

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**9/8/2015**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Special Use for the Property at 1001 31st Street	Stan Popovich, AICP Planning Manager

**SYNOPSIS**

An ordinance has been prepared to permit a warehouse use in the O-R zoning district.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2011-2018 include *Strong and Diverse Local Economy*.

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

This item was discussed at the September 1, 2015 Village Council meeting. Staff recommends approval on the September 8, 2015 Active Agenda.

**RECOMMENDATION**

Approval on the September 8, 2015 active agenda per the Plan Commission's unanimous recommendation. The Plan Commission found that the proposal is an appropriate use in the district, compatible with the Comprehensive Plan and meets all standards for approval of a Special Use found in Section 28.12.050 as well as the Special Use requirements and Performance Standards for warehousing found in Section 28.6.180.

**BACKGROUND**

The petitioner is requesting Special Use approval to operate a warehousing and internet sales business at 1001 31<sup>st</sup> Street. The property is located at the southwest corner of 31<sup>st</sup> Street and Highland Avenue. The property is zoned O-R, Office-Research. A warehousing use is an allowable Special Use in the O-R zoning district per Section 28.6.180 of the Zoning Ordinance.

The property is improved with a three-story office building and parking lot. The petitioner is currently using the east half of the first floor for their warehousing and internet sales office. The petitioner is not proposing any site or building improvements.

### Compliance with the Zoning Ordinance

The existing building complies with the bulk requirements of the Zoning Ordinance. The use meets the performance and approval criteria for warehouse uses in the O-R zoning district in Section 28.6.180 of the Zoning Ordinance.

### Compliance with the Comprehensive Plan

The warehouse use is consistent with and meets the goals of the Comprehensive Plan. The area is ideal for office and business uses, such as the petitioner's, that serve a large regional market. Additionally, the close proximity to I-88 will ensure minimal impact to neighboring properties and allow distribution within and beyond the region.

### Public Comment

There was no public comment on this request.

### **ATTACHMENTS**

Ordinance

Aerial Map

Staff Report with attachments dated August 3, 2015

Draft Minutes of the Plan Commission Hearing dated August 3, 2015

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE AUTHORIZING A SPECIAL USE  
FOR 1001 31<sup>st</sup> STREET TO PERMIT A WAREHOUSING BUSINESS**

WHEREAS, the following described property, to wit:

LOT 1 IN HIGHLAND OAKS FIRST ADDITION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 29, AND THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 24, 1978 IN BOOK 89 PAGE 27 AS DOCUMENT R78-102664 IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1001 31<sup>st</sup> Street, Downers Grove, IL 60515 (PIN 06-32-100-012)

(hereinafter referred to as the "Property") is presently zoned in the "*O-R, Office-Research Business District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.5.010 of the Zoning Ordinance be granted to allow a warehousing business; 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 August 3, 2015 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, meets the Special Use approval criteria of Section 28.5.050(H) of the Zoning Ordinance as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;
2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
3. That the proposed use will not, in this particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

WHEREAS, the Village Council finds that the evidence presented in support of said petition, meets the approval criteria of Section 28.6.180(B) of the Zoning Ordinance as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. That the proposed use will not be detrimental to the existing parking, loading and circulation patterns on the premises.
2. That the existing building is suitable for the proposed use in being able to accommodate the size, weight and dimensions of the proposed finished consumer ready product.
3. That the proposed use will not be injurious to adjacent users via noise, odor, vibration or other environmental concerns.

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 warehousing business.

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

1. The proposed Special Use is limited in area and scope to that described in the Staff Report dated August 3, 2015 and its exhibits. Any change in the operation of this business or an expansion of business scope or floor area may require subsequent Village Council approval.
2. One additional accessible parking space must be provided in accordance with the Zoning Ordinance to bring the parking into full compliance.

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: September 8, 2015  
(Name)

RECOMMENDATION FROM: \_\_\_\_\_ FILE REF: 15-PLC-0022  
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE  
AUTHORIZING A SPECIAL USE FOR 1001 31<sup>ST</sup>  
STREET TO PERMIT A WAREHOUSING  
BUSINESS", as presented.



**SUMMARY OF ITEM:**

Adoption of the attached ordinance will authorize a special use for 1001 31<sup>st</sup> Street to permit a warehousing business.

**RECORD OF ACTION TAKEN:**

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**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
AUGUST 3, 2015 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
15-PLC-0022 1001 31 <sup>st</sup> Street	Special Use for a Warehousing Business	Kelley Chrissie, AICP Planner

**REQUEST**

The petitioner is requesting approval of a Special Use to permit the operation of a Warehousing Business for Internet Retail Sales at 1001 31<sup>st</sup> Street.

**NOTICE**

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

**GENERAL INFORMATION**

**OWNER:** Steel Family Real Estate, LLC  
15185 Main Street, P.O. Box 729  
Lemont, IL 60439

**PETITIONER:** Pro Stock Hockey, LLC  
1001 31<sup>st</sup> Street  
Downers Grove, IL 60515

**PROPERTY INFORMATION**

**EXISTING ZONING:** O-R, Office-Research  
**EXISTING LAND USE:** Business and Professional Office  
**FUTURE LAND USE:** Office/Corporate Campus  
**PROPERTY SIZE:** 122,822 square feet (2.82 acres)  
**PIN:** 06-32-100-012

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	B-2, General Retail Business	Neighborhood Commercial
<b>SOUTH:</b>	O-R, Office-Research	Office/Corporate Campus
<b>EAST:</b>	R-1, Residential Detached House 1	Parks & Open Space
<b>WEST:</b>	O-R, Office-Research	Office/Corporate Campus

**ANALYSIS****SUBMITTALS**

This report is based on the following documents, which are on file with the Department of Community Development and attached to this staff report as noted:

1. Application/Petition for Public Hearing
2. Location Map (Exhibit A)
3. Plat of Survey (Exhibit B)
4. Project Summary/Narrative (Exhibit C)
5. Floor Plan (Exhibit D)
6. Photos of Business Operations (Exhibit E)

### **PROJECT DESCRIPTION**

The petitioner is requesting Special Use approval to operate a Warehouse Business, specifically Internet Retail Sales and Distribution, at 1001 31<sup>st</sup> Street. The subject property is located at the southwest corner of Highland Avenue and 31<sup>st</sup> Street (Exhibit A), which is zoned O-R, Office-Research.

The property is improved with a three-story office building and surface parking lot (Exhibit B). (The building has a basement, first and second floor. The entry is on the first floor, which is at ground level on the west side of the building but requires a number of stairs from the parking lot in front of the building.) The petitioner currently occupies the east half of the first floor as a Warehouse Business. When the Village discovered that the petitioner was occupying a space without a Commercial Occupancy permit, the petitioner submitted an application and began the process. The Use Classifications for the O-R zoning district at the time of submission for Commercial Occupancy did not permit a Warehousing Business. As such, the petitioner requested a text amendment to allow Warehouse Businesses in the O-R zoning district with a Special Use, which was approved on June 2, 2015. Approval of the Special Use request will allow the petitioner to proceed with the Commercial Occupancy permit process to legally occupy the space as described in further detail in Exhibit C.

The petitioner's primary function is to take and fulfill orders for consumer ready products (excess professional hockey equipment and clothing) through internet and phone sales. The tenant space mostly consists of storage for the various consumer ready goods in addition to a sorting station, a packaging and shipping area, marketing space, a photo studio and offices as depicted in Exhibit D. Products are received and distributed using standard delivery vehicles from various parcel delivery services (FedEx, DHL, UPS, etc.), where the packages are either carried or wheeled into the tenant space using a handcart or dolly. The only processing that occurs onsite is receiving and inventorying the new products and then preparing the orders for distribution. The petitioner does conduct limited testing of the hockey sticks to determine the stick's flex, which is done by a single machine within the tenant space (see Exhibit E).

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

The Comprehensive Plan designates the subject property as Office/Corporate Campus, which is characterized by office uses with large-scale buildings and office parks in locations easily accessible from the I-88, I-355 and Butterfield Road corridors. As identified in the Comprehensive Plan, this area is ideal for office and business uses that serve a large regional market. As warehousing has a distribution component, the close proximity to I-88 and Butterfield Road will ensure minimal impact to neighboring properties and allow distribution within and beyond the region. The proposal is consistent with the Comprehensive Plan and complements the use of the surrounding properties.

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

The subject property is currently zoned O-R, Office-Research. No changes are being proposed that would affect the site or the building envelope as part of the Special Use. Compliance with the Zoning Ordinance is summarized in the table below:

<b>Warehousing Performance Standards (Sec. 6.180)</b>	<b>Proposed</b>
Finished, consumer ready products	No production proposed – selling and distributing excess professional hockey equipment and clothing

<b>Warehousing Performance Standards (Sec. 6.180)</b>	<b>Proposed</b>
Gross Floor Area = 10,000 sq. ft. or less per warehouse tenant	Petitioner occupies 7,921 square feet of space
Gross Floor Area = 25% or less of building dedicated to warehouse use	Petitioner is the only warehouse use and occupies approximately 16% of the total building
Activities within principal building	The tenant space is located within the principal building
No forklifts or other mechanical devices to process, prepare or distribute	A handcart or dolly is used to move larger items but most can be moved without additional assistance
No on-site sales or pick-up allowed	The petitioner distributes goods via parcel delivery services based on internet and phone sales – no on-site sales or pick-up is proposed
Pick-up and distribution of products must be via standard delivery vans/trucks – no tractor-trailer deliveries permitted	Deliveries are received and shipped using standard delivery vehicles using various parcel delivery services (UPS, FedEx, DHL, etc.)

### Parking

Full occupancy of the building with office uses requires 147 parking spaces, which is currently provided. However, the subject site does not currently comply with the required number of accessible parking spaces (5 are required but only 4 are provided) but is determined to be legal, non-conforming. With the addition of the warehouse use, the required number of parking stalls is reduced to 129 parking spaces resulting in 18 additional parking spaces.

Deliveries typically occur daily during the work week for the petitioner and use the same circulation path as for the office uses, where they load and unload either in front of the main entrance or along the western side of the building. Large parcels are delivered on a dolly or a hand cart using the ramp on the western side of the building to the main entry at the front of the building. All other parcels are carried into the tenant space for delivery.

### **ENGINEERING/PUBLIC IMPROVEMENTS**

The petitioner is not proposing any changes to the site that would result in public improvements. All required infrastructure exists and adequately services the property.

### **PUBLIC SAFETY REQUIREMENTS**

There are no changes to the site that would trigger public safety improvements. However, the occupancy of this tenant space will require compliance with all public safety requirements as identified in the Village's Building and Fire Codes, which will be verified as part of the Commercial Occupancy Permit.

### **NEIGHBORHOOD COMMENT**

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing a legal notice in *Downers Grove Suburban Life*. Staff has received one inquiry asking to clarify the request, where no concerns were expressed.

### **FINDINGS OF FACT**

The petitioner outlined the request in the attached narrative letter, floor plan and photos (Exhibits C, D and E). The petitioner will further address the proposal and justification at the public hearing to support the request for a Special Use to operate a Warehousing Business for internet retail sales and distribution. Staff finds the proposal meets the standards for granting a Special Use as outlined below:



***Section 28.12.050.H Approval Criteria – Special Uses***

*No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the petitioner has presented evidence to support each of the following conclusions:*

1. *That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;*  
The proposed warehouse use is listed as a Special Use in the O-R zoning district under Section 5.010 of the Zoning Ordinance. This criteria is met.
2. *That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.*  
The proposed use at this location provides easy access to I-88 and Butterfield Road, which will minimize impact to the community. The petitioner filled a tenant space that had not been occupied for more than eight years, allowing increased occupancy of this location and no change is proposed to occur within the tenant space or to the existing site to accommodate the warehouse use. The proposed warehouse use will not diminish office developments in the Village or inhibit future office development. This criteria is met.
3. *That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.*  
The activities of this use consist of fulfilling internet and phone orders where the distribution of goods is via a standard delivery vehicle. With no on-site sales or pick-up of goods allowed, the proposed use will not be detrimental to the health, safety or general welfare of the surrounding properties. The proposed use creates no more audible or visual disturbances to the neighborhood than a typical office. This criteria is met.

***Section 28.6.180.B Approval Criteria – Warehousing in the O-R Zoning District***

In addition to the Special Use approval criteria, the special use must be consistent with and in substantial compliance with all village council policies and plans and the petitioner must present evidence to support each of the following conclusions:

1. *“The proposed use will not be detrimental to the existing parking, loading and circulation patterns on the premises.”*  
The lower parking ratio for the warehouse use will allow the parking lot to be fully brought into compliance by having enough additional spaces to create the required number of accessible stalls. No change in circulation or loading is required to accommodate the warehouse use, as parcel delivery services already deliver to the site. This criteria is met.
2. *“The existing building is suitable for the proposed use in being able to accommodate the size, weight and dimensions of the proposed finished consumer ready product.”*  
The products being warehoused are excess professional hockey equipment and clothing, which ranges in size and weight. The largest items are goalie sticks, in which the shipping box measures 70”x14”x2” and can fit through any standard door and in standard delivery vehicles. The weight range of the products are between 3 and 20 pounds. The storage of these items are on shelves or racks throughout the tenant space. This criteria is met.
3. *“The proposed use will not be injurious to adjacent users via noise, odor, vibration or other environmental concerns.”*

15-PLC-0022, Special Use, 1001 31<sup>st</sup> Street  
August 3, 2015

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The warehouse use has been in operation since last fall, where no complaints have been received with regard to noise, odor, vibration or other environmental concerns. The activities of the business include taking phone and internet orders, marketing the company and distributing filled orders. The majority of activities of the petitioner are similar to that of a typical office. Additional deliveries create minimal noise for adjacent tenants, as the delivery comes in through the main entry and directly to the tenant space. This criteria is met.

## **RECOMMENDATION**

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The proposed Special Use for the operation of a Warehouse Business is compatible with surrounding zoning and land use classifications, meets the criteria for Special Use and Warehousing in the O-R Zoning District and is consistent with the Comprehensive Plan.

Based on the findings listed above, staff recommends that the Plan Commission make a positive recommendation to the Village Council regarding 15-PLC-0022 subject to the following conditions:

1. The proposed Special Use is limited in area and scope to that described in this report and exhibits. Any change in the operation of this business or an expansion of business scope or floor area may require subsequent Village Council approval.
2. One additional accessible parking space must be provided in accordance with the Zoning Ordinance to bring the parking into full compliance.

Staff Report Approved By:



Stanley J. Popovich, AICP  
Planning Manager

SP:kc  
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0 37.5 75 150 Feet

# 1001 31st Street - Location Map







Pro Stock Hockey, LLC  
1001 31<sup>st</sup> Street, Suite 175  
Downers Grove, Illinois

### Narrative for Special Use Petition

Pro Stock Hockey, LLC, is seeking approval of a special use under the provisions of Table 5-1 under Subcategory; "Wholesale, Distribution & Storage," "Warehousing." Warehousing is listed as an authorized special use in the O-R zoning district, subject to the specific provisions found under 28.6.180 of the Zoning Ordinance. More specifically, Pro Stock Hockey is seeking a special use, to authorize them to conduct the retail Internet sales of professional hockey equipment, including uniforms, skates, pads, sticks, helmets, etc. The unique nature of Pro Stock's business is that they sell excess, unused professional hockey equipment that NHL professional hockey teams no longer want or need.

Pro Stock Hockey has been in business at 1001 31<sup>st</sup> Street, Suite 175, since August 2014. Although a completely separate and distinct business, Pro Stock Hockey has the same ownership as Straight North an Internet marketing consulting company that has occupied Suite 100 of 1001 31<sup>st</sup> Street, since 2012. When the principals of Straight North discovered a very unique business opportunity in purchasing and reselling professional hockey equipment directly from a number of the NHL teams, they spoke with their landlord, who is also a partner in their businesses about renting what was vacant space in the building, directly across the lobby from Straight North. As Straight North had successfully applied for and was granted an occupancy permit by the Village, and as Suite 175 was fully improved by previous occupants and had previously been issued an occupancy permit by the Village, it was incorrectly assumed that Pro Stock Hockey didn't need any additional permits from the Village, especially as no modifications or construction was needed to accommodate Pro Stock Hockey. Once Pro Stock Hockey learned that they needed an occupancy permit, they immediately applied for one and then learned that their type of business did not at the time qualify as one of the authorized O-R uses.

Once the zoning issue was discovered, the ownership of Pro Stock Hockey immediately began to work with the Village, first regarding a text amendment to establish a zoning category which was appropriate and subsequently to make application for a special use.

As noted earlier Pro Stock Hockey discovered via its relationship with a number of NHL hockey teams, that professional hockey at least at the NHL level, has an issue with having to dispose of an appreciable amount of custom made equipment and garments that the teams purchase and then don't need or use. Players may order gloves from one manufacturer with their team colors and to their measurement specifications, and then decide to use equipment from another manufacturer. Players may also have all of their specific equipment on stock at their current team and then be traded to another team with different colors, etc. As most of the NHL

teams have no reasonable means to dispose of excess equipment, Pro Stock Hockey has established relationship to purchases all of a teams excess equipment and subsequently sells the merchandise, via their website, to the general public at a significant savings from what the consumer could purchase comparable equipment if it was even available to them.

#### Acquisition of Merchandise

Pro Stock Hockey currently has established a business relationship with 15 of the NHL hockey teams. Typically, principal contact between Pro Stock Hockey and the NHL teams is the equipment managers. When an equipment manager identifies that he has excess unused equipment, he contacts Pro Stock with the specifics of the equipment that they want to dispose. Approximately 60% of the time the excess equipment is transported to the United Center when the selling team travels to Chicago to play against the Chicago Blackhawks. The other 40% of the time the excess equipment is sent to Pro Stock normal via UPS, FedEx type of delivery services.

When equipment is dropped of at the United Center, it is normally packaged in typical hockey stick bags or equipment bags where it is picked up by a Pro Stock Hockey employee in a Chevy Suburban, driven to Downers Grove and it is then normally either hand carried into the building or is moved either on a two-wheel hand dolly or a four-wheel hand cart through the front door of the building. Pro Stock Hockey is located on the entry level on the left hand side of the lobby.

When equipment is shipped via parcel delivery service, sticks are normally sent in boxes measuring 70" x 12" x 2", while such items as gloves, pads and uniform garments are typically in boxes approximating 14" x 14" x 24" to 24" x 24" 30". Most deliveries are wheeled into the building, through the front door by the parcel service delivery person on a lightweight 4-wheel delivery cart, typically used for office delivery.

#### Categorization of Merchandise

Once equipment is received, Pro Stock Hockey needs to categorize merchandise not only by such things as manufacturer, color and team logo, but also according to which specific player that the product was made for and custom modifications that may be unique to a specific player. In the case of gloves, each finger may be made to the very specific finger lengths of a particular player or in the case of skates, the length of the boot may differ from one foot to the other according to the physical characteristics of the player that it was made for.

Once each item has been categorized, the products may be photographed and then posted on Pro Stock's web site. Please visit the site at [www.prostockhockey.com](http://www.prostockhockey.com) .

## Sales

Pro Stock Hockey does most of its sales via its Internet site, although it does take telephone orders and will discuss the finer points or specifications of products on the telephone. Pro Stock Hockey has a very strict policy of not providing any customer access to their premises and will not permit customers to take delivery of a product except via FedEx delivery. Consistent with their policy, Pro Stock Hockey does not, nor will they have any signage on the building or on the property with the exception of a small nameplate in the entrance lobby of the building.

## Distribution

As noted under sales, all merchandise is transported to the customer via FedEx delivery service. The majority of merchandise is shipped in one of the following containers: hockey sweaters (jerseys) t-shirts or similar products are packaged in poly envelopes, gloves and other small products are packaged in boxes measuring 14" x 14" x 12"; pants and pads are shipped in boxes measuring 24" x 24" x 8"; and sticks are shipped in boxes measuring 70" x 12" x 2" or in the case of a goalie stick 70" x 14" x 2". The typical weight of outgoing packages range from 3 pounds to 20 pounds.

FedEx, picks up merchandise normally on a daily basis, Monday through Friday. It is loaded onto a four-wheel hand cart in the Pro Stock offices, pushed out of the building to the FedEx truck via the ramp located on the westerly side of the front stairway and is loaded into the FedEx van which parks on the west side of the building at the base of the ramp. The total time for a pick up ranges from 5 minutes to perhaps 10 minutes.

**Petitioner's Response to Special Use Standards**  
**Special Use Petition 1001 31<sup>st</sup> Street.**  
**Pro Stock Hockey, LLC, Petitioner**

*Section 28.12.050 H Approval Criteria*

*No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all village council policies and plans and that the applicant has presented evidence to support each of the following conclusions:*

*(1) that the proposed use is expressly authorized as a special use in the district in which it is to be located;*

The subject property is located at the southwest corner of 31<sup>st</sup> Street and Highland Avenue, which is zoned O-R. According to Table 5-1 under Subcategory "Wholesale, Distribution & Storage," "Warehousing" is listed as an authorized special use, subject to the specific provisions found under 28.6.180 of the Zoning Ordinance.

*(2) that the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;*

The requested special use is an Internet sales business that sells excess professional hockey equipment. The sports equipment that the petitioner deals in is specifically made for NHL professional players, normally specific to individual players. The equipment is purchased by the petitioner directly from more than half of the NHL teams. Prior to the existence of Pro Stock Hockey the general public had extremely limited access to this type and quality of hockey gear. By establishing an Internet based outlet, this very unique professional quality hockey equipment has become available to the general public at reasonable prices.

Although this business has a very small staff currently with only 5 employees, it adds to the employment base of the Village. Additionally, the presence of Pro Stock Hockey business locates a very successful business within the Village in office space that had experienced a period of vacancy.

*(3) that the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.*

The subject business involves consumer ready merchandise, which is either characterized as clothing or as sports equipment. The principal business activity is divided into marketing and order taking, most of which takes place via the Internet or via telephone communications. The other principal business activity involves



merchandise management, including receipt of merchandise, categorizing merchandise, storing it on racks and shelving and order fulfillment, which includes billing, packaging and shipping of the products.

Given the fact that the merchandise is all previously manufactured and is made of consumer friendly very stable materials there is neither an issue of health, safety or general welfare associated either with the products or how the petitioner's company handles the products. The business is wholly enclosed within the building in an office suite, and the business is conducted in a manner, which is not particularly distinct from any office building located within the O-R zoning district.

In addition to meeting the general standards for Special use, Pro Stock Hockey also satisfies the specific requirements of Section 28.6.180 A. as follows:

*1. The use is limited to the storage, processing and distribution of finished consumer ready products only. The assemblage of parts to create the finished product is prohibited.*

All of the ice hockey products that Pro Stock Hockey purchases, stocks and subsequently sells and ships to its customers are completely finished goods consisting of hockey uniforms or hockey equipment, (including but not limited to skates, hockey sticks, hockey pads, uniforms, helmets, gloves and accessory items such as equipment bags.)

*2. The use is limited to the gross floor area of no more than 10,000 square feet per warehouse tenant.*

The portion of the building located at 1001 31<sup>st</sup> Street commonly known as Suite 175 has a floor area of approximately 7,921 ft<sup>2</sup>, which is less than 80% of the maximum permitted.

*3. No more than 25% of the gross floor area of any building may be dedicated to warehouse use.*

The building commonly known as 1001 31<sup>st</sup> Street has a total floor area of 49,039 ft<sup>2</sup>. The 7,921ft<sup>2</sup> floor area of Suite 175 occupied by Pro Stock Hockey is equal to 16.15% of the buildings gross floor area, well below the maximum allowable floor area.

*4. The use may only take place within a principal building.*

Pro Stock Hockey's Internet sales business will take place solely within the confines of the principal building as depicted on the floor plan submitted as part of the requested Special Use.

*5. No forklifts or other mechanical devices, such as automated storage and retrieval systems, may be used to process or prepare material for distribution.*

There are no forklifts or automated storage retrieval systems to be utilized by Pro Stock Hockey. Storage is limited to low height lightweight shelving system and merchandise movement other than hand carrying it is limited to handcarts or two-wheel dollies.

*6. No on-site sales or pick-up of product may occur.*

Pro Stock Hockey's business model is based upon Internet sales and direct shipping to consumers. Consumers are not permitted either to shop on premises or to receive their merchandise in any manner other than via package delivery service. Pro Stock

Hockey operates a very detailed and photo rich website so that customers can have the shopping experience via their computer. Due to the very unique nature of some of the products offered by Pro Stock Hockey, customers may email or speak with staff members when they require more precise information about a product.

*7. Pick-up and delivery of all products is limited to delivery vans and trucks. The use of tractor-trailers for pick-up and delivery of goods is prohibited.*

Pro Stock Hockey receives its merchandise primarily in two ways. The majority of merchandise is dropped off at one of two NHL hockey stadiums located in the Midwest when the selling team visits the stadium during scheduled games. Such merchandise is picked up by Pro Stock Hockey in a vehicle like a Chevy Suburban, or is moved in a van. The other means for receipt of merchandise is via package delivery services including UPS, FedEx, DHL, etc.

Distribution of merchandise is via pickup by package delivery services such as UPS, FedEx, DHL, etc. Currently FedEx handles all outgoing package transportation. The delivery service picks up merchandise in one of their typical delivery vans of the same type the same as those making pick-ups or deliveries at office complexes throughout the area.

Building Gross Square Footage  
49,039 USF

Suite 175 Pro Stock Hockey  
7,921 USF



**EWP ARCHITECTS**  
 2015 Spring Road  
 Suite 265  
 Oak Brook, IL 60523  
 630.580.3104  
 ewparchitects.com

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**Pro Stock Hockey**

Highland Ridge  
 1001 West 31st St  
 Suite 175  
 Downers Grove, IL 60516

05.21.15 issued for review  
 05.27.15 issued for bid permit

scale: 1/8" = 1'-0"  
 drawn: jeli  
 checked: bap  
 job no:



↑ Space Plan 1

1.A1.0

Exhibit E



Hockey Stick Storage



Hockey Glove Storage





Equipment Storage



Jersey/Uniform Storage





Hockey Stick "Testing"



Packaging and Shipping Area





0 37.5 75 150 Feet

# 1001 31st Street - Location Map





## DRAFT

**FILE 15-PLC-0022:** A petition seeking approval of a Special Use to permit the operation of a Warehousing Business (Internet Retail Sales). The property is currently zoned O-R, Office-Research. The property is located at the southwest corner of Highland Avenue and 31st Street, commonly known as 1001 31st Street, Downers Grove, IL (06-32-100-012). Pro Stock Hockey, LLC, Petitioner and Steel Family Real Estate, LLC, Owner. e. 15-PLC-0024:

Planning Intern Ross Pietrzak located the site on the overhead and reported that the proposal had been in the works for some time. The village council approved a text amendment in June 2015, which allowed for a special use of Warehousing in the O-R Office-Research zoning district. Currently a 3-story building and parking lot existed on the site and the building was designed in such a way that the first floor was considered the lower level while the second floor was considered the first floor with a main lobby. Currently, the Pro Stock Hockey business conducts phone sales and has no on-site sales; just a storage area and a few offices.

Per staff, the site was being designated as Warehousing because the primary use was to store equipment that included used professional hockey equipment sold to the general public at a lower price. A list of the equipment followed. Access on 31<sup>st</sup> Street was noted as well as the circulation for the various delivery trucks, such as Fed-X and UPS. Direct access was located at the northwest corner of the building.

Mr. Pietrzak reviewed the standards for the warehousing use in the O-R district and explained how the proposal met the standards, except for the need of one handicap parking space, as stated in staff's report. By filling a vacancy in the building, the business made the area more desirable and more active and there was no detrimental concern to the health, safety and welfare of the residents. The proposal met all the standards for approval in the Zoning Ordinance. Staff recommended a positive recommendation to the village council.

Comments followed that this case was brought before the village council prior who directed the applicant to work with staff on a text amendment for a special use in the O-R Office Research zoning district.

On behalf of the petitioner, Mr. Ken Rathje with Rathje Planning Services, appeared along with Mr. David Duerr, CEO of Pro Stock Hockey and Straight North Corporation. In summary, he explained his client's business was an Internet retail sales business. A history of how he became familiar with his client as well as a history of the used hockey equipment business followed. Mr. Rathje confirmed that Pro Stock Hockey does not allow the public to visit their office site and merchandise is shipped to the buyer via Fed-X.

Mr. Rathje closed by stating the petitioner satisfied all of the requirements and met the warehousing use which was recently adopted by the village council and became an authorized use under the underlying O-R Office Research zoning district. Mr. Rathje reviewed each of the standards of the special use and explained how the proposed use met those standards. He emphasized that staff worked with his client since the start of the petition and he hoped the commission would forward a positive recommendation to the village council.

Per a question regarding the hours of operation, Mr. David Duerr, 11844 Crosscreek Court, Burr Ridge, responded that typically employees arrive between 7:00 AM and 8:00 AM and leave between 4:00 PM and 5:00 PM and do not work weekends nor after hours. Asked if there were

## DRAFT

shared employees between Straight North and Pro Stock Hockey, Mr. Duerr said there were about a dozen employees that worked between the two companies and were either graphic designers, marketing reps, or web developers. Both companies were located on the same floor of the building: one business on the west side and one on the east side. Details followed. Average shipments for the day: during summer months was about 5 to 10 orders; during the peak period was about 15 to 30 orders. Dialog followed regarding the level of noise coming from the company's Flex-check machine which checked the flexibility of the hockey sticks. Per Mr. Duerr, there were no complaints received from any other building tenant.

Chairman Rickard opened up the meeting to public comment. None received.

Mr. Rathje closed by thanking staff for their assistance on the petition.

Public comment was closed.

Mrs. Rabatah asked staff for clarification regarding staff's Recommendation No. 1 as it related to any change in the operation of the business, expansion of the business scope, or increase in floor area and having to return to the village. Mr. Popovich explained that if the business operations intensifies and expands into any other space than what has been approved, the petitioner would have to return to the village to amend their Special Use approval. However, minor changes in the special use could be approved administratively by staff. Examples followed. As to a question about making one of the parking spaces a handicap spaces, Mr. Popovich confirmed that staff requested the petitioner to provide another handicap space to meet the parking requirements, if this petition was approved. Mr. Cozzo also confirmed that the standards for approval on this petition had been met.

**WITH RESPECT TO FILE 15-PLC-022, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE TWO CONDITIONS IN STAFF'S MEMO.**

**SECONDED BY MS. HOGSTROM. ROLL CALL:**

**AYE: MR. QUICK, MS. HOGSTROM, MR. BASSLER, MR. COZZO, MRS. RABATAH,  
MR THOMAN, CHAIRMAN RICKARD**

**NAY: NONE**

**MOTION CARRIED. VOTE: 7-0**