

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
DECEMBER 7, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use to permit a private for-profit university in the Office, Research and Manufacturing (ORM) district	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A special use ordinance has been prepared to permit a private for-profit university at 1431 Opus Place in the Office, Research and Manufacturing (ORM) zoning district.

STRATEGIC PLAN ALIGNMENT

The Goals 2014 identified *Vibrant Major Corridors*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the November 16, 2010 Council meeting. Staff recommends approval on the December 7, 2010 active agenda.

BACKGROUND

The petitioner is requesting a special use to permit Strayer University, a private for-profit university, to locate up to eleven classrooms with additional staff and administrative offices at 1431 Opus Place. The property, located approximately 275 feet east of the intersection of Opus Place and Finley Road, is zoned ORM, Office, Research and Manufacturing. Overall, the six-story building is 203,000 square feet in size. The petitioner is proposing to lease approximately 21,000 square feet of the third floor to create a branch campus of Strayer University.

Strayer University provides both on-line and on-site learning opportunities. Approximately 60% of Strayer students are on-line students and would not use this site. At maturity, approximately 200 students and 15 staff would use the 1431 Opus Place facility. The petitioner has further clarified that classes are primarily held in the evenings beginning at 5:30 pm and all students would leave the building by 10:30 pm.

The on-site parking garage provides approximately 700 parking spaces. Based on Strayer’s on-line learning opportunities, staff believes the proposed branch campus will function like an office. The off-hours use of the branch campus will ensure that there is not a parking shortage.

The Plan Commission considered the petition at its November 1, 2010 meeting. The Plan Commission expressed concern regarding security for students leaving the building after the end of classes and the type

of classes that Strayer would offer on-site. After the Plan Commission meeting, the petitioner confirmed with Strayer that classes will be ending no later than 10:00 pm with students generally leaving no later than 10:30 pm. The building's security guard is on-site until 11:00 pm. Staff believes the petitioner will be providing sufficient security. The petitioner and Strayer also clarified that State of Illinois approvals will determine the specific curriculum that can be offered at this site. Strayer typically offers classes in accounting, business, criminal justice, health services administration, information systems, and public administration. Degree types can include certificate, associate, undergraduate and master programs.

The Plan Commission found the proposal meets the standards of approval for a special use. The use is desirable, will not be detrimental to the health, welfare, or property values in the vicinity, will comply with the regulations of the ORM zoning district and is listed as an allowable special use in the ORM zoning district. Based on its analysis, the Plan Commission recommended approval of the special use by a vote of 5:0. Staff concurs with the Plan Commission's recommendation.

ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated November 1, 2010

Minutes of the Plan Commission Hearing dated November 1, 2010

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE
TO PERMIT A PRIVATE, FOR-PROFIT UNIVERSITY
IN AN OFFICE RESEARCH AND MANUFACTURING ZONING DISTRICT**

WHEREAS, the following described property, to wit:

Lot two in Opus West, being a resubdivision of part of east-west center, being a subdivision in part of the north half of the northeast quarter of Section Thirty-One, Township Thirty-Nine North, Range Eleven, east of the Third Principal Meridian, according to the plat of said Opus West recorded July 21, 1983 as Document No. R83-47937, in DuPage County, Illinois

Commonly known as 1431 Opus Place, Downers Grove, IL (PIN 06-31-200-038).

(hereinafter referred to as the "Property") is presently zoned in the "*ORM, Office Research and Manufacturing 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 28.802 of the Zoning Ordinance be granted to permit a private, for-profit university in the Office Research and Manufacturing zoning 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 November 1, 2010 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 permit a private, for-profit university in the Office Research and Manufacturing zoning district.

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

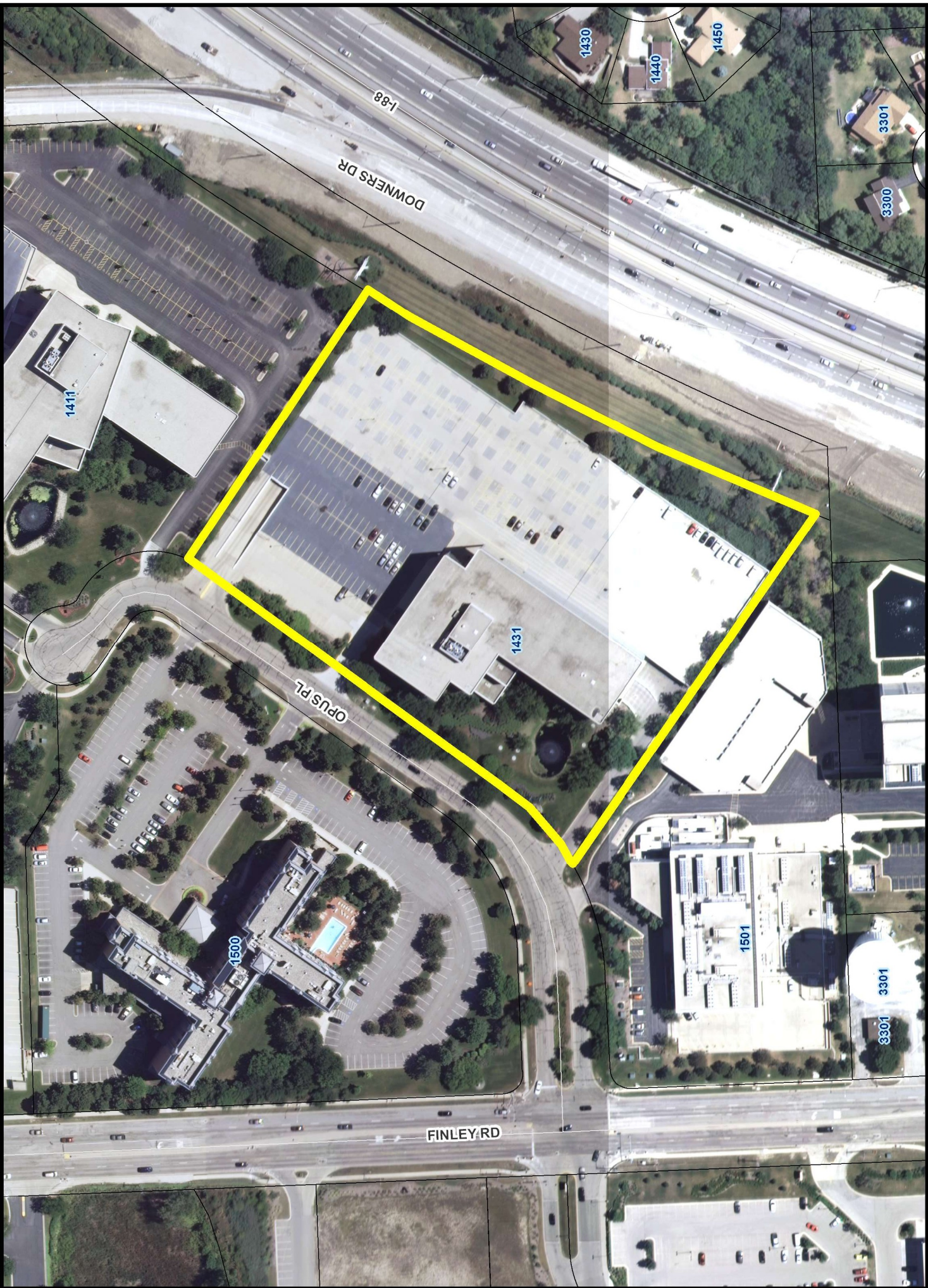
Mayor

Passed:

Published:

Attest: _____

Village Clerk



1431 Opus Place Location Map



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
NOVEMBER 1, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-14-10 1431 Opus Place	Special Use to permit a private for-profit university within the ORM zoning district	Stan Popovich, AICP Planner

REQUEST

The petitioner is requesting approval of a Special Use to permit a private for-profit university within the ORM zoning district at 1431 Opus Place.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Duke Realty Limited Partnership
6133 N. River Road, Suite 200
Rosemont, IL 60018

APPLICANT: Joshua I. Robbins
Duke Realty Limited Partnership
6133 N. River Road, Suite 200
Rosemont, IL 60018

PROPERTY INFORMATION

EXISTING ZONING: ORM, Office Research and Manufacturing
EXISTING LAND USE: Office
PROPERTY SIZE: 269,157 square feet (6.179 acres)
PIN: 06-31-200-038

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
North:	ORM, Office Research and Manufacturing	Office Research and Manufacturing
South:	ORM, Office Research and Manufacturing	Office Research and Manufacturing
East:	M2, Restricted Manufacturing	Office Research and Manufacturing
West:	ORM, Office Research and Manufacturing	Office Research and Manufacturing

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Summary
3. Plat of Survey
4. Floor Plan

PROJECT DESCRIPTION

The petitioner is requesting a Special Use to permit Strayer University, a private for-profit university, to locate classrooms and staff offices at 1431 Opus Place. The property is located on the east side of Opus Place, approximately 275 feet east of the intersection of Opus Place and Finley Road. The property is zoned ORM, Office Research and Manufacturing. A school is an allowable special use in the ORM zoning district.

The petitioner is proposing to lease approximately 21,000 square feet of the third floor to Strayer University. The six-story building is 203,000 square feet in size. At this time, Strayer University has not finalized their floor plan but anticipates providing ten or eleven classrooms with additional offices for staff and administrative personnel.

Strayer University provides both on-line and on-site learning opportunities. Approximately 60% of Strayer students are on-line students and would not use this site. Based on this ratio, Strayer anticipates an on-site population of between 80 and 100 students within 12- to 24-months of the start of operations. At maturity, approximately 200 students and 15 staff would use the 1431 Opus Place facility. Classes are primarily held in the evenings between 5:30 pm and 11:00 pm.

The on-site parking garage provides approximately 700 parking spaces. Based on the existing offices using the garage primarily during the morning and afternoon and Strayer using the garage primarily in the evenings, the parking garage provides sufficient parking for both users.

COMPLIANCE WITH FUTURE LAND USE PLAN

The Future Land Use Plan designates the site as Office, Research and Manufacturing. Staff believes the proposed university will not impact the land use characteristics of the area. As such, staff believes the proposal is consistent with the Future Land Use Plan.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned ORM, Office Research and Manufacturing. The proposed private for-profit school is an allowable special use in the ORM zoning district. There are no proposed exterior modifications which would alter the existing building setbacks or other bulk zoning standards. Staff believes the proposal is consistent with the Zoning Ordinance.

ENGINEERING/PUBLIC IMPROVEMENTS

There are no engineering or public improvements proposed by this petition.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division of the Fire Department has reviewed the proposed plans and has not noted any life safety concerns with the proposed use.

NEIGHBORHOOD COMMENT

At this time, staff has not received any written neighborhood comment regarding the petition.

FINDINGS OF FACT

Staff believes the standards for a Special Use, as shown below, have been met. The proposed university is a desirable use to provide a service to the community. The use 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 in the vicinity. The proposed development complies with the regulations of the ORM zoning district. The requested Special Use is listed as an allowable Special Uses in Section 28.802(h) of the Zoning Ordinance.

Section 28.1902 Standards for Approval of Special Uses

The Village Council may authorize a special use by ordinance provided that the proposed Special Use is consistent and in substantial compliance with all Village Council policies and land use plans, including but not limited to the Comprehensive Plan, the Future Land Use Plan and Master Plans and the evidence presented is such as to establish the following:

- (a) That 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.*
- (b) That such 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.*
- (c) That 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 or will comply with any variation(s) authorized pursuant to Section 28-1802.*
- (d) That it is one of the special uses specifically listed for the district in which it is to be located.*

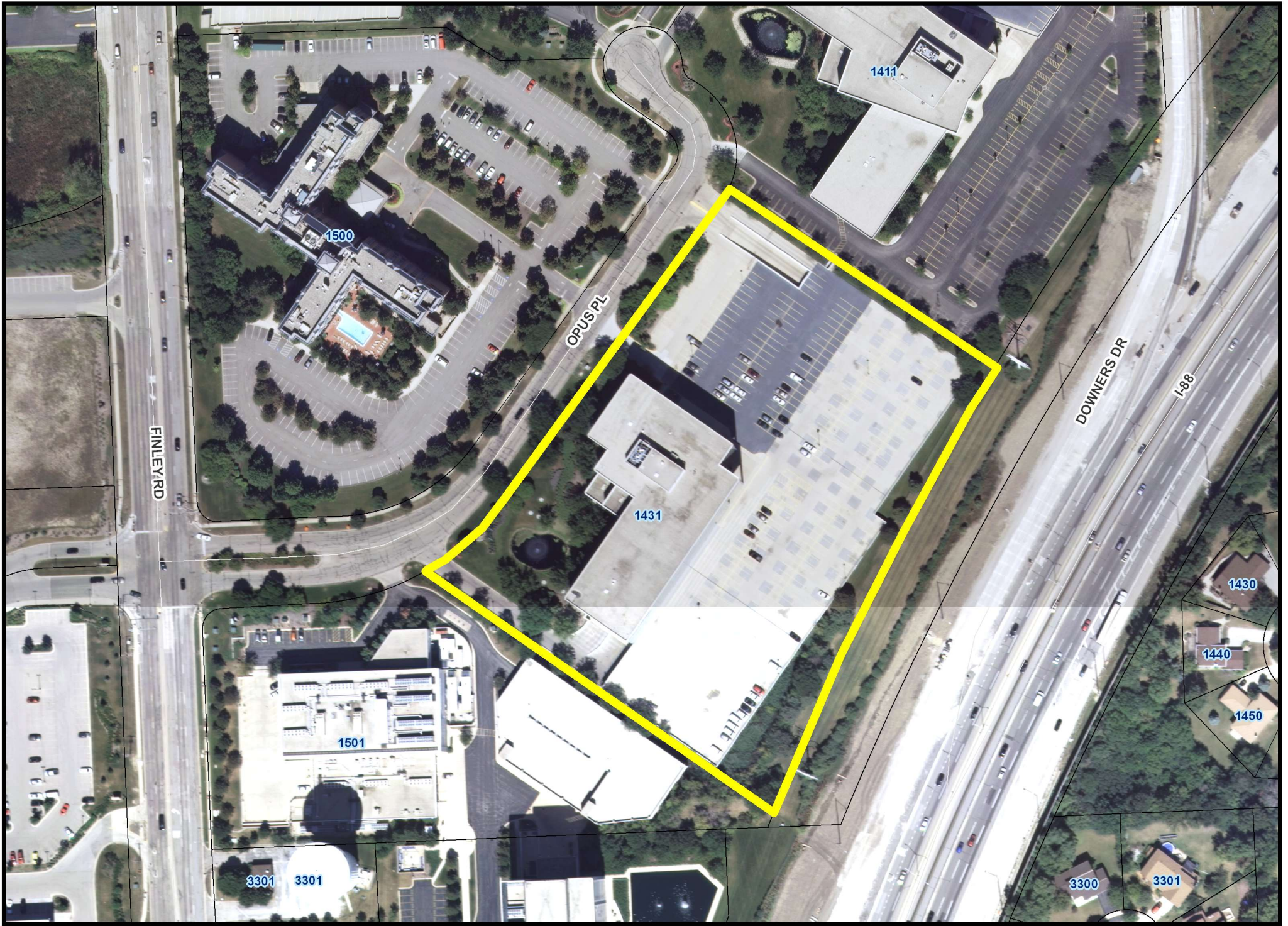
RECOMMENDATIONS

The proposed Special Use is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:sjp
-att



0 100 200 300 Feet

1431 Opus Place Location Map





6133 N. River Road Suite 200
Rosemont, Illinois 60018
(847) 232-5400

September 15th, 2010

Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

RE: Special Permit – Project Summary

To Whomever it may concern:

Strayer University is a private for-profit educational institution. Based out of Virginia, they are currently in 17 states with over 80 campuses. The Strayer university campuses are owned by Strayer Education, Inc., a publicly traded corporation (NASDAQ: STRA). They currently have an enrollment of 54,000 students and expanding throughout the country.

The special use permit, if granted, will be a desirable use to the community in that it provides a requested community service and will contribute in a positive fashion to the general welfare of the community. The proposed use will not in any other respect impair the health, safety, comfort, morals or welfare of the Village of Downers Grove. The proposed use is listed as a permitted special use within the zoning district.

Duke Realty Corporation owns and manages a nationwide portfolio of office buildings. Strayer University has multiple locations within Duke's portfolio. In summary, the proposed use provides a positive and desirable use for the village, and it has not adverse effects on the neighboring properties or community.

Sincerely,

Joshua I. Robbins

Senior Leasing Representative

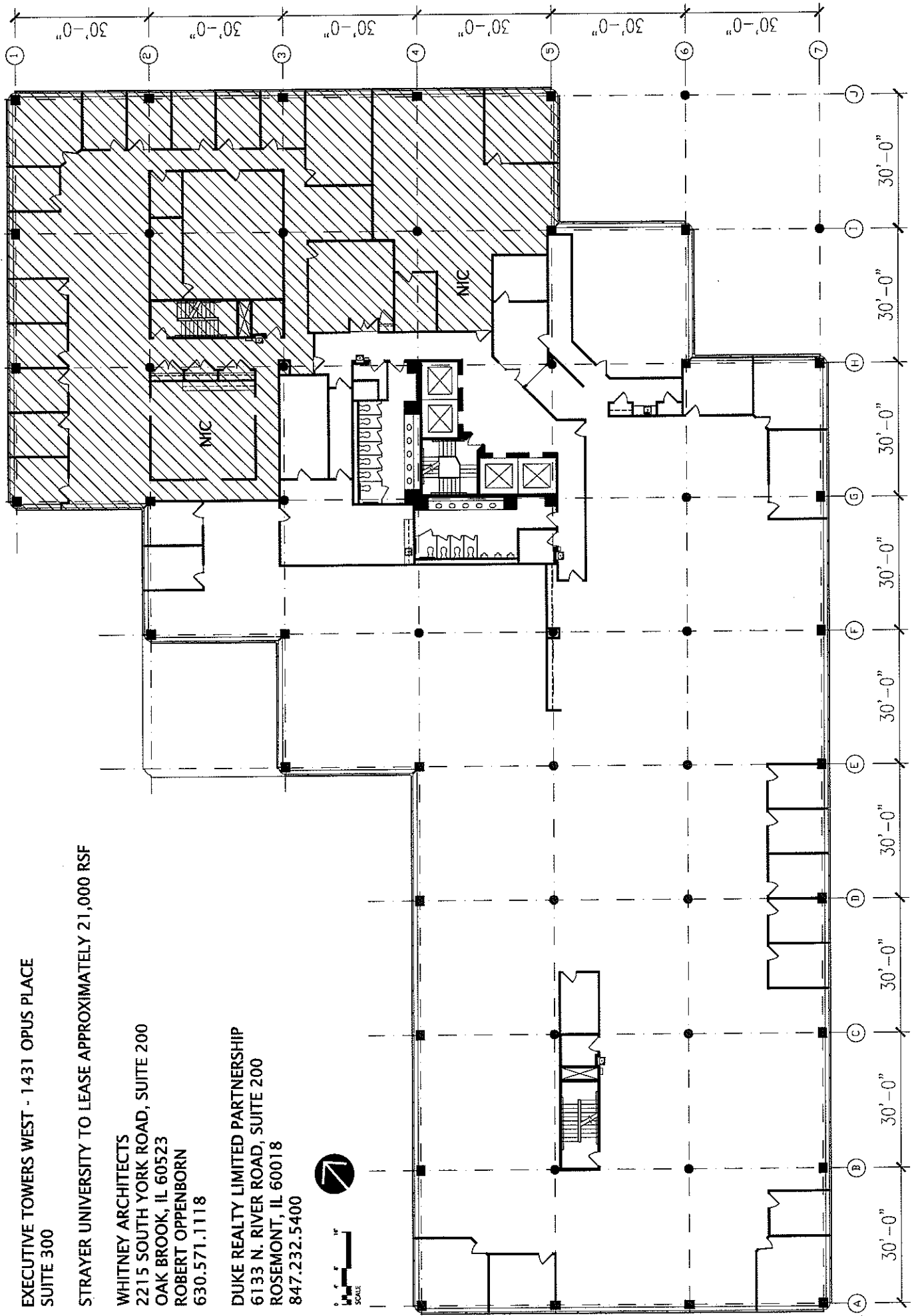
Duke Realty Corporation

EXECUTIVE TOWERS WEST - 1431 OPUS PLACE
SUITE 300

STRAYER UNIVERSITY TO LEASE APPROXIMATELY 21,000 RSF

WHITNEY ARCHITECTS
2215 SOUTH YORK ROAD, SUITE 200
OAK BROOK, IL 60523
ROBERT OPPENBORN
630.571.1118

DUKE REALTY LIMITED PARTNERSHIP
6133 N. RIVER ROAD, SUITE 200
ROSEMONT, IL 60018
847.232.5400



DRAFT

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

NOVEMBER 1, 2010, 7:00 P.M.

Vice Chairman Webster called the November 1, 2010 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Mr. Beggs, Mr. Matejczyk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

ABSENT: Chairman Jirik, Mr. Cozzo, Mrs. Hamernik, Mr. Quirk

STAFF PRESENT: Village Planning Manager Jeff O'Brien; Planners Stan Popovich and Damir Latinovic

VISITORS: Mr. Michael McClement, 6092 Chase, Downers Grove; Mr. Joshua Robbins, Duke Realty Corp., 6133 N. River Road, Rosemont, IL; Ms. Marge Earl, 4720 Florence Ave., Downers Grove; Mr. Pete Boroumand, 1906 Concord Drive, Downers Grove

Vice Chairman Webster led the Plan Commissioners in the recital of the Pledge of Allegiance. An explanation of the meeting's protocol followed.

OCTOBER 4, 2010 MEETING MINUTES - MR. MATEJCZYK MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MRS. RABATAH. MOTION CARRIED BY VOICE VOTE OF 5-0.

Vice Chairman Webster swore in those individuals who would be speaking on File PC-14-10.

PC-14-10 A petition seeking a Special Use permit a private for-profit educational institution in the ORM zoning district for the property located on the east side of Opus Place, approximately 275 east of the intersection of Opus Place and Finley Road, commonly known as 1431 Opus Place, Downers Grove, Illinois (PIN #06-31-200-038); Joshua I. Robbins, Duke Realty, Petitioner; Duke Realty Limited Partnership, Owner.

Mr. Stan Popovich, Planner for the Village of Downers Grove, discussed that the petitioner is requesting a Special Use to permit a for-profit university to locate its offices, classrooms and staff offices to 1431 Opus Place, which is located in the Office, Research and Manufacturing (ORM) zoning district. The property sits east of the Opus Place and Finley Road intersection. The use is an allowable special use under the ORM zoning district.

The petitioner plans to lease approximately 21,000 square feet of the third floor to Strayer University (the "University"), a private university that provides on-site and on-line learning. While the entire building is approximately 203,000 square feet in size, only 10% will be leased to the University. While floor plans have not been finalized, the University is anticipating about ten to eleven classrooms with additional offices for staff and administrative personnel.

DRAFT

About 60% of the University's students are on-line students and would not use the facility; therefore, the University expects the on-site population to be between 80 and 100 students within the first 12- to 24-months of operation with 200 students at maturity. Approximately 15 staff will be on-site. It is expected that the existing tenants, primarily offices, will be using the parking garage during normal business hours, while the on-site students will be arriving for classes after 5:30 p.m. As a result, the 700 parking spaces located in a garage to the east of the main building will be sufficient for all building tenants.

Staff believes the proposal is consistent with the Future Land Use Plan since the Plan designates the site as Office, Research and Manufacturing and the proposal is consistent with the Village's Zoning Ordinance. No neighborhood comments have been received. The Village's Fire Prevention division reviewed the proposal and had no concerns.

Lastly, staff believes the Standards for Special Use have been met and believes the University is a desirable use and will contribute to the general welfare of the community and not be detrimental to the health, safety, morals, general welfare or property values of the community. The proposal complies with the regulations of the ORM zoning district. Staff recommends forwarding a positive recommendation to the Village Council.

Questions/concerns followed as to future expansion of the University, the types of classes being offered, whether laboratories will be created or not, and what the occupancy rate was in the current parking garage since the parking was to be shared. Staff was not sure of the exact occupancy rate but envisioned that the office staff would be leaving at about the same time the students were arriving and believed the parking was acceptable due to the overall square footage of the building and the number of parking spaces provided. If the University decided to create any labs, staff stated the petitioner would have to return to the Village and apply for a building permit to create laboratories.

Petitioner, Mr. Josh Robbins, Senior Leasing Representative with Duke Realty Corporation, stated he is responsible for leasing the three buildings on the site. As for the parking, he and staff were comfortable because not all classes would start at 5:30 p.m. The parking is exclusive to the building currently with approximately 80% occupancy. He also explained how vehicles could exit the site. No future labs were planned. Mr. Robbins confirmed if there were, the petitioner would not only have to return to the Village for approval, but also receive approval by his firm. He confirmed the University was a branch office with a number of schools in other states.

Mr. Robbins did not know the curriculum that would be offered but offered to get the information. Mr. Robbins confirmed that notifications were sent out but he did not personally call neighboring properties. Per a question, a security guard is on site Monday through Friday, 8:00 am. to 11:00 p.m. and from 8:00 a.m. to 3:00 p.m. on Saturdays. Current tenants appeared to hold normal business hours. A concern was raised that the security guard was scheduled to leave simultaneously with the students and would not be present for stragglers. Other shared the same concern. Mr. Robbins offered to share the concerns with the University.

Vice Chairman Webster opened up the meeting to public comment. No comments followed. Public comment was closed by the Vice Chairman. The petitioner had no closing statement.

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A question followed on one of the Standards for Approval of Special Uses as it pertains to this petition.

WITH RESPECT TO FILE PC-14-10, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL WITH THE STIPULATION THAT ADEQUATE SECURITY BE PROVIDED FOR THE STUDENTS LEAVING THE BUILDING.

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

**AYE: MR. BEGGS, MR. MATEJCZYK, MRS. RABATAH, MR. WAECHTLER,
MR. WEBSTER**

NAY: NONE

MOTION CARRIED. VOTE: 5-0