrant Major Commercial Corridors*. Supporting these goals are the objectives *More Attractive Commercial Developments* and *More Contribution to Local Economy*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the October 9, 2007 Workshop. During that meeting, Council requested restrictions be written into the Special Use ordinance which would require drive-thru operations for the property to close at 10:00 p.m. In addition, the Council requested a restriction on garbage pickup, which would not allow trash removal before 7:30 a.m.

Staff has advised the petitioner and added the following restrictions to the ordinance - drive-thru hours of operation from 6:30 a.m. to 10:00 p.m., and refuse removal from 7:30 a.m. to 5:30 p.m. These restrictions have been added to the ordinance. Staff recommends approval of the ordinance with the restrictions on the October 16, 2007 active agenda.

BACKGROUND

The petition proposes to renovate a 2,677 square foot vacant commercial building at 950 Ogden Avenue into an office and restaurant with a drive through. The property is currently zoned B-3 which requires a Special Use for a drive through. Interior renovations and cosmetic exterior modifications will split the building in half to allow an office space and a Sweet Retreat restaurant primarily serving coffee and smoothie drinks. Due to parking requirements the petitioner will not be able to house medical or dental offices within the building.

The drive through will be located on the east side of the building. Parking will be provided along the east property line and immediately north of the building. Two existing parking spaces in front of the building will be removed and replaced with green space. The existing sign will be required to become compliant or be replaced. The proposal complies with the bulk requirements of the Zoning Ordinance as shown below:

Zoning Requirements	Required	Provided
Ogden Avenue Building Setback	75'	75' (existing)
Ogden Avenue Parking Setback	50'	55'
Highland Avenue Building Setback	25'	5' (existing)
Highland Avenue Parking Setback	8'	8'
North Transitional Yard	7'	12'
Building Height	60'	13'
Floor Area Ratio	0.75	0.22
Parking	13	13
Open Space (Total / Front Yard)	1,712 sf / 868 sf	2,340 sf / 1,636 sf

The petition proposes to construct 12 additional parking spaces within the Highland Avenue right-of-way. These spaces shall be designed in accordance with Village design and construction standards and specifications. If these spaces are not constructed, the owner will be responsible to restore the parkway by installing turf and a curb that meets Village specifications. All work in the right-of-way shall be completed at the same time as the improvements to the building and existing parking lot.

The proposed plan complies with the Ogden Avenue Master Plan as shown in the table below:

Ogden Avenue Master Plan	Proposal
Improve the parkway with new trees, plantings, signage, and sidewalks	Proposal removes existing parking spaces near Ogden Avenue and replaces the parking spaces with green space.
Increase landscaping in and around parking lots	Proposal provides green space around perimeter of all parking lots.
Improve building facades	Proposal improves façade of existing building.
Provide interconnected sidewalks along Ogden Avenue	Proposal maintains existing Ogden and Highland Avenue sidewalks.

The Plan Commission considered the proposed project at their September 10, 2007 meeting and recommended approval of the Special Use. Staff concurs with the Plan Commission recommendation.

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR
950 OGDEN AVENUE TO PERMIT
A RESTAURANT FACILITY WITH A DRIVE-UP WINDOW**

WHEREAS, the following described property, to wit:

Lots 22, 23, 24 and 25 in Block 10 in Lyman Park, being a subdivision of part of Section 5, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded May 15, 1926 as Document 213564, in DuPage County, Illinois.

Commonly known as 950 Ogden Avenue, Downers Grove, IL (PIN 09-05-118-022,-023,-024).

(hereinafter referred to as the "Property") is presently zoned in the "*B-3, General Services and Highway 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 28-606(f) of the Zoning Ordinance be granted to allow a restaurant facility with a drive-up window.

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, 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 restaurant facility with a drive-up window.

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

1. The improvements shall substantially conform to the architectural and landscape plans prepared by A.W. Wendell & Sons, Inc. dated July 26, 2007 and revised on August 21, 2007 except as such plans may be modified to conform to Village Codes and Ordinances.
2. The development shall comply with the Village's engineering, stormwater and water ordinances.
3. A photometric plan shall be provided to the Village prior to the issuance of a building permit. All proposed lights shall be directed away from residential uses.
4. The parking spaces provided within the Highland Avenue right-of-way shall not be counted towards the parking requirements for the property at 950 Ogden Avenue.
5. The proposed parking spaces within the Highland Avenue right-of-way shall conform to Village design and construction standards and specifications. If these parking spaces are not constructed, the petitioner shall restore the parkway with turf and the installation of a curb which meets Village standards.
6. The petitioner shall either relocate the existing sign to be compliant with Sign Ordinance setback requirements or shall install a new sign which is in complete compliance with the Sign Ordinance.
7. The proposed office space may not be used for medical or dental offices.
8. The building shall have an automatic sprinkler system installed throughout. All areas of the building shall be protected.
9. The building shall have a manual and automatic detection system installed throughout. All areas of the building shall be protected.
10. A Fire Department connection shall be provided on the exterior of the building.
11. The drive-up window for the restaurant shall only be open Monday through Sunday between the hours of

6:30 a.m. and 10:00 p.m. Any changes to these times will require Village Council approval.

12. All refuse pick-up for the restaurant with drive-up window shall be limited to Monday through Sunday between the hours of 7:30 a.m. and 5:30 p.m.

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

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