

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
NOVEMBER 1, 2011 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Final Plat of Subdivision - 7221-7241 Lemont Road	✓ Resolution Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A resolution for a Final Plat of Subdivision has been prepared to subdivide an existing lot into two lots for the property located at 7221-7241 Lemont Road.

STRATEGIC PLAN ALIGNMENT

The Goals for 2011 to 2018 include *Strong, Diverse Local Economy*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the November 8, 2011 active agenda

BACKGROUND

The property, commonly known as 7221-7241 Lemont Road is zoned B-2 General Retail Business and Planned Development #18. The 21-acre lot is part of the Downers Park Plaza shopping center and is improved with approximately 132,000-sq. ft. building, adjacent parking lot and two stormwater detention areas.

The petitioner is requesting approval of the Final Plat of Subdivision to divide the existing lot into a north lot and a south lot. The north lot would contain the existing Walgreens building, the vacant grocery store building and the adjacent parking lot. The south lot would contain the remainder of the building, the parking lot adjacent to that portion of the building and the two stormwater detention areas. The petitioner is requesting approval of the subdivision to sell the vacant grocery store building.

The petitioner has not requested any exceptions from the Subdivision Ordinance. The two proposed lots will meet the minimum lot dimension requirements for the B-2 zoning district and per Section 20.301 (f) of the Subdivision Ordinance. The lot dimensions are specified in the table below:

7221-7241 Lemont Rd	Lot Width		Lot Depth		Frontage		Lot Area	
	Required	Proposed	Required	Proposed	Required	Proposed	Required	Proposed
Lot 1 – North Lot	N/A	592 feet	140 feet	410 feet	50 feet	665 feet	N/A	5.7 acres
Lot 2 – South Lot	N/A	500 feet	140 feet	1200 feet	50 feet	833 feet	N/A	15 acres

All existing infrastructure is in place and no new public improvements are required. The petitioner is not required to provide any new easements on the property. An agreement for cross access, parking, maintenance and stormwater detention will be executed between the owners of lots one and two.

The Plan Commission considered the petition at their October 3, 2011 meeting. No public comments were received at the hearing. The Plan Commission found that the request met the standards for the B-2 district and Planned Development #18. The lot conforms to the standards listed in Section 20.301(f) of the Subdivision Ordinance. Based on their findings, the Plan Commission recommended unanimous approval of the Final Plat of Subdivision. Staff concurs.

ATTACHMENTS

Aerial Map

Resolution

Staff Report with attachments dated October 3, 2011

Minutes of the Plan Commission Hearing dated October 3, 2011

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION
FOR 7221-7241 LEMONT ROAD**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for the approval of the Final Plat of Subdivision to subdivide an existing lot into two lots for the Kimco Realty's Resubdivision of Lot 2, located at the northeast corner of Lemont Road and 75th Street, commonly known as 7221-7241 Lemont Road, Downers Grove, Illinois, legally described as follows:

Parcel 1:

Lots 1, 2, 6S, 6N and 7 in Downers Park being a resubdivision of Pine Hills Unit Numbers 1 and 2, both being subdivisions in the Northwest ¼ of Section 29, Township 38 North, Range 11 East of the Third Principal Meridian, according to the Final Plat of Subdivision of Downers Park, and Easement Parcel 2: Easements for use of common areas, for maintaining common foundations, for utility facilities, for construction, for passage and parking of vehicles, for ingress and egress, and all other easements appurtenant for the benefit of Parcel 1, as created by a certain Construction, Operational and Reciprocal Easement Agreement dated November 14, 1977 between DGS Associates and the May Department Stores Company, a New York corporation, recorded on November 3, 1978 as Document No. R78-106161 in the Recorder's Office of DuPage County, Illinois, and as created by a certain Declaration of Easements and Protective Covenants executed by said parties, dated November 14, 1977 and recorded on November 3, 1978 in DuPage County Illinois, as Document No. R78-106162, as both instruments were amended by instrument dated November 14, 1977 and recorded on November 3, 1978 in DuPage County, Illinois as Document No. R78-106163, in, over, upon, under and through Lots 5 and 8 in Downers Park aforesaid; and Parcel 1: Lot 5 and 8 in Downers Park, being a subdivision in the southwest quarter of the northwest quarter of Section 29, Township 38 North, Range 11, east of the Third Principal Meridian, according to the plat of subdivision recorded as Document Number R79-083345 in DuPage County, Illinois.

Parcel 2:

Together with the easement benefit for ingress, egress and parking, as granted in the construction operation, and reciprocal easement agreement dated November 4, 1977 and recorded November 3, 1978 as Document Number R78-106161, and as further referenced in the Declaration of Easements and Protective Covenants recorded as Document Number R78-106162, and as amended by, Amendment to Construction, Operation, and Reciprocal Easement Agreement and Amendment to Declaration of Easements and Protective Covenants, recorded as Document Number R78-106163.

Commonly known as 7221-7241 Lemont Road, Downers Grove, IL 60516 (PIN #'s: 09-29-110-001, -002, -003, -004, 005, -006, -007)

WHEREAS, notice has been given and hearing held on October 3, 2011 regarding this plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended approval of the Final Plat of Subdivision for the Kimco Realty's Resubdivision of Lot 2, located at 7221-7241 Lemont Road, as requested, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Final Plat of Subdivision for the Kimco Realty's Resubdivision of Lot 2, located at 7221-7241 Lemont

Road, be and is hereby approved subject to the following condition:

1. The final plat of subdivision shall substantially conform to the Kimco Realty's Resubdivision of Lot 2 plat prepared by Webster, McGrath & Ahlberg Ltd. dated August 30, 2011 except as such plat may be modified to conform to the Village Codes and Ordinances.
2. The IDOT certificate must be included on the final plat of subdivision.
3. The School District certificate currently references School District #200. This shall be modified to School Districts #58 and #99.
4. At the time of building permit review for the interior renovation for the new tenant at 7241 Lemont Road, the building shall be modified to have a separate fire alarm and sprinkler systems on each side of the new property line and shared party wall.
5. At the time of building permit review for the interior renovation for the new tenant at 7241 Lemont Road, the shared party wall where the new property line falls shall be modified to comply with *Section 705 Fire Walls* of the 2006 International Building Code. The fire wall shall have a fire-resistance rating of 3 hours and must have sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall for the duration of the time required by the fire-resistance rating.
6. At the time of building permit review for the interior renovation for the new tenant at 7241 Lemont Road, per the Section 25.14 of the Municipal Code, separate water service and fire service are required for each building separated by the new lot line.

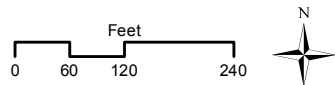
BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the final plat.

BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect from and after its adoption in the manner provided by law.

Mayor

Passed:

Attest: _____
Village Clerk



P:\P&CD\PROJECTS\PLAN COMMISSION\2011 PC Petition Files\PC-35-11 7221-7241 Lemont Rd - Final Plat of Subdivision\Maps



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
OCTOBER 3, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-35-11 7221-7241 Lemont Road	Final Plat of Subdivision	Damir Latinovic, AICP Planner

REQUEST

The petitioner is requesting approval of a final plat of subdivision to consolidate three lots into two lots.

NOTICE

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

GENERAL INFORMATION

OWNER: Kimco North Trust II
10600 W. Higgins Road, Suite 408
Rosemont, IL 60018

APPLICANT: Kimco Realty Corporation
10600 W. Higgins Road, Suite 408
Rosemont, IL 60018

PROPERTY INFORMATION

EXISTING ZONING: B-2, General Retail Business and Planned Development #18
EXISTING LAND USE: Commercial
PROPERTY SIZE: 21.02 acres
PINS: 09-29-110-007

SURROUNDING ZONING AND LAND USES

ZONING

NORTH: R-5A Townhouse Residence
SOUTH: B-2 General Retail Business & PD #18
EAST: B-2, General Retail Business & PD #18,
R-1 & R-3 Single Family Residence
WEST: B-2, General Retail Business & PD #18,
R-5A Townhouse Residence

FUTURE LAND USE

Residential (6-11 D.U./acre)
Commercial
Commercial and
Residential (0-6 D.U./acre)
Commercial and
Residential (6-11 D.U./acre)

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 Narrative
3. Plat of Survey
4. Plat of Subdivision

PROJECT DESCRIPTION

The petitioner is requesting approval of a final plat of subdivision to subdivide an existing lot into two new lots. The property is part of Downers Park Plaza shopping center zoned B-2 General Retail Business and Planned Development #18. The subject lot is approximately 21.02 acres in area and is improved with approximately 132,000-sq. ft. building, adjacent parking lot and two stormwater detention areas.

The petitioner is proposing to divide the property into a north and south lot. The north lot would contain the existing Walgreens building, the vacant grocery store building and adjacent parking lot. The south lot would contain the remainder of the building, the parking lot adjacent to that portion of the building and the two stormwater detention areas. An existing easement for cross access, parking, maintenance and stormwater detention for the entire shopping center will remain in effect. The petitioner is requesting approval of the subdivision to subdivide the property and sell the north lot.

COMPLIANCE WITH FUTURE LAND USE PLAN

According to the Future Land Use Plan, the subject property is designated for commercial use. By subdividing the existing lot into two new lots, the petitioner will be able to sell the north lot which will be used for commercial use. Staff believes the proposed final plat of subdivision is consistent with the Future Land Use Plan and Village planning documents.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned B-2 General Retail Business and is part of Planned Development #18. The existing commercial use is a permitted use in the district. If the subdivision is approved, the property owner will be able to sell the north lot as a separate property which will be used for commercial use. All new construction or renovation of the existing building will be required to meet all Zoning Ordinance bulk and setback requirements.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The two proposed lots will meet the minimum lot dimension requirements for the B-2 zoning district and per Section 20.301 of the Subdivision Ordinance. The lot dimensions are specified in the table below:

7221-7241 Lemont Rd	Lot Width		Lot Depth		Frontage		Lot Area	
	Required	Proposed	Required	Proposed	Required	Proposed	Required	Proposed
Lot 1 – North Lot	N/A	592 feet	140 feet	410 feet	50 feet	665 feet	N/A	5.7 acres
Lot 2 – South Lot	N/A	500 feet	140 feet	1200 feet	50 feet	833 feet	N/A	15 acres

The petitioner has not requested any exceptions from the Subdivision Ordinance. All existing infrastructure is in place and no new public improvements are required. The petitioner is not required to provide any new easements on the property.

NEIGHBORHOOD COMMENT

Staff has not received any written neighborhood comment regarding the proposal at this time.

FINDINGS OF FACT

The new lot meets the standards for the B-2 zoning district and provision required by the Section 20.301 of the Subdivision Ordinance. Staff believes the proposed Final Plat of Subdivision to subdivide the existing lot into two lots is consistent with the Zoning and Subdivision ordinances and other planning objectives of the Village.

RECOMMENDATIONS

The proposed final plat of subdivision is compatible with the surrounding zoning and land use classifications. Based on the findings listed above, staff recommends that the Plan Commission make a motion recommending approval of a final plat of subdivision associated with PC-35-11 to the Village Council subject to the conditions below:

1. The final plat of subdivision shall substantially conform to the Kimco Realty's Resubdivision of Lot 2 plat prepared by Webster, McGrath & Ahlberg Ltd. dated August 30, 2011 except as such plat may be modified to conform to the Village Codes and Ordinances.
2. The IDOT certificate must be included on the final plat of subdivision.
3. The School District certificate currently references School District #200. This shall be modified to School Districts #58 and #99.
4. At the time of building permit review for the interior renovation for the new tenant, the building shall be modified to have a separate fire alarm and sprinkler systems on each side of the new property line and shared party wall.
5. At the time of building permit review for the interior renovation for the new tenant, the shared party wall where the new property line falls shall be modified to comply with *Section 705 Fire Walls* of the 2006 International Building Code. The fire wall shall have a fire-resistance rating of 3 hours and must have sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall for the duration of the time required by the fire-resistance rating.
6. At the time of building permit review for the interior renovation for the new tenant, per the Section 25.14 of the Municipal Code, separate water service and fire service are required for each building separated by the new lot line.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:dl
-att



A horizontal number line is shown with tick marks at 0, 60, 120, and 240. The word "Feet" is written above the line between 60 and 120.



7221-7241 Lemont Road



Project Summary

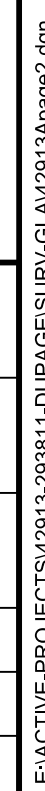
Downers Park Plaza shopping center is located at the northeast corner of Lemont Road and 75th Street. The property consists of two main building tracts and several out-lot buildings along the perimeter of the property along Lemont Road.

The main building on the north end of the shopping center is a multi-tenant building anchored by a grocery store and drug store tenants. The physical lay-out and orientation of this portion of the property has no exposure to consumer traffic on the primary 75th Street artery. The grocery anchor use is the best use to generate traffic to support the tenants in the north building.

We are negotiating with a regional grocery operator to replace the current tenant of the grocery store. This new operator will only consider opening in this location if they can purchase the grocery store and drug store building plus the adjacent common area. The Plat of Subdivision is submitted as part of this action.

Kimco has agreed to enter into an Operating and Easement Agreement (OEA) with the buyer that will provide for cross access and mutual maintenance responsibility and standards for the common areas. The property will continue to function as one shopping center consistent with a first class property.

The proposed subdivision will not create any hardship on the surrounding area or result in any physical changes to the property other than proposed exterior renovations to the grocery storefront which will be submitted for approval by the new operator.

[illegible]

LEGEND

⊙	SWITCH HANDLE	⊞	WASHER
⊙	SWITCHY CLEANOUT	⊞	DOWNPOUT
⊙	STORM MANHOLE	⊞	LIGHT POLE
○	STORM CATCH BASIN	⊞	OVERHEAD LIGHT POLE
○	STORM INLET	⊞	ELECTRIC MANHOLE
⊙	STORM CLEANOUT	⊞	TRAFFIC SIGNAL POLE
⊞	FLAMED END SECTION	⊞	TRAFFIC CONTROL BOX
⊞	TRANSFORMER	⊞	RAILROAD SIGNAL VAULT
⊞	ELECTRICAL BOX	⊞	RAILROAD SIGNAL POLE
⊞	TRANS. T.V. BOX	⊞	RAILROAD SIGNAL VAULT
⊞	TELEPHONE BOX	⊞	UTILITY POLE
⊞	TRAFFIC CONTROL BOX	⊞	OVERHEAD WIRE
⊞	ELECTRIC MANHOLE	⊞	UNDERGROUND ELECTRIC
⊞	COMMUNICATION MANHOLE	⊞	UNDERGROUND GAS
⊞	ELECTRIC MANHOLE	⊞	UNDERGROUND TELEPHONE
⊞	ELECTRIC METER	⊞	UNDERGROUND CABLE T.V.
⊞	GAS METER	⊞	WATER MAIN
⊞	GAS VALVE	⊞	SEWER SHED
⊞	SEWER SHED	⊞	STORM TROUGH
⊞	WATER VALVE	⊞	SEWAGE LINE
⊞	WATER VAULT	⊞	GROUND RAIL
⊞	FIRE HYDRANT	⊞	DECODOUS TREE
⊞	POW. POW. INDICATOR VALVE	⊞	FREE TREE
⊞	WATER METER	⊞	ROUND IRON PIPE
⊞	PARKING METER	⊞	CRACK CUT IN CONCRETE
⊞	FLUX POLE	⊞	M = MEASURED DIMENSION
⊞	PROFILE MARKER	⊞	R = RECORD DIMENSION

2011

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NOTARY PUBLIC _____

ENGINEER OWNER OR ATTORNEY

ATTEST: _____
SECRETARY

COLLECTOR

VILLAGE COLLECTOR

BY: _____
MAYOR

COUNTY CLERK

ATTEST: _____
TITLE: _____

_____ AND _____

BY: _____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

WEBSTER, McGRATH AND AHLBERG, LTD.

ILLINOIS LAND SURVEYOR NO. _____
 LICENSE EXPIRATION DATE: NOVEMBER 30, 2012
 207 S. NAPERVILLE STREET
 WHEATON, ILLINOIS 60187
 (630) 668-7603

DuPAGE COUNTY RECORDER OF DEEDS



FIELD WORK WAS COMPLETED ON 08-30-11

Rev	Date	Description	By	PLAT OF RESUBDIVISION			
				LOCATION: LOT 2 DOWNERS GROVE PARK PLAZA DOWNERS GROVE, ILLINOIS PREPARED FOR: KIMCO REALTY CORPORATION 10800 W. HIGGINS RD SUITE 408 ROSEMONT, IL 60018 T: (847) 299-1160			
WEBSTER, McGRATH & AHLBERG LTD.  LAND SURVEYING - CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE <i>Over a Century of Service to our Clients</i> 207 South Naperville Road Wheaton, Illinois 60187 (630) 668-7603 Fax: (630) 682-1759 Email: vma@vmaill.com vmareson@vmaill.com vmareson@vmaill.com 162-053171				JOB # 42913 DATE: 08-30-11 SCALE: 1"=100' SURVY: GLA DRAWN: BC DESIGN:		FILE # D - 25314 - RESUB SHEET # 1 of 1	