

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MARCH 9, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use Amendment for 2125 Ogden Avenue	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared amending the special use for 2125 Ogden Avenue. The special use amendment will extend the timeframe for the submittal of Phase 2 comprehensive redevelopment plans from November 3, 2009 to July 15, 2010.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2014 identified *Strong, Diverse Local Economy*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the March 2, 2010 meeting. During the meeting, members of the Village Council inquired whether the petitioner had submitted stormwater detention plans for the project. The plans for the second phase of the project will include detailed stormwater plans. Use of the existing detention location is likely. Stormwater plans will not be formalized until the submittal this summer.

Staff recommends approval on the March 9, 2010 active agenda.

BACKGROUND

On November 4, 2008, the Village Council approved Special Use Ordinance #5009 to permit Powermart to complete a two-phase comprehensive redevelopment of 2125 Ogden Avenue. The first phase, which was to last one year as an interim step to a comprehensive redevelopment, included cleaning up the site and opening a convenience store with a drive-through window and a car wash. Phase 2 was to include a comprehensive redevelopment of the site to include a car wash, convenience store, fuel sales, and a restaurant. Phase 2 was to be designed to meet the Ogden Avenue Master Plan by providing a more attractive development including new buildings, curb cut closures and additional green space.

Powermart is requesting an amendment to Special Use Ordinance #5009 to extend the required timeframe to submit Phase 2 comprehensive redevelopment plans. The ordinance contained a condition that required Powermart to submit Phase 2 architectural and engineering plans for Plan Commission review within one year (November 3, 2009) from the original ordinance approval and receive Council approval of the Phase 2 comprehensive redevelopment by November 4, 2010. The petitioner requests the submittal date be extended from November 3, 2009 to July 15, 2010. The petitioner noted the request is due to a delay in receiving a No Further Remediation (NFR) letter from the Illinois Environmental Protection Agency (IEPA). Without receiving a NFR for the site, the petitioner is unable to undertake construction on the site which would disturb the soil.

The petitioner provided staff and the Plan Commission with a narrative letter detailing the steps they have already taken and the steps that remain to receive the NFR. The attachments to the narrative letter detail the

access agreement for Exxon Mobil monitoring, the Site Investigation Plan & Budget submitted to the IEPA, and the IEPA letter confirming the proposed remediation for the leaking underground storage tank incident.

The Plan Commission considered the request at their January 4, 2010 and February 1, 2010 meetings and recommended approval of the timeframe extension to July 15, 2010 by a vote of 8:0. The Plan Commission recommended the Village Council maintain the original Council approval date of November 4, 2010. The petitioner did not object. Staff concurs with the Plan Commission's recommendation.

ATTACHMENT

Ordinance

**VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY**

INITIATED: Applicant **DATE:** March 9, 2010
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** PC-28-09
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AUTHORIZING AN EXTENSION FOR SUBMITTAL OF PHASE 2 COMPREHENSIVE REDEVELOPMENT PLANS FOR 2125 OGDEN AVENUE TO JULY 15, 2010", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance will authorize an extension for submittal of Phase 2 Comprehensive Development Plans for 2125 Ogden Avenue to July 15, 2010.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING AN EXTENSION FOR SUBMITTAL OF PHASE 2
COMPREHENSIVE REDEVELOPMENT PLANS FOR
2125 OGDEN AVENUE TO JULY 15, 2010**

WHEREAS, on November 4, 2008, the Village of Downers Grove has previously approved Ordinance No. 5009 entitled “An Ordinance Authorizing Special Uses for 2125 Ogden Avenue to Permit a Convenience Store with Drive-Through and Car Wash”; 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 for submittal of Phase 2 Comprehensive Redevelopment Plans authorized under Ordinance No. 5009; 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 submittal of Phase 2 Comprehensive Redevelopment Plans for the Special Use to July 15, 2010, as requested.

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

SECTION 1. That Section 2(2), as set forth in Ordinance No. 5009 for 2125 Ogden Avenue, shall be amended to extend the submittal of Phase 2 Comprehensive Redevelopment Plans to July 15, 2010.

SECTION 2. That all other provisions set forth in Ordinance No. 5009 shall remain in full force and effect.

SECTION 3. 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