

VILLAGE OF DOWNERS GROVE  
 REPORT FOR THE VILLAGE COUNCIL MEETING  
 AUGUST 4, 2009 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Extension of Special Uses - 5100 Forest Avenue	✓ Resolution Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

An ordinance has been prepared to grant a two-year extension to Special Use Ordinance No. 4994 to permit:

- Multiple-family residential within the DB Downtown Business zoning district at 5100 Forest Avenue; and
- 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 2008-2013 identified an *Authentic Downtown – The Heart of our Community*. An associated objective is *More People Attracted to Downtown*.

**FISCAL IMPACT**

N/A.

**UPDATE & RECOMMENDATION**

This item was discussed at the July 28, 2009 workshop. Staff recommends approval on the August 4, 2009 active agenda.

**BACKGROUND**

On September 2, 2008, the Village Council approved two Special Uses for the construction of 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. The approved Special Use ordinance allowed: 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.

Section 28.1904 of the Zoning Ordinance identifies specific time limitations with respect to Special Use approvals. Specifically, Special Uses are valid for a period of one year from the date of the adoption of the ordinance unless a construction schedule is submitted to the Village or construction is diligently pursued. Extensions may be granted at the sole discretion of the Village Council for an additional period of one to two years.

On July 10, 2009, the petitioner requested the Village Council grant a two-year extension of each of the Special Uses associated with this development. Due to the limited availability of financing and the slow

down of the residential market, the petitioner is proposing to postpone the start of construction to the spring of 2011.

*Staff Analysis*

Staff recognizes the current economic hardships and the limitations it places on developments of this size. Staff believes the project can be a vital component of a successful downtown in the future. Given the current economic situation and the amount of time necessary to start construction, staff believes a two-year extension to September 2, 2011 is warranted.

**ATTACHMENT**

Ordinance

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** \_\_\_\_\_ **Applicant** \_\_\_\_\_ **DATE:** \_\_\_\_\_ August 4, 2009  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ **FILE REF:** \_\_\_\_\_ PC-23-08  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt “AN ORDINANCE AUTHORIZING THE EXTENSION OF A SPECIAL USE FOR 5100 FOREST AVENUE TO SEPTEMBER 1, 2011”, as presented.

**SUMMARY OF ITEM:**

Adoption of the attached ordinance will authorize an extension of the special use for 5100 Forest Avenue September 1, 2011.

**RECORD OF ACTION TAKEN:**

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE EXTENSION OF A SPECIAL USE FOR  
5100 FOREST AVENUE TO SEPTEMBER 1, 2011**

WHEREAS, on September 2, 2008, the Village of Downers Grove has previously approved Ordinance No. 4994 entitled “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”; and

WHEREAS, pursuant to the Downers Grove Zoning Ordinance, Section 28-1904(b), "Prior to or subsequent to the expiration of the approved time period for construction of a Special Use, or any extension thereof, the petitioner may request in writing that the time for commencement of such construction be extended for a period of one to two years. Such extensions shall be granted at the sole discretion of the Village Council for an additional period or periods of one to two years each"; and

WHEREAS, the owner of the Property has made a timely request for an extension of the improvements authorized under Ordinance No. 4994; and

WHEREAS, the Village Council has considered such request and has determined that it is in the best interest of the Village of Downers Grove to extend the Special Use approval as requested.

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

**SECTION 1.** That the amended Special Use approval as set forth in Ordinance No. 4994, permitting construction fo a multiple-family residential dwelling in the Downtown Business District and permit outdoor seating accessory to a restaurant for 5100 Forest Avenue, is hereby extended to September 1, 2011.

**SECTION 2.** That this ordinance shall be in full force an effect from and after its adoption in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk