

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
JANUARY 15, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Planned Development Amendment, Final Plat of Subdivision, Special Uses for a drive-through and outdoor café	<ul style="list-style-type: none"> ✓ Resolution ✓ Ordinances Motion Discussion Only 	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance for an Amendment to Final Planned Development #8, Meadowbrook Phase II Business and Residential Planned Development, a resolution for the Final Plat of Subdivision for the creation of an outlot and an ordinance for a Special Use for a drive-through use and an outdoor café have been prepared. Approval of these documents would permit the construction of a Dunkin Donuts with a drive-through and an outdoor café on the property located on the south side of 63rd Street west of Woodward Avenue.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Vibrant Major Commercial Corridors*. Supporting this goal are the objectives *More Attractive Commercial Developments* and *More Contribution to Local Economy*. Staff feels that the proposed Planned Development does not meet the goals and objectives of the Strategic Plan. See the Background section for further information.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the January 8, 2008 Workshop. Staff recommends Denial on the January 15, 2008 active agenda. Staff feels that the proposed Planned Development Amendment does not meet the standards for a Planned Development in Sections 28.1607 a (4), b (1) and b (6) of the Zoning Ordinance. See the Background section for further information.

BACKGROUND

The Meadowbrook Shopping Center is located at the southwest corner of 63rd Street and Woodward Avenue. The Planned Development shopping center is zoned B-2 General Retail Business and is made up of six separate lots totaling 19.9 acres. The petitioner is proposing to subdivide the property and create a 28,758 square foot parcel. This lot would be carved out of the 10.54 acre (459,035 square feet) Lot 3 in the Meadowbrook Shopping Center to construct a Dunkin’ Donuts restaurant. The Dunkin’ Donuts restaurant would have a drive-through and an outdoor café, both of which are considered Special Uses in the B-2 General Retail Business zoning district.

Staff has been working with representatives from Dunkin’ Donuts and the property owner on this proposed development since the fall of 2007 and has consistently indicated our concerns about the proposed development. Staff continues to recommend to the owner and to Dunkin’ Donuts that the site be redeveloped on a comprehensive manner. Staff feels that the proposed Planned Development Amendment does not meet the standards for a Planned Development in Sections 28.1607 a (4), b (1) and b (6) of the Zoning Ordinance as noted below.

28.1607 Standards for Approval of Planned Developments

(a) The Plan Commission may recommend a planned development designation, plan or amendment based upon the following findings:

(4) Conformity with the planning objectives of the Village.

(b) The Village Council may authorize a planned development designation, plan or amendment with findings such as, but not limited to, the following:

(1) That the planned development at the 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.

(6) That the nature, location, and size of the structures involved with the establishment of the planned development will not impede, substantially hinder, or discourage the development and use of adjacent land and structures in accord with the zoning district in which it is located.

Staff feels that the proposed development of an outlot and construction of a drive-through restaurant does not conform with the planning objectives of the Village (standard a (4)). Specifically, the proposal does not comply with the Village's Strategic Plan. The Strategic Plan establishes a 2012 goal to create vibrant major commercial corridors with upgraded existing and aged commercial buildings as an objective. The 63rd Street corridor and the subject parcel were specifically identified and discussed during the Strategic Planning sessions. To create a vibrant 63rd Street corridor, staff believes the Meadowbrook Shopping Center should undergo a comprehensive redevelopment that focuses on updating or replacing the aging facilities, attracting new businesses to Downers Grove, and creating a retail destination. The redevelopment of the shopping center should be planned and constructed in a comprehensive manner. The creation of an additional outlot may hinder the ability to undertake a comprehensive redevelopment of this 19.9 acre property consisting of six parcels under common ownership. The existing Meadowbrook Shopping Center is in a general state of disrepair and is in need of significant upgrades and improvements to become a contributing property in the 63rd Street corridor. The property owner has agreed to work with the Village to develop a comprehensive improvement plan for the center. The comprehensive redevelopment plan should be prepared prior to considering subdividing the property and constructing a new Dunkin' Donuts. Staff recommends that the subject site be consolidated into one parcel to facilitate the redevelopment of the shopping center to efficiently and effectively accomplish the Strategic Plan's goals and objectives.

Staff feels that the proposed development will not contribute to the general welfare of the neighborhood or community (standard b (1)). Creating a new commercial space that may hinder the ability to comprehensively redevelopment the entire shopping does not contribute to the general welfare of the Village. The general welfare of the neighborhood and community would be better served with the comprehensive redevelopment of the subject property. A comprehensive redevelopment would likely improve the economic performance of the site and the physical appearance of the site.

As discussed above, staff feels that the proposed development will substantially hinder and discourage the development and use of the adjacent land and structures (standard b (6)).

The property owner agreed to collaborate in updating the center to make the 63rd Street corridor a vibrant commercial corridor. If this is a priority to the property owner, he should not be pursuing the subdivision of this large parcel for a Dunkin' Donuts. It is not in the best interest of the Village to approve a Planned Development Amendment that further subdivides the property. The subdivision will make future redevelopment harder by creating more, smaller parcels which do not meet the needs of a large retailers and developers.

As shown in the table below, the proposal complies with the bulk requirements of the Zoning Ordinance.

Zoning Requirements	Required	Provided
North Setback	26.5'	74'
East Setback	N/A	53'
South Setback	N/A	39'
West Setback	N/A	74'
Building Height	60'	23' - 9"
Floor Area Ratio	0.75	0.06
Parking	17	28
Open Space (Total / Front Yard)	15% (4,314 sq. ft.)	41% (11,808 sq. ft.)

The Plan Commission considered the project at the December 3, 2007 meeting and recommended approval of the petition. The Plan Commission believed the proposal met the standards and that the Commission could not limit the property owner's ability to redevelop his property. The dissenting vote was based on concerns over the future ownership of the outlot, which was unknown at the time. Further discussions with the petitioner have determined that ownership of the outlot will remain with the current owner of the Meadowbrook Shopping Center. Staff does not concur with the Plan Commission recommendation and recommends the Village Council deny the requested Planned Development Amendment, Plat of Subdivision, and Special Uses.

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** January 15, 2008
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE AUTHORIZING SPECIAL USES FOR PLANNED DEVELOPMENT #8 TO PERMIT A RESTAURANT WITH DRIVE-THROUGH AND OUTDOOR CAFÉ", as presented.

SUMMARY OF ITEM:

At their meeting of December 3, 2007, the Plan Commission recommended that Special Uses be granted on property located in the Meadowbrook Shopping Center for a restaurant facility with a drive-through and outdoor café.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING SPECIAL USES FOR PLANNED DEVELOPMENT #8 TO PERMIT A RESTAURANT WITH DRIVE-THROUGH AND OUTDOOR CAFÉ

WHEREAS, the following described property, to wit:

Lot 3 in Meadowbrook Subdivision, being a subdivision of that part of the Northeast Quarter of Section 24, Township 38 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded February 1, 1973 as Document R73-05824 and Certificates of Correction recorded as Document R76-58800 and R76-58801, in DuPage County, Illinois.

Commonly known as Meadowbrook Shopping Center, Downers Grove, IL (PIN 08-24-202-005).

(hereinafter referred to as the "Property") is presently zoned in the "*B-2, General Retail Business District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28-606(f) of the Zoning Ordinance be granted to allow a restaurant with drive-through and a Special Use per Section 28-606(g) of the Zoning Ordinance be granted to allow an outdoor café in the multi-use planned development.

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 two requested Special Uses, 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 Special Use of the Property is hereby granted to permit a restaurant with drive-through and that Special Use of the Property is hereby granted to permit an outdoor café in the multi-use planned development.

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

1. The Final Planned Development Amendment, Plat of Subdivision, and Special Uses (drive-through and outdoor café) shall substantially conform to the preliminary architecture plans prepared by Gleason Architects, P.C. dated May 21, 2007; the preliminary engineering plans prepared by Dave Johnson and Associates, Ltd. dated August 14, 2007; the preliminary landscape plans prepared by Heller & Associates, LLC dated August 22, 2007; the plat of easement and plat of resubdivision prepared by Dave Johnson and Associates, Ltd. dated August 20, 2007, except as such plans may be modified to conform to Village Codes and Ordinances.
2. The proposed building shall have an automatic sprinkler system installed throughout. All areas of the building shall be protected.
3. The proposed building shall have a manual and automatic detection system installed throughout. The detection systems shall be tied into the Downers Grove Alarm Board. All areas of each building shall be protected.
4. The kitchen shall have a complete hood and duct system.
5. Best management practices for stormwater shall be implemented on the site.
6. A stormwater easement shall be provided for all stormwater facilities located within the Meadowbrook Shopping Center.
7. Storm sewer calculations including hydraulic grade lines shall be submitted for the on-site storm sewer.
8. Overland flow paths shall be provided and shown on the grading plan for the 100-year storm event.
9. A photometric plan shall be submitted and approved prior to the issuance of any site development permits.
10. The existing Meadowbrook Shopping Center sign on Lot 3 shall be removed and relocated or the Plat of Subdivision shall be revised to show the existing monument sign being located on Lot 2 of the Meadowbrook Subdivision. If the plat is modified a new Plat of Subdivision for Lot 2 shall be prepared.
11. The proposed signage shall comply with the Sign Ordinance.
12. Prior to Village Council consideration, the petitioner shall provide one (1) paper copy and one (1) mylar copy of a Plat of Subdivision.
13. Prior to Village Council consideration, the petitioner shall provide one (1) paper copy and one (1) mylar copy of a Plat of Easement identifying the location of all public utility and drainage easements, including a five (5) foot easement along all east and west property lines and a ten (10) foot easement along the south property line.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use for a restaurant for drive-through and Special Use for an outdoor café are 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 two Special Uses granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Mayor

Passed:

Published:

Attest: _____
Village Clerk