

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**10/6/2015**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Special Use for a Drive-Through Facility with a Variation at 1201 Ogden Avenue	Stan Popovich, AICP Community Development Director

**SYNOPSIS**

An ordinance has been prepared to permit a drive-through with a setback variation for 1201 Ogden Avenue.

**STRATEGIC PLAN ALIGNMENT**

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

**FISCAL IMPACT**

n/a

**RECOMMENDATION**

Approval on the October 13, 2015 active agenda per the Plan Commission's unanimous 7:0 positive 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 per Section 12.050 and all Variation standards per Section 12.090 of the Zoning Ordinance.

**BACKGROUND**

This item is an ordinance approving a special use to allow a drive-through with a setback variation for the property located at the southeast corner of Ogden and Saratoga. The drive-through will serve a 24-hour bank ATM.

Property Information & Zoning Request

The subject property sits at the southeast corner of Ogden and Saratoga Avenues. This 0.6 acre property is located in the B-3, General Services and High Business zoning district, and is currently improved with a vacant one-story building with a surface parking lot that used to contain a gas station. The petitioner is proposing to redevelop the property with a 5,280 square foot commercial building. The building will house two tenants. The west tenant will be a fast casual restaurant and the east tenant will be a bank. The proposed bank comes paired with a Special Use request to construct a drive-through facility for a 24-hour ATM. The proposed drive-through will be constructed between the east elevation of the building and the east property line which results in a setback of one foot off of the east property line where 25 feet is required.

### Compliance with the Comprehensive Plan

The subject property is located on Ogden Avenue which is identified as Corridor Commercial in the Comprehensive Plan. The Comprehensive Plan states that land uses under that category are auto-oriented businesses and cater to the local residents/businesses as well as the surrounding region. Any new land use under the Corridor Commercial classification should continue to offer retail sales and services and complement the neighboring Corridor Commercial uses. The redevelopment of this property achieves both of these goals. This petition is in compliance with the Comprehensive Plan.

### Compliance with the Zoning Ordinance

The proposed development complies with all bulk regulations of the Zoning Ordinance except for the drive-through setback off of the east property line. The petitioner is requesting a variation to allow for the drive-through facility to be constructed where proposed in order to ensure that the safety and design standards found in Zoning Ordinance Section 7.130 are satisfied.

### Public Improvements

The redeveloped property will contain a right-in right-out access drive off of Ogden Avenue and a full access driveway off of Saratoga Avenue. Staff recommends that the special use approval include a condition to use different paving materials to differentiate between the sidewalk and the driveway surface.

### Public Comment

Three attendees stated concerns about the following items: traffic generation, snow removal, deliveries, width of the drive-through lane, pedestrians crossing the drive-through lane and the location of the proposed bike rack.

The proposed ATM use will not substantially increase traffic while the proposed restaurant is permitted by-right in the B-3 zoning district. The 10-foot wide drive-through lane meets the Zoning Ordinance's minimum required width. Snow removal will be handled in a manner similar to other Ogden Avenue properties. Sidewalks have been provided for pedestrians as required by the Zoning Ordinance. The petitioner has agreed to relocate the bike rack to a different location.

## **ATTACHMENTS**

Ordinance

Aerial Map

Staff Report with attachments dated September 14, 2015

Draft Minutes of the Plan Commission Hearing dated September 14, 2015

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 1201 OGDEN AVENUE  
TO PERMIT CONSTRUCTION OF A COMMERCIAL BUILDING  
WITH DRIVE-THROUGH USE WITH A VARIATION**

WHEREAS, the following described property, to wit:

Lots 13, 14, 15 and 16 in Block 32 in E.H. Prince and Company's Addition to Downers Grove Being a Subdivision in Sections 5, 6, 7 and 8, Township 38 North, Range 11 East of the Third Principal Meridian, According to the Plat Thereof Recorded September 30, 1890, as Document 43600, in DuPage County, Illinois

Commonly known as: 1201 Ogden Avenue, Downers Grove, IL 60515  
PINs: 09-05-302-001 & -002

(hereinafter referred to as the "Property") is presently zoned in the "*B-3, General Retail 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 permit construction of a commercial building with drive-through use including the following Variation:

1. Variation per Section 28.7.130.E; *Setbacks*, to decrease the required setback from twenty-five feet (25') to one foot (1').

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 for the petition on September 14, 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 and Variation, 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. 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 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.

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 standards for granting a variation per Section 28.12.090.G have been met; and,

1. No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner.
2. The consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:
  - a. the subject property cannot yield a reasonable return if required to comply with the regulations that apply to it;
  - b. the plight of the owner is due to unique circumstances; and
  - c. the variation, if granted, will not alter the essential character of the locality.
3. In addition, the hearing body must also take into consideration the extent to which the following facts, favorable to the property owner, have been established by the evidence presented:
  - a. that the physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. that the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification;
  - c. that the alleged difficulty or hardship was not created by the current property owner;
  - d. that the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood;
  - e. that the proposed variation will not alter the essential character of the area; and
  - f. that the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.

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 construction of a commercial building with drive-through use and a setback variation.

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

1. The special use shall substantially conform to the staff report dated September 14, 2015; architectural drawings prepared by Ilekis Associates dated August 28, 2015 and the landscape drawings prepared by LG Workshop dated August 26, 2015, except as such plans may be modified to conform to the Village codes and ordinances.

2. A six-foot tall solid privacy fence shall be added along the east property line from the southeast corner of the property to the same distance of the northeast corner of the subject building. The fence shall be raised three inches off of the ground so not to impede stormwater flow.
3. A stop sign shall be added to the site adjacent to the Saratoga Avenue exit.
4. The sidewalks crossing the Saratoga Avenue and Ogden Avenue curb cuts shall be improved with a different paving material than the rest of the parking area.
5. The approval from IDOT will have to be submitted prior to issuance of the building permit.
6. All proposed site improvements shall be approved by the Village Engineer.
7. Prior to issuing a building permit, an administrative lot consolidation shall be completed.
8. The building shall be equipped with an automatic suppression system and an automatic and manual fire alarm system.
9. The petitioner shall submit a photometric plan which identifies light levels that are compliant with the Village's lighting standards.

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



**1201 Ogden Avenue Location Map**





**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
SEPTEMBER 14, 2015 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
15-PLC-0027 Drive-Through Facility at 1201 Ogden Avenue	Special Use with a Variation	Patrick Ainsworth, AICP Planner

**REQUEST**

The petitioner is requesting approval for a Special Use and a Variation for a drive-through facility at 1201 Ogden Avenue which is located in the B-3, General Services and Highway Business zoning district.

**NOTICE**

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

**GENERAL INFORMATION**

**OWNER:** Vequity LLC Series XVII Downers Grove  
400 N. State Street Suite 400  
Chicago, IL 60654  
&  
Downers Grove Township  
4340 Prince Street  
Downers Grove, IL 60515

**APPLICANT:** Chris Ileakis  
Vequity  
400 N State St. Suite 400  
Chicago, IL 60654

**PROPERTY INFORMATION**

**EXISTING ZONING:** B-3, General Services and Highway Business  
**EXISTING LAND USE:** Vacant Commercial Site  
**PROPERTY SIZE:** 27,220 sq ft (0.62 acres)  
**PINS:** 09-05-302-001 & -002

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	B-3, General Services and Highway Business	Corridor Commercial
<b>SOUTH:</b>	R-6, Residential Apartment/Condo 6	Corridor Commercial
<b>EAST:</b>	B-2, General Retail Business	Corridor Commercial
	B-3, General Services and Highway Business	Corridor Commercial
<b>WEST:</b>	B-3, General Services and Highway Business	Corridor Commercial

**ANALYSIS**

**SUBMITTALS**

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

1. Project Narrative
2. Plat of Survey
3. Architectural Plans
4. Landscape Plan

**PROJECT DESCRIPTION**

The applicant is proposing to construct a 5,280 square foot, multi-tenant commercial building at the southeast corner of Ogden and Saratoga Avenues, commonly known as 1201 Ogden Avenue. This B-3, General Services and Highway Business (B-3) zoned property currently contains a vacant commercial site that once housed a Marathon Gas Station. The applicant is proposing a one-story building that will contain two tenants. The tenant on the west half of the building will potentially contain a fast casual restaurant and the tenant occupying the east half will be a bank. The bank is proposing a one-vehicle wide drive-through ATM located along the east elevation. The drive-through ATM will not contain a teller window. A drive-through facility is an allowable Special Use in the B-3 zoning district per Section 5.010 of the Zoning Ordinance. The petitioner is also requesting a variation from the 25' required setback from the drive-through facility to the east property line.

Currently, the subject property is improved with a vacant, one-story commercial building and a surface parking lot. The site contains four curb cuts, two off of Ogden Avenue and two off of Saratoga Avenue. The subject property contains multiple lots of record which will require the applicant to administratively consolidate the lots if the project is approved.

Proposed Development

The petitioner is proposing to demolish the existing vacant building and construct a 5,280 square foot space which will contain two commercial tenants. The development will also be improved with 37 off-street parking spaces, bicycle parking, landscaping and screening and only two curb cuts, one right-in right-out driveway on Ogden Avenue and a full access driveway on Saratoga Avenue. The proposed drive-through facility is located along the east property line, but will be setback one foot off of the east property line where 25 feet is required per VODG Section 28.7.130.E. Therefore, the applicant is requesting a variance for the 25' required setback for the drive-through to the east property line. The drive-through facility meets all other design and safety criteria found in Section 7.130 of the Zoning Ordinance.

Since the proposed development only consists of two tenants spaces, the required amount of off-street parking spaces shall be taken from each potential tenant and not from the shopping center parking ratio. Per Section 7.030 of the Zoning Ordinance, financial institutions requires 3.5 spaces per 1,000 square feet of gross floor area and restaurants require 10 spaces per 1,000 square feet of gross floor area (minus area dedicated to commercial kitchen spaces). The table below shows the required parking calculation:

<b>1201 Ogden Avenue</b>	<b>Sec. 7.030 Ratio</b>	<b>Area of Space (sq. ft.)</b>	<b>Required Spaces</b>
East Tenant (Space Bank)	3.5 spaces/ 1,000 gfa	3,000	11 spaces
West Tenant (Restaurant)	10 spaces/ 1,000 gfa	1,250 (approximate)	13 spaces
<b>Total Parking</b>			<b>24 spaces</b>

The applicant has noted that the dining space for the restaurant site is approximate because there has been no tenant identified. However, the 37 off-street parking spaces will exceed the minimum required parking



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for the proposed development.

### COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan identifies the Ogden Avenue corridor as an auto-oriented corridor and any future use should complement the existing auto-oriented businesses. Corridor Commercial uses should also include a blend of commercial retail, office and smaller regional commercial retail. This development achieves both goals.

The proposed project advances many other goals of the Comprehensive Plan which include:

- Redeveloping vacant properties with new uses that complement the nearby land uses
- Adding new uses which will serve the nearby residents and the larger region
- Constructing new building with high quality materials
- Reducing the number of curb cuts onto Ogden Avenue for better access management
- Adding perimeter landscaping and screening

The proposed project is consistent with the Comprehensive Plan.

### COMPLIANCE WITH ZONING ORDINANCE

The property is zoned B-3, General Services and Highway Business. The bulk requirements of the proposed development in the B-3 zoning district are summarized in the following table:

1201 Ogden Avenue	Required	Proposed
North Setback (Street Yard)	50 ft <sup>[1]</sup>	99 ft
East Setback (Street Yard)	0 ft	11ft
South Setback (Rear Yard)	30 ft	66 ft
West Setback (Street Yard)	25 ft	56 ft
Floor Area Ratio	0.75 (max)	0.19
Building Height	60 ft (max)	20 feet
Drive-through setback (east)	25'(min)	1'*
Drive-through setback (south)	50' (min)	50'
Number of Stacking Spaces	4	4
Landscaped Open Space	10% ( 2,720 sq. ft.)	14.1% (3,860 sq. ft.)
Street Yard Landscaped Open Space	50% (1,360 sq. ft.)	52% (2,010 sq. ft.)
Parking Spaces	24	37

<sup>[1]</sup> 50' setback from the centerline of Ogden Avenue

\*Indicates a variance from the Zoning Ordinance

The proposal is compliant with all the bulk regulations in the B-3 zoning district except for the required setback from the drive-through facility to the east property line. All future signage will comply with the Sign Ordinance In order for the applicant to obtain approval for the special use and variation request, all review criteria found in Sections 12.050.H and 12.090.G. of the Zoning Ordinance shall be satisfied. Staff finds that all criteria have been met as outlined below.

The applicant's proposal is consistent with the Village's Zoning Ordinance.

**ENGINEERING/PUBLIC IMPROVEMENTS**

Village engineers reviewed the proposed plans and noted that the development may impact an existing localized poor drainage area (LDPA). The petitioner will be required to meet all village engineering standards and comply with all applicable codes. Compensatory storage may be required due to the southern 50' of the property being located in a LPDA.

The petitioner will make improvements to the existing curb cuts along Ogden and Saratoga Avenues. The two existing driveway curb cuts on Ogden Avenue will be replaced with one right-in right-out only curb cut. The two existing curb cuts on Saratoga Avenue will be replaced with one full access driveway near the southwest corner of the property.

**PUBLIC SAFETY REQUIREMENTS**

The Fire Prevention Division has reviewed the proposed plans and will require the building include a fire alarm and sprinkler system that meet the Village's code requirements.

**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 Suburban Life*. There have been no public comments received by Staff.

**FINDINGS OF FACT**

The petitioner is requesting a Special Use with a Variation to construct a commercial building with a drive-through facility. Staff finds that the proposal meets the standards for granting a Special Use and a Variation as outlined below:

***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 constituent 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 property is located in the B-3, General Service and Highway Business zoning district. Under Section 5.010 of the Zoning Ordinance, a drive-through facility is listed as an allowable Special Use in the B-3 zoning district. This standard has been 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 redevelopment, which includes the construction of two new commercial spaces is desirable within the Ogden Avenue corridor and will contribute to the general welfare of the community. The proposed drive-through development will meet various Comprehensive Plan goals which includes reinvesting in a vacant site, adding to the complement of auto-oriented businesses and adding uses that cater to the nearby residents and to the larger region. This standard has been 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 proposed development and drive-through facility will not be detrimental to the health, safety or general

welfare of persons residing in or working in the vicinity and will not be injurious to property values or improvements in the vicinity. The proposed development will convert a vacant gas station site into an active commercial development that will contribute to the ongoing enhancement of the Ogden Avenue corridor. The development will increase the overall value of this corridor and should increase property values while bringing new customers to an underutilized site. The drive-through facility has been designed in a manner that will separate the vehicles utilizing the ATM from the pedestrians utilizing the rest of the site. Moreover, landscaping and screening will be added which will create a buffer from the adjacent properties. This standard has been met.

***Section 28.12.090.G Approval Criteria***

Variations require evaluation per Section 28.12.090 of the Municipal Code, *Standards and Review Criteria*: “No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner. The consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:”

- (1) ***The subject property cannot yield a reasonable return if required to comply with the regulations that apply to it.***

The property is currently yielding a reasonable return. However, if the project has to comply with the 25’ setback requirement for the drive-through facility from the east property line, then this may reduce the yield of this property as the vacant commercial site would not be suitable for any other auto-oriented business. The proposed drive-through design and location maximizes site circulation for both vehicles and pedestrians by physically separating the drive-through from any pedestrian activity. This standard has been met.

- (2) ***The plight of the owner is due to unique circumstances.***

The property is located at the corner of two streets and is adjacent to large pedestrian activity generators which creates a unique circumstance for this Ogden Avenue property. This unique situation requires the proposed site to locate the drive-through facility along the east property line in order to minimize any potential interaction between motorists and pedestrians. This layout allows for optimal circulation patterns for both vehicles and pedestrians. This standard has been met.

- (3) ***The variation, if granted, will not alter the essential character of the locality.***

The proposed variation will not alter the essential character of the locality. The area contains a combination of both large and small retail establishments with drive-through facilities. The proposed project will enhance the character of the locality by redeveloping a vacant gas station into two new commercial establishments that serves both pedestrians and motorists in a safe manner. This standard has been met.

- (4) ***That the particular physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.***

The property presents a physical hardship to have safe and adequate site circulation while meeting the required setback for a drive-through facility. Physical conditions of the property do not allow for the proposed project to meet the setback requirement and create an optimal circulation pattern to safely accommodate pedestrians and motorists. The proposed site plan allows for both pedestrians and motorists to utilize the site while only having the petitioner request one variation from the Zoning Ordinance. All other bulk regulations have been met and the variation request meets the spirit and intent of the Zoning Ordinance. This standard has been met.

**(5) *That the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification.***

The conditions leading to the requested variation are very specific to this property and are not generally found with other properties within the B-3 district or the Village. The subject property is a corner lot with a large amount of pedestrian activity due to the adjacent academic institutions; this condition is not characteristic to other B-3 zoned properties. The proposed site layout acknowledges both motorists and pedestrians by physically placing the drive-through facility along the east property line. Moreover, the property to the east contains a drive-through facility which will be separated by a solid fence and will not create any potential for pedestrian interaction. As such, the variation request is only applicable to this property. The proposed site design will meet all other safety and design regulations. This standard has been met.

**(6) *That the alleged difficulty or hardship was not created by the current property owner.***

There is no particular difficulty or physical hardship associated with the property that has resulted from the actions of the owner. The petitioner is requesting a setback variation for the drive-through facility in order to meet the circulation safety requirements from the Zoning Ordinance and to meet the goals of the Village's Comprehensive Plan. This standard had been met.

**(7) *That the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.***

The approval of the proposed variation will not diminish or impair the property values of similar properties within the neighborhood. Adequate landscaping, screening and buffering will be provided so as to not endanger the public health, safety or welfare. Moreover, the proposed drive-through facility is set on the east side yard of the subject property which will be screened from view by the building to the west and landscaping and fencing to the south and east. The granting of the requested variation will not negatively impact the desirability of adjacent properties. This standard has been met.

**(8) *That the proposed variation will not alter the essential character of the area.***

The granting of a variation will not alter the essential character of the area as the variation assists with enhancing the safety for motorists and pedestrians. The proposed development is consistent with surrounding automobile-oriented commercial uses along Ogden Avenue. This standard has been met.

**(9) *That the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.***

If this request is granted it will not confer a special privilege to the subject property as there are physical hardships and unique circumstances associated with this property that are not common with the properties found in the same zoning district. All properties located in the B-3 zoning district can apply for a special use for a drive-through facility; however, there are setbacks and safety regulations that each site has to comply with as found in the Zoning Ordinance. The proposed design follows all of the safety regulations by optimizing vehicular and pedestrian circulation when placing the drive-through facility along the east property line. This property could not accommodate the drive-through facility without the variation. This standard has been met.

## RECOMMENDATIONS

The proposed Special Use and Variation request is consistent with the Comprehensive Plan, the Zoning Ordinance and surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission recommend the Village Council **approve** the requested petition as requested in case 15-PLC-0027 subject to the following conditions:

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1. The special use shall substantially conform to the staff report; architectural drawings prepared by Ilekis Associates dated August 28, 2015 and the landscape drawings prepared by LG Workshop dated August 26, 2015, except as such plans may be modified to conform to the Village codes and ordinances.
2. A six-foot tall solid privacy fence shall be added along the east property line from the southeast corner of the property to the same distance of the northeast corner of the subject building. The fence shall be raised three inches off of the ground so not to impede stormwater flow.
3. A stop sign shall be added to the site adjacent to the Saratoga Avenue exit.
4. The sidewalks crossing the Saratoga Avenue and Ogden Avenue curb cuts shall be improved with a different paving material than the rest of the parking area.
5. The approval from IDOT will have to be submitted prior to issuance of the building permit.
6. All proposed site improvements shall be approved by the Village Engineer.
7. Prior to issuing a building permit, an administrative lot consolidation shall be completed.
8. The building shall be equipped with an automatic suppression system and an automatic and manual fire alarm system.
9. The petitioner shall submit a photometric plan which identifies light levels that are compliant with the Village's lighting standards.

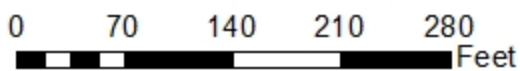
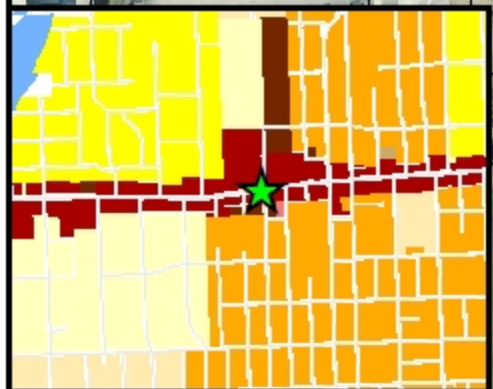
Staff Report Approved By:



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Stanley J. Popovich, AICP  
Planning Manager

SP; pa  
-att



1201 Ogden Avenue Location Map



# vequity

real estate. redefined.

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Date: August 28, 2015

To: Mr Patrick Ainsworth, AICP Planner, Community Development Department

From: Vequity LLC Series XVII Downers Ogden ("Vequity")

Subject: Downers Grove Plan Commission Petition- 1201 W Ogden Avenue Redevelopment

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Dear Mr. Partrick Ainsworth,

In response to staff comments addressed in a letter dated August 18, 2015 please see below response from Vequity LLC.

The petition for plan commission includes the following:

- Five (5) full sets
- Two (2) 11 x 17 sets
- CD with revised drawings and documents

Below addresses all comments from set # 1.

### **Introduction**

Vequity is submitting plans for the redevelopment of the property which shall include a proposed multi-tenant retail center. The proposed tenants include a 2,200sf fast casual restaurant user and a 3,000sf financial institution with drive thru ATM machine incorporating an interactive teller (new technology). In our previous submittal, Vequity proposed to construct a freestanding 5,776 square foot building with 31 parking spaces. We have revised the submittal to include a similar plan with a 5,280 sf building and 37 parking spaces to accommodate both of the tenants referenced above. The lot is currently a vacant Marathon gas station with significant contamination and zoned B-3, General Services and Highway Business. Vequity is currently under agreement with Downers Grove Township to purchase the vacant land parcel directly south of the site for additional parking.

### **Location**

The proposed development is located at 1201 Ogden Ave, Downers Grove IL. The lot is located on the southeast corner of Ogden Ave & Saratoga Ave., across from a Jewel Shopping Center. The lot is 0.4734 acres in size.

**Tenants**

The proposed development will have two (2) tenants. The easternmost half of the building will be occupied by a financial institution, which has agreed to lease 3,000SF. The westernmost half of the building is reserved for a 2,200SF retail use - preferably a fast casual restaurant user.

**Site Plan**

Vequity is proposing a 5,280sf multi-tenant building (2 tenants) with a single lane drive-thru ATM (24 hour operation) for a financial institution along the eastern edge of the property. In consultation with IDOT, there will be right-in-right-out access off of Ogden Ave., with two way access off of Saratoga St. The proposed development will include 37 parking spaces and assuming a retail/restaurant use for the westernmost retail space, current zoning requires 24 parking spaces to be provided. The trash enclosure is hidden at the southeast corner and as far away from street view as possible.

**Architecture**

The proposed retail center is a single story 5,280SF predominately masonry building with undulating roof lines.

**Landscape Plans**

The development has landscaping beds of shrubs, ornamental grasses, and perennials in keeping with the Village's landscape ordinance.

**Signage**

A double face internally illuminated monument sign will be placed on the corner of Ogden Ave and Saratoga Ave. The sign will be ten (10) feet tall and eight (8) feet wide with two (2) white tenant panels and a brick base to match the building. The base of the monument signage will have 36" perimeter landscaping.

**Plan Commission Application Request**

- A special use for drive thru facilities
- A variance to reduce the side yard setback of the stacking lane
- Responses to the Standards of Approval for Special Use (VODG Section 28.12.050.H.) and for the Variance (VODG Section 28.12.090.G)

***Additional Notes:***

The drive thru lane will be used for a drive thru ATM with interactive teller (new technology)

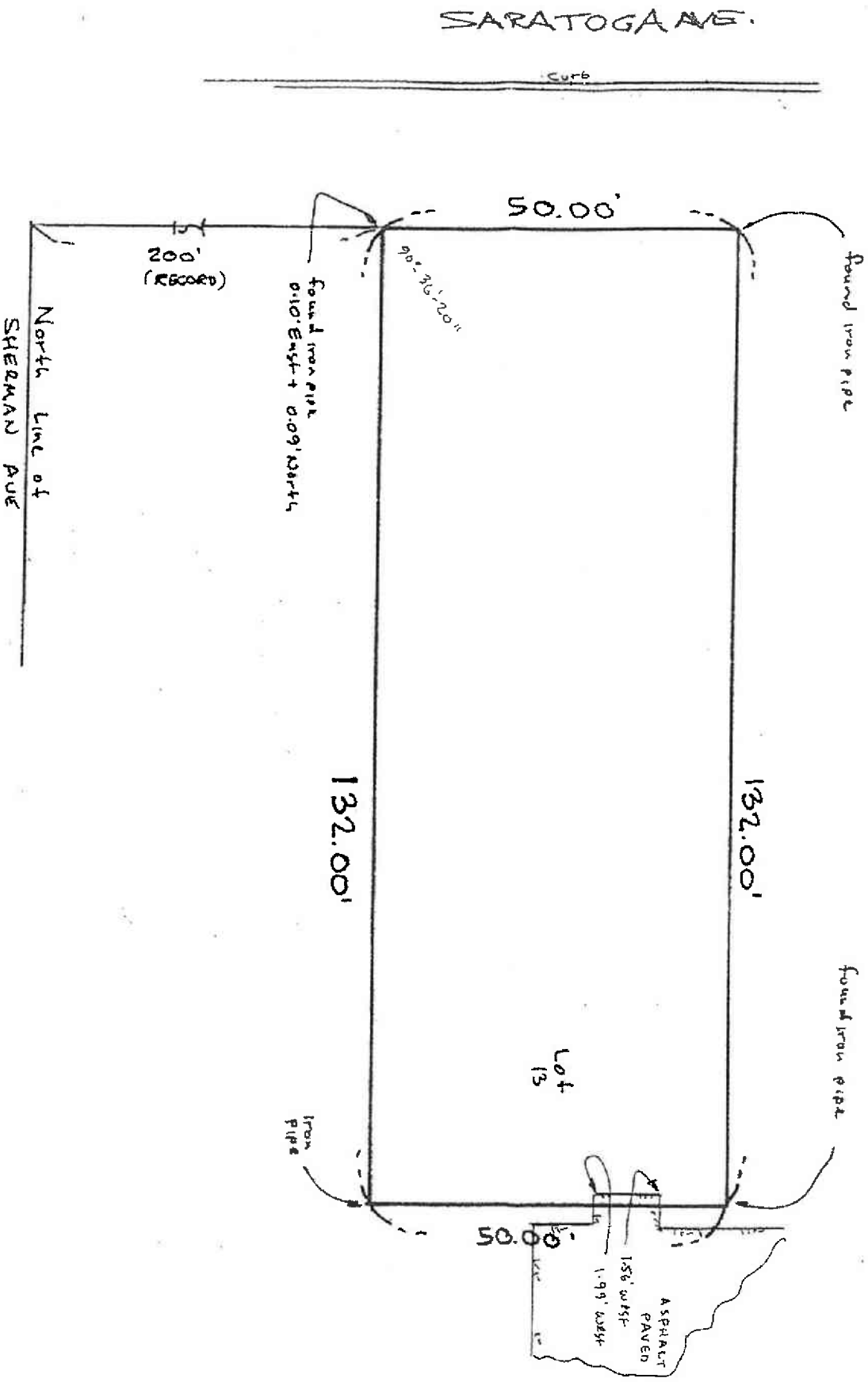
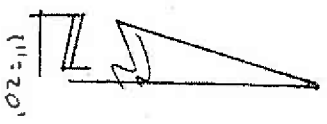




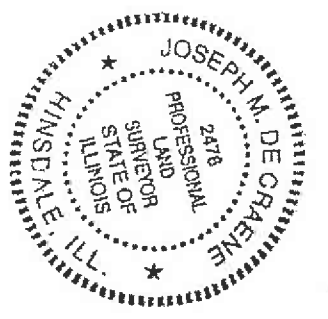
JOSEPH M. DE CRAENE  
ILLINOIS LAND SURVEYOR  
8710 SKYLINE DRIVE  
HINSDALE, IL 60521  
(630) 789-0898  
FAX (630) 789-0897

# Plat of Survey

LOT 13 IN BLOCK 32 IN E. H. PRINCE AND COMPANY'S ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION IN SECTIONS 5, 6, 7 AND 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 30, 1890 AS DOCUMENT 43600, IN DUPAGE COUNTY, ILLINOIS.



- NOTES:
- Check for easements, building lines and other restrictions. If any, not shown hereon.
  - Check legal description hereon against deed.
  - Scale hereon may be approximate in certain areas, do not scale from plat.
  - Compare all information shown before use.
  - Consult with surveyor prior to using this plat for any construction purposes.
  - Survey plat not valid unless embossed impression of surveyor's seal is affixed hereon.

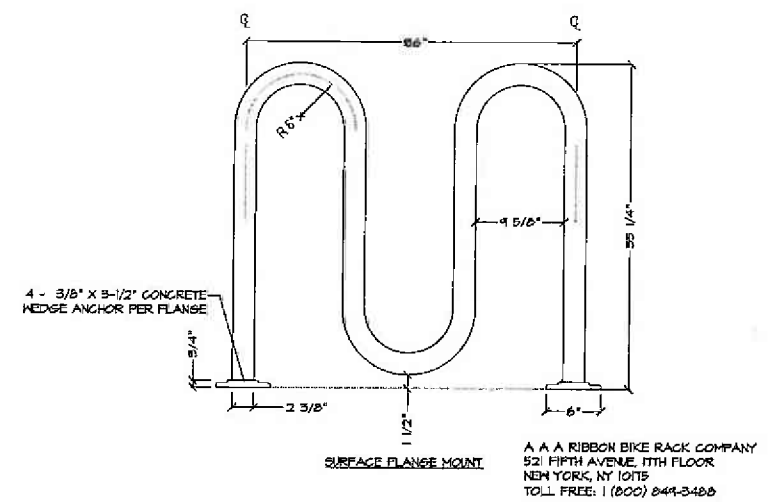
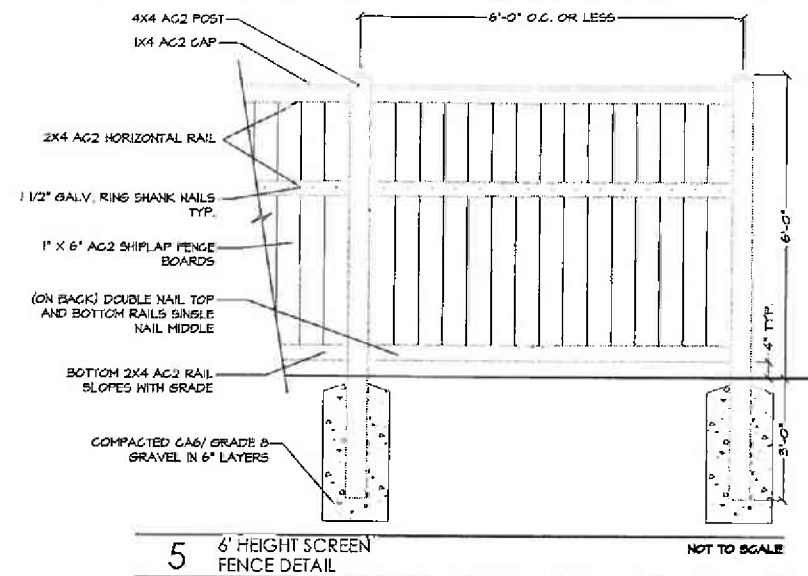


STATE OF ILLINOIS }  
COUNTY OF DU PAGE } SS  
I HEREBY CERTIFY THAT I HAVE SURVEYED  
PROPERTY DESCRIBED HEREON.

DATE: JUNE 16 AD. 2001  
*Joseph M. De Craene*  
ILLINOIS LAND SURVEYOR NO. 2476  
LIC. EXP. 11-30-2002

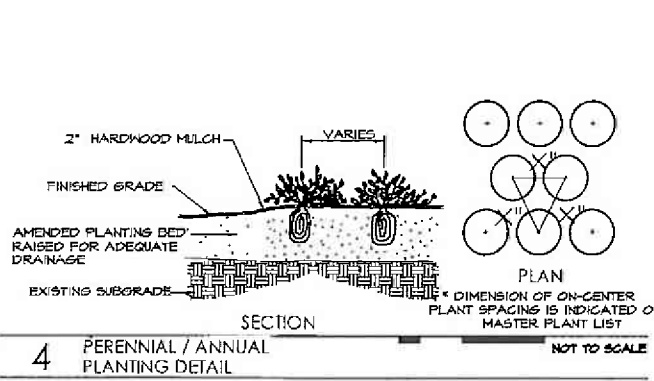
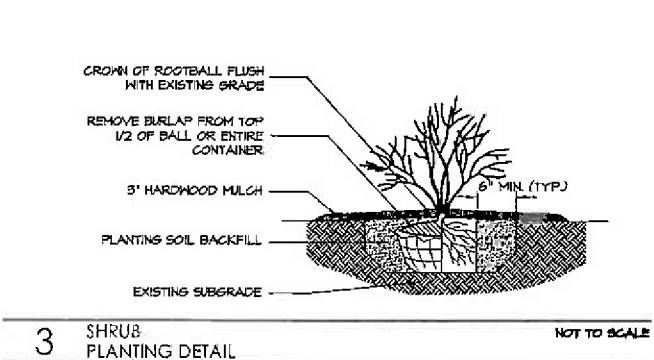
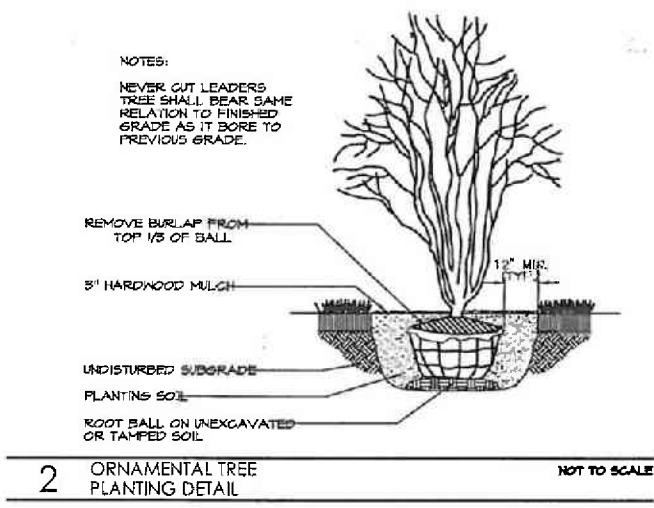
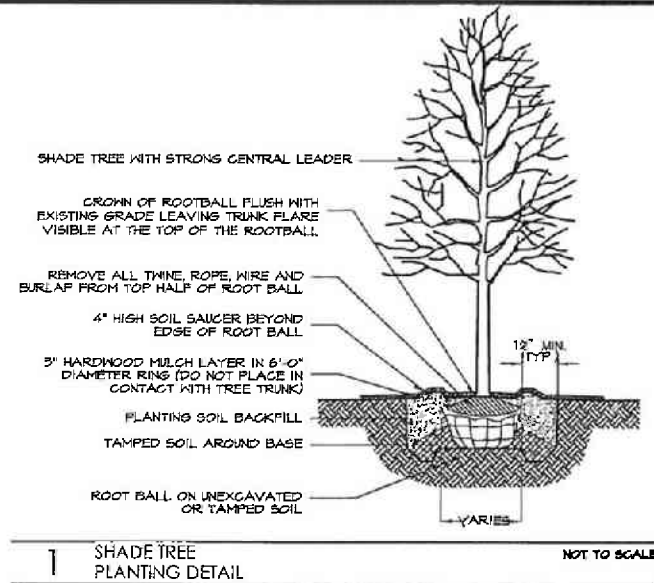
ORDERED BY: FLEMING, MARKS & LUZZO  
ORDER NO. 010549  
©COPYRIGHT 2001 JOSEPH M. DE CRAENE





5 6' HEIGHT SCREEN FENCE DETAIL NOT TO SCALE

6 BIKE RACK INSTALLATION DETAIL NOT TO SCALE



1 SHADE TREE PLANTING DETAIL NOT TO SCALE

2 ORNAMENTAL TREE PLANTING DETAIL NOT TO SCALE

3 SHRUB PLANTING DETAIL NOT TO SCALE

4 PERENNIAL / ANNUAL PLANTING DETAIL NOT TO SCALE

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RETAIL BUILDING  
1201 OGDEN AVE.  
DOWNERS GROVE, IL 60515

REVISIONS

NO.	DATE	DESCRIPTION

08/28/15 PLANNING COMMISSION

DRAWN BY: LCG

SCALE: LCG

JOB:

FILE:

LANDSCAPE  
DETAILS

DRAWING NO.

L.2











## DRAFT

**FILE 15-PLC-0027:** A petition seeking approval of a Special Use to permit a drive through facility with a variation. The property is currently zoned B-3, General Services and Highway Business. The property is located at the southeast corner of Saratoga Avenue and Ogden Avenue, commonly known as 1201 Ogden Avenue, Downers Grove, IL (09-05-302-001 & 002) Vequity LLC Series XVII Downers Ogden, Petitioner and Owner.

Village Planner Mr. Ainsworth located the property on the overhead and reviewed the zoning surrounding the subject property. The site included a one-story vacant commercial building and the petitioner was interested in redeveloping the property into a one-story 5,280 sq. foot retail space that would house two tenants, one of which would be a bank with a drive-through ATM machine and no teller window. Part of the site was under remediation due the former gas station. He noted a landscape plan for the proposal. Per staff, the petition met all code setbacks except for a one-foot drive-through setback to east property line. Parking spaces, elevations, and signage were referenced as was the parking calculation for each individual use for the two tenants. Staff did not know the exact layout of each space due to the two tenants not signing their contracts yet, but staff did support the 37 spaces when approximately 24 spaces were required. Parking ratio calculations for the two proposed tenants were explained in detail.

Discussing the 10-foot drive-thru lane for the single ATM teller (east elevation), Mr. Ainsworth stated a one-foot setback was being proposed while a 25 feet setback was required, specifically for safety regulations in the design of the drive-through (i.e., pedestrian safety). Mr. Ainsworth stated the petitioner proposed multiple safety elements in the Site Plan to separate the pedestrians from the vehicles. Additionally, staff is placing a condition on the application for a solid six-foot fence to separate the Starbucks drive-thru to the east from the bank's drive-thru lane. Entry and exits for the site were noted on the site plan with staff explaining the petitioner will be using different pavement material to identify the pedestrian connections from the main entrances to Ogden Avenue and to separate the pedestrian interaction from vehicles.

Mr. Ainsworth reviewed the various aspects of the comprehensive plan that supported the petition, stating it was a corridor commercial land use which was auto-oriented but at the same time placing the ATM drive-thru lane on the east side for this specific location was the most logical. Staff supported the proposal.

Per a commissioner's question, Mr. Popovich stated the setback for the Starbucks drive-thru was no more than one or two feet and when it was approved the village at that time did not have the setback separation from businesses. Conversation followed that there were no issues with the Starbucks drive-thru and that staff was basically putting the two drive-thru lanes together – Starbucks west drive-through with the ATM's east side drive-through to keep the outside areas pedestrian-friendlier. Should the use change/intensify, it could trigger the petition to return to the commission.

Petitioner, Mr. Ryan Murphy, 468 Hill Avenue, Glen Ellyn, part of the developer team from Vequity, LLC, XVII Downers Ogden from Chicago, discussed the challenges of the site: it was tight, it was an assembled parcel, a tank was being removed and a right-in/right-out was being created. In general, he explained how the petition was part of a movement of financial institutions to a smaller format and working with other retail/restaurants. The request for the variance had to do with keeping the drive lane away from corner of Saratoga and Ogden, away from pedestrian traffic, and aesthetics. The building would house two tenants. Building materials were referenced and construction would begin in Spring 2016.

## DRAFT

Chairman Rickard opened up the meeting to public comment.

Mr. Jerry Figliulo, 1454 Arrowwood Lane, Downers Grove, explained in his own words why the site plan was created by the petitioner the way it was proposed. He was glad a fence was mentioned. He voiced concern that: the drive-thru lane was tight; was narrow at 10 feet; trucks unloading; and cyclists locking their bikes at the east end and walking into the drive-thru lane. He believed a fence could assist with that. Concern about garbage and snow removal were mentioned. He favored one tenant at the site.

Ms. Linda Carpowitz, 4530 Forest, Downers Grove, agreed with the previous gentleman's statements and worked for many years as a bank teller at a national bank and expressed concern about the servicing of the ATM machine, having armored trucks in a tight lane, and high school students walking straight across the lanes, not paying attention and walking to Starbucks. Snow removal was another issue and she questioned why there had to be two tenants in the building.

Mr. Michael Welsh, works at 1205 Ogden Avenue. He stated he has interest in a nearby property. He voiced concern about adding two businesses and a drive-thru to the corner, stating he has seen every traffic signal get knocked down via accidents over the years that he has worked in the area. He stated Saratoga was a narrow street and it was not able to handle the traffic that was there. Much pedestrian activity took place in the area and safety was a concern. He recommended a traffic study be done if one had not.

Petitioner, Mr. Ryan Murphy, returned and responded to the above questions. He offered to work with staff on a fence detail where it was not solid a fence necessarily in case an emergency arose and a driver had to get out of a car. Also, the use proposed was the lowest use and was consistent with the zoning. The ATM would be loaded/unloaded internally with no armored truck, He offered to work with staff regarding the relocation of the bike rack and to locate an area to plow the snow. The garbage dumpster could be something that could be rolled out to the truck. And he noted not many cars would be driving through the ATM lane in general because no teller existed.

Per staff, the minimum width for the drive-thru lane was 10 feet, which the chairman believed was fine for slower, controlled traffic versus a regular 12-foot lane. A narrow landscape strip was also pointed out which would allow for someone to exit their vehicle in case of an emergency.

The chairman closed the public comment portion of the meeting.

Per Mrs. Rabatah's question regarding an area for plowed snow, Mr. Popovich stated there was seven feet of land on the south property that could be used, as well as space adjacent to Saratoga.

Questions followed from the commissioners regarding what was meant by a change in pavement material, what cases would have to return to this commission if the use changed, and the fact that the site was challenging to develop but the criteria for the special use were met, as stated by Mr. Cozzo. The nine criteria used for the variation were also seen as being met. Mr. Thoman was glad to see a government-owned property go back on the tax rolls. Mrs. Rabatah emphasized to the petitioner to work with staff to relocate the bike rack; staff concurred.

DRAFT

**WITH RESPECT TO FILE 15-PLC-0027, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJET TO CONDITIONS 1-9 AS STATED IN STAFF'S REPORT.**

**SECONDED BY MR. BASSLER. ROLL CALL:**

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

**NAY: NONE**

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

DRAFT