

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL MEETING**  
**OCTOBER 1, 2013 AGENDA**

| <b>SUBJECT:</b>                                                                                                             | <b>TYPE:</b>                                                                                                                  | <b>SUBMITTED BY:</b>                                   |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Zoning Ordinance Map Amendment, Alley Vacation, Lot Consolidation and a Special Use for a drive-through at 225 Ogden Avenue | <ul style="list-style-type: none"> <li>✓ Resolution</li> <li>✓ Ordinances</li> <li>Motion</li> <li>Discussion Only</li> </ul> | Tom Dabareiner, AICP<br>Community Development Director |

**SYNOPSIS**

The following ordinances and resolution have been prepared for the property at 225 Ogden Avenue:

- An ordinance has been prepared to permit a zoning ordinance map amendment to rezone a portion of the subject property from R-4 Single Family Residence to B-3 General Services and Highway Business;
- An ordinance has been prepared to vacate 2,780 square feet of an alley right-of-way within the subject property;
- A special use ordinance has been prepared for a side-by-side drive-through; and
- A resolution for a Final Plat of Subdivision has been prepared to consolidate four existing lots and a vacated alley right-of-way into one lot.

**STRATEGIC PLAN ALIGNMENT**

The Goals 2011-2018 identified *Strong, Diverse Local Economy*.

**FISCAL IMPACT**

Per the Village Council policy, the petitioner should compensate the Village for the vacated property. The petitioner submitted an appraisal which valued the alley at \$18,000. Staff concurs with the appraisal report.

**RECOMMENDATION**

Approval on the October 8, 2013 active agenda

**BACKGROUND**

The petitioner is proposing to replace the existing drive-through at 225 Ogden Avenue (McDonalds) with a side-by-side drive-through (consisting of two ordering lanes) in the same location. The property is currently zoned B-3, General Services and Highway Business and R-4, Single Family Residential. The requested side-by-side drive-through improvement requires the approval of four items:

1. A Zoning Map Ordinance Amendment to rezone the public alley and the southernmost lot of record from R-4, Single Family Residential to B-3, General Services and Highway Business;
2. An Alley Vacation to vacate a portion of a public alley that is used solely by the petitioner;
3. A Special Use to permit a side-by-side drive-through; and
4. A Plat of Consolidation to consolidate the four lots of record and vacated alley into a single lot of record

The side-by-side drive-through creates two ordering stations for customers. Customers will still queue in a single line prior to selecting one of two ordering stations. After placing their order, the customers will then merge into a single line to pick-up their order. Each of the ordering stations will be equipped with audio controls that can take into account the surrounding ambient noise and reduce its volume when the ambient noise is not as prevalent.

There are no proposed changes to the existing building, the existing curb cuts onto Ogden Avenue or the current circulation pattern through the site. In addition to the side-by-side drive-through, the only site changes will be the addition of green space between the drive-through lanes and the building and the removal of six parking spaces. The petitioner will maintain 49 parking spaces where 44 are required.

#### Zoning Ordinance Map Amendment

The alley and southernmost parcel of the subject property are currently zoned R-4, Single Family Residential. The parking lot on the southernmost parcel was approved as a Conditional Use by the Village on July 17, 1972 to provide additional parking for a proposed building expansion. The drive-through was established in the late 1970s as a permitted use in a commercial zoning district. There are no Village records with regard to the placement of the drive-through in the R-4 zoned southernmost parcel. Today, a drive-through is not a permitted or special use in the R-4 zoning district. As such, the rezoning of the alley and southernmost parcel to B-3 is necessary to enable the petitioner to request a Special Use for the side-by-side drive-through and the continued use of the existing drive-through.

#### Alley Vacation

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), staff contacted the utility companies and outside public agencies (including the Police, Fire and Public Works Departments, School Districts, Sanitary District and Downers Grove Park District) to determine if any rights to the public right-of-way should be retained. There are overhead utility lines within the alley.

Staff is recommending retaining a public drainage, utility and utility access easement over the entire alley right-of-way being vacated to accommodate the existing overhead utility lines. The easement provisions will provide adequate space for any future utility maintenance and needs. Except for a driveway, a fence and landscaping, future construction within the vacated property will be prohibited. The petitioners have been informed of this requirement and do not object to it.

The Village's Right-of-Way Vacation Policy permits the Village to vacate a right-of-way if two property owners provide written consent and if it is determined that public interests would not be harmed if the right-of-way is vacated. In this case, the petitioner is the only property owner who uses the public alley and the public utility interests will be addressed through the dedication of a public drainage, utility and utility access easement over the entire vacated alley.

#### Special Use

A drive-through is an allowable special use in the B-3 zoning district as noted in Section 28.609 of the Zoning Ordinance.

#### Lot Consolidation

The proposed subdivision complies with the lot area (Section 28.1103(d)) and lot width (Section 28.1104(d)) requirements of the Zoning Ordinance as well as the lot dimension (Section 20.301) requirements of the Subdivision Ordinance. The proposed lot will include easements along the rear and

side property lines, in addition to the easement over the entire vacated alley right-of-way. The lot dimensions are shown in the table below:

| 225 Ogden Avenue | Lot Width |                         | Lot Depth |                         | Lot Area       |                               |
|------------------|-----------|-------------------------|-----------|-------------------------|----------------|-------------------------------|
|                  | Required  | Proposed                | Required  | Proposed                | Required       | Proposed                      |
| Lot 1            | 50 feet   | 150 feet<br>(no change) | 140 feet  | 300 feet<br>(No change) | 10,500 sq. ft. | 43,021 sq. ft.<br>(no change) |

The proposal is consistent with the Comprehensive Plan which designates the property as Corridor Commercial and has a goal of expanding the depth of commercial properties along Ogden Avenue. The proposed restaurant drive-through use is consistent with the Corridor Commercial designation and will serve the daily needs of local residents and provide commercial services to the larger region. Although the McDonalds parcel is not physically expanding, the alley vacation and rezoning of the alley and southernmost parcel would expand the depth of the B-3 zoning along Ogden Avenue in accordance with the Comprehensive Plan.

The Plan Commission considered the petition at their September 9, 2013 meeting. Based on a public comment, it was noted that the petitioner is proposing to increase the green space on the property and thus slightly reduce the amount of the property's impervious surface area. The Plan Commission found that the proposed zoning ordinance map amendment, alley vacation, lot consolidation and special use for a drive-through was appropriate on Ogden Avenue and is compatible with the Corridor Commercial designation in the Comprehensive Plan. The Plan Commission found:

- The proposed zoning ordinance map amendment met the standards for approval outlined in Section 28.1702 of the Zoning Ordinance;
- The proposed alley right-of-way vacation is in compliance with the standards set forth in Resolution 2003-58, the Village's Right-of-Way Vacation Policy;
- The proposed side-by-side drive-through met the standards in Section 28.1902 of the Zoning Ordinance for approval of the special use; and
- The proposed lot consolidation met the standards for lot area (Section 28.1103(d)) and lot width (Section 28.1104(d)) requirements of the Zoning Ordinance as well as the lot dimension (Section 20.301) requirements of the Subdivision Ordinance.

Based on their findings, the Plan Commission unanimously recommended approval of the four requests. Staff concurs.

#### **ATTACHMENTS**

Aerial Map

Ordinances

Resolution

Staff Report with attachments dated September 9, 2013

Draft Minutes of the Plan Commission Hearing dated September 9, 2013



0 25 50  
Feet

225 Ogden Avenue - Location Map

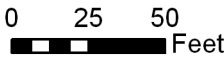
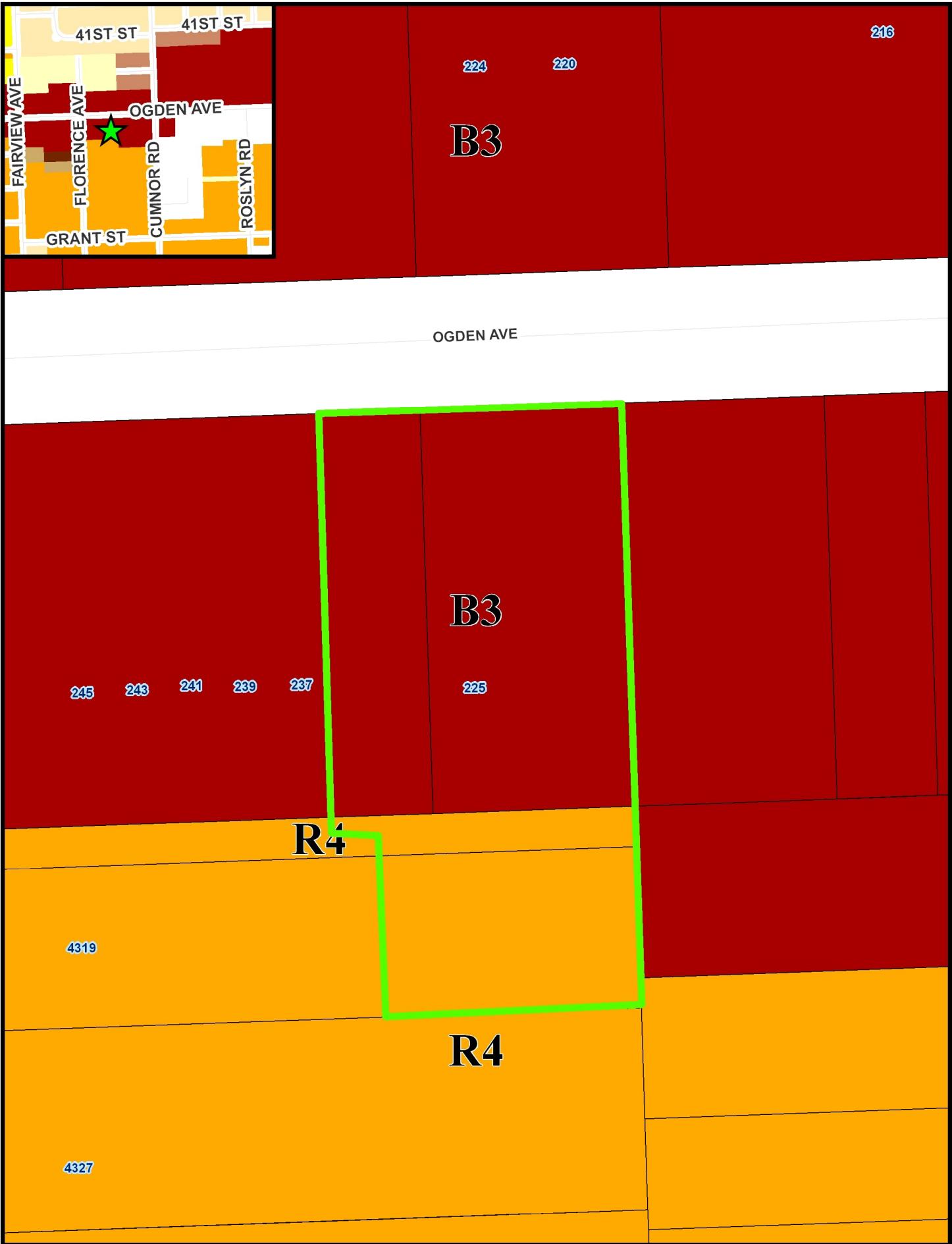




0 25 50 Feet

## 225 Ogden Avenue - Alley Vacation Map





225 Ogden Avenue - Zoning Map



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

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE  
OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS  
CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED  
TO REZONE A PORTION OF PROPERTY LOCATED AT 225 OGDEN AVENUE**

WHEREAS, the real estate located at 225 Ogden Avenue, approximately 200 feet south of Ogden Avenue and approximately 180 feet east of Florence Avenue, hereinafter described has been classified as "R-4 Single Family Residence District" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and,

WHEREAS, the owner or owners of said real estate have requested that such property be rezoned as hereinafter provided; and

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 September 9, 2013 and has made its findings and recommendations respecting said requested rezoning in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, making due allowance for existing conditions, the conservation of property values, the development of the property in conformance to the official Comprehensive Plan of the Village of Downers Grove, and the current uses of the property affected, the Council has determined that the proposed rezoning is for the public good.

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

**SECTION 1.** The Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code (which ordinance as heretofore amended, is hereinafter referred to as the "Zoning Ordinance"), is hereby further amended by changing to "B-3, General Services and Highway Business District" the zoning classification of the following described real estate, to wit:

The East 128.00 feet (except the north 20.00 feet thereof) of Lot 13 in Block 3 in Arthur T. McIntosh and Company's Ogden Avenue Subdivision, being a subdivision in the Southwest quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 7, 1923, as Document No. 172336, in DuPage County, Illinois; and, that part of the North 20.00 feet of Lot 13 in Block 3 in Arthur T. McIntosh and Company's Ogden Avenue Subdivision dedicated for public alley per Document Number 745113 in the Southwest quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, described as follows: beginning at the Southwest corner of Lot 9 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence South 89 degrees 51 minutes 13 seconds East along the South lines of Lot 9, 8 and 7 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision, 150.08 feet to the Southeast corner of said Lot 7 being also the Northeast corner of said Lot 13 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence South 00 degrees 26 minutes 21 seconds west along the East line of said Lot 13, a distance of 20.00 feet; thence North 89 degrees 51 minutes 13 seconds West parallel with the North line of said Lot 13, a distance of 128.00 feet; thence North 00 degrees 26 minutes 21 seconds East parallel with the East line of said Lot 13, a distance

of 10.00 feet; thence North 89 degrees 51 minutes 13 seconds West parallel with the North line of said Lot 13, a distance of 22.08 feet to the West line extended South of aforesaid Lot 9 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence North 00 degrees 26 minutes 01 second East along said West line extended South, 10.00 feet to the point of beginning in DuPage County, Illinois.

Commonly known as: The vacated alley right-of-way and southernmost parcel of 225 Ogden Avenue, Downers Grove, IL 60515 (PIN 09-04-305-007 & -009)

SECTION 2. The official zoning map shall be amended to reflect the change in zoning classification effected by Section 1 of this ordinance, subject to the following conditions:

1. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and
2. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

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

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

**AN ORDINANCE VACATING A CERTAIN PORTION OF A  
PUBLIC ALLEY RIGHT-OF-WAY IN THE VILLAGE OF DOWNERS GROVE  
(A PORTION OF A PUBLIC ALLEY LOCATED AT 225 OGDEN)**

WHEREAS, it has been determined by the Council of the Village of Downers Grove in DuPage County, Illinois, that it is in the public interest to vacate a certain portion of an improved alley public right-of-way in said Village hereinafter more particularly described; and

WHEREAS, there are certain public service facilities situated in said portion of said right-of-way, and the Village Council has determined that it is necessary and in the public interest to reserve such rights-of-way and easements as are in the judgment of the Council necessary or desirable for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction thereof; and

WHEREAS, the required public notice has been given and a public hearing respecting said vacation has been conducted by the Plan Commission on September 9, 2013 in accordance with applicable law; and

WHEREAS, the Village Council, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be served is such as to warrant the vacation of said portion of said right-of-way.

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

SECTION 1. That all that part of the following described property, to wit:

That part of the north 20.00 feet of Lot 13 in Block 3 in Arthur T. McIntosh and Company's Ogden Avenue Subdivision dedicated for public alley per Document Number 745113 in the southwest quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, described as follows:

Beginning at the southwest corner of Lot 9 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence south 89 degrees 51 minutes 13 seconds east along the south lines of Lots 9, 8 and 7 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision, 150.08 feet to the southeast corner of said Lot 7 being also the northeast corner of said Lot 13 in Block 3 in Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence south 00 degrees 26 minutes 21 seconds west along the east line of said Lot 13, a distance of 20.00 feet; thence north 89 degrees 51 minutes 13 seconds west parallel with the north line of said Lot 13, a distance of 128.00 feet; thence north 00 degrees 26 minutes 21 seconds east parallel with the east line of said Lot 13, a distance of 10.00 feet; thence north 89 degrees 51 minutes 13 seconds west parallel with the north line of said Lot 13, a distance of 22.08 feet to the west line extended south of aforesaid Lot 9 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence north 00 degrees 26 minutes 01 second east along said west line of Lot 9 extended south, 10.00 feet to the point of beginning, in DuPage County, Illinois.

Commonly known as a vacant public alleyway within to 225 Ogden Avenue

(hereinafter referred to as the "Vacated 225 Ogden Avenue Alley"), is hereby vacated and closed, and that it is hereby declared that the same is no longer required for public use and that the public interest will be served by such vacation.

SECTION 2. A perpetual non-exclusive easement is hereby reserved for and granted to the Village of Downers Grove, Illinois, the DuPage Water Commission and to those public utility companies operating under franchises from the said Village including, but not limited to, AT&T, Comcast Cable, Northern Illinois Gas Company, Commonwealth Edison Company, and Downers Grove Sanitary District and their respective successors and assigns, over, on, across, under, and through all of the areas on the final plat of vacation marked "Public Utilities and Access Easement Reservation" of the Vacated 225 Ogden Avenue Alley as described herein for the perpetual right, privilege and authority to construct, reconstruct, repair, inspect, maintain and operate various utility transmission and distribution systems and community antenna televisions systems and all necessary connections, appliances and other structures and appurtenances as may be deemed necessary by said Village and for any and all municipal purposes, over, upon, along, under and through said indicated easements, together with right of access across the property to do any of the above work. The right is also granted to cut down, trim or remove any trees, shrubs or other plants that interfere with the operation of the utilities. No permanent buildings or structures shall be placed on said easements, but same may be used for gardens, shrubs, landscaping, fencing, paved parking, driveways and other purposes that do not then or later interfere with the aforesaid uses and rights. All installations shall be subject to the ordinances of the Village of Downers Grove. Easements are hereby reserved for and granted to the Village of Downers Grove and other governmental authorities having jurisdiction of the land over the entire easement area for ingress, egress and the performance of any and all municipal and other governmental services.

SECTION 3. This vacation shall be subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated September 9, 2013 and with the plat of vacation submitted to the Village of Downers Grove dated April 19, 2013 and revised on June 10, 2013 prepared by Compass Surveying, Ltd.
2. Prior to the execution of the Plat of Vacation, the petitioner shall pay to the Village of Downers Grove a total of \$18,000.00.

SECTION 4. That the Mayor and Clerk of the Village of Downers Grove are hereby authorized to sign the plat of vacation of the Vacated 225 Ogden Avenue Alley described herein.

SECTION 5. That a certified copy of this ordinance and an accurate map of the Vacated 225 Ogden Avenue Alley shall be filed for record by the Clerk of the Village of Downers Grove in the Office of the Recorder of Deeds, DuPage County, Illinois, upon satisfaction of all conditions contained in Section 3 of this ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. That this ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

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

1\wp8\ord.13\Vacate-225-Ogden Alley-PC-22-13



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

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 225 OGDEN AVENUE  
TO PERMIT A SIDE BY SIDE DRIVE-THROUGH**

WHEREAS, the following described property, to wit:

Lots 7, 8 and 9 and the East 128.00 feet (except the north 20.00 feet thereof) of Lot 13 in Block 3 in Arthur T. McIntosh and Company's Ogden Avenue Subdivision, being a subdivision in the Southwest quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 7, 1923, as Document No. 172336, in DuPage County, Illinois; and, that part of the North 20.00 feet of Lot 13 in Block 3 in Arthur T. McIntosh and Company's Ogden Avenue Subdivision dedicated for public alley per Document Number 745113 in the Southwest quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, described as follows: beginning at the Southwest corner of Lot 9 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence South 89 degrees 51 minutes 13 seconds East along the South lines of Lot 9, 8 and 7 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision, 150.08 feet to the Southeast corner of said Lot 7 being also the Northeast corner of said Lot 13 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence South 00 degrees 26 minutes 21 seconds west along the East line of said Lot 13, a distance of 20.00 feet; thence North 89 degrees 51 minutes 13 seconds West parallel with the North line of said Lot 13, a distance of 128.00 feet; thence North 00 degrees 26 minutes 21 seconds East parallel with the East line of said Lot 13, a distance of 10.00 feet; thence North 89 degrees 51 minutes 13 seconds West parallel with the North line of said Lot 13, a distance of 22.08 feet to the West line extended South of aforesaid Lot 9 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence North 00 degrees 26 minutes 01 second East along said West line extended South, 10.00 feet to the point of beginning in DuPage County, Illinois

Commonly known as 225 Ogden Avenue, Downers Grove, IL  
(PINs 09-04-305-002; -003; -007; and -009).

(hereinafter referred to as the "Property") is presently zoned in the "*B-3, General Services and Highway Business District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, Ordinance 1644 entitled "An Ordinance Authorizing Conditional Use of Certain Property for Parking of Motor Vehicles" dated July 17, 1972, in relation to the aforementioned described property is hereby repealed in its entirety; 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 28.609 of the Zoning Ordinance be granted to allow a side by side drive-through for an existing restaurant; and,

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 on September 9, 2013, respecting said petition 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 Plan Commission has recommended approval of the Special Use, subject to certain conditions; 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 a side by side drive-through for an existing restaurant at 225 Ogden Avenue within the B-3 zoning district.

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

1. The zoning ordinance map amendment, alley vacation, lot consolidation and special use shall substantially conform to the staff report, engineering plans, fire truck and delivery truck plans, signage exhibits, and landscape plan prepared by Watermark Engineering Resources, Ltd. dated May 15, 2013; plat of vacation prepared by Compass Surveying, Ltd. dated April 19, 2013 and revised on June 10, 2013; and the final plat of subdivision prepared by Compass Surveying, Ltd. dated April 19, 2013 and revised on July 25, 2013, except as such plans may be modified to conform to the Village codes and ordinances.
2. Prior to execution of the Plat of Vacation, the petitioner shall pay the Village a total of \$18,000.00.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use is 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.

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Mayor

Passed:

Published:

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

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION  
FOR 225 OGDEN AVENUE**

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 consolidate four lots and a vacated alley right-of-way into one lot for the McDonald's Downers Grove Resubdivision, located on the south side of Ogden Avenue, approximately 180 feet east of Florence Avenue commonly known as 225 Ogden Avenue, Downers Grove, Illinois, legally described as follows:

Lots 7, 8 and 9 and the East 128.00 feet (except the north 20.00 feet thereof) of Lot 13 in Block 3 in Arthur T. McIntosh and Company's Ogden Avenue Subdivision, being a subdivision in the Southwest quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 7, 1923, as Document No. 172336, in DuPage County, Illinois; and, that part of the North 20.00 feet of Lot 13 in Block 3 in Arthur T. McIntosh and Company's Ogden Avenue Subdivision dedicated for public alley per Document Number 745113 in the Southwest quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, described as follows: beginning at the Southwest corner of Lot 9 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence South 89 degrees 51 minutes 13 seconds East along the South lines of Lot 9, 8 and 7 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision, 150.08 feet to the Southeast corner of said Lot 7 being also the Northeast corner of said Lot 13 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence South 00 degrees 26 minutes 21 seconds west along the East line of said Lot 13, a distance of 20.00 feet; thence North 89 degrees 51 minutes 13 seconds West parallel with the North line of said Lot 13, a distance of 128.00 feet; thence North 00 degrees 26 minutes 21 seconds East parallel with the East line of said Lot 13, a distance of 10.00 feet; thence North 89 degrees 51 minutes 13 seconds West parallel with the North line of said Lot 13, a distance of 22.08 feet to the West line extended South of aforesaid Lot 9 in Block 3 in said Arthur T. McIntosh and Company's Ogden Avenue Subdivision; thence North 00 degrees 26 minutes 01 second East along said West line extended South, 10.00 feet to the point of beginning in DuPage County, Illinois

Commonly known as 225 Ogden Avenue, Downers Grove, IL  
(PINs 09-04-305-002; -003; -007; and -009).

WHEREAS, notice has been given and hearing held on September 9, 2013 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 McDonald's Downers Grove Resubdivision, located at 225 Ogden Avenue, 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 McDonald's Downers Grove Resubdivision, located at 225 Ogden Avenue, be and is hereby approved subject to the following condition:

1. The zoning ordinance map amendment, alley vacation, lot consolidation and special use shall substantially conform to the staff report, engineering plans, fire truck and delivery truck plans, signage exhibits, and landscape plan prepared by Watermark Engineering Resources, Ltd. dated May 15, 2013; plat of vacation prepared by Compass Surveying, Ltd. dated April 19, 2013 and revised on June 10,

2013; and the final plat of subdivision prepared by Compass Surveying, Ltd. dated April 19, 2013 and revised on July 25, 2013, except as such plans may be modified to conform to the Village codes and ordinances.

2. Prior to execution of the Plat of Vacation, the petitioner shall pay the Village a total of \$18,000.00.

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.

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Mayor

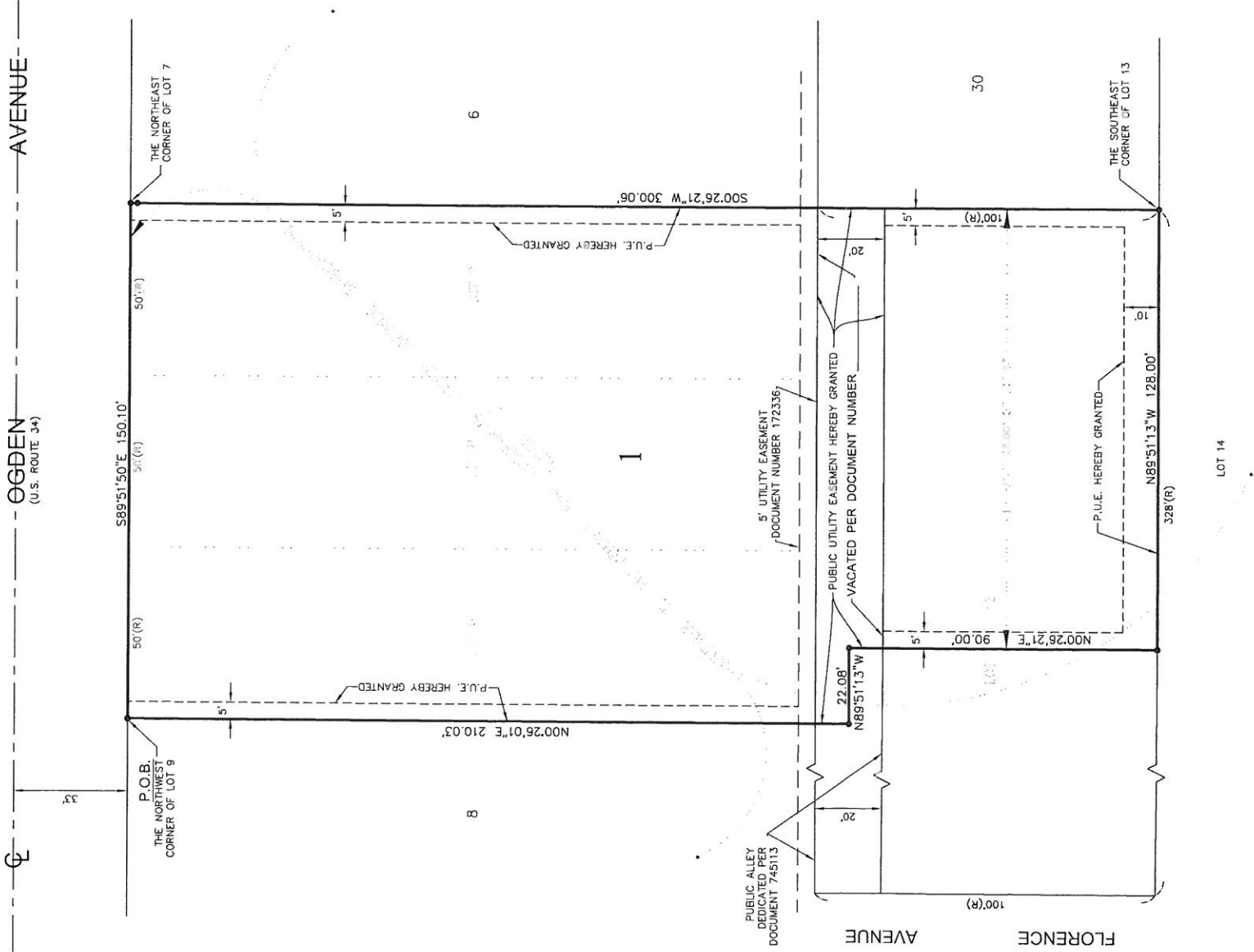
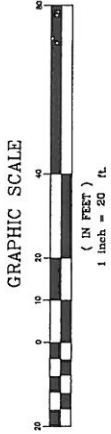
Passed:

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

FINAL PLAT OF SUBDIVISION  
OF  
MCDONALD'S DOWNERS GROVE RESUBDIVISION

BEING PART OF THE SOUTHWEST QUARTER OF SECTION  
4, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD  
PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

P.I.N. 09-04-305-002  
P.I.N. 09-04-305-003  
P.I.N. 09-04-305-007  
P.I.N. 09-04-305-009



| AREA SUMMARY                                   |                                   |
|------------------------------------------------|-----------------------------------|
| GROSS                                          | 43,046 SQUARE FEET OR 0.988 ACRES |
| R.O.W. DEDICATION                              | 0 SQUARE FEET OR 0 ACRES          |
| NET AREA                                       | 43,046 SQUARE FEET OR 0.988 ACRES |
| (TO HEAVY LINES)<br>(BASED ON MEASURED VALUES) |                                   |

ABBREVIATIONS

- (R) = RECORD BEARING OR DISTANCE  
(M) = MEASURED BEARING OR DISTANCE  
(C) = CALCULATED BEARING OR DISTANCE  
(D) = DEED BEARING OR DISTANCE  
A = ARC LENGTH  
R = RADIUS  
CH = CHORD  
CB = CHORD BEARING  
BSL = BUILDING SETBACK LINE  
U.E. = UTILITY EASEMENT  
D.E. = DRAINAGE EASEMENT  
P.U.E. = PUBLIC UTILITY EASEMENT  
P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING  
P.U. & D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT

LINE LEGEND

- SUBDIVISION BOUNDARY LINE  
--- ADJACENT LAND  
--- PARCEL LINE  
--- EASEMENT LINE  
--- CENTERLINE  
--- BUILDING SETBACK LINE  
--- SECTION LINE

LEGEND

- FOUND 7/8" O.D.I.P.  
UNLESS OTHERWISE NOTED  
(HELD LOCATION)  
■ CONCRETE MONUMENT  
+ CROSS IN CONCRETE

COMPASS  
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PROJECT  
McDonald's - LC #12-0020  
225 Ogden Avenue  
Downers Grove, Illinois

CLIENT  
WATERMARK ENGINEERING RESOURCES, LTD.  
Watermark Engineering Resources, Ltd.  
Aurora, IL 60002

| DATE: 4-19-13 |  | PC N/A                      | DRWN BY: MRA | CHECKED BY: SK | BOOK N/A | PG N/A |
|---------------|--|-----------------------------|--------------|----------------|----------|--------|
| NO.           |  | REVISIONS                   |              |                |          |        |
| 1             |  | REVISE LETTER DATED 6-10-13 |              |                |          |        |
|               |  | DATE                        | BY           |                |          |        |
|               |  | 7-25-13                     | MRA          |                |          |        |

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**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
SEPTEMBER 9, 2013 AGENDA**

| <b>SUBJECT:</b>              | <b>TYPE:</b>                                                                                                  | <b>SUBMITTED BY:</b>                  |
|------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------|
| PC-22-13<br>225 Ogden Avenue | Zoning Ordinance Map Amendment,<br>Alley Vacation, Lot Consolidation<br>and a Special Use for a drive-through | Stan Popovich, AICP<br>Senior Planner |

**REQUEST**

The petitioner is requesting approval of the following four items:

1. A Zoning Ordinance Map Amendment to rezone a portion of the subject property from R-4, Single Family Residential to B-3, General Services and Highway Business;
2. A vacation of a public alley located at 225 Ogden Avenue;
3. A lot consolidation to consolidate four lots of record and the vacated alley into a single lot of record;  
and
4. A Special Use to permit a drive-through in the B-3, General Services and Highway zoning district.

**NOTICE**

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

**GENERAL INFORMATION**

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**OWNER:** Cole Taylor Bank, Trust #39459  
c/o Robert P. Giachetti  
5720 Woodland Drive  
Western Springs, IL 60558

**APPLICANT:** McDonald's Corporation  
One McDonald's Plaza  
Oak Brook, IL 60523

**PROPERTY INFORMATION**

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**EXISTING ZONING:** B-3, General Services and Highway Business and R-4, Single Family Residential  
**EXISTING LAND USE:** McDonald's Restaurant  
**PROPERTY SIZE:** 43,021 square feet (1.00 acres) (including alley proposed to be vacated)  
**PINS:** 09-04-305-002, -003, -007 and -009

**SURROUNDING ZONING AND LAND USES**

|               | <b>ZONING</b>                                                                  | <b>FUTURE LAND USE</b>    |
|---------------|--------------------------------------------------------------------------------|---------------------------|
| <b>NORTH:</b> | B-3, General Services and Highway Business                                     | Corridor Commercial       |
| <b>SOUTH:</b> | R-4, Single Family Residential                                                 | Single Family Residential |
| <b>EAST:</b>  | B-3, General Services & Highway Business<br>and R-4, Single Family Residential | Corridor Commercial       |
| <b>WEST:</b>  | B-3, General Services & Highway Business<br>and R-4, Single Family Residential | Corridor Commercial       |

## **ANALYSIS**

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### **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. Architectural and engineering plans
4. Legal description of the alley right-of-way proposed to be vacated
5. Village alley vacation policy (Resolution #2003-58)
6. Appraiser's Report
7. Plat of Vacation
8. Plat of Subdivision

### **PROJECT DESCRIPTION**

The property commonly known as 225 Ogden Avenue is located on the south side of Ogden Avenue approximately 180 feet east of Florence Avenue. A McDonalds restaurant has been located on this site since the mid-1950s while a drive through has been on site since the late 1970s. Today, the property includes a McDonalds restaurant and a tandem drive through. The petitioner is proposing to replace the existing tandem drive through with a side-by-side drive through.

The property consists of four lots of record and a public alley running east-west through the southern half of the property. The three lots of record adjacent to Ogden Avenue are zoned B-3, General Services and Highway Business, while the public alley and the lot of record south of the alley are zoned R-4, Single Family Residential.

The proposed side-by-side drive through request requires the approval of four items:

1. A Zoning Map Ordinance Amendment to rezone the public alley and the southernmost lot of record from R-4, Single Family Residential to B-3, General Services and Highway Business;
2. An Alley Vacation to vacate the public alley that is currently used by the petitioner;
3. A Plat of Consolidation to consolidate the four lots of record and vacated alley into a single lot of record; and
4. A Special Use to permit a side-by-side drive through.

The existing building is oriented north-south within the center of the site. The existing tandem drive through is located south of the building and public alley on the residentially zoned southern parcel. Parking is provided around the perimeter of the site and in front of the building.

The petitioner is proposing to replace the existing tandem drive through with a side-by-side drive through in the same location. There are no proposed changes to either the interior or exterior of the existing building. Additionally, the two curb cuts onto Ogden Avenue will remain and the counter-clockwise traffic pattern will be unchanged. The new drive through configuration and landscaping will result in the removal of six parking spaces, bringing the total number of parking spaces to 49 where 44 are required.

### **Zoning Ordinance Map Amendment**

The alley and southernmost parcel of the McDonalds property are currently zoned R-4, Single Family Residential. The parking lot on the southernmost parcel was approved as a Conditional Use (known today as a Special Use) by the Village on July 17, 1972 to provide additional parking for a proposed expansion to the building. At that time, there was no drive through associated with the restaurant.

The drive through was established in the late 1970s when a drive through was a permitted use in a commercial zoning district. Village records are unclear with regard to the placement of the drive through in the R-4 zoned southernmost parcel. Today, a drive through is not a permitted or special use in the R-4 zoning district. As such, the rezoning of the alley and southernmost parcel to B-3 is necessary to enable the petitioner to request a Special Use for the drive through.

#### Alley Vacation

The alley proposed to be vacated runs east-west through the southern half of the McDonalds property. The alley measures 20 feet wide by 128 feet in length, with a 10-foot wide by 22-foot in length panhandle on the west. The paved alley is solely used by McDonalds as a parking lot. No other property owner has access to this alley. As shown in the table below, the entire alley would be vacated to the petitioner at 225 Ogden Avenue:

| Address          | Requested Width | Requested Length | Approximate Increase in Area |
|------------------|-----------------|------------------|------------------------------|
| 225 Ogden Avenue | 20 feet         | 150 feet         | 2,780 square feet            |

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), staff contacted the utility companies and outside public agencies (including the Police, Fire and Public Works Departments, School Districts, Sanitary District and Downers Grove Park District) to determine if any rights to the public right-of-way should be retained. Currently ComEd has utility poles within the alley. These poles provide service for ComEd and Comcast. AT&T also has cable within the alley right-of-way. There are no other known utilities in the right-of-way. The utility providers and the Village do not have an objection to the vacation of the right-of-way as long as a public drainage, utility and access easement is retained along the entire width and length of the alley. The easement will provide adequate space for any future utility needs. The petitioner is only proposing to install landscaping and associated wiring for the menu boards within the easement area. The easement would allow this encroachment; however, if any future utility work damages these items, it shall be the petitioner's sole responsibility to replace the items. The petitioner has been informed of these requirements and restrictions and does not object to the easement and the conditions.

#### Lot Consolidation

The existing property consists of four lots of record and a public alley which must be consolidated into a single lot of record. The single lot of record will meet the lot depth and area requirements of the B-3 zoning district as shown in the table below:

| 225 Ogden Avenue | Lot Width |                         | Lot Depth |                         | Lot Area       |                               |
|------------------|-----------|-------------------------|-----------|-------------------------|----------------|-------------------------------|
|                  | Required  | Proposed                | Required  | Proposed                | Required       | Proposed                      |
| Lot 1            | 50 feet   | 150 feet<br>(no change) | 140 feet  | 300 feet<br>(No change) | 10,500 sq. ft. | 43,021 sq. ft.<br>(no change) |

The petitioner is providing the required five-foot public utility and drainage easements along the side property lines and a ten-foot public utility and drainage easement along the rear property line. Additionally, the plat of subdivision identifies the public utility easement across the vacated alley.

#### Special Use

The petitioner is proposing to add a second drive through lane via the construction of a side-by-side drive through. A drive through is an allowable special use in the B-3 zoning district.

### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The proposed zoning ordinance map amendment, alley vacation, lot consolidation and special use are all consistent with the Comprehensive Plan. The Comprehensive Plan has a goal of increasing the depth of commercial properties along Ogden Avenue. Although the McDonalds parcel is not physically expanding, the alley vacation and rezoning of the alley and southernmost parcel would expand the depth of the B-3 zoning along Ogden Avenue.

The Commercial Area Plan section of the Comprehensive Plan identifies the entire property being within the corridor commercial area. Corridor commercial uses include a blend of neighborhood-oriented commercial retail, offices, smaller regional commercial retail, service uses and multi-family uses. The Comprehensive Plan notes these areas should continue to function in their dual role in serving the daily needs of local residents and providing commercial services to the larger region. The rezoning, alley vacation, lot consolidation and special use are all necessary to allow the side-by-side drive through. The side-by-side drive through will assist McDonalds in continuing to efficiently serve both local residents and residents of neighboring communities. The proposed rezoning from R-4 to B-3, the vacation of the alley, the lot consolidation and the special use are all consistent with the Comprehensive Plan.

### **COMPLIANCE WITH THE ZONING ORDINANCE**

The property is zoned R-4, Single Family Residential and B-3, General Services and Highway Business. The parking lot within the southernmost parcel was approved as a Conditional Use in the R-4 zoning district in 1972 while the drive through was installed in the late 1970s as a permitted use. The petitioner is proposing to rezone the alley and southernmost parcel from R-4 to B-3 to better align these parcels with their current commercial use. Minor improvements to the alley and southernmost parcel include additional landscaping, concrete drive through lanes and associated menu boards.

The existing building is compliant with existing B-3 zoning district bulk requirements. The rezoning of the alley and southernmost parcel will not have any impact on the existing bulk characteristics of the parcel. The easement over the alley effectively divides the site into two and maintains the use of the southernmost parcel as parking and circulation. Any future improvements will be required to comply with the bulk requirements of the B-3 zoning district as listed below:

| <b>225 Ogden Avenue</b>                                | <b>Existing Site Conditions</b>             | <b>B-3 District Bulk Requirements</b> |
|--------------------------------------------------------|---------------------------------------------|---------------------------------------|
| Lot Area                                               | 43,021 square feet<br>(existing, no change) | 10,500 square feet                    |
| Lot Width                                              | 150 feet<br>(existing, no change)           | 75 feet                               |
| Front Yard Setback<br>(North)                          | 82 feet<br>(existing, no change)            | 25 feet                               |
| Side Yard Setback<br>(East)                            | 50 feet<br>(existing, no change)            | n/a                                   |
| Side Yard Setback<br>(West, adj. to 237 Ogden)         | 50 feet<br>(existing, no change)            | n/a                                   |
| Side Yard Setback<br>(West, adjacent to 4319 Florence) | 50 feet<br>(existing, no change)            | 8 feet                                |
| Rear Setback<br>(South)                                | 116 feet<br>(existing, no change)           | 10 feet                               |

The proposed B-3, General Services and Highway Business zoning classification is appropriate for this property and is consistent with the zoning classifications in the area.

### **PARKING AND TRAFFIC**

The proposed side-by-side drive through will result in the loss six parking spaces, bring the total number of available parking spaces to 49. Based on the size of the building, 44 parking spaces are required. The petitioner has identified 12 vehicles stacked in the side-by-side drive through lane where eight are required. Additionally, the petitioner has provided a traffic study of a side-by-side drive through from Rosemont, IL that found the number of vehicles stacked in the side-by-side drive through was typically less than the number of vehicles stacked in a single drive through lane. The side-by-side drive through is a more efficient way for McDonalds to process orders. As such, the proposed drive through will assist in decreasing the amount of time a vehicle spends in the queue and decreasing the number of vehicles in the queue.

### **ENGINEERING/PUBLIC IMPROVEMENTS**

The property is primarily impervious with the parking lot and building taking up the majority of the property. The proposal calls for a new green space between the building and proposed drive through lanes which will result in a small decrease in the impervious surface area on the property. The site will be required to meet all requirements of the stormwater ordinance.

Public improvements are not required. The two Ogden Avenue curb cuts will remain and an existing public sidewalk is currently located along Ogden Avenue. The petitioner is proposing no new utilities to the building.

### **PUBLIC SAFETY REQUIREMENTS**

The Fire Prevention Division of the Fire Department has reviewed the proposal and has no comments. Two auto-turn exhibits were provided which identified the Village's largest emergency vehicle and a delivery tractor-trailer being able to maneuver around the site. There are no proposed interior or exterior modifications to the building so there are no additional fire safety requirements for the building itself.

### **NEIGHBORHOOD COMMENT**

Notice was provided to all property owners 250 feet or less from the property in addition to posting the public hearing notice sign and publishing the legal notice in the *Downers Grove Reporter*. Staff spoke with two residents who were concerned that McDonalds was increasing their land area farther south into the residential zoning district. This is not the case, as the land area will remain the same.

### **FINDINGS OF FACT**

The applicant is requesting a Zoning Ordinance Map Amendment, Alley Vacation, Lot Consolidation and a Special Use to construct a side-by-side drive through in the B-3 zoning district. The development meets the standards for granting each of these requests as outlined below:

#### ***Section 28.1702 Standards for Approval of Amendments to the Zoning Ordinance***

*Village Council and Plan Commission consideration and approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making its decisions and recommendations regarding map amendments, the Village Council and Plan Commission shall consider the following factors:*

#### ***(1) The existing uses and zoning of nearby property.***

The existing uses on the R-4 zoned portions of the subject property are a drive through and parking lot for the McDonalds restaurant. The alley and southernmost parcel have been commercial in nature since the parking lot was approved as a conditional use in 1972. The surrounding area includes B-3 zoning to the north and east and R-4 zoning to the south and west. A rezoning to the B-3 zoning district would be consistent with the commercial nature of the use that is currently

located on the site and with the Corridor Commercial designation of this property in the Comprehensive Plan. This standard has been met.

**(2) *The extent to which the particular zoning restrictions affect property values.***

The proposed rezoning will not negatively affect property values. The subject site has continually been used as a commercial parking lot for over 40 years and as a drive through for over 30 years without any negative impact on adjacent property values. The rezoning of the subject site will not change the existing drive through and parking lot uses and will not affect property values. This standard has been met.

**(3) *The extent to which any determination in property value is offset by an increase in the public health, safety and welfare.***

The proposed rezoning will not impact property values or the public health, safety and welfare of the community or neighborhood. The subject property has been used as a commercial parking lot since 1972. A drive through has been on site since the late 1970s. Staff believes this standard has been met.

**(4) *The suitability of the subject property for the zoned purposes.***

The subject area is not suitable for the current R-4, Single Family Residential zoning designation. The area is currently and has historically been a commercial parking lot with a drive through. The residentially zoned area is only accessible via the petitioner's curb cuts onto Ogden Avenue. The subject area is further separated from the adjacent residential properties by a solid six-foot tall fence. The area is suitable for commercial uses. This standard has been met.

**(5) *The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.***

The property is currently and has historically been commercial in nature. The rezoning will allow the alley and southernmost parcel to be consistent with the B-3 zoning classification that is already in place over the other two thirds of the subject property. The rezoning will assist in the development of a side-by-side drive through which is consistent with the property's Corridor Commercial designation in the Comprehensive Plan. The B-3 zoning is more appropriate for the subject area. This standard has been met.

**(6) *The value to the community of the proposed use.***

The Comprehensive Plan has a goal of increasing the depth of commercial properties along Ogden Avenue. The rezoning of the alley and southernmost parcel would meet this goal. This standard has been met.

**(7) *The standard of care with which the community has undertaken to plan its land use development.***

The Village has carefully planned its land use development as evidenced by the recent adoption of the Comprehensive Plan. This standard has been met.

***Compliance with the Procedure to be followed in the Vacation of Streets, Alleys, and Public Rights-of-Way (Resolution #2003-58)***

The Village's right-of-way vacation policy asks two key questions when it comes to determining if a right-of-way can be vacated. These questions and staff's findings are listed below:

- Is there written consent of at least two property owners who abut the proposed parcel to be vacated?
  - The alley in question is used solely by the petitioner. There are no other property owners who have access to the alley.

- Are there any known public interests served the parcel?
  - As noted above, staff contacted the utility companies and outside public agencies to determine the extent of public interest. Based on their replies, staff has determined the public interests can be addressed by maintaining a public drainage, utility and utility access easement over the entire alley right-of-way to be vacated. The petitioner has noted the location of landscaping and menu board wiring within the easement area. The petitioner will be solely responsible for repairs to these items should any work within the easement cause damage. The petitioners have been informed of the easement requirements and do not object to them.

Based on these findings, the request complies with the Village policy outlined in Resolution #2003-58. The alley can be vacated to the petitioner with a drainage, utility and utility access easement placed over the entire right-of-way to be vacated.

Per the right-of-way vacation policy, staff requested the petitioner provide an appraisal to determine the fair market value of the right-of-way to be vacated. The appraisal reviewed the public alley to be vacated and examined multiple factors, including neighborhood features and trends, highest and best use of the alley and comparable sales to determine the value of the alley. The appraisal found the highest and best use for the alley would be its assemblage with the McDonalds site. Based on comparable sales, the landlocked nature of the alley, the highest and best use of the alley and the proposed easement over the alley, the appraisal valued the alley at \$18,000. The appraisal is of sound merit and staff recommends the Village Council find the fair market value of the alley to be \$18,000.

### ***Lot Consolidation***

The proposed Final Plat of Subdivision to consolidate the four existing lots of record and vacated alley into a new lot of record meets and exceeds the minimum lot dimension standards of Sections 28.1103(b) (lot area) and 28.1104(b) (lot width) of the Zoning Ordinance and Sections 20.101 (definitions) and 20.301(b) (lot dimensions) of the Subdivision Ordinance. The proposal is consistent with surrounding uses and lot sizes. The request is consistent with the Comprehensive Plan and meets the requirements of the Zoning and Subdivision Ordinances of the Village.

### ***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.*

The proposed side-by-side drive through will provide a desirable service to the community and will contribute to the general welfare of the Ogden Avenue corridor. The proposal is consistent with the Corridor Commercial designation in the Comprehensive Plan and the goal of providing for both the daily needs of residents as well as providing commercial services to the larger region. This standard is met.

- (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.*

The proposed side-by-side drive through will not be detrimental to the health, safety, morals or general welfare of the community. The new drive through equipment will be equipped with audio controls that

can take into account ambient noise and reduce or increase its volume as necessary. The side-by-side layout will also decrease the length of the vehicle stacking as customers are more quickly led through the line. This standard is met.

- (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.*

The petitioner is not requesting any zoning variations. The proposal will meet all bulk requirements of the B-3 zoning district. This standard is met.

- (d) *That it is one of the special uses specifically listed for the district in which it is to be located.*

Drive through uses are listed in Sections 28.609 of the Zoning Ordinance as allowable special uses in the B-3 zoning district. This standard is met.

## **RECOMMENDATIONS**

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The following four requests are compatible with the surrounding zoning and land use classifications:

1. A Zoning Map Ordinance Amendment to rezone the public alley and the southernmost lot of record from R-4, Single Family Residential to B-3, General Services and Highway Business;
2. An Alley Vacation to vacate the public alley that is currently used by the petitioner;
3. A Plat of Consolidation to consolidate the four lots of record and vacated alley into a single lot of record; and
4. A Special Use to permit a side-by-side drive through.

Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation of all four requests to the Village Council regarding this petition.

1. The zoning ordinance map amendment, alley vacation, lot consolidation and special use shall substantially conform to the staff report, engineering plans, fire truck and delivery truck plans, signage exhibits, and landscape plan prepared by Watermark Engineering Resources, Ltd. dated May 15, 2013; plat of vacation prepared by Compass Surveying, Ltd. dated April 19, 2013 and revised on June 10, 2013; and the final plat of subdivision prepared by Compass Surveying, Ltd. dated April 19, 2013 and revised on July 25, 2013, except as such plans may be modified to conform to the Village codes and ordinances.
2. Prior to execution of the Plat of Vacation, the petitioner shall pay the Village a total of \$18,000.00.

Staff Report Approved By:

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Tom Dabareiner, AICP  
Director of Community Development

TD:sp  
-att



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
SEPTEMBER 9, 2013 AGENDA**

| <b>SUBJECT:</b>              | <b>TYPE:</b>                                                                                                 | <b>SUBMITTED BY:</b>                  |
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**NOTICE**

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### **PROJECT DESCRIPTION**

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The property consists of four lots of record and a public alley running east-west through the southern half of the property. The three lots of record adjacent to Ogden Avenue are zoned B-3, General Services and Highway Business, while the public alley and the lot of record south of the alley are zoned R-4, Single Family Residential.

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The petitioner is proposing to replace the existing tandem drive through with a side-by-side drive through in the same location. There are no proposed changes to either the interior or exterior of the existing building. Additionally, the two curb cuts onto Ogden Avenue will remain and the counter-clockwise traffic pattern will be unchanged. The new drive through configuration and landscaping will result in the removal of six parking spaces, bringing the total number of parking spaces to 49 where 44 are required.

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The drive through was established in the late 1970s when a drive through was a permitted use in a commercial zoning district. Village records are unclear with regard to the placement of the drive through in the R-4 zoned southernmost parcel. Today, a drive through is not a permitted or special use in the R-4 zoning district. As such, the rezoning of the alley and southernmost parcel to B-3 is necessary to enable the petitioner to request a Special Use for the drive through.

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The alley proposed to be vacated runs east-west through the southern half of the McDonalds property. The alley measures 20 feet wide by 128 feet in length, with a 10-foot wide by 22-foot in length panhandle on the west. The paved alley is solely used by McDonalds as a parking lot. No other property owner has access to this alley. As shown in the table below, the entire alley would be vacated to the petitioner at 225 Ogden Avenue:

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#### Lot Consolidation

The existing property consists of four lots of record and a public alley which must be consolidated into a single lot of record. The single lot of record will meet the lot depth and area requirements of the B-3 zoning district as shown in the table below:

| 225 Ogden Avenue | Lot Width |                         | Lot Depth |                         | Lot Area       |                               |
|------------------|-----------|-------------------------|-----------|-------------------------|----------------|-------------------------------|
|                  | Required  | Proposed                | Required  | Proposed                | Required       | Proposed                      |
| Lot 1            | 50 feet   | 150 feet<br>(no change) | 140 feet  | 300 feet<br>(No change) | 10,500 sq. ft. | 43,021 sq. ft.<br>(no change) |

The petitioner is providing the required five-foot public utility and drainage easements along the side property lines and a ten-foot public utility and drainage easement along the rear property line. Additionally, the plat of subdivision identifies the public utility easement across the vacated alley.

#### Special Use

The petitioner is proposing to add a second drive through lane via the construction of a side-by-side drive through. A drive through is an allowable special use in the B-3 zoning district.

### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The proposed zoning ordinance map amendment, alley vacation, lot consolidation and special use are all consistent with the Comprehensive Plan. The Comprehensive Plan has a goal of increasing the depth of commercial properties along Ogden Avenue. Although the McDonalds parcel is not physically expanding, the alley vacation and rezoning of the alley and southernmost parcel would expand the depth of the B-3 zoning along Ogden Avenue.

The Commercial Area Plan section of the Comprehensive Plan identifies the entire property being within the corridor commercial area. Corridor commercial uses include a blend of neighborhood-oriented commercial retail, offices, smaller regional commercial retail, service uses and multi-family uses. The Comprehensive Plan notes these areas should continue to function in their dual role in serving the daily needs of local residents and providing commercial services to the larger region. The rezoning, alley vacation, lot consolidation and special use are all necessary to allow the side-by-side drive through. The side-by-side drive through will assist McDonalds in continuing to efficiently serve both local residents and residents of neighboring communities. The proposed rezoning from R-4 to B-3, the vacation of the alley, the lot consolidation and the special use are all consistent with the Comprehensive Plan.

### **COMPLIANCE WITH THE ZONING ORDINANCE**

The property is zoned R-4, Single Family Residential and B-3, General Services and Highway Business. The parking lot within the southernmost parcel was approved as a Conditional Use in the R-4 zoning district in 1972 while the drive through was installed in the late 1970s as a permitted use. The petitioner is proposing to rezone the alley and southernmost parcel from R-4 to B-3 to better align these parcels with their current commercial use. Minor improvements to the alley and southernmost parcel include additional landscaping, concrete drive through lanes and associated menu boards.

The existing building is compliant with existing B-3 zoning district bulk requirements. The rezoning of the alley and southernmost parcel will not have any impact on the existing bulk characteristics of the parcel. The easement over the alley effectively divides the site into two and maintains the use of the southernmost parcel as parking and circulation. Any future improvements will be required to comply with the bulk requirements of the B-3 zoning district as listed below:

| <b>225 Ogden Avenue</b>                                | <b>Existing Site Conditions</b>             | <b>B-3 District Bulk Requirements</b> |
|--------------------------------------------------------|---------------------------------------------|---------------------------------------|
| Lot Area                                               | 43,021 square feet<br>(existing, no change) | 10,500 square feet                    |
| Lot Width                                              | 150 feet<br>(existing, no change)           | 75 feet                               |
| Front Yard Setback<br>(North)                          | 82 feet<br>(existing, no change)            | 25 feet                               |
| Side Yard Setback<br>(East)                            | 50 feet<br>(existing, no change)            | n/a                                   |
| Side Yard Setback<br>(West, adj. to 237 Ogden)         | 50 feet<br>(existing, no change)            | n/a                                   |
| Side Yard Setback<br>(West, adjacent to 4319 Florence) | 50 feet<br>(existing, no change)            | 8 feet                                |
| Rear Setback<br>(South)                                | 116 feet<br>(existing, no change)           | 10 feet                               |

The proposed B-3, General Services and Highway Business zoning classification is appropriate for this property and is consistent with the zoning classifications in the area.

### **PARKING AND TRAFFIC**

The proposed side-by-side drive through will result in the loss six parking spaces, bring the total number of available parking spaces to 49. Based on the size of the building, 44 parking spaces are required. The petitioner has identified 12 vehicles stacked in the side-by-side drive through lane where eight are required. Additionally, the petitioner has provided a traffic study of a side-by-side drive through from Rosemont, IL that found the number of vehicles stacked in the side-by-side drive through was typically less than the number of vehicles stacked in a single drive through lane. The side-by-side drive through is a more efficient way for McDonalds to process orders. As such, the proposed drive through will assist in decreasing the amount of time a vehicle spends in the queue and decreasing the number of vehicles in the queue.

### **ENGINEERING/PUBLIC IMPROVEMENTS**

The property is primarily impervious with the parking lot and building taking up the majority of the property. The proposal calls for a new green space between the building and proposed drive through lanes which will result in a small decrease in the impervious surface area on the property. The site will be required to meet all requirements of the stormwater ordinance.

Public improvements are not required. The two Ogden Avenue curb cuts will remain and an existing public sidewalk is currently located along Ogden Avenue. The petitioner is proposing no new utilities to the building.

### **PUBLIC SAFETY REQUIREMENTS**

The Fire Prevention Division of the Fire Department has reviewed the proposal and has no comments. Two auto-turn exhibits were provided which identified the Village's largest emergency vehicle and a delivery tractor-trailer being able to maneuver around the site. There are no proposed interior or exterior modifications to the building so there are no additional fire safety requirements for the building itself.

### **NEIGHBORHOOD COMMENT**

Notice was provided to all property owners 250 feet or less from the property in addition to posting the public hearing notice sign and publishing the legal notice in the *Downers Grove Reporter*. Staff spoke with two residents who were concerned that McDonalds was increasing their land area farther south into the residential zoning district. This is not the case, as the land area will remain the same.

### **FINDINGS OF FACT**

The applicant is requesting a Zoning Ordinance Map Amendment, Alley Vacation, Lot Consolidation and a Special Use to construct a side-by-side drive through in the B-3 zoning district. The development meets the standards for granting each of these requests as outlined below:

#### ***Section 28.1702 Standards for Approval of Amendments to the Zoning Ordinance***

*Village Council and Plan Commission consideration and approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making its decisions and recommendations regarding map amendments, the Village Council and Plan Commission shall consider the following factors:*

#### **(1) *The existing uses and zoning of nearby property.***

The existing uses on the R-4 zoned portions of the subject property are a drive through and parking lot for the McDonalds restaurant. The alley and southernmost parcel have been commercial in nature since the parking lot was approved as a conditional use in 1972. The surrounding area includes B-3 zoning to the north and east and R-4 zoning to the south and west. A rezoning to the B-3 zoning district would be consistent with the commercial nature of the use that is currently

located on the site and with the Corridor Commercial designation of this property in the Comprehensive Plan. This standard has been met.

**(2) *The extent to which the particular zoning restrictions affect property values.***

The proposed rezoning will not negatively affect property values. The subject site has continually been used as a commercial parking lot for over 40 years and as a drive through for over 30 years without any negative impact on adjacent property values. The rezoning of the subject site will not change the existing drive through and parking lot uses and will not affect property values. This standard has been met.

**(3) *The extent to which any determination in property value is offset by an increase in the public health, safety and welfare.***

The proposed rezoning will not impact property values or the public health, safety and welfare of the community or neighborhood. The subject property has been used as a commercial parking lot since 1972. A drive through has been on site since the late 1970s. Staff believes this standard has been met.

**(4) *The suitability of the subject property for the zoned purposes.***

The subject area is not suitable for the current R-4, Single Family Residential zoning designation. The area is currently and has historically been a commercial parking lot with a drive through. The residentially zoned area is only accessible via the petitioner's curb cuts onto Ogden Avenue. The subject area is further separated from the adjacent residential properties by a solid six-foot tall fence. The area is suitable for commercial uses. This standard has been met.

**(5) *The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.***

The property is currently and has historically been commercial in nature. The rezoning will allow the alley and southernmost parcel to be consistent with the B-3 zoning classification that is already in place over the other two thirds of the subject property. The rezoning will assist in the development of a side-by-side drive through which is consistent with the property's Corridor Commercial designation in the Comprehensive Plan. The B-3 zoning is more appropriate for the subject area. This standard has been met.

**(6) *The value to the community of the proposed use.***

The Comprehensive Plan has a goal of increasing the depth of commercial properties along Ogden Avenue. The rezoning of the alley and southernmost parcel would meet this goal. This standard has been met.

**(7) *The standard of care with which the community has undertaken to plan its land use development.***

The Village has carefully planned its land use development as evidenced by the recent adoption of the Comprehensive Plan. This standard has been met.

***Compliance with the Procedure to be followed in the Vacation of Streets, Alleys, and Public Rights-of-Way (Resolution #2003-58)***

The Village's right-of-way vacation policy asks two key questions when it comes to determining if a right-of-way can be vacated. These questions and staff's findings are listed below:

- Is there written consent of at least two property owners who abut the proposed parcel to be vacated?
  - The alley in question is used solely by the petitioner. There are no other property owners who have access to the alley.

- Are there any known public interests served the parcel?
  - As noted above, staff contacted the utility companies and outside public agencies to determine the extent of public interest. Based on their replies, staff has determined the public interests can be addressed by maintaining a public drainage, utility and utility access easement over the entire alley right-of-way to be vacated. The petitioner has noted the location of landscaping and menu board wiring within the easement area. The petitioner will be solely responsible for repairs to these items should any work within the easement cause damage. The petitioners have been informed of the easement requirements and do not object to them.

Based on these findings, the request complies with the Village policy outlined in Resolution #2003-58. The alley can be vacated to the petitioner with a drainage, utility and utility access easement placed over the entire right-of-way to be vacated.

Per the right-of-way vacation policy, staff requested the petitioner provide an appraisal to determine the fair market value of the right-of-way to be vacated. The appraisal reviewed the public alley to be vacated and examined multiple factors, including neighborhood features and trends, highest and best use of the alley and comparable sales to determine the value of the alley. The appraisal found the highest and best use for the alley would be its assemblage with the McDonalds site. Based on comparable sales, the landlocked nature of the alley, the highest and best use of the alley and the proposed easement over the alley, the appraisal valued the alley at \$18,000. The appraisal is of sound merit and staff recommends the Village Council find the fair market value of the alley to be \$18,000.

### ***Lot Consolidation***

The proposed Final Plat of Subdivision to consolidate the four existing lots of record and vacated alley into a new lot of record meets and exceeds the minimum lot dimension standards of Sections 28.1103(b) (lot area) and 28.1104(b) (lot width) of the Zoning Ordinance and Sections 20.101 (definitions) and 20.301(b) (lot dimensions) of the Subdivision Ordinance. The proposal is consistent with surrounding uses and lot sizes. The request is consistent with the Comprehensive Plan and meets the requirements of the Zoning and Subdivision Ordinances of the Village.

### ***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.*

The proposed side-by-side drive through will provide a desirable service to the community and will contribute to the general welfare of the Ogden Avenue corridor. The proposal is consistent with the Corridor Commercial designation in the Comprehensive Plan and the goal of providing for both the daily needs of residents as well as providing commercial services to the larger region. This standard is met.

- (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.*

The proposed side-by-side drive through will not be detrimental to the health, safety, morals or general welfare of the community. The new drive through equipment will be equipped with audio controls that

can take into account ambient noise and reduce or increase its volume as necessary. The side-by-side layout will also decrease the length of the vehicle stacking as customers are more quickly led through the line. This standard is met.

- (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.*

The petitioner is not requesting any zoning variations. The proposal will meet all bulk requirements of the B-3 zoning district. This standard is met.

- (d) *That it is one of the special uses specifically listed for the district in which it is to be located.*

Drive through uses are listed in Sections 28.609 of the Zoning Ordinance as allowable special uses in the B-3 zoning district. This standard is met.

## **RECOMMENDATIONS**

---

The following four requests are compatible with the surrounding zoning and land use classifications:

1. A Zoning Map Ordinance Amendment to rezone the public alley and the southernmost lot of record from R-4, Single Family Residential to B-3, General Services and Highway Business;
2. An Alley Vacation to vacate the public alley that is currently used by the petitioner;
3. A Plat of Consolidation to consolidate the four lots of record and vacated alley into a single lot of record; and
4. A Special Use to permit a side-by-side drive through.

Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation of all four requests to the Village Council regarding this petition.

1. The zoning ordinance map amendment, alley vacation, lot consolidation and special use shall substantially conform to the staff report, engineering plans, fire truck and delivery truck plans, signage exhibits, and landscape plan prepared by Watermark Engineering Resources, Ltd. dated May 15, 2013; plat of vacation prepared by Compass Surveying, Ltd. dated April 19, 2013 and revised on June 10, 2013; and the final plat of subdivision prepared by Compass Surveying, Ltd. dated April 19, 2013 and revised on July 25, 2013, except as such plans may be modified to conform to the Village codes and ordinances.
2. Prior to execution of the Plat of Vacation, the petitioner shall pay the Village a total of \$18,000.00.

Staff Report Approved By:

---

Tom Dabareiner, AICP  
Director of Community Development

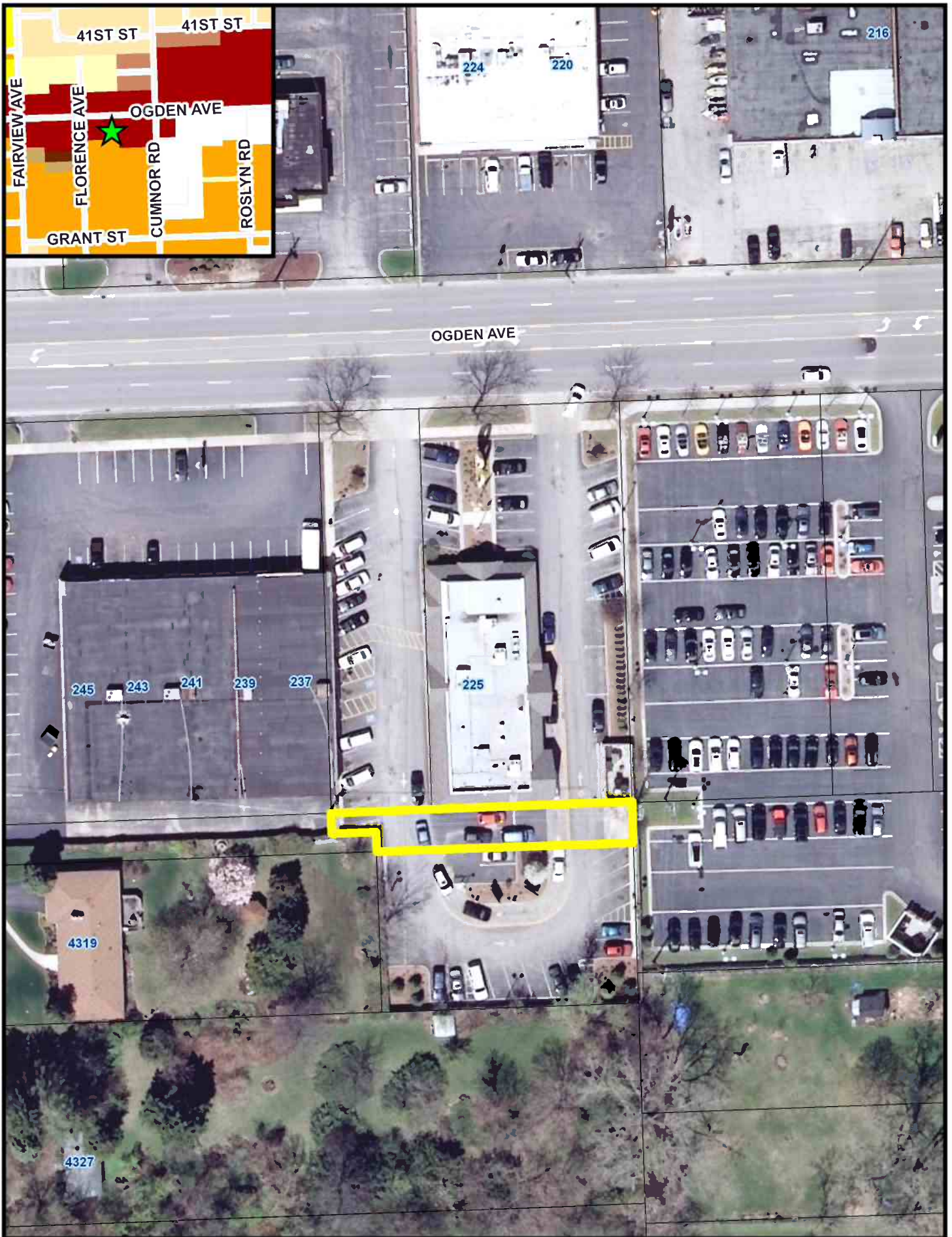
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-att



0 25 50  
Feet

225 Ogden Avenue - Location Map





0 25 50  
Feet

## 225 Ogden Avenue - Alley Vacation Map



R. TERENCE KALINA  
HENRY S. STILLWELL III  
REESE J. PECK  
TRACY D. KASSON  
JOHN R. ZEMENAK  
SCOTT E. POINTNER  
KEVIN M. CARRARA  
TIMOTHY D. ELLIOTT  
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ATTORNEYS AT LAW, ESTABLISHED 1938.

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ANN MARIE L. PEREZ  
KAITLYN ANNE WILD \*  
\*Licensed in Wisconsin

*Bertram E. Rathje*  
*(1900-1972)*  
*John S. Woodward*  
*(1903-1990)*

May 17, 2013

Phone: (630) 668-8500  
Direct: (630) 510-4909  
Fax: (630) 668-9218  
hstillwell@rathjewoodward.com

Mr. Stan Popovich  
Village Planner  
Village of Downers Grove  
801 Burlington Ave.  
Downers Grove, IL 60515

Re: Petition for Vacation of Alley, Lot Consolidation,  
Zoning Ordinance Map Amendment, and Special Use ("Application")  
McDonald's Corporation ("Applicant")  
Chicago Title Land Trust Company, Trust No. 39459 ("Owner")  
225 E. Ogden Ave., Downers Grove, Illinois ("Property")

Dear Mr. Popovich:

Rathje & Woodward, LLC has been retained by the above referenced Applicant, McDonald's Corporation, to represent its interest concerning the above referenced Application. The Applicant is and has been for over 25 years operating a McDonald's restaurant with drive-thru facility ("Existing Restaurant") on the above referenced Property. Fee title to the Property is held by the above referenced Owner. Applicant is the ground lessee of the Property. Applicant is desirous of upgrading the Existing Restaurant by adding a dual side-by-side drive-thru order system in place of the existing single lane order system. In conjunction with said desired upgrade, Applicant and Owner are requesting the vacation of the existing alley ("Alley") owned by the Village which currently bisects the two parcels which make up the Property and are referred to herein respectively as the "North Parcel" and "South Parcel". Further, Applicant will, as a part of said drive-thru upgrade, replace the existing non-conforming freestanding sign with a conforming freestanding monument sign. The Existing Restaurant will otherwise continue in its current condition. In furtherance of said objectives, Applicant and Owner herewith submit to the Village an application for (1) vacation of the Alley, (2) plat of subdivision consolidating the Property and the Alley into one lot, (3) rezoning of the South Parcel and Alley from R-4 to B-3, and (4) a special use for the construction, operation and maintenance of a dual side-by-side drive-thru system.

In pursuit of the relief requested by Applicant and Owner, Applicant is prepared to present evidence to the Village as a part of the hearing and review process, demonstrating the proposed project's compliance with the applicable standards for approval, to wit:

1. Alley Vacation

- (a) The Alley is currently effectively incorporated into the site plan for the Existing Restaurant and does not provide any benefit for the public or adjacent properties. As a result, the Alley is no longer necessary for public use and the public interest will be served by eliminating public responsibility for the Alley and adding the same to the public tax rolls.
- (b) Appropriate public utility easements will be reserved over, across, upon and beneath the Alley for the benefit of the Village and its franchisees for the existing utilities located therein and/or thereover.
- (c) Compensation as determined to be appropriate pursuant to an acceptable appraisal will be paid to the Village by Applicant for the vacation of the Alley.

2. Rezoning of South Parcel and Alley

- (a) The proposed rezoning of the South Parcel and Alley from R-4 to B-3 is consistent with the manner in which said property has been utilized for many years as a part of the Existing Restaurant. The adjacent property located to the north of the said property is zoned B-3. The adjacent property to the east, south and west is zoned residential, however, there are no residential structures within the areas immediately adjacent to said property due to the large size of the residential parcels.
- (b) The current R-4 classification is inconsistent with the underlying use of the South Parcel and Alley and therefore negatively impacts the value of said property without providing any offsetting benefit to adjacent property values.
- (c) The existing R-4 classification provides no benefit to public health, safety and welfare since it is inconsistent with the underlying land use and nearby commercial activities.
- (d) The longstanding commercial use of the South Parcel and Alley for the Existing Restaurant has demonstrated the suitability of said property for B-3 zoning and its unsuitability for the existing R-4 zoning.
- (e) The existing use of the Property, including the South Parcel and Alley, for the Existing Restaurant has and continues to service a demand of residents of the Village as well as others, thereby supporting the economic development of the community and the non-residential tax base of the Village.

3. Special Use

- (a) The proposed special use is consistent with and will enhance a longstanding existing use of the Property which will provide a safer and more efficient on-site traffic

circulation system. The side-by-side drive-thru order system will improve sales volume and tax revenues thereby promoting the public interest and contributing to the general welfare of the neighborhood and community.

(b) The proposed special use will allow for the implementation of the most current technology available for Applicant's drive-thru systems which better controls and mitigates potential impacts on neighboring properties, including audio controls. This, along with the enhanced on-site circulation and reduced length of the drive-thru stack will not be detrimental to, but rather will promote, the health, safety and general welfare of those residing or working in the vicinity of the Property. Further, facilitating a more efficient operation of an existing use will be beneficial to, and not injurious of, the value of properties or improvements in the vicinity.

(c) The proposed special use will comply with the regulations specified in the Zoning Ordinance for the B-3 District. No variations are requested.

In support of the foregoing, Applicant and Owner hereby submit the following materials:

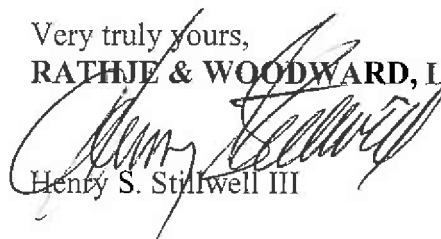
1. Petition for Plan Commission;
2. Rathje & Woodward, LLC check #114026 in the amount of \$1,864.00 in payment of the applicable Application fees;
3. Legal Description of the Property;
4. Proof of Ownership;
5. Copy of Owner Authorization and Land Trust Disclosure (originals to be delivered next week);
6. Certification of Public Notice Information including mailing labels;
7. Copy of Metro Transportation Study dated October 10, 2006 regarding the side-by-side drive-thru system;
8. Six (6) full size copies of Boundary and Topographic Survey;
9. Six (6) full size copies of Final Plat of Subdivision;
10. Six (6) full size copies of Plat of Vacation;
11. Six (6) full size copies of the following plan set:
  - (i) Site Plan;
  - (ii) Landscape Plan;
  - (iii) Wall Signage Plan;
  - (iv) Freestanding Signage Plan;
  - (v) Fire Truck Circulation Exhibit; and
  - (vi) Delivery Truck Circulation Exhibit;
12. One (1) CD with pdf copies of all plans.

In the event the requested entitlements are approved by the Village, Applicant anticipates a two (2) year time frame to prepare final construction plans, obtain necessary permits, and construct the proposed improvements. A construction schedule identifying said two year period will be submitted by Applicant to the Village prior to the public hearing before the Plan Commission.

Please accept this letter and all of the enclosures submitted herewith for filing and initiate all appropriate procedures in order to facilitate the scheduling of applicable public hearings and meetings. Should you require any additional materials or information concerning the Application, please do not hesitate to contact the undersigned. Please advise the undersigned of all meetings and hearings as the same are from time to time scheduled. Your attention to this matter will be very much appreciated.

Very truly yours,

**RATHJE & WOODWARD, LLC**



Henry S. Stilwell III

HSS:jlt

Enclosures

cc: Rick Dolan (via email w/o enc.)  
Mary Meyer (via email w/o enc.)  
Dan Olson (via email w/o enc.)  
Jeff Miller (via email w/o enc.)



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## MEMORANDUM

TO: Dennis Stabile

FROM: David B. Miller, P.E., President

DATE: October 10, 2006

RE: McDonald's Drive-Thru Surveys  
Rosemont, Illinois

### Introduction

The McDonald's Corporation requested Metro Transportation Group, Inc. (Metro) to conduct comparison surveys of a single lane drive-thru versus a double (side-by-side) drive-thru. These surveys were conducted for a peak lunch period of 11:30 a.m. to 1:00 p.m. on Thursday, October 5<sup>th</sup>, 2006 (double drive-thru) and on Friday, October 6<sup>th</sup>, 2006 (single lane drive-thru). Every five minutes, the number of vehicles stacked behind the order board (s) was recorded for each survey.

### Analyses

Table 1 indicates the results of both surveys. As can be seen, the double drive-thru had substantially less vehicles waiting in line at each 5 minute period than the single lane drive-thru. There were only two out of nineteen of the 5 minute counts that the double drive-thru had more cars stacked than the single lane drive-thru for that same time period and that was when vehicles at both windows had long orders. Over the 90 minute peak lunch period, there were a total of 56 less vehicles stacked with the double drive-thru, even though there were 33 (20 percent) more vehicles served on Thursday versus Friday as shown in Table 2.

### Conclusions

Based upon the surveys during the peak lunch period and my personal observations of the double drive-thru operation, there is a substantial improvement in the stacking of vehicles behind the order boards with the double drive-thru verses the single lane drive-thru.



**TABLE 1**  
**Mc DONALD'S DRIVE-THRU SURVEY OF STACKED VEHICLES**  
6150 RIVER RD., ROSEMONT, IL

| Time Period | THURSDAY<br>10/5/2006<br>(double<br>drive-thru) | FRIDAY<br>10/6/2006<br>(single lane<br>drive-thru) | DIFFERENCE |
|-------------|-------------------------------------------------|----------------------------------------------------|------------|
| 11:30 a.m.  | 0                                               | 3                                                  | -3         |
| 11:35       | 0                                               | 1                                                  | -1         |
| 11:40       | 0                                               | 1                                                  | -1         |
| 11:45       | 0                                               | 1                                                  | -1         |
| 11:50       | 1                                               | 4                                                  | -3         |
| 11:55       | 2                                               | 6                                                  | -4         |
| 12:00 Noon  | 2                                               | 6                                                  | -4         |
| 12:05 p.m.  | 7                                               | 4                                                  | +3         |
| 12:10       | 0                                               | 8                                                  | -8         |
| 12:15       | 1                                               | 7                                                  | -6         |
| 12:20       | 1                                               | 3                                                  | -2         |
| 12:25       | 3                                               | 5                                                  | -2         |
| 12:30       | 0                                               | 8                                                  | -8         |
| 12:35       | 4                                               | 8                                                  | -4         |
| 12:40       | 1                                               | 4                                                  | -3         |
| 12:45       | 0                                               | 6                                                  | -6         |
| 12:50       | 2                                               | 4                                                  | -2         |
| 12:55       | 6                                               | 3                                                  | +3         |
| 1:00        | 2                                               | 6                                                  | -4         |
|             | Total Difference                                |                                                    | -56        |

**TABLE 2**  
**TOTAL DRIVE-THRU VEHICLES SERVED**

|                       | THURSDAY<br>10/5/2006 | FRIDAY<br>10/6/2006 |
|-----------------------|-----------------------|---------------------|
| 11:30a.m.-11:45p.m.   | 24                    | 19                  |
| 11:45a.m.-12:00noon   | 23                    | 30                  |
| 12:00noon - 12:15p.m. | 32                    | 29                  |
| 12:15p.m.-12:30p.m.   | 48                    | 31                  |
| 12:30p.m.-12:45 p.m.  | 31                    | 30                  |
| 12:45p.m.-1:00p.m.    | 41                    | 27                  |
|                       | 199                   | 166                 |

**SUMMARY APPRAISAL REPORT**

**OF**

**VACATED ALLEYWAY LOCATED 200' SOUTH  
OF 225 E. OGDEN AVENUE  
DOWNERS GROVE, ILLINOIS**



**PREPARED FOR**

**MCDONALD'S USA, LLC**

**PREPARED BY**

**KRUEGER APPRAISAL SERVICES, INC.**

**SUE A. MILLER**

**TED SCHNELLER**

# KRUEGER APPRAISAL SERVICES, INC.

14 S. LINCOLNWAY  
NORTH AURORA, IL 60542

<http://www.kruegerinc.com>  
[kruegerappraisal@aol.com](mailto:kruegerappraisal@aol.com)

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COMMERCIAL FAX • (866) 919-9793

May 24, 2013  
File No. 9200-0513

Ms. Mary Meyer  
McDonald's USA, LLC  
4320 Winfield Road, Suite 400  
Warrenville, IL 60555

RE: Appraisal of Property  
Vacated Alleyway Located 200' South of 225 E. Ogden Avenue  
Downers Grove, IL 60515

Dear Ms. Meyer:

As requested, we have made an inspection of and performed an appraisal on the afore referenced property. The purpose and objective of the appraisal were to estimate the market value of the afore referenced property. Our definition of market value, which is set forth in the body of this report, is intended to comply with the market value as defined by the Comptroller of the Currency under 12CFR, Part 34, Subpart C.

*This is a summary appraisal report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2©) of the Uniform Standards of Professional Appraisal Practice for a summary use appraisal report. Also, the appraisal is intended to conform to the minimal appraisal standards under Title II of the **Financial Institution's Reform, Recovery and Enforcement Act (FIRREA)** of 1989, amended June 7, 1994, and the Interagency Appraisal and Evaluation Guidelines of October 27, 1994. As this is a summary appraisal report, it presents only limited discussions of the data, reasoning and analyses that were used in the appraisal process to develop the appraisers' opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraisers' file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated below. The appraisers are not responsible for unauthorized use of this report.*

Therefore, subject to assumption and limiting conditions which are outlined in the body of this report, our estimate of present fair market value of the fee simple interest for the subject property, as of May 23, 2013, would be:

**EIGHTEEN THOUSAND DOLLARS**  
**(\$18,000)**

Respectfully  
KRUEGER APPRAISAL SERVICES, INC.



Sue A. Miller  
Staff Appraiser  
State Certified Residential-Illinois  
License No. 556.004685  
Expiration: 09-30-13



Ted Schneller, IFAS, President  
Review Appraiser  
State Certified-General-Illinois  
License No. 553.000510  
Expiration: 09-30-13

SAM/TS:scm

## TABLE OF CONTENTS

### **PART 1 - INTRODUCTION**

|                                                |   |
|------------------------------------------------|---|
| SUMMARY OF SALIENT FACTS AND CONCLUSIONS ..... | 3 |
|------------------------------------------------|---|

### **PART II - PROPERTY DATA**

|                                                       |    |
|-------------------------------------------------------|----|
| PURPOSE OF THE APPRAISAL .....                        | 7  |
| FUNCTION OF THE REPORT AND INTENDED USER/CLIENT ..... | 8  |
| HYPOTHETICAL CONDITIONS .....                         | 8  |
| SCOPE OF WORK .....                                   | 12 |
| DESCRIPTION OF REAL ESTATE APPRAISED .....            | 23 |

### **PART III - VALUATION**

|                            |    |
|----------------------------|----|
| HIGHEST AND BEST USE ..... | 32 |
| LAND VALUATION .....       | 34 |
| CERTIFICATION .....        | 40 |

**PART 1 - INTRODUCTION**

**SUMMARY OF SALIENT FACTS AND CONCLUSIONS**

|                                 |                                                                                    |
|---------------------------------|------------------------------------------------------------------------------------|
| Location:                       | Vacated Alleyway Located 200' South of<br>225 E. Ogden Avenue<br>Downers Grove, IL |
| Permanent Index Number:         | 09-04-305-007                                                                      |
| Property Rights Appraised:      | Fee Simple Interest                                                                |
| Census Tract No:                | 8448.01                                                                            |
| Property Type:                  | Alleyway                                                                           |
| Zoning:                         | R-4, Single-Family Residence                                                       |
| Land Area:                      | 2,781± Sq. Ft./0.06± acres                                                         |
| Building Size:                  | N/A                                                                                |
| Land/Building Ratio:            | N/A                                                                                |
| Real Estate Taxes:              | Tax Exempt                                                                         |
| Highest and Best Use:           | Rezone to B-3, General Service & Highway Business                                  |
| Effective Date of Value:        | May 23, 2013                                                                       |
| Date of Inspection:             | May 23, 2013                                                                       |
| Date of Report:                 | May 24, 2013                                                                       |
| Valuation:                      |                                                                                    |
| Cost Approach:                  | Omitted                                                                            |
| Sales Comparison Approach:      | \$18,000                                                                           |
| Income Capitalization Approach: | Omitted                                                                            |
| Final Value Estimate:           | \$18,000                                                                           |

**SUBJECT PHOTOGRAPHS**



Viewing east through "alleyway" from west property line of McDonald's



Viewing west through "alleyway" from east property line of McDonald's

**SUBJECT PHOTOGRAPHS (Continued)**



Viewing east through “alleyway” along rear property line  
of strip-center located adjacent the McDonald’s (to the west)



Viewing south along Florence Avenue  
(Florence Avenue borders subject “alleyway” to the west)

**SUBJECT PHOTOGRAPHS (Continued)**



Viewing north along Florence Avenue

**PART II - PROPERTY DATA**

**PURPOSE OF THE APPRAISAL**

The purpose of this appraisal is to provide the appraisers' best estimate of the present fair market value of the fee simple interest in the subject real property as of the effective date.

Market value, as utilized in this report, is defined by the Department of the Treasury Office of the Comptroller of the Currency under Title XI of the Federal Financial Institution's Reform, Recovery and Enforcement Act as of 1989 (FIRREA) final rule, effective August 24, 1990 as follows\*:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- ▶ buyer and seller are typically motivated;
- ▶ both parties are well informed or well advised and acting in what they consider their own best interests;
- ▶ a reasonable time is allowed for exposure in the open market;
- ▶ payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- ▶ the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

*\*Source: Uniform Standards of Professional Appraisal Practice (Appraisal Foundation, 2008-2009 Edition), Pg. A76*

## **FUNCTION OF THE REPORT AND INTENDED USER/CLIENT**

This appraisal is intended to assist the client and the intended user, McDonald's USA, LLC, in financial decisions. This appraisal was ordered by Ms. Mary Meyer.

## **HYPOTHETICAL CONDITIONS**

According to the Uniform Standards of Professional Appraisal Practice (USPAP), a hypothetical condition is "a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis." In the case of this report, the hypothetical aspect relates to the size of the subject property. The appraisers were asked to provide an opinion of value for a portion of a vacated alleyway, currently owned by the Village of Downers Grove, that bisects the property known as 225 Ogden Avenue (a.k.a. McDonald's Fast Food Restaurant). Said alleyway's PIN number is 09-04-305-007 and, according to the Downers Grove Township Assessor's office, measures 20' W x 328' L for a total of 6,560± sq. ft. The western edge of the subject parcel begins at Florence Avenue and continues east along the southern property line of 237 - 243 Ogden Avenue (a three-unit strip center) to the eastern property line of what is currently known as 225 Ogden Avenue (McDonald's Fast Food Restaurant). Only that portion bisecting the McDonald's property is the subject of this report. Therefore, according to the measurements provided by Plat of Vacation, dated January 19, 2013, the portion of the alleyway that is subject of this report, contains a total of 2,781± sq. ft.

### **EXTRAORDINARY ASSUMPTIONS**

An extraordinary assumption is defined by USPAP as “an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser’s opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or the integrity of data used in an analysis.” Regarding this appraisal, the extraordinary assumption relates to the zoning of the subject. The subject alleyway is currently zoned R-4, Single-Family Residence. As previously discussed, the subject property bisects a portion of the property known as 225 Ogden Avenue (McDonald’s). There are three parcel to the north of the subject that are zoned B-3, General Services & Highway Business, and there are two parcels to the south of the subject that are zoned R-4. According to Mr. Stan Popovich of the Downers Grove Planning Department, it is the appraisers understanding that the portion of the alleyway that is the subject of this report and the parcel to the south of the subject, that is already owned by McDonald’s, will apply to be rezoned to B-3. Therefore, the appraisers have made the extraordinary assumption that said rezoning of the subject property has taken place.

The client and intended user of this appraisal are cautioned that if the extraordinary assumptions stipulated in this report are not true, the value opinion and other conclusions expressed in this report could be different. Furthermore, the appraiser reserves the right to revise or amend the opinion of value and/or any aspect of this appraisal report, or rescind or invalidate this appraisal report in its totality should the extraordinary assumptions prove not to be true, or should key property information be supplied to the appraiser subsequent to the delivery of this appraisal report.

**INTEREST VALUED**

Fee Simple

**CENSUS TRACT NO.**

8448.01

**EFFECTIVE DATE OF THE APPRAISAL**

May 23, 2013

**DATE OF REPORT**

May 24, 2013

**ESTIMATED EXPOSURE TIME**

Nine to Twelve Months

**ESTIMATED MARKETING TIME**

Nine to Twelve Months

**COMPETENCY STATEMENT**

The appraisers have the appropriate knowledge and experience necessary to complete the assignment and is in compliance with the Competency Provision of the USPAP. The appraisers' experience includes various properties such as the subject within the subject's market area.

## **FURNITURE, FIXTURES AND EQUIPMENT**

The estimate of value rendered by means of this report does not take into consideration any furniture, fixtures, equipment or any going concern or business value.

## **ADDITIONAL APPRAISER'S CERTIFICATION**

Pursuant to the Conduct Section of the Ethics Rule of USPAP, "If known prior to accepting an assignment, and/or if discovered at any time during the assignment, an appraiser must disclose to the client, and in the subsequent report certification any serviced regarding the subject property performed by the appraiser within the three year period immediately preceding acceptance of the assignment, as the appraiser or in any other capacity."

The appraiser has not provided any previous services regarding the subject property, including an appraisal, within the three years prior to this assignment.

The appraiser is not aware of any other services, as an appraiser or in any other capacity, performed on the subject property by this appraiser or our office within the past three years.

## **SCOPE OF WORK**

The scope of the appraisal assignment defines the extent to which data is collected, confirmed and reported. In that regard, the scope of this appraisal has involved the following:

- ▶ A physical inspection of the subject property and surrounding environs.
- ▶ Collection of all necessary and pertinent factual data regarding the subject property, using public and private records.
- ▶ Review regional, community and neighborhood factors and trends.
- ▶ Development of a highest and best use of the property.
- ▶ Extensive research, through various sources, to collect pertinent market data for the sales comparison approach to value.
- ▶ Review and analysis of the market data in order to arrive at an opinion of value.
- ▶ Preparation of our findings into a summary narrative appraisal report, including appropriate exhibits.

*Because the subject property consists of vacant land, the cost and income capitalization approaches to value were omitted from this report. Neither of these approaches are necessary nor applicable in order to determine a reliable and credible estimate of value for the subject property.*

This summary report is a recapitulation of the appraisers' data, analyses, and conclusions. In the case of the subject property, per prior agreement with the client, and giving consideration to the complexity of the assignment, the depth of the analysis contained in this report is considered to be a Level "B" report. A Level "A" would be the least in-depth but yet still sufficient to comply with applicable guidelines and regulations. Level "C" would be the most in-depth, obviously at the least meeting, if not exceeding, applicable guidelines and regulations.

### **Appraisal Assumptions**

The subject property is appraised for real estate value only; no going concern value or personal property is included in this analysis.

### **Sales History of the Subject Property/Current Owner of Record**

Federal Regulations dictate that the appraisers indicate a three-year sales history of the subject property. After checking public records, there is no indication that the subject property has transferred ownership in the past three years. We are aware of no transactions, either past or pending, which involve the subject property. The current owner of record is the Village of Downers Grove.

## **Legal Description**

THAT PART OF THE NORTH 20.00 FEET OF LOT 13 IN BLOCK 3 IN ARTHUR T. MCINTOSH AND COMPANY'S OGDEN AVENUE SUBDIVISION DEDICATED FOR PUBLIC ALLEY PER DOCUMENT NUMBER 745113 IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 9 IN BLOCK 3 IN SAID ARTHUR T. MCINTOSH AND COMPANY'S OGDEN AVENUE SUBDIVISION; THENCE SOUTH 89 DEGREES 51 MINUTES 13 SECONDS EAST ALONG THE SOUTH LINES OF LOTS 9, 8 AND 7 IN BLOCK 3 IN SAID ARTHUR T. MCINTOSH AND COMPANY'S OGDEN AVENUE SUBDIVISION, 150.08 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7 BEING ALSO THE NORTHEAST CORNER OF SAID LOT 13 IN BLOCK 3 IN ARTHUR T. MCINTOSH AND COMPANY'S OGDEN AVENUE SUBDIVISION; THENCE SOUTH 00 DEGREES 26 MINUTES 21 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 13, A DISTANCE OF 20.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 13 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 128.00 FEET; THENCE NORTH 00 DEGREES 26 MINUTES 21 SECONDS EAST PARALLEL WITH THE EAST LINE OF SAID LOT 13, A DISTANCE OF 10.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 13 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 22.08 FEET TO THE WEST LINE EXTENDED SOUTH OF AFORESAID LOT 9 IN BLOCK 3 IN SAID ARTHUR T. MCINTOSH AND COMPANY'S OGDEN AVENUE SUBDIVISION; THENCE NORTH 00 DEGREES 26 MINUTES 01 SECONDS EAST ALONG SAID WEST LINE EXTENDED SOUTH, 10.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

The subject property's PIN is 09-04-305-007.

## **AREA ANALYSIS**

The subject property is located in the Village of Downers Grove, IL, a western suburb of Chicago. It draws much influence from the overall economic climate of the greater Chicago region. Chicago has the largest population in the Midwest, and is considered the hub of the fourteen county Chicago-Naperville-Joliet, IL-IN-WI CBSA (core based statistical area) which consists of: Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will Counties in Illinois; Jasper, Lake, Newton and Porter Counties in Indiana; and Kenosha County in Wisconsin. On the pages that follow we will examine to some degree the socioeconomic, governmental and environmental forces that affect this region and the city as well as their impact on the subject property.

With an estimated population of approximately 10,000,000, the Chicago-Naperville-Joliet, IL-IN-WI CBSA is the nations third largest metropolitan area following Los Angeles and New York. At almost 9,000,000, the CBSA's nine Illinois counties comprise over 90% of the regions population. The Chicago area is a diverse economic base, which like many areas in the Midwest has successfully transformed over the last generation from a center of manufacturing to a corporate headquarter/financial center serving a broad spectrum of national, international, and geographic markets.

Currently, the Illinois portion of Chicago CBSA has a 2011 residential employment base of 4.06 million with an approximate 11% unemployment rate which is somewhat above the national average of approximately 9%. The civil labor force data by place of residence shows that some 170,000 jobs were lost between 2000 and 2003, before employment started up within 2004. The economy entered a recession in December 2007 and unemployment subsequently declined by over 260,000 over the ensuing two full years falling back to its 2003 level. Employment by place of residence has fluctuated moderately up and down over the past few years. As of April 2012, unemployment rate (not seasonally adjusted) for metropolitan Chicago is 9% compared to 8.6% for Illinois as a whole and 7.7% for the nation.

| PROJECTED POPULATION TRENDS, 1990-2015 |                |                |                |                |              |              |
|----------------------------------------|----------------|----------------|----------------|----------------|--------------|--------------|
|                                        |                |                |                |                | % Change     |              |
| County                                 | 1990           | 2000           | 2010 Est.      | 2015 Proj.     | 2000 to 2010 | 2010 to 2015 |
| Cook                                   | 5,105,071      | 5,376,741      | 5,346,234      | 5,314,991      | -0.6%        | -0.6%        |
| DeKalb                                 | 77,931         | 88,969         | 109,245        | 116,854        | 22.8%        | 7.0%         |
| DuPage                                 | 781,666        | 904,161        | 943,391        | 947,671        | 4.3%         | 0.5%         |
| Grundyl                                | 32,336         | 37,535         | 48,998         | 53,378         | 30.5%        | 8.9%         |
| Kane                                   | 317,474        | 404,119        | 526,746        | 568,090        | 30.3%        | 7.8%         |
| Kendall                                | 49,413         | 54,544         | 114,126        | 150,741        | 109.2%       | 32.1%        |
| Lake                                   | 516,424        | 644,356        | 728,224        | 751,442        | 13.0%        | 3.2%         |
| McHenry                                | 183,241        | 260,077        | 329,755        | 348,829        | 26.8%        | 5.8%         |
| Will                                   | <u>357,313</u> | <u>502,266</u> | <u>712,697</u> | <u>770,563</u> | 41.9%        | 8.1%         |
| Nine IL Co. Total                      | 7,410,869      | 8,272,768      | 8,859,416      | 9,022,559      | 7.1%         | 1.8%         |
| 14-Co. CBSA Total                      | 8,182,084      | 9,098,316      | 9,739,919      | 9,920,929      | 7.1%         | 1.9%         |

Source: *Site To Do Business Online.com*

| PER CAPITA INCOME |                    |                    |                    |               |               |               |
|-------------------|--------------------|--------------------|--------------------|---------------|---------------|---------------|
| County            | Per Capita<br>1990 | Per Capita<br>2000 | Per Capita<br>2010 | Index<br>1990 | Index<br>2000 | Index<br>2010 |
| Cook              | \$22,206           | \$33,918           | \$50,456           | 112           | 112           | 118           |
| DuPage            | \$28,093           | \$46,235           | \$60,120           | 146           | 157           | 147           |
| Kane              | \$21,244           | \$30,677           | \$37,671           | 111           | 108           | 95            |
| Kendall           | \$19,875           | \$31,158           | \$31,110           | 109           | 111           | 83            |
| Lake              | \$29,271           | \$46,203           | \$60,111           | 155           | 160           | 150           |
| McHenry           | \$21,988           | \$33,365           | \$39,750           | 116           | 117           | 101           |
| Will              | \$19,010           | \$29,948           | \$36,558           | 100           | 104           | 91            |

Sources: Woods and Poole Demographics 2010. Wealth Index for U.S. is 100.

| LABOR FORCE FACTS                                                |           |         |         |         |         |         |         |
|------------------------------------------------------------------|-----------|---------|---------|---------|---------|---------|---------|
|                                                                  | Cook      | DuPage  | Kane    | Kendall | Lake    | McHenry | Will    |
| Potential 16+ Yrs.                                               | 4,091,268 | 710,808 | 372,434 | 77,956  | 523,331 | 231,398 | 495,473 |
| In Labor Force                                                   | 2,726,502 | 524,503 | 271,418 | 59,234  | 385,071 | 176,647 | 363,827 |
| In Civilian LF                                                   | 2,725,097 | 524,357 | 271,341 | 59,234  | 373,118 | 176,561 | 363,655 |
| Males in Civilian LF                                             | 1,260,919 | 269,794 | 138,587 | 31,227  | 192,085 | 92,359  | 185,925 |
| Females in Civilian LF                                           | 1,136,153 | 225,360 | 112,559 | 25,083  | 155,505 | 73,914  | 152,478 |
| Unemployed Males                                                 | 196,244   | 17,751  | 12,147  | 1,798   | 15,670  | 6,788   | 15,649  |
| Unemployed Females                                               | 131,781   | 11,452  | 8,048   | 1,126   | 9,858   | 3,500   | 9,603   |
| Total Unemployed of Civilian LF                                  | 2,397,072 | 495,154 | 251,146 | 56,310  | 347,590 | 166,273 | 338,403 |
| Self-Employed                                                    | 92,294    | 18,326  | 9,003   | 2,614   | 15,712  | 6,651   | 11,434  |
| White Collar                                                     | 1,607,627 | 381,587 | 165,100 | 37,805  | 253,921 | 112,430 | 228,724 |
| Males in Armed Forces                                            | 1,115     | 111     | 68      | 0       | 9,737   | 82      | 155     |
| Females in Armed Forces                                          | 290       | 35      | 9       | 0       | 2,216   | 4       | 17      |
| Males not in LF                                                  | 554,821   | 65,665  | 38,619  | 6,539   | 48,497  | 18,076  | 49,267  |
| Females not in LF                                                | 809,945   | 120,640 | 62,397  | 12,183  | 89,763  | 36,675  | 82,379  |
| 3Q2009 Avg. Employ. Total                                        | 2,510,125 | 580,757 | 200,359 | 19,789  | 320,645 | 98,182  | 196,552 |
| 3Q2009 Avg. Over 65 Yrs.                                         | 106,797   | 23,050  | 9,177   | 795     | 11,822  | 4,395   | 7,639   |
| Total 2009 Over 65                                               | 626,037   | 105,078 | 44,994  | 7,394   | 71,117  | 33,510  | 60,392  |
| Sources: Easy Analytic Data 2010; Local Employment Dynamics Data |           |         |         |         |         |         |         |

### AREA ANALYSIS (Continued)

| 2010 Education Statistics by County |                  |                      |                        |                         |              |           |                          |                  |                 |                      |
|-------------------------------------|------------------|----------------------|------------------------|-------------------------|--------------|-----------|--------------------------|------------------|-----------------|----------------------|
| County                              | Total Population | Population 25 & Over | <High School Education | High School Degree Only | Some College | AA Degree | Some College & AA Degree | Bachelors Degree | Graduate Degree | Total With BA Degree |
| Cook                                | 5,304,373        | 3,385,303            | 612,407                | 845,394                 | 667,927      | 209,589   | 877,516                  | 646,666          | 403,320         | 1,049,986            |
| DuPage                              | 935,405          | 605,382              | 45,323                 | 122,492                 | 120,898      | 43,509    | 164,407                  | 176,313          | 96,847          | 273,160              |
| Kane                                | 516,112          | 308,073              | 44,536                 | 76,922                  | 63,540       | 23,595    | 87,135                   | 67,291           | 32,189          | 99,480               |
| Kendall                             | 106,651          | 66,168               | 4,803                  | 19,362                  | 16,467       | 6,636     | 23,103                   | 13,408           | 5,492           | 18,900               |
| Lake                                | 715,633          | 437,375              | 43,753                 | 93,983                  | 88,182       | 27,818    | 116,000                  | 115,271          | 68,368          | 183,639              |
| McHenry                             | 322,456          | 196,961              | 15,017                 | 54,548                  | 48,487       | 16,529    | 65,016                   | 44,213           | 18,167          | 62,380               |
| Will                                | 688,978          | 416,621              | 37,868                 | 117,869                 | 99,021       | 35,630    | 134,651                  | 88,320           | 37,913          | 126,233              |
| Source: Easy Analytic Data 2010     |                  |                      |                        |                         |              |           |                          |                  |                 |                      |

| 2010 HOUSING STATISTICS BY COUNTY |               |                |                |                 |              |             |                   |                 |                    |                   |
|-----------------------------------|---------------|----------------|----------------|-----------------|--------------|-------------|-------------------|-----------------|--------------------|-------------------|
| County                            | Housing Units | Occupied Units | Owner Occupied | Renter Occupied | Vacant Units | Median Rent | Median Home Value | Households 2010 | Median Sale 1Q2010 | Foreclosures 2009 |
| Cook                              | 2,039,598     | 1,953,418      | 1,130,240      | 823,178         | 86,180       | \$1,029     | \$235,986         | 1,953,418       | \$157,000          | 440,192           |
| DuPage                            | 346,227       | 338,513        | 260,459        | 78,054          | 7,714        | \$1,195     | \$286,877         | 338,513         | \$270,000          | 31,333            |
| Kane                              | 176,416       | 171,645        | 135,544        | 36,101          | 4,771        | \$1,028     | \$251,097         | 171,645         | \$171,321          | 35,460            |
| Kendall                           | 37,145        | 36,116         | 30,788         | 5,328           | 1,029        | \$1,052     | \$252,217         | 36,116          | \$201,500          | 11,373            |
| Lake                              | 261,348       | 253,502        | 201,221        | 52,281          | 7,846        | \$1,124     | \$307,816         | 253,502         | \$225,000          | 2,860             |
| McHenry                           | 112,045       | 109,091        | 92,323         | 16,768          | 2,954        | \$1,122     | \$261,688         | 109,091         | \$179,950          | 22,041            |
| Will                              | 241,116       | 233,187        | 200,604        | 32,583          | 7,929        | \$951       | \$235,311         | 233,187         | \$179,000          | 62,468            |
| Source: Easy Analytic Data 2010   |               |                |                |                 |              |             |                   |                 |                    |                   |

### AREA ANALYSIS (Continued)

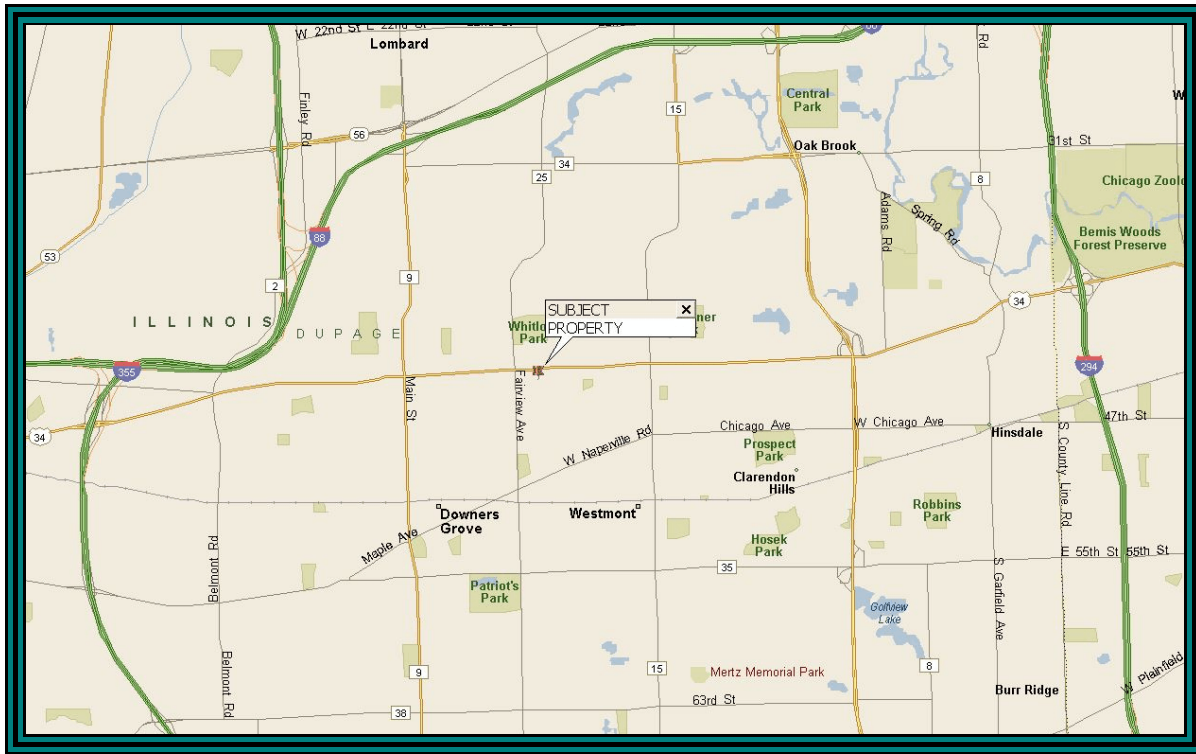
| 2010 LOCAL EMPLOYMENT BY INDUSTRY & COUNTY                         |           |         |         |         |         |         |         |             |             |
|--------------------------------------------------------------------|-----------|---------|---------|---------|---------|---------|---------|-------------|-------------|
| Industry Employment                                                | Cook      | DuPage  | Kane    | Kendall | Lake    | McHenry | Will    | Northern IL | State of IL |
| Total Employment                                                   | 3,277,227 | 725,967 | 270,025 | 31,330  | 439,566 | 129,320 | 247,147 | 5,120,582   | 7,461,412   |
| Farm                                                               | 525       | 196     | 1,279   | 608     | 552     | 1,390   | 1,170   | 5,720       | 88,551      |
| Forestry, Fishing, Related Activities & Other                      | 1,075     | 264     | 382     | 63      | 523     | 304     | 242     | 2,853       | 13,465      |
| Mining                                                             | 2,368     | 531     | 305     | 33      | 445     | 118     | 376     | 4,176       | 17,426      |
| Utilities                                                          | 4,473     | 3,169   | 207     | 5       | 519     | 434     | 1,936   | 10,743      | 24,953      |
| Construction                                                       | 159,077   | 37,142  | 17,019  | 2,371   | 22,151  | 10,055  | 18,111  | 265,926     | 384,567     |
| Manufacturing                                                      | 224,456   | 60,751  | 33,462  | 4,420   | 51,773  | 18,585  | 20,126  | 413,571     | 656,085     |
| Wholesale Trade                                                    | 125,915   | 55,447  | 13,984  | 834     | 26,701  | 6,155   | 14,581  | 243,617     | 324,635     |
| Retail Trade                                                       | 257,615   | 75,116  | 24,038  | 4,811   | 50,004  | 15,958  | 30,181  | 457,723     | 710,615     |
| Transportation & Warehousing                                       | 151,338   | 29,715  | 5,799   | 2,356   | 6,025   | 2,451   | 9,726   | 207,410     | 295,883     |
| Information                                                        | 70,085    | 16,250  | 5,973   | 226     | 4,685   | 1,453   | 3,695   | 102,367     | 135,635     |
| Finance & Insurance                                                | 215,208   | 44,099  | 11,707  | 1,198   | 27,319  | 3,781   | 8,791   | 312,103     | 412,516     |
| Real Estate & Rental & Lease                                       | 130,928   | 27,070  | 10,821  | 964     | 15,565  | 3,879   | 9,046   | 198,273     | 255,616     |
| Professional & Technical Services                                  | 308,901   | 72,999  | 15,151  | 1,499   | 30,005  | 6,731   | 11,912  | 447,198     | 545,231     |
| Management of Companies & Enterprises                              | 47,190    | 19,089  | 740     | 45      | 9,119   | 712     | 1,171   | 78,066      | 97,082      |
| Administrative & Waster Services                                   | 246,224   | 62,218  | 29,806  | 1,068   | 28,799  | 8,586   | 14,263  | 390,964     | 502,331     |
| Educational Services                                               | 119,686   | 20,365  | 5,382   | 292     | 9,144   | 1,759   | 4,709   | 161,337     | 195,129     |
| Health Care & Social Assistance                                    | 383,512   | 62,209  | 27,469  | 1,623   | 37,663  | 13,295  | 22,657  | 548,428     | 827,802     |
| Arts, Entertainment, & Recreational                                | 67,971    | 10,354  | 7,951   | 428     | 11,009  | 2,140   | 6,332   | 106,185     | 142,459     |
| Accommodation & Food Services                                      | 210,430   | 39,760  | 14,490  | 1,893   | 24,584  | 7,694   | 17,386  | 316,237     | 468,726     |
| Other Services, Except Public Admin.                               | 204,339   | 34,960  | 13,176  | 2,328   | 23,052  | 7,639   | 14,732  | 300,226     | 447,895     |
| Federal Civilian Government                                        | 40,857    | 5,287   | 1,679   | 124     | 5,280   | 544     | 952     | 54,723      | 85,240      |
| Federal Military                                                   | 10,439    | 1,753   | 922     | 166     | 16,842  | 581     | 1,184   | 31,887      | 45,436      |
| State & Local Government                                           | 294,615   | 47,223  | 28,283  | 3,975   | 37,807  | 15,078  | 33,868  | 460,849     | 784,144     |
| Total Government                                                   | 345,911   | 54,263  | 30,884  | 4,265   | 59,929  | 16,203  | 36,004  | 547,459     | 914,820     |
| Source: Northern Illinois University Center for Government Studies |           |         |         |         |         |         |         |             |             |

## **AREA ANALYSIS (Continued)**

### Conclusions

As mentioned, behind Los Angeles and New York, Chicago is the third largest city in the United States. It continues to be one of the leaders in industrial, commercial, transportation, technological, and financial centers. It is expected that once the economy begins to recover from the recent recession, Chicago will continue to grow in the sectors which we have outlined. In our opinion, Chicago will continue to be attractive for companies and individuals due in part to its excellent transportation network, proximity to suppliers and customers, and the availability of both skilled and semi-skilled labor, as well as an extensive infrastructure. At present, the employment and population trends for the Chicago metropolitan area more or less mirror that of the rest of the nation in its current economic slowdown.

## **REGIONAL MAP**



## **DESCRIPTION OF REAL ESTATE APPRAISED**

### **Overview**

The subject property is located in the Village of Downers Grove which is located in DuPage County, approximately nineteen miles from Chicago's central business district. The current population of Downers Grove is 49,143± and, generally speaking, is considered to be a bedroom community located in an older established area.

### **Location Description**

The subject property, as mentioned, is located in the Village of Downers Grove, DuPage County, DuPage Township. The subject does not have a common address; however, it is approximately 200' south of the southern edge of Ogden Avenue and bisects the property located at 225 E. Ogden Avenue (a.k.a. McDonald's Fast-Food Restaurant).

### **Subject Neighborhood**

The subject's neighborhood is located along the south side of the commercial corridor known as Ogden Avenue (a.k.a. Route 34) which is approximately one-mile northeast of the central downtown business district of the Village of Downers Grove. The predominant land use in this neighborhood is commercial. The neighborhood is considered to be in the stable stage of its life cycle. At present, property values throughout the neighborhood are generally considered to be stabilizing.

**DESCRIPTION OF REAL ESTATE APPRAISED (Continued)**

**Site Description**

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location:   | 200' south of the southern edge of Ogden Avenue and bisects the property located at 225 E. Ogden Avenue (a.k.a. McDonald's Fast-Food Restaurant).                                                                                                                                                                                                                                                                                                            |
| Size:       | The subject site contains a gross area of 2,781± sq. ft. or 0.06± acres.                                                                                                                                                                                                                                                                                                                                                                                     |
| Shape:      | Rectangular.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Zoning:     | The subject property is zoned R-4, Single-Family Residence in the Village of Downers Grove. The R-4 classification permits a wide variety of residential uses. As previously discussed, the subject is bounded on the north by a B-3 zoned property. The B-3 classification permits a wide variety of commercial uses. In our opinion, the subject property is of adequate shape and size to facilitate the uses permitted in the B-3 zoning classification. |
| Compliance: | The present use of the subject property complies with existing zoning.                                                                                                                                                                                                                                                                                                                                                                                       |

**DESCRIPTION OF REAL ESTATE APPRAISED (Continued)**

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Utilities:               | The subject site is serviced by all municipal and public utilities which include electric, gas, telecommunication infrastructure, and municipal sewer and water.                                                                                                                                                                                                                                                                              |
| Street Improvements:     | As previously discussed, the subject has no street frontage.                                                                                                                                                                                                                                                                                                                                                                                  |
| Ingress and Egress:      | For the purposes of the subject property's highest and best use, the subject bisects what is commonly known as the parking lot and drive-thru of a McDonald's Fast Food Restaurant. As such, it has adequate ingress and egress from Ogden Avenue via McDonald's parking lot.                                                                                                                                                                 |
| Topography and Drainage: | <p>The subject site is generally level and at road-grade. Drainage is facilitated by natural runoff to existing municipal storm sewers.</p> <p>According to FEMA Map No. 17043C0902H, dated December 16, 2004, the subject property is located in a Zone X flood hazard area. This zoning classification has historically been known as an area of minimal risk, and typically most lenders do not require additional insurance coverage.</p> |

**DESCRIPTION OF REAL ESTATE APPRAISED (Continued)**

Soil and Subsoil Conditions:                      Soil boring tests were not made available to the appraisers at the time of this appraisal. However, based on an inspection of the subject improvements as well as adjoining improved properties, it appears that there are no adverse subsoil conditions affecting the subject site and this appraisal is subject to this condition.

Surrounding Land Uses/Compatibility:        The subject is located along the commercial corridor known as Ogden Avenue in the Village of Downers Grove. Its current and intended use as part of the McDonald's parking lot/drive-thru is considered compatible with the neighborhood.

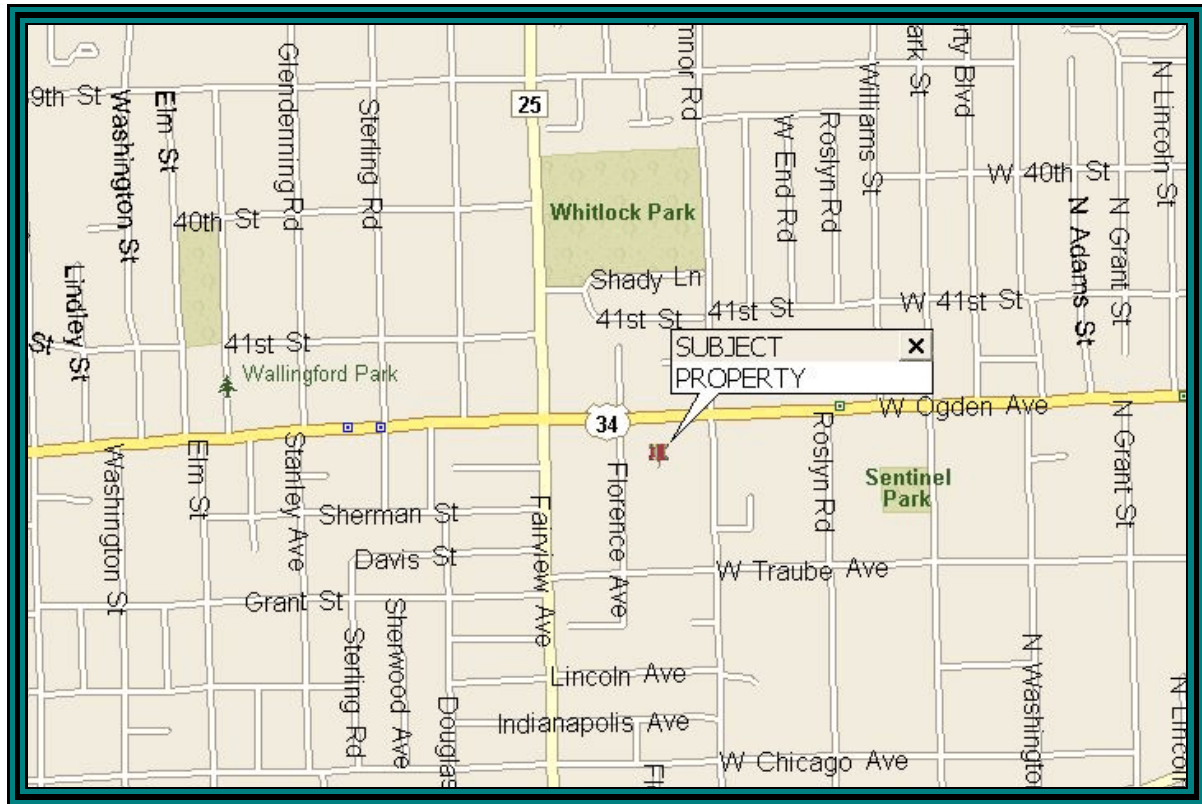
Legal Restrictions:                                With the exception of those imposed by the subject property's zoning ordinance, as well as normal governmental ordinances, we are aware of no unusual or adverse legal restrictions affecting the subject's site.

**Assessed Value and Taxes:**

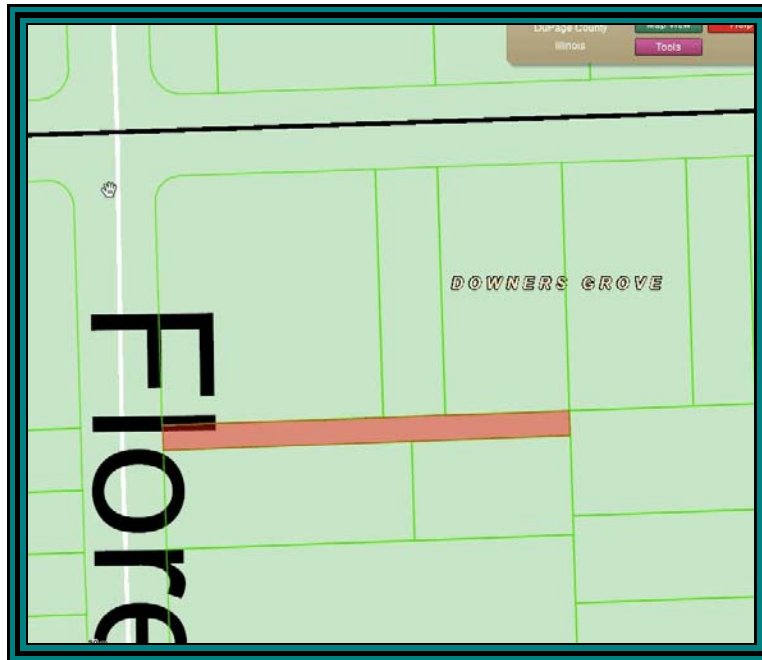
It is the appraisers' experiences that according to state statutes, assessed values are required to be 33.33% of fair market value. It is the appraisers' experiences that assessed values are somewhat low due to the inaccuracies in the mass appraisal process. As a result, no conclusions are drawn from or are based on this value.

The subject is currently owned by the Village of Downers Grove and as such, is tax exempt.

**NEIGHBORHOOD MAP**



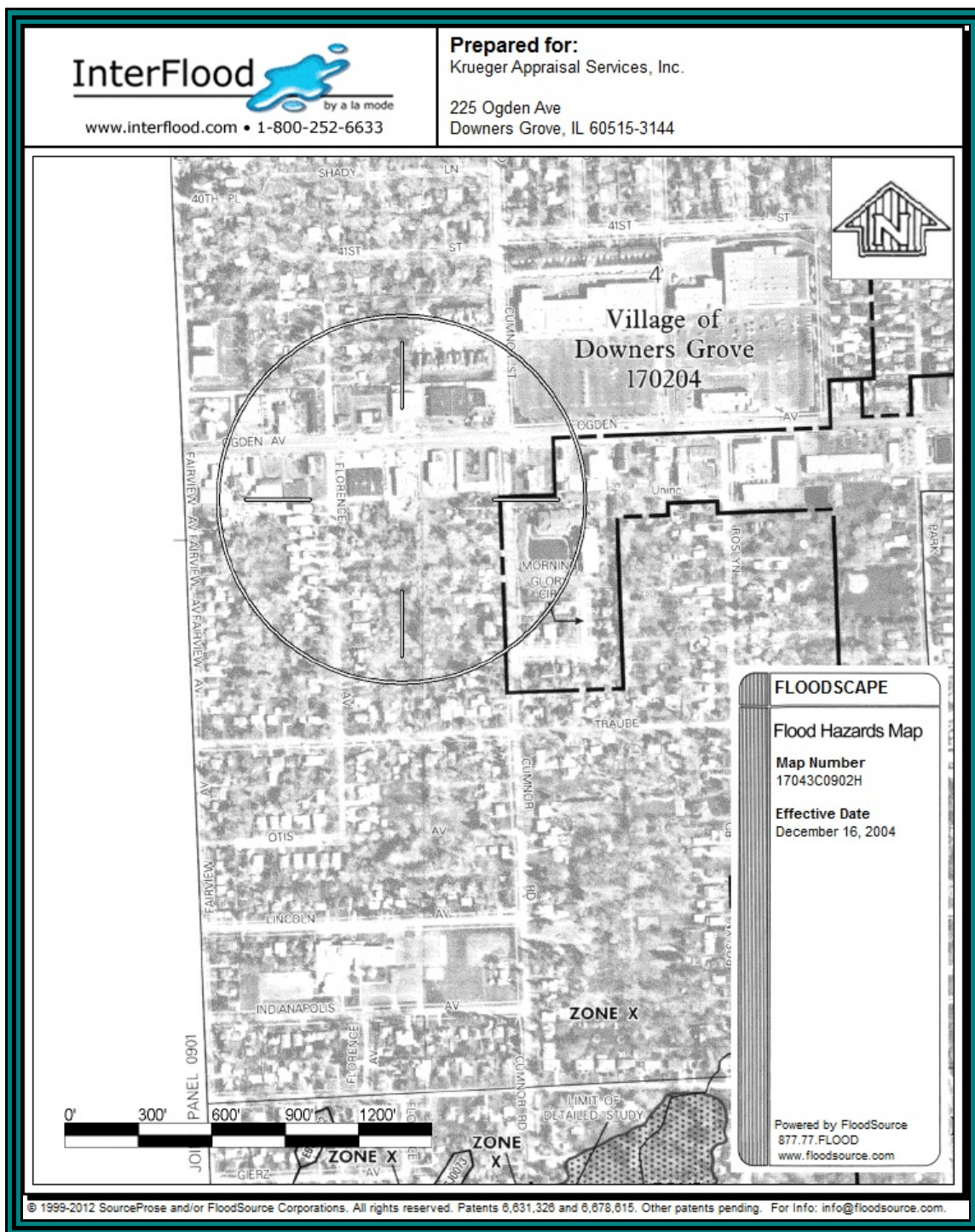
## SITE SKETCH



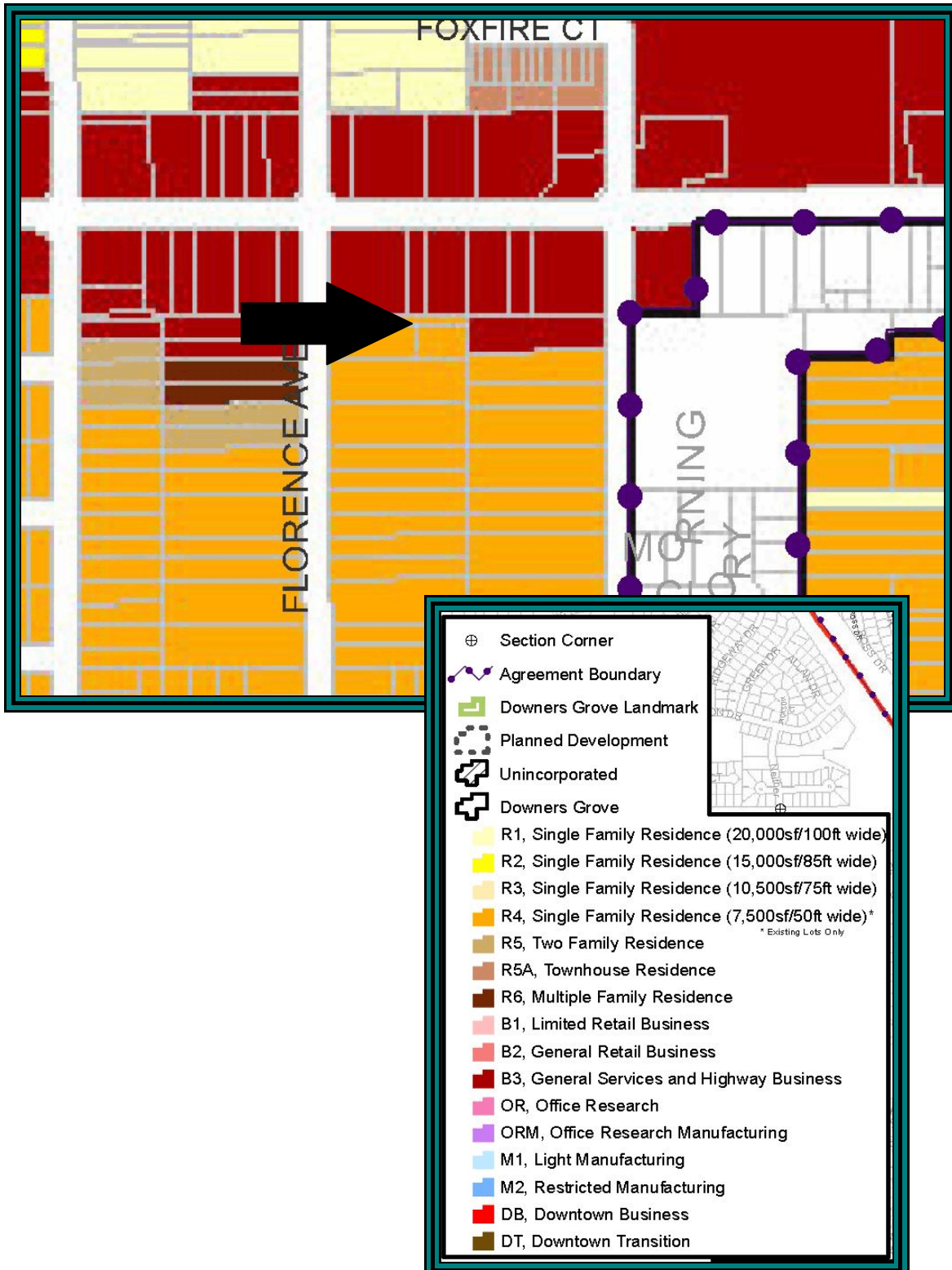
## PLAT OF VACATION

[illegible]

## FLOOD PLAIN MAP



## ZONING MAP



**PART III - VALUATION**

**HIGHEST AND BEST USE**

In analyzing the highest and best use of a property, consideration must be given to four criteria. These criteria would be applicable to both an “as vacant” and an “as improved” analysis. The criteria of highest and best use are 1) physically possible, 2) legally permissible, 3) financially feasible, and 4) maximally productive.

As discussed throughout this report, the subject is a narrow strip of land that currently bisects the parking lot of the McDonald’s Fast Food Restaurant and contains a total of 2,781± sq. ft.. It is the appraisers understanding that McDonald’s has petitioned to have the alleyway vacated in order to expand their current one-lane drive-thru to a two lane drive-thru. Although the subject has never been officially vacated, the Village of Downers Grove has not utilized the subject as an alleyway for a vast number of years. The portion of the subject, as a whole, that does not bisect the McDonalds parking lot, and is not included in this report, has a 6' fence running down the center of it, in order to provide privacy to the residential property to the south, from the retail strip-center to the north.

The subject property is currently zoned R-4, Single-Family Residence in the Village of Downers Grove. However, as previously discussed, the appraisers have made the extraordinary assumption that the subject has been rezoned to B-3.

Therefore, based upon our analysis, it is our opinion, the highest and best use of the site, as vacant, would be its assemblage with the McDonald’s site. Although in similar scenarios properties such as the subject could be assembled with any contiguous parcel, by virtue of its current location it is only in our opinion of value to McDonald’s as the other contiguous users to the east in our opinion would have no interest or need for this parcel as its assemblage into either of those parcels would in our opinion not be practical nor would it enhance the value of the property to which it is being assembled to.

## **MARKET CONDITIONS AND TRENDS**

As we have discussed, although the subject is currently zoned for residential purposes, we have made the extraordinary assumption that it will be rezoned to B-3, General Services and Highway Business. Therefore, when considering the market conditions and trends for the subject, we have looked at the state of the retail market. The following information is published in the First Quarter 2013 *"Investors Guarded but Optimistic about 2013"* and *"2013 Emerging Trends in Real Estate"* both published by PwC.

With regards to retail, while there are definitely pockets of solid, well-performing properties, there are also metros in the retail sector, store closings, consolidations, and a lack of desire to expand operations which have negatively changed the overall outlook for the U.S. retail sector through 2015. The industry sidestepped a full-bore, over-the-cliff "death spiral." Now, more "optimistic" investors and owners exhale in relief, crediting a significant "limitation on new supply for making the difference." Upscale retail roars back, especially along downtown streets in 24-hour urban districts and at the leading fortress malls. However, without a strong economic recovery, evident bifurcation splits the few strong centers from many more vulnerable ones in a "rapidly evolving" and "oversupplied" retail real estate universe. Operators find a dearth of creditworthy tenants, whether mall anchors, supermarkets, drugstores, local hair salons or pizza guys. Consolidating major chains increasingly abandon Class B and C regional centers; financially challenged mom-and-pop stores leave half-empty strips along suburban boulevards; and many other "dead dog" commodity properties, suffering from physical deterioration, face re-purposing into churches, light manufacturing facilities, or whatever - just not stores.

## **MARKETABILITY OF THE SUBJECT PROPERTY**

As the subject property bisects the existing McDonald's parking lot, it is basically not marketable to anyone other than McDonald's.

## **LAND VALUATION**

The sales comparison approach is an appraisal technique by which market value is estimated directly by comparison of the subject property with current offerings and/or actual prices paid in recent market transactions for other similar and comparable properties. It is a process of analyzing and correlating similar properties recently sold and then adjusting them so they are related to the subject property. The reliability of this technique is dependent upon:

- ▶ The availability of sales data.
- ▶ The degree of comparability of each property with the subject property.
- ▶ Reliability of sales data.
- ▶ Appropriate adjustments for unusual conditions, if any, affecting price or terms of sale.

The sales comparison approach is based upon the principal of substitution, which in this approach implies that a prudent person will not pay more to buy or rent a property than it costs to buy or rent a comparable substitute property.

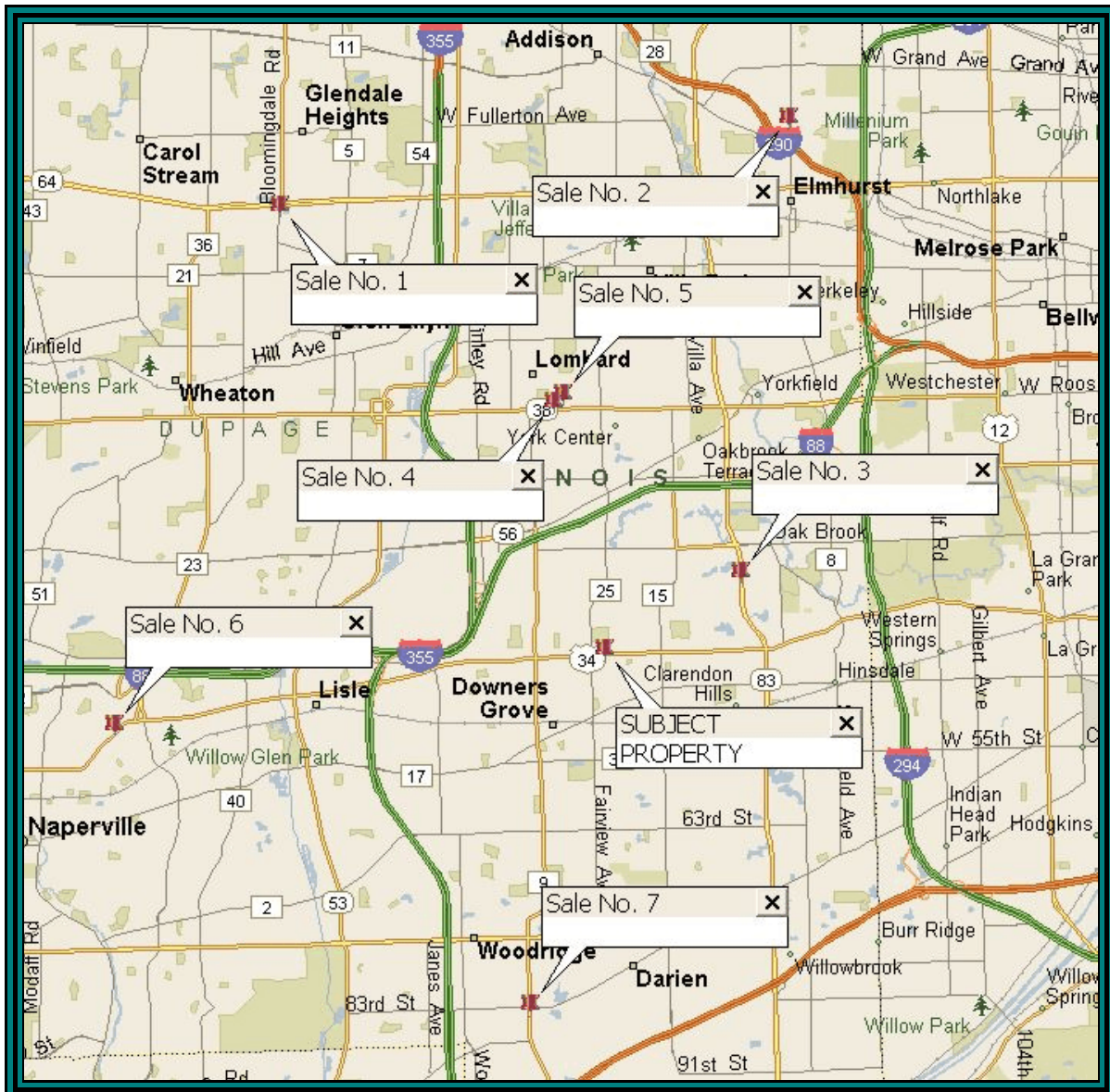
The basic steps involved in the application of this approach are as follows:

- ▶ Conduct research to obtain the most recent and comparable property sales and listings in the subject market area.
- ▶ Analyze the comparables and make appropriate adjustments between the subject and the sales for all significant differences in terms of sale, location, physical and functional features, financing terms and all other pertinent factors that have an effect on value
- ▶ Analyze and interpret the data on the basis of a common and relevant unit of comparison, such as price per acre, and estimate a final value conclusion

The next pages contain descriptions of numerous sales that were selected for comparison with the subject property. The sales utilized are considered to be the best comparables available.

| LAND SALES SUMMARY |                                                                  |                   |        |                 |                  |                                           |                                                        |
|--------------------|------------------------------------------------------------------|-------------------|--------|-----------------|------------------|-------------------------------------------|--------------------------------------------------------|
| Sale No.           | Location/<br>CoStar/MLS No.                                      | Land Size<br>(SF) | Zoning | Topo-<br>graphy | Utilities        | ▶ Sale Date<br>▶ Sale Price<br>▶ Price/SF | Comments                                               |
| 1                  | 1123 Bloomingdale<br>Glendale Heights, IL<br>CoStar #2666148     | 132,989 SF        | C-2    | Level           | All<br>Available | ▶ 12/12<br>▶ \$600,000<br>▶ \$4.51/SF     | IDOT avg.<br>traffic count<br>15,000/day.              |
| 2                  | 652 N York Street<br>Elmhurst, IL<br>CoStar #2582474             | 20,560 SF         | C-3    | Level           | All<br>Available | ▶ 10/12<br>▶ \$450,000<br>▶ \$21.89/SF    | IDOT avg.<br>traffic count<br>23,000/day.              |
| 3                  | SWC 35 <sup>th</sup> & Rt. 83<br>Westmont, IL<br>CoStar #2600303 | 27,007 SF         | C      | Level           | All<br>Available | ▶ 08/12<br>▶ \$200,000<br>▶ \$7.41/SF     | IDOT avg.<br>traffic count<br>60,900/day.              |
| 4                  | 351 E Roosevelt Rd<br>Lombard, IL<br>CoStar #2548828             | 143,748 SF        | C      | Level           | All<br>Available | ▶ 07/12<br>▶ \$1,300,000<br>▶ \$9.04/SF   | IDOT avg.<br>traffic count<br>41,300/day.<br>REO Sale. |
| 5                  | Roosevelt/Edgewood<br>Lombard, IL<br>CoStar #2512421             | 69,696 SF         | B-4    | Level           | All<br>Available | ▶ 06/12<br>▶ \$985,000<br>▶ \$14.13/SF    | IDOT avg.<br>traffic count<br>41,300/day.              |
| 6                  | 1125 E Ogden Ave.<br>Naperville, IL<br>CoStar #2313456           | 26,136 SF         | C      | Level           | All<br>Available | ▶ 04/12<br>▶ \$795,000<br>▶ \$30.42/SF    | IDOT avg.<br>traffic count<br>31,500/day.              |
| 7                  | 8350 Lemont Road<br>Darien, IL<br>CoStar #2310316                | 52,620 SF         | B-2    | Level           | All<br>Available | ▶ 04/12<br>▶ \$512,500<br>▶ \$9.74/SF     | IDOT avg.<br>traffic count<br>24,400/Day               |

## LAND SALES MAP



| Land Sales Adjustment Summary |            |            |           |             |            |            |           |
|-------------------------------|------------|------------|-----------|-------------|------------|------------|-----------|
| Sale No.                      | 1          | 2          | 3         | 4           | 5          | 6          | 7         |
| Land Size (SF)                | 132,989 SF | 20,560 SF  | 27,007 SF | 143,748 SF  | 69,696 SF  | 26,136 SF  | 52,620 SF |
| Sale Price                    | \$600,000  | \$450,000  | \$200,000 | \$1,300,000 | \$985,000  | \$795,000  | \$512,500 |
| Sale Date                     | 12/12      | 10/12      | 08/12     | 07/12       | 06/12      | 04/12      | 04/12     |
| Price/SF                      | \$4.51/SF  | \$21.89/SF | \$7.41/SF | \$9.04/SF   | \$14.13/SF | \$30.42/SF | \$9.74/SF |
| Financing                     | =          | =          | =         | =           | =          | =          | =         |
| Property Rights Conveyed      | =          | =          | =         | =           | =          | =          | =         |
| Conditions of Sale            | =          | =          | =         | +           | =          | =          | =         |
| Unit Price After Adjustment   | \$4.51/SF  | \$21.89/SF | \$7.41/SF | \$11.30/SF  | \$14.13/SF | \$30.42/SF | \$9.74/SF |
| Other                         |            |            |           |             |            |            |           |
| Location                      | +          | +          | -         | -           | -          | =          | +         |
| Size                          | +          | -          | -         | +           | +          | -          | +         |
| Access/Visibility             | =          | =          | +         | =           | =          | =          | =         |
| Utilities/Infrastructure      | =          | =          | =         | =           | =          | =          | =         |
| Zoning                        | =          | =          | =         | =           | =          | =          | =         |
| Topography                    | =          | =          | =         | =           | =          | =          | =         |
| Flood Zone                    | =          | =          | =         | =           | =          | =          | =         |
| Total Adjustment              | +          | =          | +         | +           | =          | -          | +         |
| Analysis                      |            |            |           |             |            |            |           |
| High                          | \$30.42    |            |           |             |            |            |           |
| Low                           | \$4.51     |            |           |             |            |            |           |
| Average                       | \$13.88    |            |           |             |            |            |           |
| Median                        | \$9.74     |            |           |             |            |            |           |

## **LAND VALUATION (Continued)**

### **Land Sales Analysis**

As discussed under the Marketability section of this report, the subject property has no real value to anyone but McDonald's due to both its size and location. Therefore, in order to determine an opinion of value, the appraisers will determine the value of the entire site in which the McDonald's occupies, including the 2,781± sq. ft. that make up the subject. Once we have established a price per sq. ft. of the site as-a-whole, we will then discount that portion which is the subject. Therefore, the subject site, as-a-whole, contains a total of 43,021± sq. ft. (based on the Plat of Vacation).

Due to economies of scale which holds an inverse relationship between size and unit price, smaller properties tend to sell at a higher price per square foot than larger properties and visa versa. In addition, as discussed under the Market Conditions section of this report, the real estate industry has dramatically changed over the past few years from both a fundamental and investment standpoint, due to the negative impact of the U.S. economic recession and the credit crisis. With that in mind, all sales have been adjusted to varying degrees.

The reader will note that adjustments were made for conditions of sale for Sale No. 4. This adjustment was made, as this was an REO sale. Admittedly, our adjustment is somewhat subjective, but still, in our opinion, warranted and reasonable.

All of the sales which we considered were zoned strictly for commercial/retail purposes which is the same as the subject and, therefore, no adjustment was applied.

### LAND VALUATION (Continued)

With regards to our location adjustments, according to the Illinois Department of Transportation (IDOT), the subject's location has an average daily traffic count of 29,300 vehicles/day. Sale Nos. 1, 2 and 7 have inferior average daily traffic counts; therefore, upward adjustments were warranted. Sale Nos. 3, 4 and 5 have superior traffic counts; therefore, downward adjustments were warranted. Sale No. 6 had similar traffic counts; therefore, no adjustment was warranted. It is noted that Sale No. 3 was adjusted upwards due to inferior access. Although it has frontage along Route 83, with the highest average daily traffic count of 60,900 vehicles/day, it has no direct access from Route 83; therefore, an upward adjustment was warranted due to inferior access.

The sales which we considered ranged in selling price on a per unit basis from \$4.51/sq. ft. to \$30.42/sq. ft. These sales were compared to the subject property with adjustments made for varying characteristics found to affect value. Considering this, we are of the opinion that the value of the subject site, as vacant, is between \$15.00/sq. ft. to \$20.00/sq. ft., or say \$17.50/sq. ft. Based on the total size of the subject as-a-whole 43,021± sq. ft. @ \$17.50/sq. ft.

In valuing the vacated portion of the subject property, as mentioned it is our opinion that its highest and best use would in fact be its assemblage to the McDonald's parcel as a whole. Because of the landlocked nature of this parcel and its impaired utility, its value is something less than the \$17.50/sq. ft. that we accorded the McDonald's parcel as a whole. Although we have researched various data sources in order to find sales of landlocked or vacated alleyways, we have found no recent sales that were in locations that could be considered similar to that of the subject. Therefore, our discounting is admittedly subjective and takes into consideration again the very limited market for this parcel and its impairment in terms of utility by virtue of its size and location. In our opinion, a value somewhere in the range of 25% to 50% is reasonable. Therefore, in our opinion, the subject property has a unit value of say \$6.50/sq. ft. Based on the area of this parcel of 2,781± sq. ft. @ \$6.50/sq. ft., the value indication is \$18,076.50 or say \$18,000.

**Final Estimated Value  
for the Subject Property:**

**\$18,000**

## ADDENDA

### CERTIFICATION

The undersigned hereby certifies that we have personally inspected the subject property and that:

- ▶ No other than the undersigned parties prepared the analyses, opinions, or conclusions concerning real estate that are set forth in this appraisal report. To the best of our knowledge and belief, the statements of fact contained in this report and upon which the opinions herein are based are true and correct, subject to the Contingent and Limiting Conditions outlined in the report. The analyses, opinions, and conclusions contained herein are our personal, unbiased professional analyses, opinion and conclusions.
- ▶ Employment in and compensations for making this appraisal are in no way contingent upon the value reported, nor upon any action or event resulting from the analyses, opinions, or conclusions contained herein. We certify that we have no interest, either present or contemplated, in the subject property, nor do we have any personal interest or bias with respect to the subject matter of the appraisal report or the parties involved.
- ▶ This appraisal report identifies all of the contingent and limiting conditions (imposed by the terms of our assignment or by the undersigned) affecting the analyses, opinions and conclusions contained in this report.
- ▶ The analyses, opinions, and conclusions contained in this report have been developed in accordance with USPAP, adopted by the Appraisal Standards Board of the Appraisal Foundation. Additionally, this report is developed in accordance with the Code of Professional Ethics of NAIFA. Neither our engagement to make this appraisal (nor any future appraisals for this client), nor any compensations therefore are contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- ▶ This appraisal report discloses all steps taken that were necessary or appropriate to comply with the Competency Provision of USPAP.

**CERTIFICATION (Continued)**

- ▶ Our compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event or the approval of a loan.
- ▶ The appraiser has not provided any previous services regarding the subject property, including an appraisal, within the three years prior to this assignment.
- ▶ Sue A. Miller has made a personal inspection of the property that is the subject of this report, and prepared the appraisal report. Ted Schneller reviewed and approved the appraisal report, but did not inspect the subject property.
- ▶ In our opinion, the subject property's present fair market value of the fee simple interest, subject to the special, contingent and limiting conditions contained herein, in terms arithmetically equivalent to cash, and representative of market conditions, and if placed on the market for a period of nine to twelve months, as of May 23, 2013, would be:

**EIGHTEEN THOUSAND DOLLARS  
(\$18,000)**

KRUEGER APPRAISAL SERVICES, INC.



Sue A. Miller  
Staff Appraiser  
State Certified Residential-Illinois  
License No. 556.004685  
Expiration: 09-30-13



Ted Schneller, IFAS, President  
Review Appraiser  
State Certified-General-Illinois  
License No. 553.000510  
Expiration: 09-30-13

SAM/TS:scm

## **ASSUMPTIONS AND LIMITING CONDITIONS**

We assume no responsibility for matters legal in nature, nor do we render any opinion as to the title, which is assumed to be good. All existing liens and encumbrances have been disregarded and the property is appraised as though free and clear under responsible ownership and competent management.

Property dimensions as furnished, by survey or otherwise, are assumed to be correct; if not, we reserve the right to review and revise this appraisal.

We are not required to give testimony or attendance in court by reason of this appraisal, with reference to the property in question, unless arrangements have been previously made therefore.

We have no present or contemplated interest in the property appraised.

The distribution of the total valuation in this report between land and improvement applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used. The appraisal is not to be used in or for fire insurance purposes.

We assume that there are no hidden or unapparent conditions of the property, subsoil or structures which would render it more or less valuable. We assume no responsibility for such conditions or for engineering which might be required to discover such factors.

Information, estimates, and opinions furnished to us and contained in this report were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy can be assumed by us.

The value given in this report involves only the real estate as cited, within the property dimensions as shown. No valuation is given to personal property, chattels or special equipment, unless so stated in this report.

The property is appraised as though under responsible ownership and competent management.

Neither all nor part of the contents of this report will be conveyed to the public through advertising, public relations, new sales or other media, without the written consent and approval of the author, particularly as to valuation conclusions, the identity of the appraiser or firm which he is connected.

It is assumed that all required licenses, consent, or other legislative or administrative authorities from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted within the report.

It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined and considered in the appraisal report.

Our estimate of value is time sensitive. Since factors affecting value can change rapidly, the value estimate rendered by means of this report is as of the effective date stated.

**ADDITIONAL REPORT CONDITIONS,**  
**APPRAISERS LIABILITY LIMITATIONS, AND CLIENT AGREEMENTS**

The acceptance of this report and its use by the client in any manner constitutes acknowledgment that this report is a satisfactory professional product, and that the client has personally read the report, and specifically agrees that the data contained herein is accurate to the best of the appraisers' ability.

This report remains the property of Krueger Appraisal Services, Inc. and/or the signer, and is not to be transmitted to a third party without the permission of Krueger Appraisal Services, Inc. and/or the signer's written permission. This excepts third party mortgagees.

Krueger Appraisal Services, Inc., its associates, consultants, or the appraisers personal responsibility does not extend to a third party under any circumstances.

As part of the appraiser-client agreement, the client agrees to notify the appraiser of any error, omission, or invalid data contained herein within 30 days of receipt of the report, and return the report along with all copies to the appraiser for correction prior to any use.

Under no circumstances will the appraisers liabilities exceed the fee actually collected for this report, and then only in case of gross error, which would have significantly affected the appraisers' value opinion as of the date of valuation.

Therefore, by accepting this report, you acknowledge that a value opinion is the product of a professional. It is an opinion only, and not a provable fact. As such, a personal opinion, valuation may vary significantly between appraisers based on the same facts, depending on the interpretation of the appraisers.

Therefore, Krueger Appraisal Services, Inc., and the appraiser, warrant only that the value conclusion is the best opinion of value estimates based on the market data and market conditions present in the body of this report as of the exact date of valuation.

**REAL ESTATE QUALIFICATIONS  
OF  
TED L. SCHNELLER, IFAS**

**PROFESSIONAL PROFILE**

Over 35 years of extensive experience in appraising all types of properties throughout the Chicago eight county area, as well as a number of other states.

Certified General Appraiser through the State of Illinois under license number 553.000510

**BUSINESS EXPERIENCE**

|                                                                     |                 |
|---------------------------------------------------------------------|-----------------|
| Manager; Appraisal Division, Continental Real Estate                | 1975-1979       |
| Vice President; Brueckner-Neuses, Inc.                              | 1979-1981       |
| President; T.L. Schneller & Associates                              | 1981-1987       |
| Former Instructor; Cost Analysis, College of DuPage                 | 1980            |
| Chief Staff, Review Appraiser; ICR Appraisal Services               | 1987-1992       |
| General Manager; Senior Staff Appraiser; Krueger Appraisal Services | 1992-1995       |
| President; Senior Staff Appraiser; Krueger Appraisal Services       | 1995 to Present |

**PROFESSIONAL MEMBERSHIP AND AFFILIATIONS**

Senior Member of the National Association of Independent Fee Appraisers  
Certified Appraiser - Senior  
Approved Fee Appraiser; State of Illinois, Dept. of Transportation, Bureau of Land Acquisition  
Former Member of the DuPage County Board of Review  
Former Member of Building Owners & Managers Association International  
Approved Fee Appraiser; County of DuPage, Division of Transportation  
Illinois Coalition of Appraisal Professionals  
Member of Better Business Bureau

**EDUCATION**

Willowbrook High School  
College of DuPage: Real Estate  
DuPage Board of Realtors: Real Estate Transactions

**Continuing Education/Appraisal Courses:**

Specific and continuing education with regard to the appraisal profession has included all courses necessary to obtain the State of Illinois General Certification. This involved hundreds of hours of classes conducted by; the Appraisal Institute, the National Association of Independent Fee Appraisers, Real Estate Education Corporation, the Illinois Coalition of Appraisal Professionals, Central YMCA College, McKissock Data Systems, The Appraisal Academy, as well as the Illinois Association of Mortgage Professionals.

## **CLIENTS SERVED**

### **GOVERNMENT**

County of DuPage  
Department of Environmental Concerns  
DuPage County Division of Transportation, State of Illinois, Bureau of Land Acquisition  
Federal Savings and Loan Insurance Corporation  
Illinois Tollway Authority  
Internal Revenue Service  
Kane County Division of Transportation  
Kendall County Forest Preserve District  
Various Park Districts and Municipalities

### **BANK, SAVINGS & LOANS AND MORTGAGE COMPANIES**

|                                      |                          |
|--------------------------------------|--------------------------|
| American Bank & Trust                | Glen Ellyn Bank          |
| American Chartered                   | Harris Bank              |
| American Community                   | Hinsdale Bank & Trust    |
| American Enterprise                  | Illinois National Bank   |
| American Heartland                   | Itasca Bank & Trust      |
| Bank of Commerce                     | Lake Forest Bank         |
| Bank of Elgin                        | Lemont National Bank     |
| Bridgeview Bank                      | Lincoln Home Mortgage    |
| Castle Bank                          | MidAmerica Bank          |
| Centrue Bank                         | Midwest Bank             |
| Citizen's First National Bank        | National Bank & Trust    |
| Community Bank of Wheaton/Glen Ellyn | Parkway Bank             |
| Diamond Bank                         | St. Charles Bank & Trust |
| Downers Grove National               | State Bank of IL         |
| Fifth Third Bank                     | Suburban Bank            |
| First Chicago Bank & Trust           | THE National Bank        |
| First Choice Bank                    | TCF Bank                 |
| First DuPage Bank                    | West Suburban Bank       |
| First Federal Savings & Trust        | West Town Savings        |
| First Midwest Bank                   | Wheaton Bank             |
| Golden Eagle Community Bank          |                          |

### **CORPORATIONS AND INSTITUTIONS**

|                                |                            |
|--------------------------------|----------------------------|
| Appraisal Management Co.       | Miller Brewing             |
| Centerville Properties         | Owens Illinois             |
| CLT Appraisal Services, Inc.   | Prudential Relocation      |
| Commonwealth Relocation        | Relocation Realty          |
| GMAC                           | United Capital Corporation |
| Inland Real Estate Corporation | Wheaton College            |
| Kraftco Corporation            | Wisconsin Central Railroad |
| Merrill Lynch Relocation       |                            |

**Real Estate Qualifications of**  
**SUE A. MILLER**

License No. 556.004685 - Expiration: 09-30-13

**BUSINESS EXPERIENCE**

Krueger Appraisal Services, Inc.  
2005 to Present

Mahon Real Estate Consultants  
2004 to Present

Cullerton Appraisals  
2008 through 2009

**APPRAISAL RELATED EDUCATION**

Uniform Standards of Professional Appraisal Practice (USPAP)  
Basic Real Estate Appraisal Principles  
Appraisal Procedures  
Appraisal Approaches – Appraisal Statistics, Valuation Cores, Finance,  
USPAP Update & Report Writing  
General Income Approach, Part A  
2009 Illinois Appraisers Update  
Valuing Real Estate In A Changing Market  
REO/Repo Valuations

**APPRAISAL EXPERIENCE**

Single Family Residences  
Condominiums  
Multi-Family  
Vacant Land  
Industrial Buildings  
Commercial Buildings  
Apartment Buildings  
Subdivision Analysis

**ASSIGNMENT LOCATIONS**

Kendall County  
Will County  
DuPage County  
Kane County  
DeKalb County  
LaSalle County  
Cook County  
Ogle County  
Winnebago County

Rock Island County  
Livingston County  
Whiteside County  
Grundy County  
Lee County  
Bureau County  
Lake County  
Kankakee County  
Putman County

**KRUEGER APPRAISAL SERVICES, INC.**

14 S. LINCOLNWAY  
NORTH AURORA, IL 60542

<http://www.kruegerinc.com>  
[kruegerappraisal@aol.com](mailto:kruegerappraisal@aol.com)

TELEPHONE • (630) 892-9700  
COMMERCIAL FAX • (866) 919-9793

May 7, 2013

Ms. Mary Meyer  
McDonald's USA, LLC  
4320 Winfield Road, Suite 400  
Warrenville IL 60555

RE: Alleyway @ 225 E. Ogden Avenue  
PIN 09-04-305-007  
Downers Grove, IL 60515

Dear Ms. Meyer:

This letter is intended to serve as our proposal for appraisal services on the afore referenced property. At your request, this will be a summary report. As always, our reports are prepared in accord with the rules and standards set forth by the National Association of Independent Fee Appraisers, and are intended to comply with USPAP and FIRREA guidelines. The appraisal report will be completed subject to the Assumption and Limiting Conditions (Exhibit B, attached) and the Additional Report Conditions, Appraisers Liability Conditions, and Client Agreements (Exhibit C, attached). A copy of these conditions will be incorporated into the appraisal report.

Based upon your representation of the properties, our fee for the above service is \$1,500. This fee is not connected or contingent upon the value estimate reported and is based entirely upon the time required to complete the appraisal report. If at any time during the completion of the appraisal report we consider a revision of this fee is necessary, you will be notified prior to proceeding with the remainder of the assignment.

Ms. Mary Meyer  
Page 2

May 7, 2013

Completion time is estimated at two to three weeks from the date of acceptance. Completion of the appraisal report within this time period is predicated upon the appraiser experiencing no unforeseen delays caused by the client, the property occupant, related parties or unapparent conditions of the property itself. Further, it also assumes that an appointment can be made in a timely fashion, and that all necessary information (as shown in Exhibit A) are also provided in a timely manner. This proposal is valid for a period of 30 days. Please note that our estimated completion time and fee does not include any other services such as expert testimony or additional consultation.

Thank you for the opportunity to be of service to you in this matter. If the terms and conditions of this proposal meet with your approval, please sign and return a copy via fax. If you have any other questions or need any additional information, please contact me directly.

Respectfully,  
KRUEGER APPRAISAL SERVICES, INC.

  
Accepted By: Ms. Mary Meyer

Ted L. Schneller, IFAS, President  
State Certified-General-Illinois  
License No. 553.000510  
Expiration Date 09-30-13

TS:scm

## **PRIVACY NOTICE**

Appraisers, along with all providers of personal financial services, are now required by federal law to inform their clients of the policies of the firm with regard to the privacy of client nonpublic personal information. As professionals, we understand that your privacy is very important to you and are pleased to provide you with this information.

### **Types of Nonpublic Personal Information We Collect**

In the course of performing appraisals, we may collect what is known as “nonpublic personal information” about you. This information is used to facilitate the services that we provide to you and may include the information provided to us by you directly or received by us from others with your authorization.

### **Parties to Whom We Disclose Information**

We do not disclose any nonpublic information obtained in the course of our engagement with our clients to nonaffiliated third parties except as necessary or as required by law. By way of example, a necessary disclosure would be to our employees, and in certain situations, to unrelated third party consultants who need to know that information to assist us in providing appraisal services to you. All of our employees and any third party consultants we employ are informed that any information they see as part of an appraisal assignment is to be maintained in strict confidence within the firm.

A disclosure required by law would be a disclosure by us that is ordered by a court of competent jurisdiction with regard to a legal action to which you are a party.

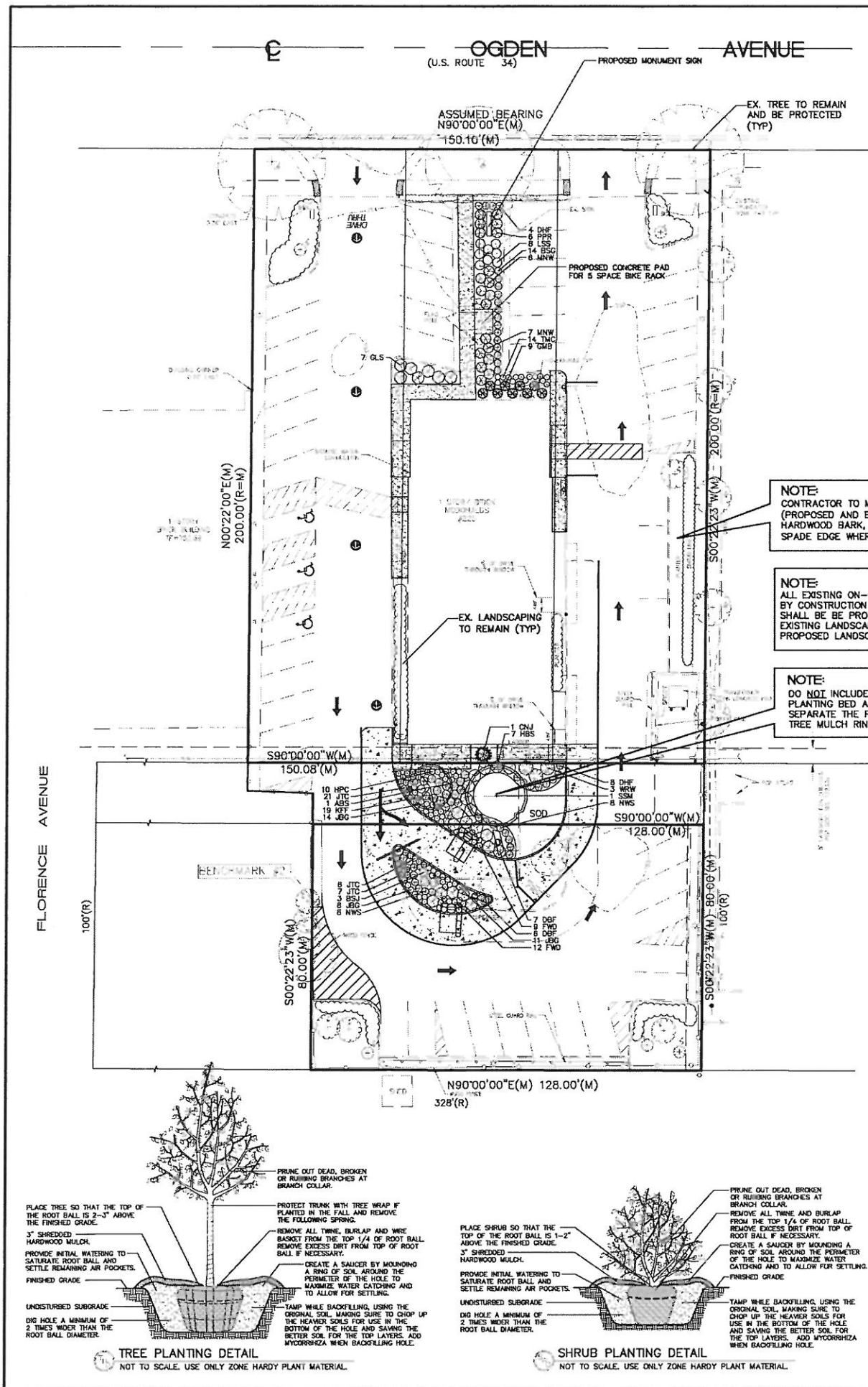
### **Confidentiality and Security**

We will retain records relating to professional services that we have provided to you for a reasonable time so that we are better able to assist you with your needs. In order to protect your nonpublic personal information from unauthorized access by third parties, we maintain physical, electronic and procedural safeguards that comply with our professional standards to insure the security and integrity of your information.

Please feel free to call us at any time if you have any questions about the confidentiality of the information that you provide to us.







LANDSCAPE NOTES

1. ALL PLANT MATERIAL SHALL BE HARDY TO THE ZONE IT IS BEING PLANTED IN. ALL TREES AND SHRUBS ARE TO BE BALLED AND BURLAPED UNLESS OTHERWISE NOTED AND SHALL BE GROWN IN ACCORDANCE WITH THE STANDARDS SET FORTH BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION.
2. PLANT SIZES CALLED OUT ON THIS PLAN ARE THE MINIMUM SIZE REQUIRED. PLANTS WHICH FAIL TO MEET THE SIZES LISTED, SHALL BE REJECTED AT THE EXPENSE OF THE CONTRACTOR.
3. CONTRACTOR MUST VERIFY ALL MATERIAL QUANTITIES AS DEPICTED ON THE DRAWING. THE PLANT LIST PROVIDED ON THIS PLAN IS FOR CONVENIENCE ONLY.
4. SUBSTITUTIONS MAY NOT BE MADE WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT/DESIGNER.
5. THE CONTRACTOR SHALL NOTIFY ALL APPROPRIATE AGENCIES AND UTILITY LOCATORS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOT BEGIN ANY WORK ON-SITE UNTIL ALL UTILITIES HAVE BEEN LOCATED. CONTRACTOR SHALL OBTAIN "AS-BUILT" PLANS FOR ALL IRRIGATION AND LIGHTING PRIOR TO CONSTRUCTION.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES INCLUDING IRRIGATION AND LIGHTING. ALL DAMAGE SHALL BE REPAIRED TO A NEW CONDITION IN ACCORDANCE WITH ALL CODES AT NO COST TO THE OWNER - SEE NOTE 5.
7. ALL UNSUITABLE MATERIAL (CONCRETE, CRUSHED ASPHALT, BRICK ETC.) SHALL BE REMOVED PRIOR TO PLANTING AND SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
8. A MIXTURE OF 30% MUSHROOM COMPOST, 10% SAND AND 60% TOPSOIL SHALL BE ROTOTILLED INTO ALL PERENNIAL, ANNUAL AND SHRUB PLANTING BEDS PRIOR TO THE INSTALLATION OF THE PLANT MATERIAL. A SLOW RELEASE, GRANULAR FERTILIZER SHALL BE APPLIED TO ALL ANNUAL AND PERENNIAL PLANTING BEDS AT THE RECOMMENDED RATE, AND SHALL BE ROTOTILLED IN WITH THE TOPSOIL AND MUSHROOM COMPOST MIXTURE BEFORE THE PLANT MATERIAL IS INSTALLED.
9. CONTRACTOR TO PROVIDE THOROUGH INITIAL WATERING OF ALL PLANTINGS WITHIN 12 HOURS OF INSTALLATION TO ENSURE ALL AIR POCKETS HAVE BEEN REMOVED AROUND ROOT BALL.
10. ALL PLANT BED AREAS ARE TO BE MULCHED WITH 3" OF DOUBLE SHREDDED HARDWOOD MULCH AND SHALL BE SEPARATED WITH A SPADE EDGE ALONG PERIMETERS ADJACENT TO TURF AREAS. FINAL GRADE (AFTER SETTLING) SHALL BE 1" BELOW ADJACENT CURBS.
11. ALL TURF AREAS ARE TO BE A MINIMUM OF A FIVE WAY BLUEGRASS BLEND, UNLESS OTHERWISE NOTED. CONTRACTOR IS RESPONSIBLE FOR WATERING ALL INSTALLED TURF AREAS UNTIL TIME OF KNOTTING.
12. ALL TRANSPLANTED PLANT MATERIAL MUST BE INSTALLED IMMEDIATELY UPON EXTRACTION FROM ITS ORIGINAL LOCATION, UNLESS SPECIFIC ARRANGEMENTS HAVE BEEN MADE WITH THE LANDSCAPE ARCHITECT/DESIGNER. SHOULD IT BECOME UNREASONABLE TO TRANSPLANT ANY OF THE PLANT MATERIAL AS DESCRIBED IN THIS PLAN, DUE TO SITE CONSTRAINTS OR OTHERWISE, CONTRACTOR IS RESPONSIBLE FOR CONTACTING LANDSCAPE ARCHITECT/DESIGNER TO MAKE ALTERNATIVE ARRANGEMENTS.
13. CONTRACTOR IS RESPONSIBLE FOR ALL PLANT MATERIAL REMAINING PLUMB UNTIL THE END OF THE GUARANTEE PERIOD. PLANTS MAY NOT BE STAKED UNLESS APPROVED BY THE LANDSCAPE ARCHITECT/DESIGNER.
14. CONTRACTOR TO GUARANTEE PLANT MATERIAL AND LABOR FOR A MINIMUM OF ONE YEAR FROM THE TIME OF INSTALLATION.
15. THE CONTRACTOR IS RESPONSIBLE FOR BECOMING FAMILIAR WITH AND ABIDING BY THE LANDSCAPE ORDINANCES FOR THE SPECIFIC JURISDICTION IN WHICH THE WORK IS TAKING PLACE.
16. BIDDERS SHALL BE RESPONSIBLE FOR EXAMINING THE SITE TO BECOME FAMILIAR WITH THE SPECIFIC SITE CONSTRAINTS.
17. THE CONTRACTOR SHALL FURNISH ALL LABOR, MATERIALS AND EQUIPMENT NECESSARY FOR THE COMPLETION OF ALL THE ITEMS SHOWN ON THE PLANS.
18. IF IRRIGATION IS DEEMED NECESSARY, THE DESIGN AND INSTALLATION OF THE IRRIGATION SYSTEM SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
19. IF EXISTING IRRIGATION IS PRESENT ON SITE, CONTRACTOR SHALL ADJUST, ADD TO, OR SUBTRACT FROM, THE EXISTING IRRIGATION SYSTEM TO ACCOMMODATE ANY PROPOSED ALTERATIONS/ADDITIONS TO THE EXISTING LANDSCAPING.
20. PROVIDE TOPSOIL RE-SPREAD PER THE FOLLOWING UNLESS OTHERWISE NOTED:  
A. 4" MINIMUM IN GRASS OR SOD AREAS  
B. 6" MINIMUM IN PLANTING AREAS  
C. 12" MINIMUM IN LANDSCAPE ISLANDS

NOTE:  
CONTRACTOR TO MULCH ALL PLANT BEDS (PROPOSED AND EXISTING) WITH TWICE SHREDDED HARDWOOD BARK, DARK BROWN IN COLOR, AND SPADE EDGE WHERE APPLICABLE (TYP)

NOTE:  
ALL EXISTING ON-SITE PLANT MATERIAL NOT EFFECTED BY CONSTRUCTION OR THE PROPOSED LANDSCAPE, SHALL BE PROTECTED AS PART OF THIS PLAN. EXISTING LANDSCAPE IN AREAS OF CONSTRUCTION AND PROPOSED LANDSCAPE SHALL BE REMOVED.

NOTE:  
DO NOT INCLUDE THIS TREE AS PART OF THE PLANTING BED ADJACENT TO IT. CONTRACTOR TO SEPARATE THE PLANTING BED FROM THE REQUIRED TREE MULCH RING, WITH TURF AS SHOWN.

PLANT LIST

SHADE, ORNAMENTAL AND CONIFEROUS TREES

| QTY. | ABRV. | BOTANICAL NAME                                | COMMON NAME                    | SIZE        |
|------|-------|-----------------------------------------------|--------------------------------|-------------|
| 1    | SSM   | Acer nigrum 'Morton'                          | State Street Myrtle Maple      | 2 1/2' Cal. |
| 1    | ABS   | Amelanchier x grandiflora 'Autumn Brilliance' | Autumn Brilliance Serviceberry | 6'          |

FLOWERING AND EVERGREEN SHRUBS

| QTY. | ABRV. | BOTANICAL NAME                     | COMMON NAME             | SIZE   |
|------|-------|------------------------------------|-------------------------|--------|
| 7    | HBS   | Clethra alnifolia 'Hummingbird'    | Hummingbird Summersweet | 5 Gal. |
| 13   | DBF   | Forsythia viridissima 'Bronxensis' | Dwarf Bronx Forsythia   | 5 Gal. |
| 7    | GLS   | Rhus aromatica 'Grow-Low'          | Grow-Low Sumac          | 5 Gal. |
| 6    | PPR   | Rosa pavement 'Purple'             | Purple Pavement Rose    | 3 Gal. |
| 3    | WRW   | Weigela florida 'Alexandra'        | Wine and Roses Weigela  | 5 Gal. |
| 13   | MNW   | Weigela florida 'Minuet'           | Minuet Weigela          | 3 Gal. |
| 9    | GMB   | Buxus 'Green Mountain'             | Green Mountain Boxwood  | 5 Gal. |
| 3    | BSJ   | Juniperus squamata 'Blue Star'     | Blue Star Juniper       | 5 Gal. |
| 1    | CNJ   | Juniperus virginiana 'Canaert'     | Canaert Juniper         | 6'     |

PERENNIALS, ORNAMENTAL GRASS AND GROUNDCOVERS

| QTY. | ABRV. | BOTANICAL NAME                             | COMMON NAME                      | SIZE   |
|------|-------|--------------------------------------------|----------------------------------|--------|
| 34   | JTC   | Coreopsis 'Jethro Tull'                    | Jethro Tull Coreopsis            | 1 Gal. |
| 21   | FWD   | Dianthus gratianopolitanus 'Firewitch'     | Firewitch Dianthus               | 1 Gal. |
| 10   | HPC   | Echinacea 'Hot Papaya'                     | Hot Papaya Coneflower            | 1 Gal. |
| 33   | JBG   | Geranium 'Johnson's Blue'                  | Johnson's Blue Geranium          | 1 Gal. |
| 13   | TMC   | Heuchera 'Tiramisu'                        | Tiramisu Coral Bells             | 1 Gal. |
| 8    | LSS   | Perovskia atriplicifolia 'Little Spire'    | Little Spire Russian Sage        | 1 Gal. |
| 19   | KFF   | Calamagrostis x acutiflora 'Karl Foerster' | Karl Foerster Feather Reed Grass | 1 Gal. |
| 14   | BSG   | Panicum virgatum 'Heavy Metal'             | Blue Switch Grass                | 1 Gal. |
| 16   | NWS   | Panicum virgatum 'Northwind'               | Northwind Switch Grass           | 1 Gal. |
| 12   | DHF   | Pennisetum alopecuroides 'Hameln'          | Dwarf Hameln Fountain Grass      | 1 Gal. |

GENERAL NOTES:  
1. THESE PLANS ARE BASED ON THE BOUNDARY AND TOPOGRAPHIC SURVEY (PROJECT#11.0230 DATED 11-21-11) PREPARED BY: COMPASS SURVEYING LTD 2631 GINGER WOODS PKWY SUITE 100 AURORA, IL 60502 630-820-9100  
2. PRIOR TO CONSTRUCTION, CONTRACTOR TO CONTACT THE DESIGN ENGINEER AND ARCHITECT TO VERIFY THAT THEY ARE WORKING FROM THE MOST CURRENT SET OF PLANS AND SPECIFICATIONS.

ON SITE PARKING DATA

|                                         |    |
|-----------------------------------------|----|
| EXISTING REGULAR SPACES                 | 52 |
| EXISTING ADA ACCESSIBLE SPACES PROVIDED | 3  |
| TOTAL EXISTING SPACES                   | 55 |
| PROPOSED REGULAR SPACES                 | 48 |
| PROPOSED ADA ACCESSIBLE SPACES PROVIDED | 3  |
| TOTAL PROPOSED SPACES                   | 49 |

TOTAL SPACES REQUIRED FOR FAST FOOD RESTAURANT=44  
(GROSS FLOOR AREA (G.F.A.) = 2,878/1,000 x 15 SPACES)  
\*\* G.F.A. IS DEFINED IN SEC. 28.14.10 OF ZONING ORDINANCE  
49 SPACES PROPOSED > 44 SPACES REQUIRED

BICYCLE PARKING DATA

TOTAL SPACES REQUIRED FOR RESTAURANTS = 5  
5 SPACES PROPOSED > 5 SPACES REQUIRED

DRIVE THRU STACKING DATA

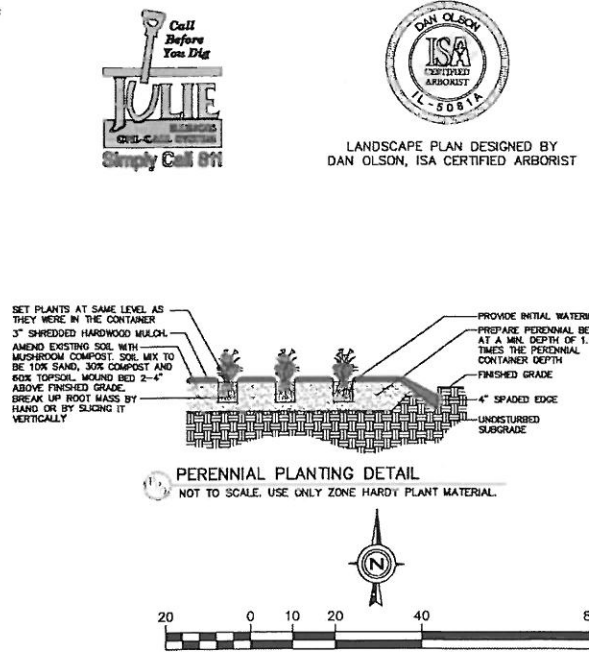
TOTAL STACKING SPACES  
12 PROPOSED > 8 REQUIRED  
STACKING SPACES BETWEEN PICK UP WINDOW AND ORDER POINT  
7 PROPOSED > 3 REQUIRED

OVERALL SITE DATA

ZONING = B-3  
LOT AREA = 40,265 S.F. (0.92 AC)  
(EXCLUDING "ALLEY" AREA)  
"ALLEY" AREA = 2,773 S.F.± (0.06 AC)  
EXISTING BUILDING AREA = 5,480 S.F.±  
F.A.R. = 0.14

STORMWATER RELATED SITE DATA

LOT AREA = 43,038 S.F.± (0.99 AC±)  
(INCLUDING APPROXIMATE "ALLEY" AREA)  
DISTURBED AREA (2005) = 730 S.F.± (0.02 AC±)  
DISTURBED AREA (2013) = 2,840 S.F.± (0.06 AC±)  
TOTAL DISTURBED AREA POST 1992 = 3,370 S.F.± (0.08 AC±)  
EX. IMPERVIOUS AREA = 37,343 S.F.± (86.8%)  
PROPOSED IMPERVIOUS AREA = 37,088 S.F.± (86.2%)  
EX. PERVIOUS AREA = 5,695 S.F.± (13.2%)  
PROPOSED PERVIOUS AREA = 5,950 S.F.± (13.8%)  
TOTAL DISTURBED AREA POST 1992 < 5,000 S.F.  
PROPOSED PERVIOUS AREA > EX. PERVIOUS AREA  
NO STORMWATER DETENTION OR BMP'S ARE REQUIRED



LANDSCAPE PLAN

DATE: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_  
NO. \_\_\_\_\_

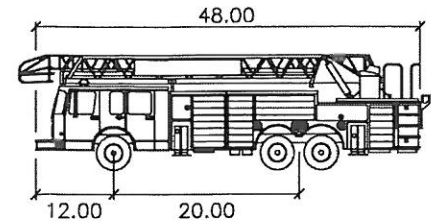
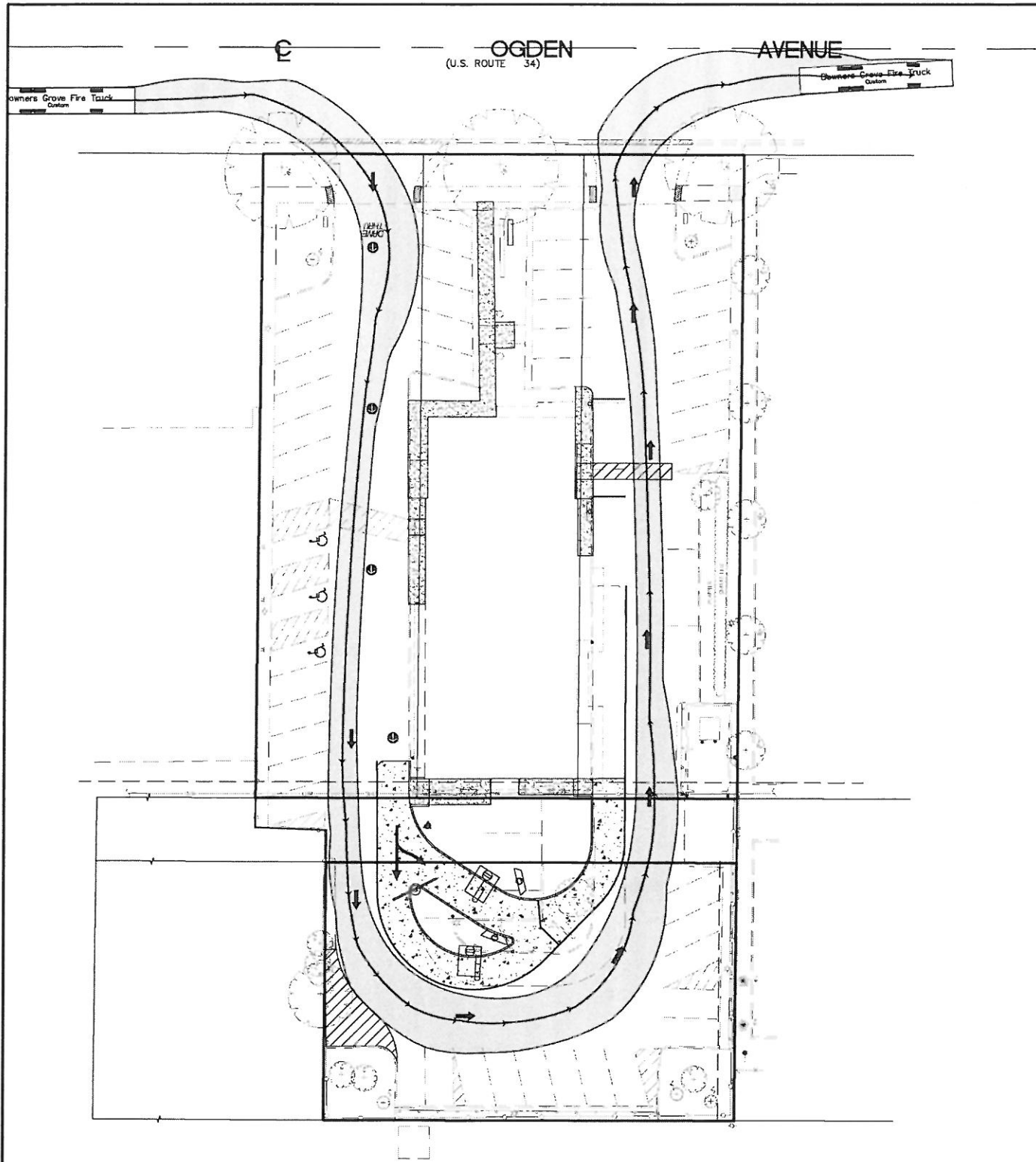
Prepared For:  
**Lingle Design Group, Inc.**  
158 West Main St.  
Lena, IL 61048  
**McDonalds-DOWNERS GROVE, IL**  
225 Ogden Avenue  
Downers Grove, Illinois

Prepared By:  
**Watermark Engineering Resources, Ltd.**  
2631 Ginger Woods Parkway, Suite 100, Aurora, IL 60502  
phone 630-375-1800 fax 630-238-6880 www.watermark-engineering.com

CHECKED BY: J.MILLER  
DESIGN BY: D.OLSON  
DRAWN BY: D.OLSON  
DATE: MAY 15, 2013  
SCALE: 1" = 20'  
PROJECT NO.: 11-123

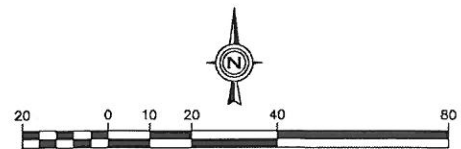
L-1  
LC#12-0020

LANDSCAPE PLAN



Downers Grove Fire Truck  
feet

|                   |        |
|-------------------|--------|
| Width             | : 8.00 |
| Track             | : 7.00 |
| Lock to Lock Time | : 6.0  |
| Steering Angle    | : 32.0 |



FIRE TRUCK  
CIRCULATION EXHIBIT

|                                                                                                                                                |  |                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------|
| CHECKED BY: J.MILLER<br>DESIGN BY: D.OLSON<br>DRAWN BY: D.OLSON<br>DATE: MAY 15, 2013<br>SCALE: 1" = 20'<br>PROJECT NO: 11-123                 |  | DATE<br>REVISIONS<br>NO.<br>Prepared For: |
| Lingle Design Group, Inc.<br>158 West Main St.<br>Lena, IL 61048<br>McDONALDS-DOWNERS GROVE, IL<br>225 Ogden Avenue<br>Downers Grove, Illinois |  | Prepared By:                              |
| <br>2831 Ginger Woods Parkway, Suite 100, Aurora, IL 60502<br>phone 630-375-1800 fax 630-238-9800 www.watermark-engineering.com                |  | 1 of 1<br>LC#12-0020                      |

FIRE TRUCK CIRCULATION EXHIBIT

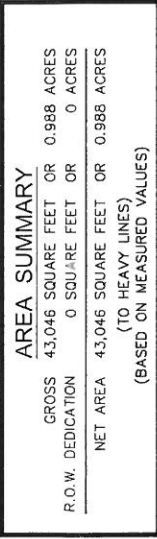


P.I.N. 09-04-305-002  
P.I.N. 09-04-305-003  
P.I.N. 09-04-305-007  
P.I.N. 09-04-305-009

GRAPHIC SCALE

( IN FEET )

1 inch = 20 ft



(R) = RECORD BEARING OR DISTANCE  
(M) = MEASURED BEARING OR DISTANCE  
(C) = CALCULATED BEARING OR DISTANCE  
(D) = DEED BEARING OR DISTANCE  
A = ARC LENGTH

SUBDIVISION BOUNDARY LINE  
 ADJACENT LAND  
 PARCEL LINE  
 EASEMENT LINE  
 CENTERLINE  
 BUILDING SETBACK LINE  
 SECTION LINE

● FOUND 7/8" O.D.I.P.  
UNLESS OTHERWISE NOTED  
(HELD LOCATION)

■ CONCRETE MONUMENT

+ CROSS IN CONCRETE

|                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SCALE: 1" = 20'                                                                                                                                                                | <br><b>COMPASS</b><br><b>SURVEYING LTD</b><br>ALTA SURVEYS • TOPOGRAPHY • CONSTRUCTION STAKING<br>2031 GINGERWOOD PARKWAY, STE. 100<br>AURORA, IL 60002<br>PHONE: (630) 820-9100 FAX: (630) 820-9109 EMAIL: ADMIN@COMPASSSURVEYING.COM |
| 1 OF 2<br>PROJECT: McDonald's - LC #12-0020<br>McDonald's<br>Des Moines, Illinois<br>CLIENT: WATERMARK ENGINEERING RESOURCES, LTD.<br>3000 W. 150th Street<br>Aurora, IL 60002 |                                                                                                                                                                                                                                                                                                                             |
| PRICE: NO. 13.0087-01                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                             |

C:\Psdato\2013 Projects\13.0087\13.0087-01 Plot of Sub\13.0087-01 SUPPLAT.dwg





DRAFT

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

SEPTEMBER 9, 2013, 7:00 P.M.

Chairman Webster called the September 9, 2013 meeting of the Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and the public in the recital of the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Webster, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Rickard, Mr. Waechtler

**ABSENT:** Ms. Urban

**STAFF PRESENT:** Village Community Development Director Tom Dabareiner; Village Senior Planner Stan Popovich

**VISITORS:** Mr. Hank Stillwell, Rathje Woodward, 300 E. Roosevelt Road, Wheaton, IL; Ms. Mary Meyer, Regional Real Estate Manager, McDonalds, 4320 Winfield Rd., Warrenville, IL; Mr. Dan Olsen, Watermark Engineering Resources, Ltd., 2631 Ginger Woods Parkway, Aurora, IL; Mr. Rick Dolan, Area Construction Manager, McDonalds, 4320 Winfield Rd., Warrenville, IL; John Matalis, 4333 Florence Ave., Downers Grove; Ms. Kristin Panek, 4440 Lee Avenue, Downers Grove; Ms. Marge Earl, 4720 Florence Ave.; and Mr. Kirk Bishop, Duncan Associates, 212 W. Kinzie St., Chicago, IL

A brief review of the meeting's protocol followed.

**APPROVAL OF THE AUGUST 5, 2013 MINUTES**

**THE MINUTES OF AUGUST 5, 2013 WERE APPROVED ON MOTION BY MR. MATEJCZYK, SECONDED BY MR. RICKARD. ROLL CALL:**

**AYE: MR. MATEJCZYK, MR. RICKARD, MR. BEGGS, MR. COZZO, MR. QUIRK, MRS. RABATAH, CHAIRMAN WEBSTER**

**NAY: NONE**

**ABSTAIN: MR. WAECHTLER**

**MOTION PASSED. VOTE: 7-0-1**

**PC 22-13** A petition seeking approval of an Alley Vacation, a Zoning Ordinance Map Amendment to rezone a portion of the property from R-4, Single Family Residential to B-3, General Services and Highway Business, a Lot Consolidation, and a Special Use for a drive-through. The property is located on the south side of Ogden Avenue approximately 180 feet east of Florence Avenue and is

## DRAFT

commonly known as 225 Ogden Avenue, Downers Grove, IL (PINs 09-04-305-002, -003, -007, and -009). McDonald's Corporation, Petitioner and Cole Taylor Bank, Trust No. 39459, as Owner.

Chairman Webster swore in those individuals that would be speaking on the above petition.

Senior Village Planner Stan Popovich reviewed the four (4) requests before the commissioners and located the McDonalds site on the overhead map, noting it measured just under one acre in size and included a McDonalds on the site since the 1950s as well as a drive-through since the 1970s. The public alley to be vacated was pointed out with Mr. Popovich stating that the current zoning on the properties adjoining Ogden Avenue was B-3. The alley and the lot to the south were zoned R-4, Single-Family Residential.

Proposed for the site was a side-by-side drive-through, basically replacing the existing lane, which required an approved Special Use. No other improvements to the current building were planned at this time; however, with the new drive-through, six parking spaces would be lost, to a total of 49 spaces, where the zoning ordinance required 44 spaces. The alley and the southern parking lot were zoned R-4, Single-Family Residential, with the southern parcel of the parking lot being permitted as a conditional use to provide additional parking for the McDonalds.

Per Mr. Popovich, in the 1970s the drive-through was allowed as a permitted use in a commercial zoning district, but no records existed as to when the drive-through was installed on the residential zoning lot and, therefore, the proposed rezoning, vacation, and consolidation would clean that up to ensure the new drive-through was in a commercial zoning district. A review of the alley vacation followed noting it was strictly used by McDonalds and was fenced off accordingly. However, after contacting the utility companies, Mr. Popovich requested that a utility easement be placed on the entire alley since there were ComEd poles with various services on them. Some of the alleyway would be converted to green space by McDonalds.

A review of the four-lot consolidation followed, noting all four lots will be consolidated into one lot to meet the bulk standards required under the Subdivision and Zoning Ordinance. The drive-through Special Use is an allowed special use under the B-3 district. Mr. Popovich reviewed how the site met the goals of the Village's Comprehensive Plan and the Zoning Ordinance and he also explained the parking and vehicle stacking, which met village requirements. Proposed were two new landscape islands that would reduce the impervious area.

Per staff, Fire Prevention reviewed the plans and had no concerns. Staff also spoke to two residents after proper notification of this proposal was made. Their concerns had to do with whether McDonalds was expanding into the residential neighborhood, which it was not. Mr. Popovich then reviewed the seven standards for rezoning in further detail as well as called attention to the alley vacation appraisal that was included in the commissioners' packets, i.e., \$18,000.00 for the appraisal, which staff concurred with and recommended vacating at a cost of \$18,000.00. The lot consolidation was in compliance with the Village's standards and all four standards for approval of the Special Use were met. Mr. Popovich recommended that the Plan Commission forward a positive recommendation to the Village Council with the two conditions listed in its report.

A question followed as to how McDonalds used the alley for so many years in a residential district without it being vacated; staff had the same questions and could not find any records of same. Asked if the southern property was rezoned B-3, would it prevent someone from purchasing the

## DRAFT

property and putting a car repair shop on it, Mr. Popovich indicated it did not prevent someone purchasing the property but they would have to return to the commission for a Special Use. Additionally, the full easement over the alley and required setbacks would limit the use of the rear parcel for a building.

Continuing, Mr. Popovich pointed out the specific parking spaces that would be lost; the planned landscaping for the site; and the age and height of the fence, with Mr. Waechtler suggesting the installation of an 8-foot fence and additional landscaping to buffer any noise from the residents. Per staff, McDonalds would be using an ambient noise speaker and the signage would be changed in conformance with the Zoning Ordinance requirements but as a separate process.

On behalf of McDonalds Corporation, Attorney Henry Stillwell, 300 E. Roosevelt Rd., Wheaton, IL, appreciated staff's thorough report and was present to clarify a couple of issues and address any questions. First, Mr. Stillwell reported that the McDonalds building would not be touched in any way except to bring the operations of the facility up to the current standards of McDonalds. (Mr. Stillwell referenced a study in commissioners' packets discussing the efficiency experienced under the two-lane system at a Rosemont facility.) He further confirmed that McDonalds would be using the new speaker/low ambient technology. With respect to the alley vacation, Mr. Stillwell confirmed McDonalds was aware of including the easements across the vacated alley and was in agreement to pay the compensation amount identified in the appraisal report.

Mr. Stillwell proceeded to identify the McDonalds team for the commissioners and offered to answer commissioner questions. Per a question, Mr. Stillwell explained that once the side-by-side lanes were installed the tandem operations system would be removed. As to the 8-foot fence, he stated McDonalds had no objection to installing the fence if it was the preference of the commission and could be permitted. As to the merge of the lanes, Mr. Stillwell explained the system in greater detail, summarizing that much consideration was given to its geometric design to provide greater efficiency, safety and timing for one to pick up an order.

Mr. Rickard inquired whether there was signage or pavement markings involved in keeping the drive-through lane one lane wide at the southwest corner of the building. Mr. Stillwell indicated pavement markings were used; however, if McDonalds found that there were traffic control issues arising, operations would place a person outside, if necessary, or cones to direct traffic during peak hours so drivers could learn the traffic pattern. He noted there was a bypass lane on the outside order lane but not on the interior one.

Chairman Webster opened up the meeting to public comment.

Mr. John Matalis, 4333 Florence Ave., Downers Grove, asked how close was the southern-most boundary of the vacated alley going to be to his house and was the area going to be paved, and if so, he had concerns about water run-off. Mr. Popovich did not have exact measurements but stated that nothing was going to change as to the overall footprint of the restaurant property. The existing pavement was actually going to be reduced and filled in with landscaping.

Hearing no further comments, public comment was closed.

Mr. Stillwell appreciated the commissioners' consideration and stated he was looking forward to the continued successful use of the location and hoped the commissioners supported the proposal.

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Commissioner comments followed that the proposal did address concerns about a potential backup onto Ogden Avenue and the four requests were reasonable. There was no reason to deny the petition. The Zoning Ordinance Standards were met, the proposal complied with the requirements of the alley vacation, the standards for lot consolidation, and the Special Use standards.

**WITH RESPECT TO PC FILE NO. 22-13, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILALGE COUNCIL, SUBJECT TO CONDITIONS 1 AND 2 IN STAFF'S REPORT.**

**SECONDED BY MATEJCZYK. ROLL CALL:**

**AYE: MR. COZZO, MR. MATEJCZYK, MR. BEGGS, MR. QUIRK, MRS. RABATAH, MR. RICKARD, MR. WAECHTLER, CHAIRMAN WEBSTER**

**NAY: NONE**

**MOTION CARRIED. VOTE: 8-0**