

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
FEBRUARY 3, 2009 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use to allow an Outpatient Eye Clinic in the Downtown Business District	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A Special Use Ordinance has been prepared to permit the construction of a 3,150 square foot outpatient eye clinic in the Downtown Business (DB) zoning district.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2008-2013 identified *Authentic Downtown – The Heart of Our Community*. Supporting these goals are the objectives *Increase Occupied Retail Commercial Business Space* and *Increase Retail Stores*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the January 27, 2009 workshop. Staff recommends approval on the February 3, 2009 active agenda.

BACKGROUND

The petitioner is proposing to construct a 3,150 square foot one-story outpatient eye clinic and retail optical shop at 4958 Forest Avenue. The property is located at the northwest corner of Forest and Warren Avenues and is zoned DB, Downtown Business. In the DB district, outpatient medical offices under 3,000 square feet are permitted uses, but outpatient medical offices over 3,000 square feet require Special Use approval.

The proposed building is located at the southeast corner of the site with a 13-car parking lot located along the north and west property lines. The building is sited immediately adjacent to the east and south property lines as there are no setback requirements in the DB district. The clinic will house eight exam rooms, a surgery room, offices, a retail optical shop and other ancillary spaces. The building will be clad with brick, stone, and cement board siding.

The proposed building adheres to the structural specifications outlined in the Village’s Downtown Pattern Book. The building’s height and massing are similar to the building immediately to the west. The exterior of the building will be constructed with high-quality materials and provides a unique stone entry feature. The awnings, signage and windows on the east and south facades assist in creating a good streetwall along both Forest and Warren Avenues.

The proposal complies with all zoning requirements and is also consistent with the Future Land Use plan to maintain the area for commercial uses. The bulk characteristics of the development are summarized in the table below:

Zoning Requirements	Required	Provided
East Setback (Front)	0'	1'
South Setback (Front)	0'	1'
West Setback (Rear)	0'	63'
North Setback (Side)	0'	26'
Building Height	70'	17'-6"
Parking Spaces	13	13
Open Space (Total)	0 sq. ft.	1,200 sq. ft.

The petitioner is proposing to relocate the existing Warren Avenue curb cut to the east to accommodate the parking lot and improve the Forest Avenue curb cut to provide the proper turning radii. The Forest Avenue drive aisle is proposed as one-way westbound while the Warren Avenue drive aisle is proposed to be a two-way drive aisle. Staff believes this will create an internal traffic conflict at the northwest corner of the property. Staff recommended to the Plan Commission that the petitioner make the site a one-way only configuration going counter-clockwise around the site.

The proposed building will be partially located within the limits of a floodplain and compensatory storage will be required. In October 2008, the petitioner received a stormwater variance allowing for the building floor to be one foot above the base flood elevation and allowing for surface flow depths of 18 inches over the parking lot. The petitioner will be required to comply with the conditions of this variance and the remaining sections of the Village's Stormwater Management Ordinance including the requirements for Best Management Practices.

Staff believes the Special Use standards for approval have been met. The proposed eye clinic and retail optical shop complies with the DB regulations, is a desirable use and will contribute to the general welfare of the community. The development will not be detrimental to the health, safety, morals, general welfare or property values. The requested Special Use is listed as an allowable Special Use in Section 28.610(d) of the Zoning Ordinance.

The Plan Commission considered the petition at their January 5, 2009 meeting. The Plan Commission believes the petitioner's proposed traffic pattern is preferable to staff's recommendation. If staff's recommendation were followed, the Commission stated there is potential for a traffic back-up on Forest Avenue. As part of the Commission's recommended conditions of approval, the petitioner has submitted a revised site plan and auto-turn exhibit which identifies a car completing a three-point turn within the proposed parking lot. The revised plan is attached.

The Plan Commission found that the request met the standards for approval and recommended approval of the Special Use following the petitioner's proposed traffic pattern by a vote of 6:1. Staff concurs with the Plan Commission's recommendation. The dissenting member of the Commission believed that although it was a good development, the staff's traffic flow recommendation should be followed.

ATTACHMENT
Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE
TO PERMIT AN OUTPATIENT EYE CLINIC IN THE DOWNTOWN BUSINESS DISTRICT**

WHEREAS, the following described property, to wit:

Lot 15 and the East 20 feet of the South 67.5 feet of the alley lying West of and adjoining said Lot 15 (as vacated by Order recorded October 16, 1914 as Document 118318) in Block 4 E. H. Prince and Company's Addition to Downers Grove, being a subdivision in Sections 5, 6, 7 and 8, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded September 30, 1890 as Document 43600 in DuPage County, Illinois

Commonly known as 4958 Forest Avenue, Downers Grove, IL (PIN 09-08-115-029)

(hereinafter referred to as the "Property") is presently zoned in the "*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) of the Zoning Ordinance be granted to allow construction of an outpatient eye clinic in the Downtown Business District.

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 on January 5, 2009 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 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 allow construction of an outpatient eye clinic within the Downtown Business zoning district.

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

1. The Special Use shall substantially conform to the architectural plans submitted by David A. Schaefer Architects dated December 3, 2008; and engineering plans submitted by GC Engineering, Inc. dated August 6, 2008 and plotted on December 11, 2008, except as such plans may be modified to conform to Village Codes and Ordinances.
2. The proposed development shall conform to the Village's Stormwater Management Ordinance except for those specific requirements which have been varied through Ordinance No. 5003 dated October 7, 2008.
3. A description of best management practices for stormwater 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.
4. The petitioner shall provide an as-built drawing and storage calculations pertaining to the compensatory storage under the building after the foundation has been poured. No additional construction may take place until the as-built drawing and storage calculations have been approved by Village staff.
5. The proposed building shall have a manual and automatic fire detection system installed throughout in a manner acceptable to the Village. All areas of the building shall be protected.
6. 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.
7. The petitioner shall improve the Forest Avenue curb cut to provide the proper turning radii.
8. The sidewalk on Warren Avenue must be removed and replaced to match the rest of the Downtown Streetscape Program. The drive approaches on both Forest Avenue and Warren Avenue shall be reconstructed to match the Downtown Streetscape Program. Generally, the sidewalks and drive approaches shall be constructed of colored concrete (Harvest Wheat per Village specifications) and have a California finish.
9. Prior to Village Council consideration, the petitioner shall provide an auto-turn exhibit and a revised site plan that identifies 9' by 21' parallel parking spaces, provides an additional striped area at the northwest corner of the parking lot, adjusts the six foot wide curb area adjacent to the proposed building, and relocates the trash enclosure. The auto-turn exhibit shall show a three-point turn being completed within the parking lot.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use to allow an outpatient eye clinic in the Downtown Business zoning district is 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