

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
SEPTEMBER 2, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Special Uses for Multiple-Family Residential and Outdoor Seating Accessory to a Restaurant in the DB District	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A Special Use Ordinance has been prepared to permit the following items: 1) multiple-family residential within the DB Downtown Business zoning district at 5100 Forest Avenue and 2) an outdoor seating area accessory to a restaurant within the DB Downtown Business zoning district at 5100 Forest Avenue.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2007-2012 identified an *Authentic Downtown – The Heart of our Community*. Supporting these goals are the objectives *More People Attracted to Downtown* and *Increase Occupied Residential Units – People Living in Downtown*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the August 26, 2008 Workshop. During the meeting, the Village Council raised two concerns related the development at 5100 Forest Avenue. The first item discussed was related to the sale of parking spaces on the premises to non-commercial tenants and/or non-residents. In response to this issue, staff has modified the Special Use Ordinance to state that the sale of parking garage spaces shall be limited to resident and commercial tenants of the development only.

The second issue discussed during the August 26, 2008 Workshop was related to the regulation of left turns out of the complex onto Forest Avenue during daily rush periods. In response to this item, staff has modified the Special Use Ordinance to include language requiring the petitioner to install a sign on the property prohibiting left turns onto Forest Avenue between 7:00 a.m. - 9:00 a.m. and 4:00 p.m. and 6:00 p.m. Staff has also included language in Chapter 14, Motor Vehicles and Traffic, of the Municipal Code to provide for enforcement of this provision.

Staff recommends approval of the Special Use Ordinance as modified on the September 2, 2008 active agenda.

BACKGROUND

The petitioner is proposing to construct a six-story mixed-use commercial and multiple-family residential development at 5100 Forest Avenue. The property is located at the northwest corner of Forest and Gilbert Avenues and is zoned DB Downtown Business. Special Uses are required for multiple-family dwellings and for outdoor seating accessory to a restaurant located in the DB Downtown Business zoning district.

Existing Site

Currently, a vacant 11,000 square foot TCF Bank building is located on the southern half of the site with a parking lot on the northern half. The site borders the BNSF railroad to the north, parking lots to the east, townhouses and business to the south and Immanuel Residences and the Village's Commuter Lot D to the west.

Building

The petitioner is proposing to construct a 70-foot tall LEED (Leadership in Energy and Environmental Design) certified mixed-use building. The building facades will be primarily brick with renaissance stone and stucco accents. The building will have 12,515 square feet of commercial space on the first floor, including a proposed restaurant in retail space one. An outdoor seating area is proposed in the garden terrace at the southeast corner of the site. The remaining five floors will include 60 residential units ranging from one bedroom units to units with two bedrooms and a den. The second and third floors have 19,080 square feet of residential space while floors four through six have 19,185 square feet.

Parking

Resident parking will be provided by an 84-car underground parking garage. The proposed garage extends underground from below the building to the east property line. Access to the underground parking garage and a loading area is located at the existing Gilbert Avenue curb cut.

The existing Forest Avenue curb cut provides access a proposed at-grade parking lot. The at-grade lot includes 42 parking spaces and will be connected to Commuter Lot D, which is located to the west. As designed, the access point will remove two existing handicap parking spaces in Commuter Lot D. The petitioner will be required to relocate the handicap spaces within Commuter Lot D and ensure that the total number of dedicated commuter parking spaces remains the same. This will result in dedicating commuter spaces in the northwest corner of the proposed 5100 Forest Avenue parking lot.

Engineering / Public Improvements

New water and sanitary sewer services will be installed along Gilbert Avenue. The Downers Grove Sanitary District has provided conceptual approval of the development. Stormwater detention will be provided in underground vaults along the northern property line. The development will be required to meet the Village's Stormwater Management Ordinance.

A ten-foot wide Commonwealth Edison utility easement runs the length of the west property line. Two existing Commonwealth Edison transformers at the southwest corner of the property will remain. The petitioner is proposing to encroach into this easement with residential balconies on floors two through six, access stairs to the parking garage, steps and ramps, stormwater utility structures and a dumpster enclosure. Prior to the issuance of any site development permits, the petitioners shall submit to the Village a written agreement from Commonwealth Edison permitting encroachment into the easement.

Analysis

The proposal complies with the Zoning Ordinance as outlined in the table below:

Zoning Requirements	Required	Provided
East Setback (Forest Ave / Front)	None	49'
South Setback (Gilbert Ave / Front)	None	4'
West Setback (Side)	None	10'
North Setback (Rear)	None	50'
Building Height	70'	70'
Parking for Residential Uses	84	84
Minimum Lot Area	800 sf / dwelling unit	821 sf / dwelling unit

The Future Land Use Plan designates the site as Commercial and identifies the parcel to the west as residential with a density of 25-60 dwelling units per acre. As proposed, the residential component of the proposal is for 53 dwelling units per acre. Staff believes the proposed mixed-use commercial and residential development is consistent with the intent of the Future Land Use Plan. The petitioner is required to provide School and Park District donations as determined by the Subdivision Ordinance.

Staff believes the standards for approval of the Special Uses have been met. The proposed mixed-use development is desirable to provide additional residential and outdoor dining opportunities within the downtown area and will contribute to the welfare of the downtown area. The Special Uses will not be detrimental to the general welfare and will not impair property values. The proposed Special Uses are allowed in the DB district and will comply with the regulations of the DB district as identified in Section 28.610 of the Zoning Ordinance.

Plan Commission

The Plan Commission considered the petition at its August 4, 2008 meeting. During the meeting, several residents and business owners expressed concerns regarding parking and pedestrian movements during and after construction. The Village's Demolition and Construction Site Management Program addresses construction parking as well as maintaining pedestrian access around the site during construction. The Zoning Ordinance does not require parking for commercial uses in the DB district; however, the petitioner is providing 42 at-grade parking spaces for the proposed commercial uses. The Plan Commission did not believe the proposed development would be detrimental to the existing pedestrian connections across Forest and Gilbert Avenues. The Plan Commission found the requests met the standards for approval and recommended unanimous approval of both Special Uses. Staff concurs with the Plan Commission recommendations.

ATTACHMENTS

Ordinances

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** September 2, 2008
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** 23-08
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt “AN ORDINANCE AUTHORIZING SPECIAL USES FOR 5100 FOREST AVENUE TO PERMIT CONSTRUCTION OF A MULTIPLE-FAMILY RESIDENTIAL DWELLING IN THE DOWNTOWN BUSINESS DISTRICT AND PERMIT OUTDOOR SEATING ACCESSORY TO A RESTAURANT”, as presented.

SUMMARY OF ITEM:

At their meeting of August 4, 2008, the Plan Commission recommended that Special Uses be granted on property located at 5100 Forest Avenue to permit construction of a multiple-family residential dwelling in the Downtown Business District and permit outdoor seating accessory to a restaurant.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING SPECIAL USES FOR 5100 FOREST AVENUE
TO PERMIT CONSTRUCTION OF A MULTIPLE-FAMILY RESIDENTIAL
DWELLING IN THE DOWNTOWN BUSINESS DISTRICT
AND PERMIT OUTDOOR SEATING ACCESSORY TO A RESTAURANT**

WHEREAS, the following described property, to wit:

Parcel 1: That part of the Northwest Quarter of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian (being a part of Lot 57 of Assessor's Subdivision of Section 8 aforesaid) described as follows: Commencing at the quarter section stake in the West line of Section 8, aforesaid; thence North on the section line 30 feet; thence East along the North line of Gilbert Avenue, 386.76 feet for a point of beginning; Thence North 258 feet to the South line of railroad land; thence South 56 degrees 15 minutes East along the line of the railroad land, 236 feet to the west line of Foote Street; thence South along the West line of Foote Street, 24.25 feet; thence South 9 degrees 30 minutes West along the West line of Foote Street, 108.25 feet to the North line of Gilbert Avenue; thence West along the North line of Gilbert Avenue, 179.5 feet to the point of beginning, in DuPage County, Illinois. Parcel 2: Part of the Northwest Quarter of Section 8 Township 38 North Range 11 East of the Third Principal Meridian, in DuPage County, Illinois, described as follows: Commencing at the intersection of the North line of Gilbert Avenue in the Village of Downers Grove, Illinois, with the West line of the Northwest Quarter of said Section 8, which point is 30.00 feet distant northerly, as measured at right angles from the center line of Gilbert Avenue; thence South 89 degrees 16 minutes 00 seconds East along the North line of Gilbert Avenue, a distance of 386.76 feet to an iron pipe at the Southwest corner of land now or formerly owned by George and Mabel Staiger; thence North 0 degrees 01 minutes 20 seconds East along the West line of said Staiger property a distance of 258.60 feet to the true point of beginning at an iron pipe at the Northwest corner of the Staiger property which is 54.15 feet distance South 0 degrees 01 minutes 20 seconds West from the center line of the center main track (there being three main line tracks) of the Chicago, Burlington and Quincy Railroad Company; thence from said true point of beginning South 85 degrees 33 minutes 30 seconds East a distance of 185.25 feet to a point that is 62.35 feet distant South 1 degrees 53 minutes 58 seconds West from the center line of the center main line railroad track aforesaid and 14.00 feet distance 89 degrees 14 minutes 20 seconds West from the West line of Forest Avenue (formerly Foote Street) in said Village of Downers Grove; thence South 6 degrees 02 minutes 58 seconds East a distance of 118.03 feet to the Northeast corner of said Staiger property (which is on the West line of said Forest Avenue and is 22.35 feet distant North 0 degrees 45 minutes 40 seconds East from an angle point in said street line); thence North 56 degrees 15 minutes 00 seconds West along the North line of said Staiger property a distance of 237.09 feet to the point of beginning, aforesaid, in DuPage County, Illinois

Commonly known as 5100 Forest Avenue, Downers Grove, IL (PIN 09-08-126-005)

(hereinafter referred to as the "Property") is zoned "*DB, Downtown 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 28-610(d)(1) of the Zoning Ordinance be granted to allow a multi-family residential dwelling in the Downtown Business District; 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 28-610(d)(3) of the Zoning Ordinance be granted to allow outdoor seating accessory to a restaurant; and

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 on August 4, 2008, 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 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 the Special Uses for the Property are hereby granted to permit construction of a multi-family residential dwellings and outdoor seating accessory to a restaurant in the Downtown Business District.

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

1. The Special Uses shall substantially conform to the preliminary architecture plans prepared by Group A Architects, Ltd. dated June 9, 2008; the preliminary engineering plans prepared by Manhard Consulting, Ltd. dated June 6, 2008 and revised on July 18, 2008; the preliminary landscape plans prepared by Wingren Landscape dated April 18, 2008 and revised on May 27, 2008; and the preliminary exterior lighting plan prepared by U.S. Architectural Lighting dated June 4, 2008, except as such plans may be modified to conform to Village Codes and Ordinances.
2. A description of best management practices that are incorporated into the site design and how they will function shall be prepared and submitted. The applicable design criteria such as soil type, vegetation,

and land cover conditions draining to the best management practice along with appropriate calculations shall be included.

3. An easement shall be provided over all stormwater detention facilities and piping. A Plat of Easement shall be prepared and accepted by the Village prior to the issuance of site development permits.
4. The proposed building shall have a manual and automatic detection system installed throughout in a manner acceptable to the Village. All areas of the building shall be protected.
5. The proposed building shall have a complete automatic sprinkler system installed throughout in a manner acceptable to the Village. All areas of the building shall be protected.
6. A minimum 20 foot fire lane shall be provided adjacent to the building. The fire lane locations shall be approved by the Village.
7. The parking garage shall be designed in a manner to support the weight of the Village's emergency vehicles. The deck shall be designed, stamped and sealed by a registered structural engineer.
8. All proposed commercial signage shall comply with the Village's Sign Ordinance.
9. The sale of parking garage spaces shall be limited to resident and commercial tenants of the development only.
10. Prior to the issuance of any building permits, the petitioner shall submit material samples of the proposed exterior building materials and retaining walls for review by the Department of Community Development.
11. Prior to the issuance of any demolition or site development permits, the petitioner shall pay to the Village a total of \$125,768.55 as school and park donations (\$92,981.70 to the Park District, \$23,599.00 to Elementary School District 58, and \$9,187.85 to High School District 99) subject to verification by the Department of Community Development.
12. Prior to the issuance of any demolition or site development permits, the petitioner shall provide the Village with an easement encroachment license from Commonwealth Edison to locate balconies, ramps and steps, dumpster and enclosure, storm sewer structures and other incidental items within the Commonwealth Edison ten-foot utility easement which runs the length of the western property line.
13. Prior to the issuance of any demolition or site development permits, the petitioner shall enter into an agreement with the Village for easement access to Commuter Parking Lot D.
14. Prior to the issuance of any demolition or site development permits, the petitioner shall enter into an agreement with Immanuel Residences for easement access to Commuter Parking Lot D.
15. The Petitioner shall install a sign on the subject property prohibiting left turns onto Forest Avenue between 7:00 a.m. - 9:00 a.m. and 4:00 p.m. and 6:00 p.m..

SECTION 3. The above conditions are hereby made part of the terms under which the Special Uses to construction of a multi-family residential dwellings and outdoor seating accessory to a restaurant in the

Downtown Business District are hereby 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.

Mayor

Passed:

Published:

Attest: _____
Village Clerk