

## Staff Responses to Council Questions June 28, 2016

### 6. Active Agenda

#### Ordinances D-G: Main Street and Maple Avenue

*Can staff please explore the use of the privately owned parking lot on the west side of Main Street for public parking on a temporary basis?*

There are 17 parking spaces behind the buildings at the northwest corner of Main Street and Maple Avenue. Access to these parking spaces is via a one-car wide gravel driveway from Main Street and a one-and-a-half car wide paved driveway from Maple Avenue.

Staff will contact the property owner to explore the potential of using some or all of these spaces for public parking. Some improvements to the parking lot and drive aisles may have to be made.

*We are selling this for \$126K based not on fmv but on a return on investment. If the local businesses wanted to buy it for a parking lot, we would charge more.*

Staff recommends selling this parking lot only for a redevelopment project that is consistent with the Comp Plan recommendations and that would provide a significant positive financial impact to the TIF.

*I don't want to see where the developer decides to walk away and sells it to someone else or a bank and we have the opportunity to pay the FMV for the property. We sell at sale price and buy back at a full price. In short, the developer has a gain on the investment by turning it over at market value. Then a new developer comes in with a less desirable development and we find ourselves behind the 8-ball.*

It is unlikely that the Village would want to acquire property improved with a partially constructed development. Therefore, the agreement is setup to allow the Village the benefits of the public parking lot at no cost in the event that construction does not commence by May 2018. Staff explored the concept of requiring the developer to return the parking lot parcel to the Village for a price of \$126,500 if they failed to commence construction. This clause was not feasible because of the way construction projects are financed and how the parking lot property will be consolidated with the adjacent properties. In short, the developer's lender will use all of the consolidated properties as collateral on the construction loan. If the Village has the right to repurchase the parking lot for \$126,500, the construction loan will not be properly collateralized. The ability for the Village to buy back the entire development site at FMV allows us to facilitate a different redevelopment project if Trammell Crow fails to proceed with the project. We would

recommend this only if the financial and other benefits to the Village exceed the cost of purchase.

*I am deeply concerned about the loss of handicap parking in an already tough parking area (for everyone). I would like to have some accommodation for the loss.*

The Village will stripe a handicap parking space in the immediate area. It will likely be located on Main Street.

*This also raises the larger question as to the ratio of general street parking places to handicap parking. What should it be and what do we have in the downtown – and are they widely dispersed?*

Earlier this year, staff reviewed the ADA requirements for on-street handicap parking spaces in the downtown. There are a few blocks that require the addition of HC spaces. We are in the process of planning for these changes now. The Village Council will review and consider this information and plan for additional HC spaces later this year.

## **7. First Reading**

### **A. Ordinance: Establish Provisions for Mobile Food Vendors**

*Are food truck sales subject to the state sales tax and/or the village home rule sales tax?*

Yes.

*Has the Chamber of Commerce or the EDC offered an opinion on this topic?*

Both the Chamber 630 and the DGEDC were contacted. Mayor Tully requested the Chamber's participation, but the Chamber responded that they would rather react to a draft ordinance. Please also see the attached letter from the EDC.

*Why "only" Ellsworth Park and not the office building areas north of I-88 or along 31st Street (on both sides of Highland Avenue).*

Ellsworth Business Park is being proposed as a limited pilot program based on initial Council direction. The Council may expand the areas where food trucks are permitted to operate.

*Has there been consultation with District 99 staff regarding the potential inclusion of District 99 in addition to the Park District?*

No.

*The definition of Vendor found in 8.16.1 seems imprecise and potentially ambiguous.*

The ordinance will be amended to clarify the definition of Vendor.

*If ownership of a corporate/LLC Vendor is transferred (i.e. Mr. Anderson sells all shares of stock in DG Food Truck Inc to Mrs. Brown) does the permit held by the corporation remain valid or must Mrs. Brown reapply? Remember, DG Food Truck Inc continues unchanged following the sale of stock.*

The permit would remain valid subject to successful background checks.

*Are permits specific to a particular vehicle or can a Vendor transfer permits among multiple vehicles owned by the same Vendor?*

Permits are vehicle-specific.

*What if a food truck is out of service for mechanical reasons - can the "Vendor" substitute another truck during the period of repair?*

Yes, the vendor would be able to substitute another truck, subject to updating the current application information.

*Must all employees submit to background checks, including employees hired after the permit is issued? How many employees can a given Vendor have for any one truck?*

All employees that will occupy the food truck must submit to a background check. There is no limitation on the number of employees occupying a truck.

*If the Health Department permit is revoked, is the village permit also revoked? Would revocation be automatic?*

Yes.

*I suggest adding language that the DG permit is only valid if the permit holder is also approved by the Health Department.*

The ordinance will be amended to reflect the above language.

*How was the number "10" chosen?*

Ten licenses is being proposed as a limited pilot program based on initial Council direction. The Council may change the number of licenses available for issuance.

*Will a waiting list be maintained?*

Staff does not intend to create and manage a waiting list. However, a waiting list could be established if so directed by the Council.

*If a Vendor's vehicle suffers mechanical breakdown, does that vendor go to the end of the waiting list line or can they obtain a permit for a replacement vehicle?*

In this case, staff would work with the licensee to replace the inoperable truck with a functioning truck.

*Can the village maintain an online list of approved Vendors and post the application, description of the vehicle and a copy of the required insurance certificate?*

Yes, if directed by Council.

*The phrase "Public Parks" seems vague.*

The definition is intended to limit participation to Park District owned properties that are available for use by the public as a park.

*Does this mean all property owned by the Park District?*

No, just public parks. For example, food trucks would not be permitted at the Park District administrative offices on Warrenville Road or at the Lincoln Center.

*Has the Park District considered this concept already or is such consideration anticipated in the future, or both? What discussions have taken place between the Village and the Park District? Have any such discussions been in writing or via email? Have such discussions been primarily with staff or between the elected boards or both?*

The Village Manager spoke with the Park District administrator via telephone about this issue. The administrator expressed his desire to include public parks in the ordinance so that the Park District would have the option of allowing food trucks to operate in the Park District owned parks.

*Could the Park District permit food trucks to park and operate at locations other than paved parking lots? As a possible hypothetical to help illustrate difficulties with the term "Public Parks" could the Park District allow all ten (10) permitted food trucks to park on the grass at O'Brien Park immediately south of the Downers South football stadium during football games?*

No, mobile food vendors are only permitted to operate and park on a dust-free surface. Furthermore, only one truck is permitted per lot, and vendors are not permitted to operate within 500 feet of a school.

*How many employees/hours will be involved in the license issue process, including record maintenance?*

Staff is unable to estimate the number of staff hours required to administer this program at this time.

*Who will enforce the rules ie: health safety, traffic and parking safety and requirements? How many employee hours are projected?*

All departments will be involved in enforcement. Community Development, Public Works, Clerk's Office, Legal Department, Manager's Office and Finance Departments will likely be responsible for most of the program administrative duties.

*What are the fines for violations?*

Fines shall range from \$75 to no more than \$750, plus possible revocation or suspension of the vendor's permit.

*What triggers revocation?*

Any violation of the ordinance could trigger revocation. See Section 8.20. of ordinance.

*What are the costs for licensing a brick and mortar restaurant?*

The Village does not issue business licenses for brick and mortar restaurants. A Certificate of Occupancy is required. The fee for a certificate of occupancy inspection is \$89.00. Additional fees are required for restaurants obtaining a building permit for modifications to the tenant space.

*Can staff supply a color-coded map showing where these trucks can/cannot operate (by right – not needing permissions).*

Please see map: <http://www.downers.us/public/docs/code/EllsworthBusinessParkMap.pdf>

Food trucks may operate within the area shown on the map and at any public park owned by the Downers Grove Park District, subject to the minimum separation requirements.

## **ATTACHMENTS**

Downers Grove Economic Development Corporation Letter

There are no online rEmarks.



## Downers Grove Economic Development Corporation

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Date: June 27, 2016

To: Mayor Tully and Village Commissioners

From: Michael Cassa, President & CEO  
Downers Grove Economic Development Corporation

Re: Mobile Food Vehicles

On behalf of the Downers Grove Economic Development Corporation (DGEDC), I am presenting our position on the proposed amendments to Section 8.16 of the Village Code regarding mobile food vehicles.

The proposed amendments to the Village Code would permit mobile food vehicles to operate in (1) the Ellsworth Business Park; and (2) at public parks owned by the Downers Grove Park District, subject to the Park District's consent. The mobile food vehicles would not be permitted to operate within 500 feet of the property line of a food establishment, including restaurants. In addition, mobile food vehicles would not be permitted to operate within 500 feet of a special/civic event that is permitted by the Village, without a temporary use permit from the Village.

In discussing this issue, the DGEDC Executive Committee felt that mobile food vehicles should be permitted to operate in only those areas that do not have very many restaurants within close proximity. This includes the 351-acre Ellsworth Business Park. However, it would not include those commercial corridors that do have many restaurants, including: Butterfield Road, Ogden Avenue, the downtown, and 75<sup>th</sup> Street. The restrictions on operating a mobile food vehicle within 500 feet of an existing restaurant, or special/civic event would serve the same purpose.

**The Downers Grove Economic Development Corporation supports permitting Mobile Food Vehicles to operate in the Ellsworth Business Park, and at public parks owned by the Downers Grove Park District.**

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