

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
OCTOBER 8, 2013 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
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"> ✓ Resolution ✓ Ordinances Motion Discussion Only 	Tom Dabareiner, AICP 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.

UPDATE & RECOMMENDATION

This item was discussed at the October 1, 2013 Village Council meeting. Staff recommends 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 (no change)	140 feet	300 feet (No change)	10,500 sq. ft.	43,021 sq. ft. (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

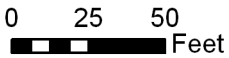
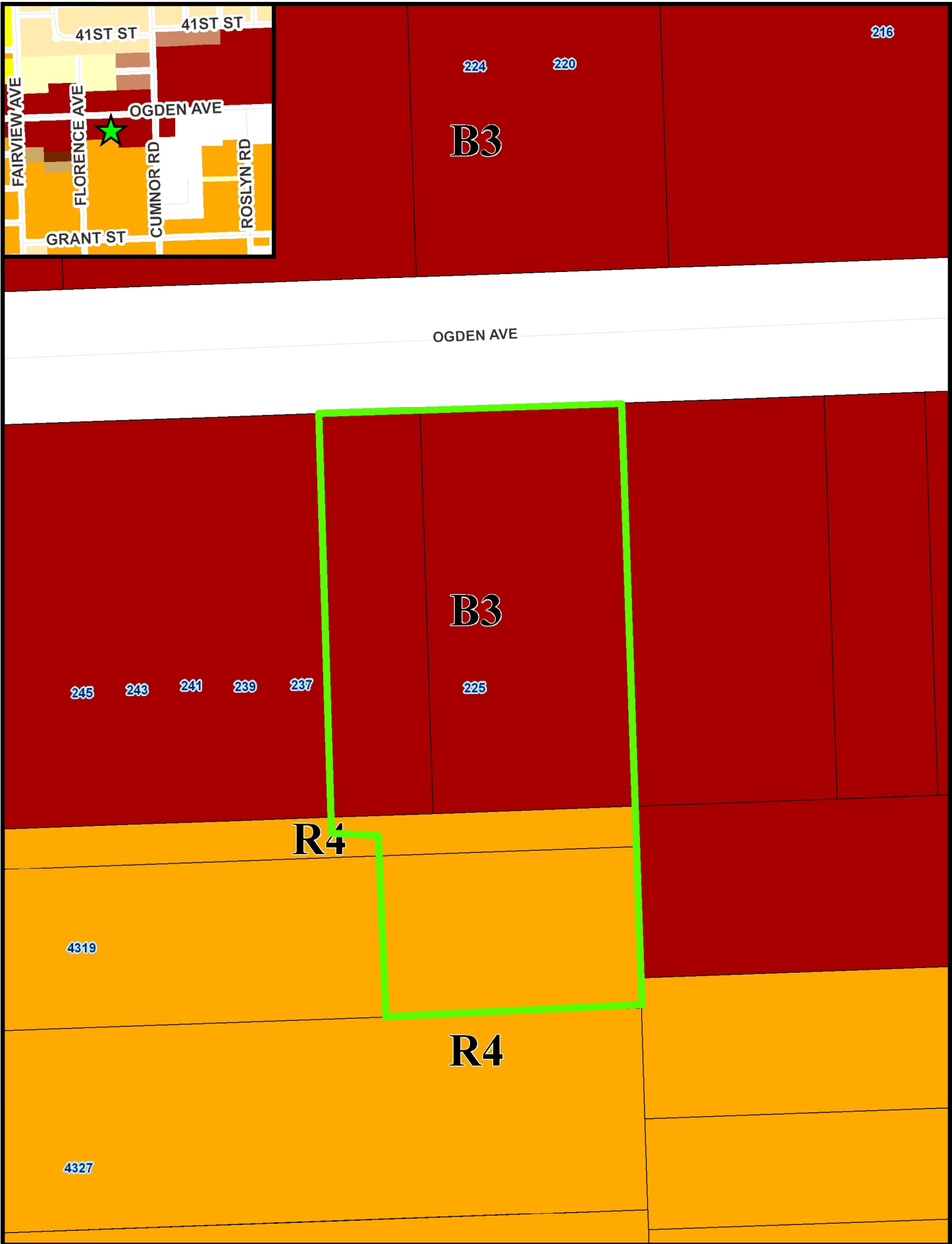




0 25 50 Feet

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

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** October 8, 2013
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** PC-22-13
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "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)", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance will vacate a certain portion of an unimproved alley right-of-way located at 225 Ogdan Avenue.

RECORD OF ACTION TAKEN:

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

I:\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.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** October 8, 2013
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** PC-22-13
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 225 OGDEN AVENUE", as presented.

SUMMARY OF ITEM:

Adoption of the attached resolution shall approve the final plat of subdivision for the property located at 225 Ogden Avenue.

RECORD OF ACTION TAKEN:

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.

Mayor

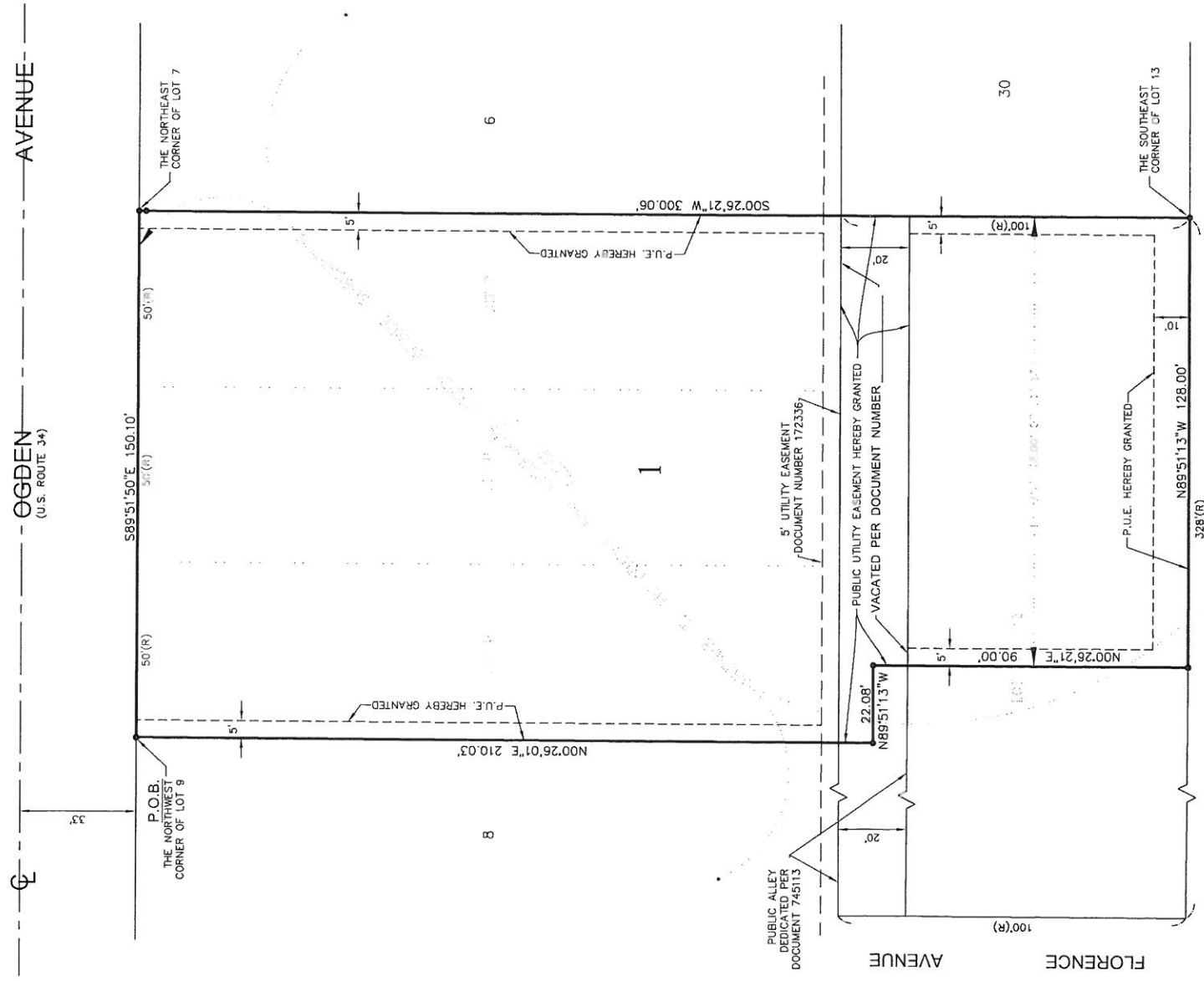
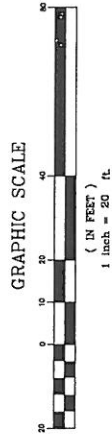
Passed:

Attest: _____
Village Clerk

FINAL PLAT OF SUBDIVISION OF MCDONALD'S DOWNERS GROVE RESUBDIVISION

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

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



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)
(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
- CS = CHORD BEARING
- B.S.L. = 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



ALTA SURVEYS • TOPOGRAPHY • CONSTRUCTION STAKING
2611 GINGER WOODS PARKS AV. STE. 100
AURORA, IL 60502
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PROJECT
McDonald's - LC #12-0020
225 Ogden Avenue
Downers Grove, Illinois

CLIENT
WATERMARK ENGINEERING RESOURCES, LTD.
3400 North Lincoln Highway
Aurora, IL 60502

NO.	REVISIONS	DATE	BY
1	REVISE LETTER DATED 6-10-13	7-25-13	IRA

DATE: 4-19-13 PC: N/A DRAWN BY: IRA CHECKED BY: SK BOOK: N/A PG: N/A
C:\p\adist\2013 Projects\13.0087\13.0087-01 Plat of Sub\13.0087-01 SUBPLAT.dwg

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

SUBJECT:	TYPE:	SUBMITTED BY:
PC-22-13 225 Ogden Avenue	Zoning Ordinance Map Amendment, Alley Vacation, Lot Consolidation and a Special Use for a drive-through	Stan Popovich, AICP 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

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

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

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

ANALYSIS

SUBMITTALS

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

1. Application/Petition for Public Hearing
2. Project Narrative
3. 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 (no change)	140 feet	300 feet (No change)	10,500 sq. ft.	43,021 sq. ft. (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:

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

TD:sp
-att



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

SUBJECT:	TYPE:	SUBMITTED BY:
PC-22-13 225 Ogden Avenue	Zoning Ordinance Map Amendment Alley Vacation, Lot Consolidation and a Special Use for a drive-through	Stan Popovich, AICP 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

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

APPLICANT: McDonald's Corporation
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PROPERTY INFORMATION

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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

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

ANALYSIS

SUBMITTALS

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

1. Application/Petition for Public Hearing
2. Project Narrative
3. Architectural and engineering plans
4. Legal description of the alley right-of-way proposed to be vacated
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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

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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 (no change)	140 feet	300 feet (No change)	10,500 sq. ft.	43,021 sq. ft. (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:

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

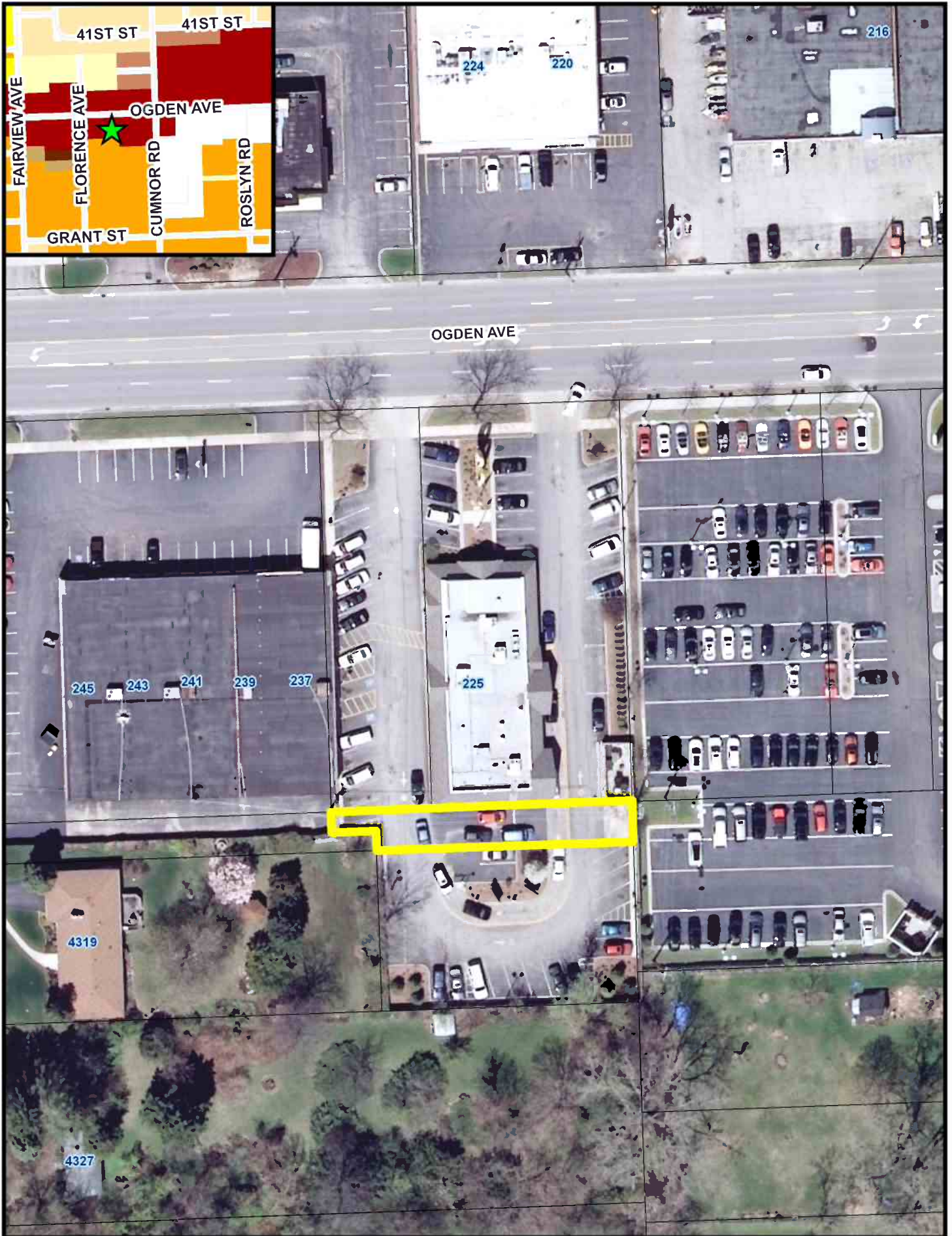
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0 25 50
Feet

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
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KAITLYN ANNE WILD *
*Licensed in Wisconsin

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

GARY L. TAYLOR

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.

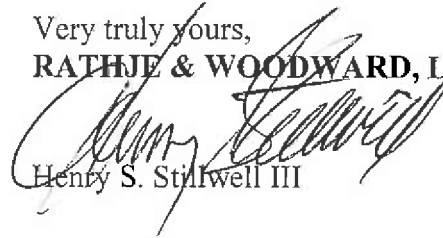
In support of the foregoing, Applicant and Owner hereby submit the following materials:

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 5th, 2006 (double drive-thru) and on Friday, October 6th, 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 10/5/2006 (double drive-thru)	FRIDAY 10/6/2006 (single lane 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
		<hr/>	
		Total Difference	-56

TABLE 2
TOTAL DRIVE-THRU VEHICLES SERVED

	THURSDAY 10/5/2006	FRIDAY 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
	<hr/>	<hr/>
	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

TELEPHONE • (630) 892-9700
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 225 E. Ogden Avenue 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



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.

AREA ANALYSIS (Continued)

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%
Grundy	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: <i>Site To Do Business Online.com</i>						

AREA ANALYSIS (Continued)

HOUSEHOLD INCOME						
County	Number of Households	Income <\$25K	\$25K to \$50K	\$50K to \$100K	Income >\$100K	Median Income
Cook	1,953,418	19.6%	21.7%	33.0%	25.7%	\$61,671
DuPage	338,513	9.2%	17.0%	36.2%	37.6%	\$81,513
Kane	171,645	11.8%	20.1%	37.7%	30.4%	\$71,578
Kendall	36,116	9.7%	19.8%	46.0%	24.5%	\$69,581
Lake	253,502	10.3%	16.7%	32.9%	40.1%	\$83,869
McHenry	109,091	8.9%	16.8%	40.4%	33.9%	\$79,003
Will	233,187	9.4%	16.6%	38.4%	35.6%	\$80,420
Sources: Northern Illinois University Center for Governmental Studies						

PER CAPITA INCOME						
County	Per Capita 1990	Per Capita 2000	Per Capita 2010	Index 1990	Index 2000	Index 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.						

AREA ANALYSIS (Continued)

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
<i>Sources: Easy Analytic Data 2010; Local Employment Dynamics Data</i>							

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

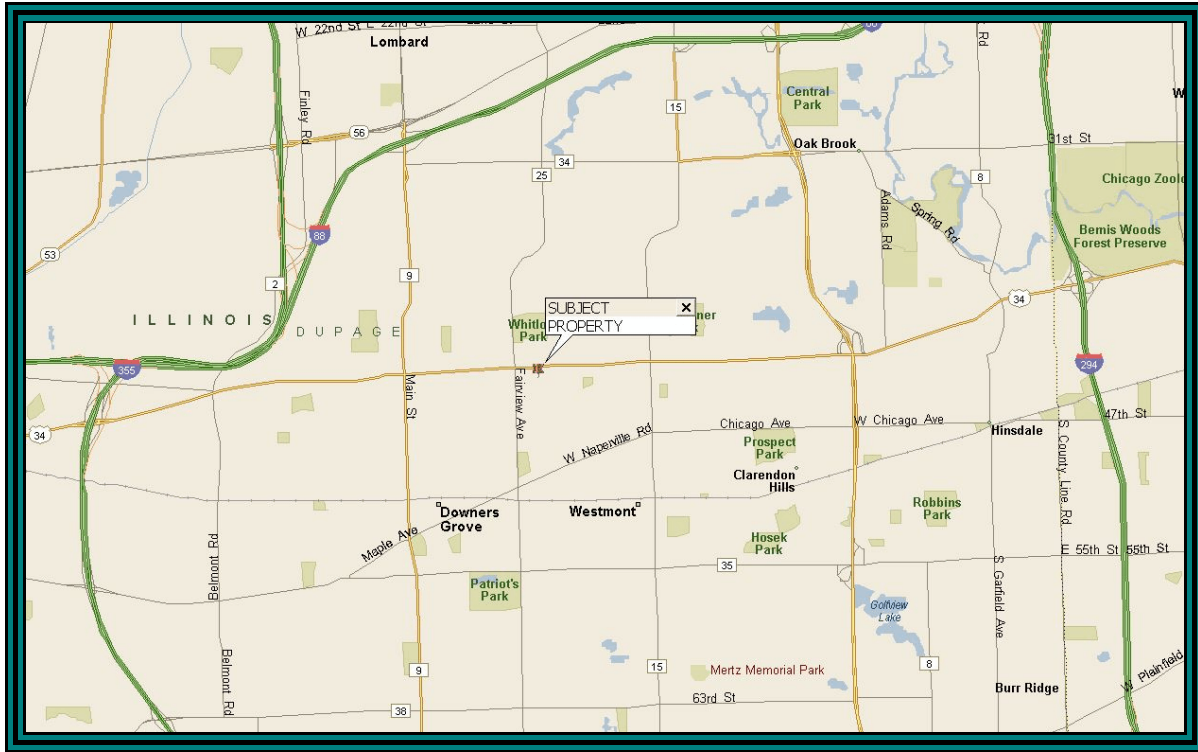
Source: Northern Illinois University Center for Government Studies

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: The subject site is generally level and at road-grade. Drainage is facilitated by natural runoff to existing municipal storm sewers.

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.

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.

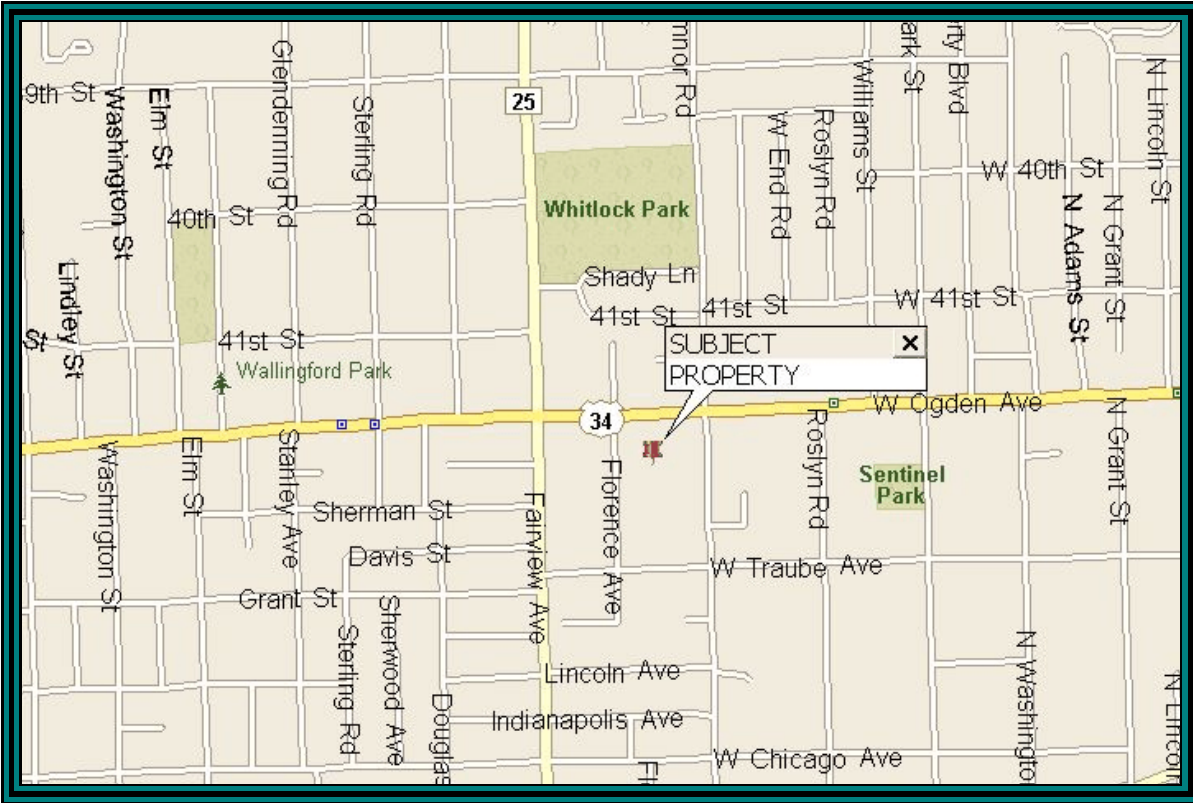
Legal Restrictions: With the exception of those imposed by the subject property's zoning ordinance, as well as normal governmental ordinances, we are aware of no unusual or adverse legal restrictions affecting the subject's site.

Assessed Value and Taxes:

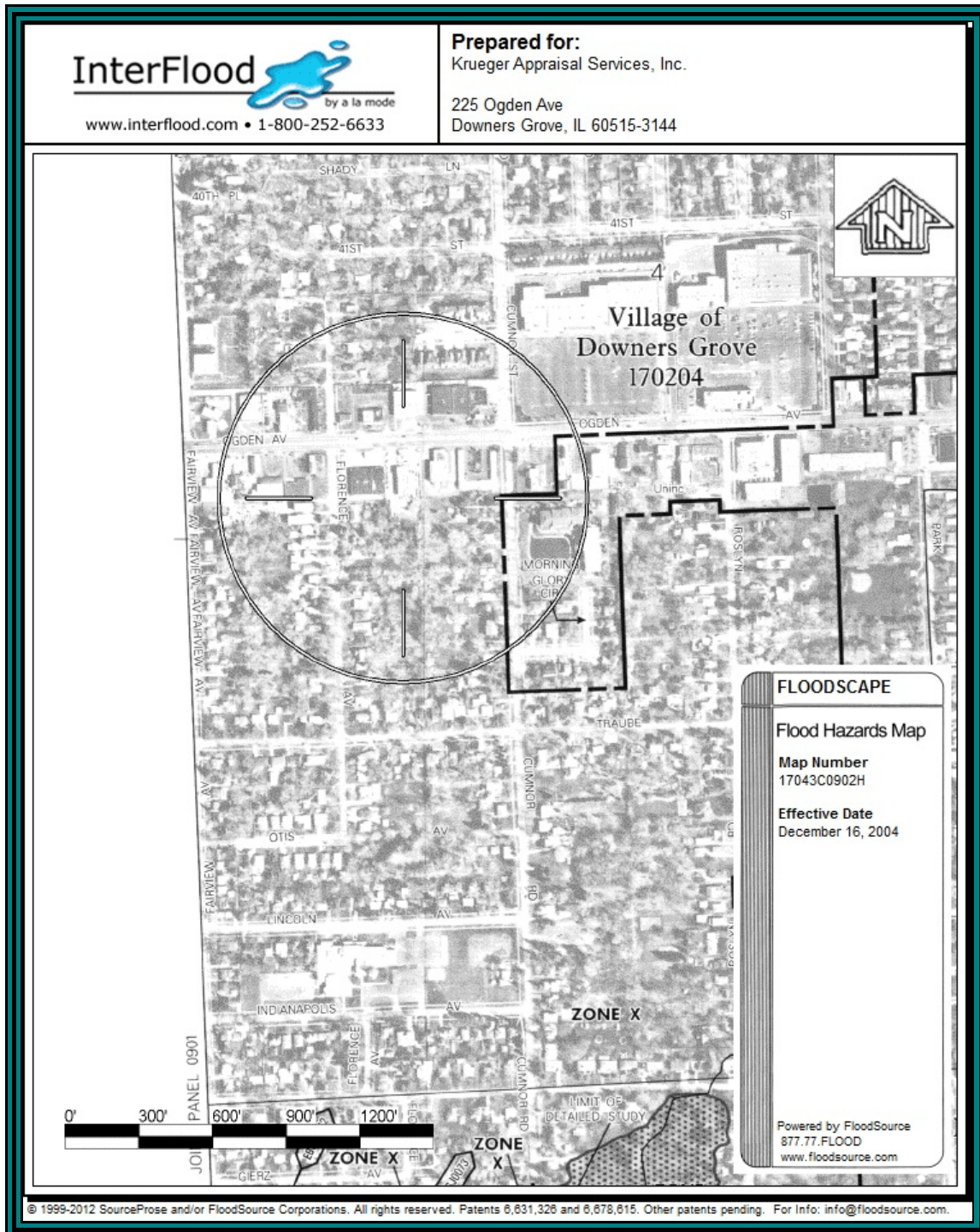
It is the appraisers' experiences that according to state statutes, assessed values are required to be 33.33% of fair market value. It is the appraisers' experiences that assessed values are somewhat low due to the inaccuracies in the mass appraisal process. As a result, no conclusions are drawn from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

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

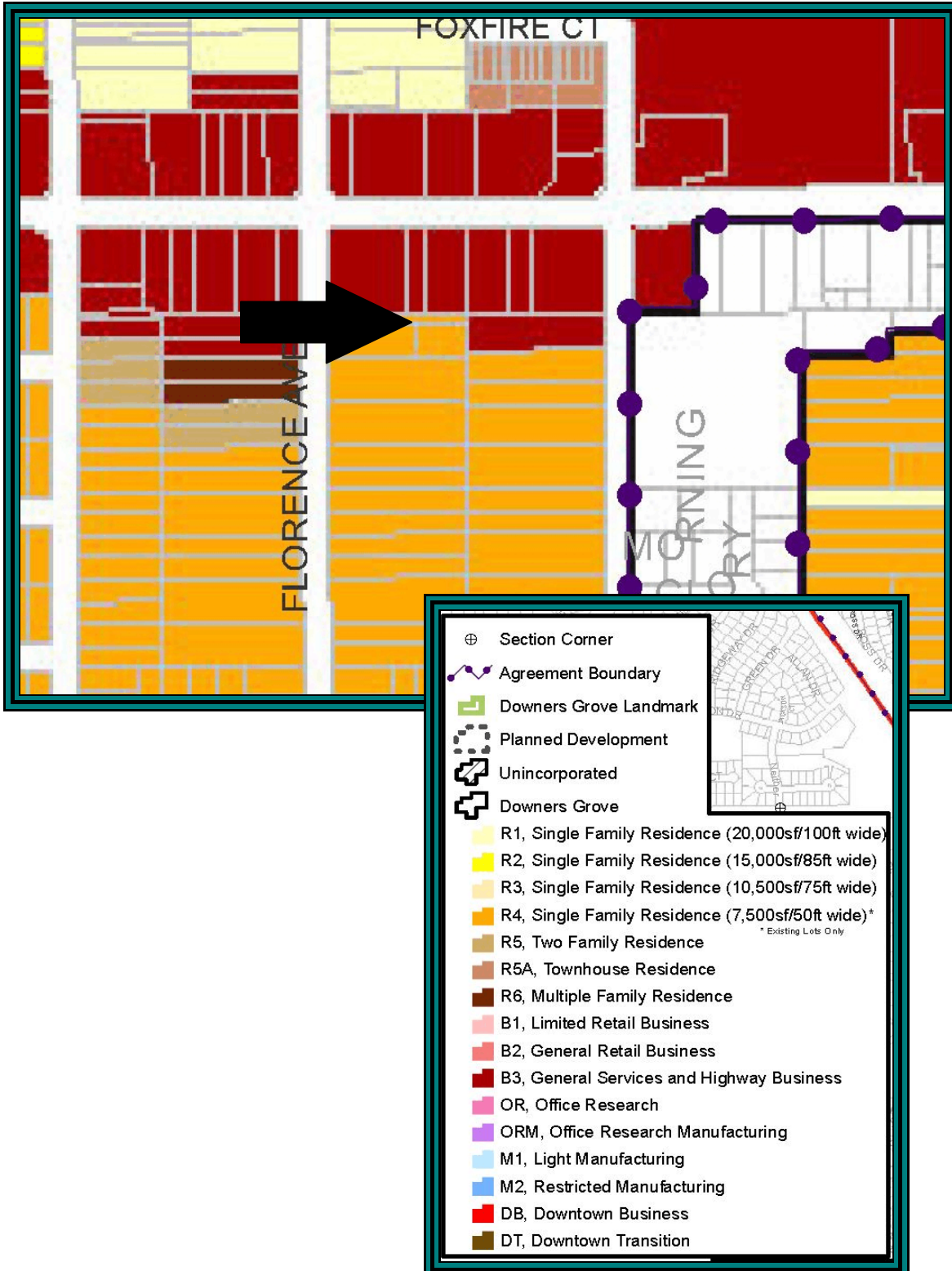
NEIGHBORHOOD MAP



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.

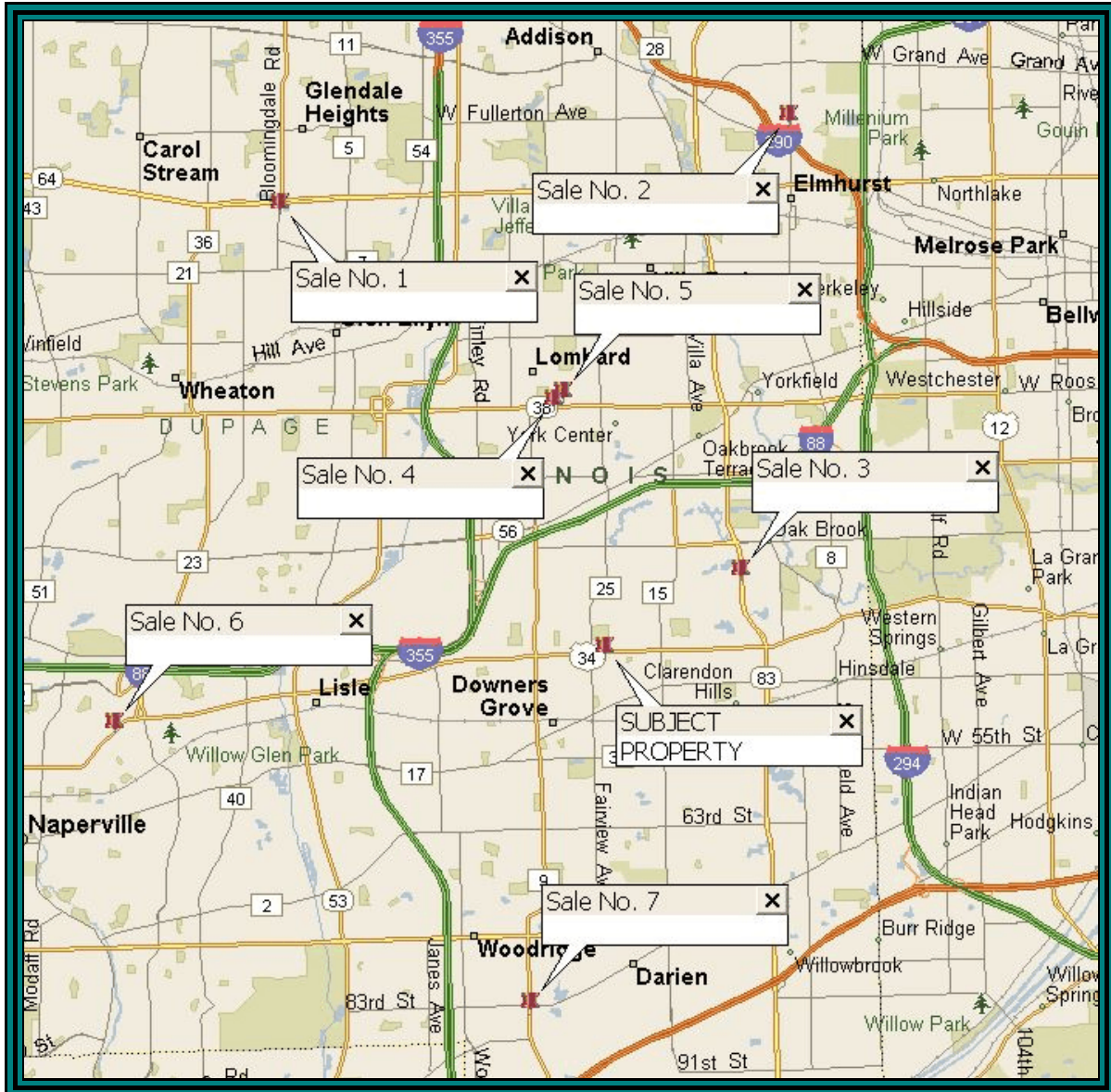
The basic steps involved in the application of this approach are as follows:

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

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

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

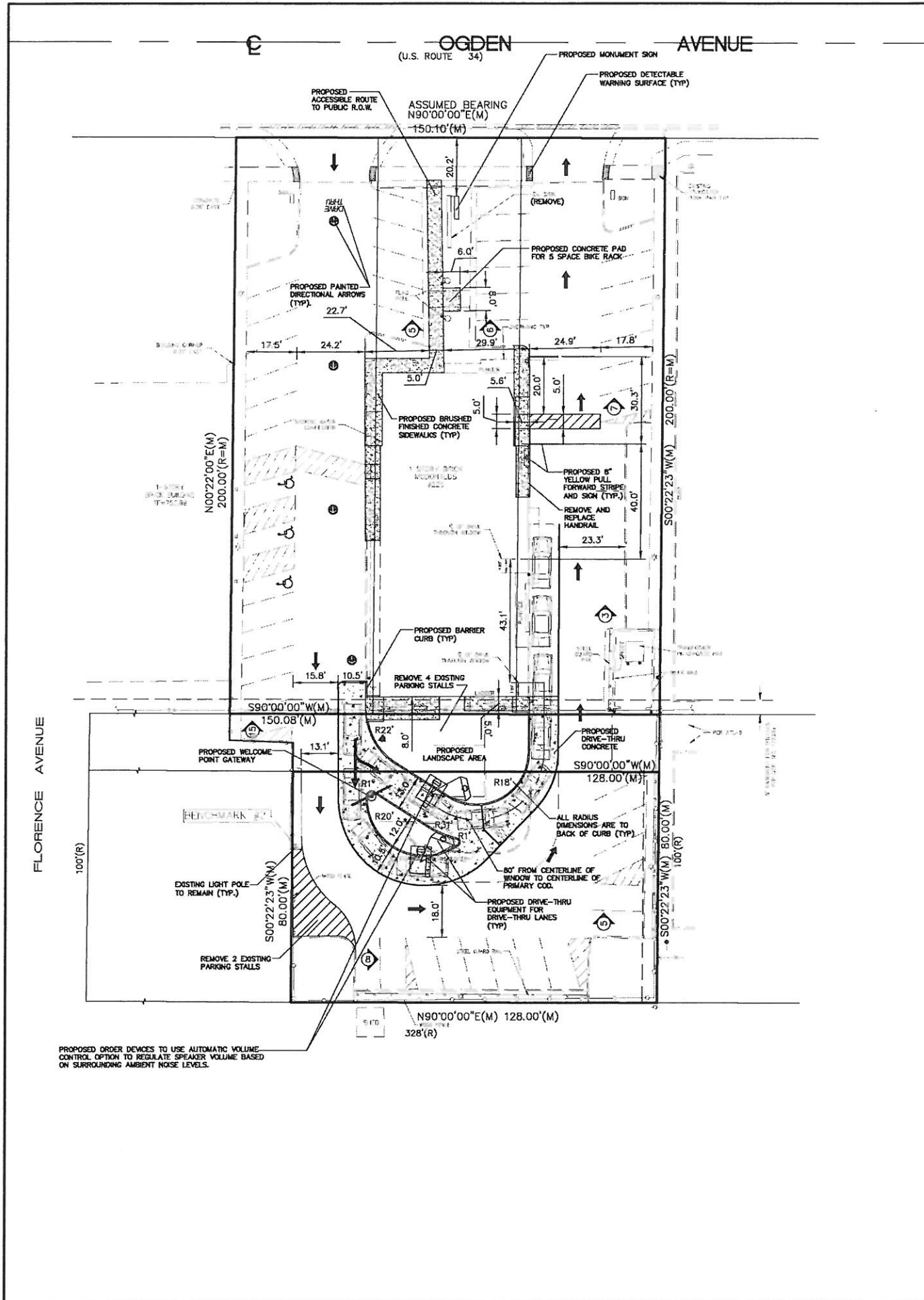
We do not disclose any nonpublic information obtained in the course of our engagement with our clients to nonaffiliated third parties except as necessary or as required by law. By way of example, a necessary disclosure would be to our employees, and in certain situations, to unrelated third party consultants 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.



GENERAL NOTES:

- 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
- 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	46
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

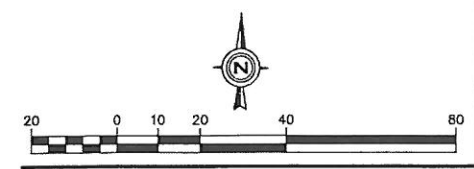
STORMWATER RELATED SITE DATA

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) =	2,640 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

DATE	
REVISIONS	
NO.	
Prepared For:	Lingle Design Group, Inc 158 West Main St. Lena, IL 61048
	McDonald's - DOWNERS GROVE, IL 225 Ogden Avenue Downers Grove, Illinois
Prepared By:	Watermark Engineering Resources, Ltd
CHECKED BY: J.MILLER	DESIGN BY: D.OLSON
DRAWN BY: D.OLSON	DATE: MAY 15, 2013
SCALE: 1" = 20'	PROJECT NO.: 11-1123
	2631 Ginger Woods Parkway, Suite 100, Aurora, IL 60502 phone 630-375-1800 fax 630-236-8500 www.watermark-engineering.com



GEOMETRIC PLAN

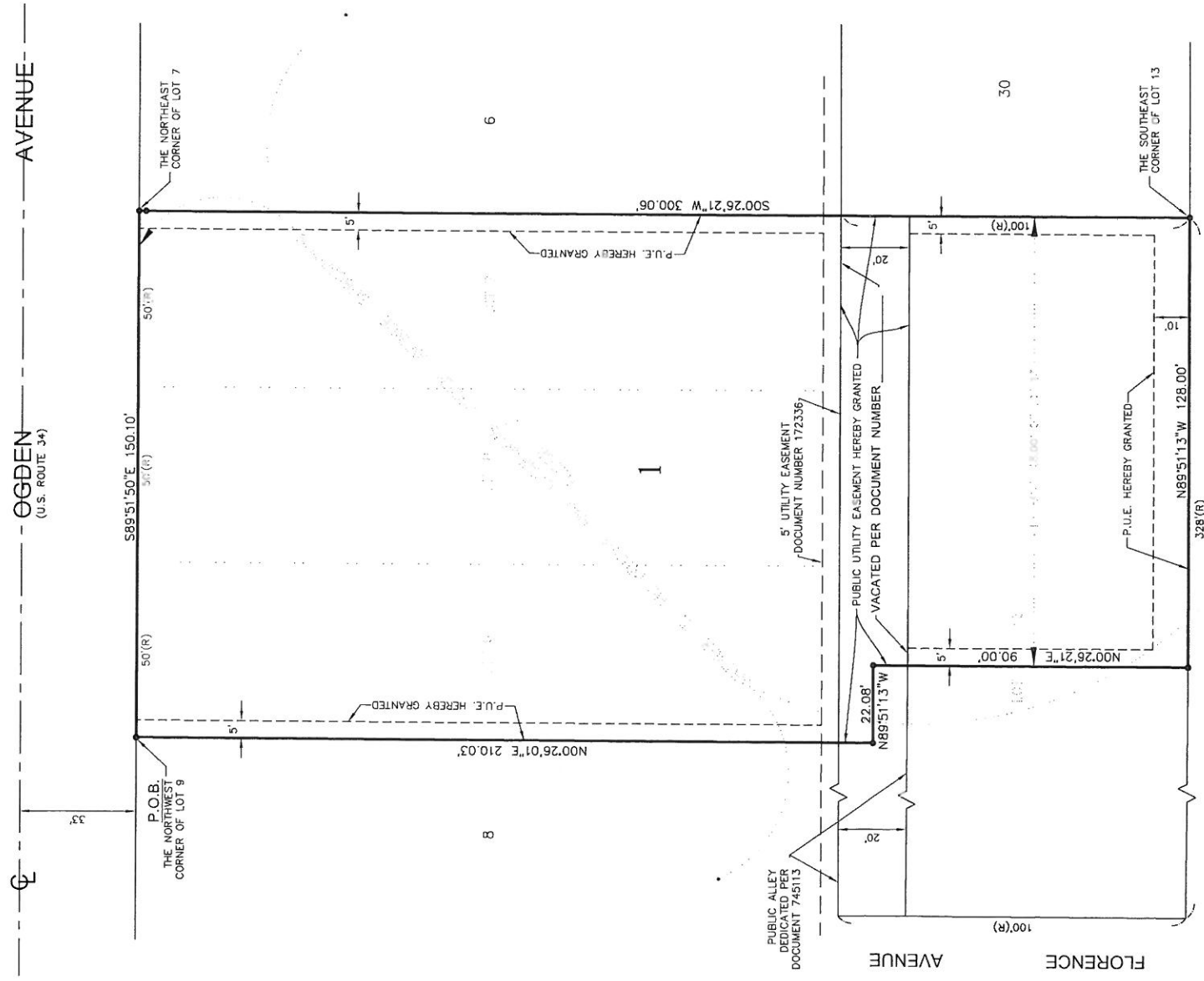
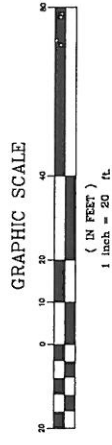
C-2
 LC#12-0020

GEOMETRIC PLAN

FINAL PLAT OF SUBDIVISION OF MCDONALD'S DOWNERS GROVE RESUBDIVISION

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

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



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)
(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
- CS = CHORD BEARING
- B.S.L. = 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

ALTA SURVEYS • TOPOGRAPHY • CONSTRUCTION STAKING
2611 GINGER WOODS PARKS AV. STE. 100
AURORA, IL 60502
PHONE: (630) 820-9100 FAX: (630) 820-7000 EMAIL: ADMIN@COMPASSSURVEYING.COM

PROJECT	McDonald's - LC #12-0020 225 Ogden Avenue Downers Grove, Illinois
CLIENT	WATERMARK ENGINEERING RESOURCES, LTD. 3400 North Lincoln Highway Aurora, IL 60502

NO.	REVISIONS	DATE	BY
1	REVISE LETTER DATED 6-10-13	7-25-13	IRA

DATE: 4-19-13 PC: N/A DRAWN BY: IRA CHECKED BY: SK BOOK: N/A PG: N/A
C:\p\p13\013\Projects\13.0087\13.0087-01 Plat of Sub\13.0087-01 SUBPLAT.dwg

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FINAL PLAT OF SUBDIVISION OF

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

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

DECLARATION OF RESTRICTIVE COVENANTS

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS:
(A) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY...

(B) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE SERVICES IS HEREBY RESERVED FOR AND GRANTED TO THE PUBLIC UTILITY SERVICES...
(1) NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS...

WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE END THAT THE RESTRICTIONS IMPOSED SHALL INURE TO THE BENEFIT OF THE VILLAGE OF DOWNERS GROVE...
WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND SAID LOTS...

NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT AND AGREEING THAT THEY OR ANY PERSON, FIRM OR CORPORATION, WHOEVER, SHALL BE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHO ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE OF OWNERSHIP...
1. NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS...

2. EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE FOR MAINTAINING THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, APPLICABLE TO HIS LOT IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION...
3. IN THE EVENT ANY OWNER OR PURCHASER FAILS TO PROPERLY MAINTAIN THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS...

4. IN THE EVENT THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL BE REQUIRED TO PERFORM OR HAVE PERFORMED ON ITS BEHALF ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE COST TOGETHER WITH THE ADDITIONAL SUM OF TEN PERCENT SHALL UPON RECEPTION OF A NOTICE OF LIEN WITHIN SIXTY DAYS OF COMPLETION OF THE WORK BE PAID BY OR ON BEHALF OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS...

5. THE AFORESAID RESTRICTIONS AND COVENANTS, AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AN ESSENTIAL PART OF THIS INSTRUMENT, AND EACH AND EVERY ONE OF THEM SHALL BE CONSIDERED AS SUCH BY EACH OF THE SAID PURCHASERS AND THE PARTIES HEREBIN DESIGNATED, THEIR AND EACH OF THEIR SUCCESSORS, HEIRS, AND ASSIGNS.

DATED AT _____ THIS _____ DAY OF _____ A.D., 20____
BY: _____ ATTEST: _____
TITLE: _____

NOTARY'S CERTIFICATE

STATE OF _____ }
COUNTY OF _____ }
IN THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____ A NOTARY PUBLIC
AND _____ (TITLE)
_____ (TITLE)

OF _____ (COMPANY), WHO ARE HEREBY KNOWN TO ME TO BE THE SAME PERSONS WHO ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE OF OWNERSHIP...
AND ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT IN THEIR CAPACITY FOR THE USES AND PURPOSES THEREIN SET FORTH AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ A.D., 20____
BY: _____ NOTARY PUBLIC

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DUPAGE }
I, _____ COLLECTOR OF THE DOWNERS GROVE SANITARY DISTRICT, DO HEREBY CERTIFY THAT THERE ARE NO UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREON THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

DATED THIS _____ DAY OF _____ A.D., 20____

COLLECTOR
PLAN COMMISSION, VILLAGE OF DOWNERS GROVE
CHAIRMAN

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DUPAGE }
APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE, THIS _____ DAY OF _____ A.D., 20____

PLAN COMMISSION, VILLAGE OF DOWNERS GROVE
CHAIRMAN
VILLAGE COLLECTOR CERTIFICATE
STATE OF ILLINOIS }
COUNTY OF DUPAGE }

OF DOWNERS GROVE, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREON THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

DATED THIS _____ DAY OF _____ A.D., 20____

COLLECTOR

COMPASS SURVEYING LTD
ALTA SURVEYS • TOPOGRAPHY • CONSTRUCTION STAKING
2631 GINGER WOODS PARKWAY, STE. 100
PHONE: (630) 949-1100 FAX: (630) 920-2810 EMAIL: ADMIN@COMPASSSURVEYING.COM

McDonald's - LC #12-4020
WATERMARK ENGINEERING RESOURCES, LTD.
3031 Genger Woods Parkway
Morton, IL 61550

Table with columns: NO, DATE, REVISIONS, CHECKED BY, DRAWN BY, MRA, PC, N/A, DRAWN BY, MRA, CHECKED BY, SK, BOOK, N/A, PG, N/A

PROJECT: McDonald's - LC #12-4020
CLIENT: WATERMARK ENGINEERING RESOURCES, LTD.
SCALE: 1" = 20'

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DUPAGE }
APPROVED THIS _____ DAY OF _____ A.D., 20____ BY: _____ ATTEST: _____

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DUPAGE }
DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT...

COUNTY CLERK

IDOT CERTIFICATE

THIS PLAT HAS BEEN APPROVED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION WITH RESPECT TO ROADWAY ACCESS PURSUANT TO ILLINOIS COMPILED STATUTES CH 765, SEC. 205/2; HOWEVER A HIGHWAY PERMIT IS REQUIRED BY THE OWNER OF THE PROPERTY. A PLAN THAT MEETS THE REQUIREMENTS CONTAINED IN THE DEPARTMENT'S POLICY ON PERMITS FOR ACCESS DRIVEWAYS TO STATE HIGHWAYS WILL BE REQUIRED BY THE DEPARTMENT.

DATED THIS _____ DAY OF _____ A.D., 20____

BY: _____ TITLE: _____

COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DUPAGE }
THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____ A.D., 20____ AT _____ O'CLOCK _____ M. AS DOCUMENT NUMBER _____

DUPAGE COUNTY RECORDER

SURFACE WATER STATEMENT

STATE OF _____ }
COUNTY OF _____ }
I, _____ A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND DULY AUTHORIZED ATTORNEY, DO HEREBY STATE, THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS AND PUBLIC AREAS, OR DRAINS WHICH MAY BE NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE AND FREE FLOW OF STORMWATER THROUGH THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS.

DATED THIS _____ DAY OF _____ A.D., 20____

ILLINOIS PROFESSIONAL ENGINEER OWNER OR DULY AUTHORIZED ATTORNEY

LICENSE NUMBER _____

EXPIRATION / RENEWAL DATE _____

SURVEYOR CERTIFICATION

STATE OF ILLINOIS }
COUNTY OF KANE }
SURVEYOR NO. _____ HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING PROPERTY: _____ ILLINOIS PROFESSIONAL LAND SURVEYOR

LEGAL DESCRIPTION
LOTS 7, 8, 9 AND PART 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, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 89 DEGREES 20 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE OF SAID LOT 9, A DISTANCE OF 150.10 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE 71 DEGREES 00 DEGREES 26 MINUTES 21 SECONDS WEST ALONG THE EAST LINE OF SAID LOTS 7 AND 13, A DISTANCE OF 300.06 FEET TO THE SOUTHEAST CORNER OF SAID LOT 13; THENCE NORTH 89 DEGREES 51 MINUTES 13 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 100.00 FEET TO THE WEST LINE OF SAID LOT 9; THENCE SOUTH 89 DEGREES 26 MINUTES 21 SECONDS EAST PARALLEL WITH THE EAST LINE OF SAID LOT 13, A DISTANCE OF 90.00 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 OF SAID LOT 9; THENCE SOUTH 89 DEGREES 26 MINUTES 21 SECONDS EAST ALONG SAID WEST LINE OF SAID LOT 9, A DISTANCE OF 210.03 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION AND IS WITHIN THE VILLAGE OF DOWNERS GROVE WHICH HAS ADOPTED AN OFFICIAL COMPREHENSIVE PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY THE STATE OF ILLINOIS ACCORDING TO 65 ILCS 5/11-12-6 AS HERETOFORE AND HEREAFTER AMENDED, AND THIS SITE FALLS WITHIN "OTHER AREAS: ZONE X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DEFINED BY THE ILLINOIS FLOOD DAMAGE PREVENTION ACT, MAP NUMBER 1700-050902H, DATING AN EFFECTIVE DATE OF DECEMBER 16, 2004.

GIVEN UNDER MY HAND AND SEAL AT AURORA, ILLINOIS THIS _____ DAY OF _____ A.D., 20____
COMPASS LAND SURVEYING LTD.
PROFESSIONAL DESIGN FIRM
LAND SURVEYING CORPORATION NO. 184-002778
LICENSE EXPIRES 4/30/2013

BY: _____ ILLINOIS PROFESSIONAL LAND SURVEYOR NO. _____

EXPIRES _____

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

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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

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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