

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**12/6/2016**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
2300 Wisconsin Avenue - Special Use Amendment	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

The applicant is requesting an amendment to their previously approved Special Use to allow all permitted and special uses in the M-1 zoning district to be valid for the existing development.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2015-2017 include *Exceptional Municipal Services and Strong and Diverse Local Economy*.

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

This item was discussed at the October 18, 2016 Village Council meeting. Based on Council discussion, Paragraph 3 of Ordinance No. 5265 containing the use restrictions shall be deleted in its entirety. Additionally, Commissioner White asked staff about several items related to adjacent buildings. That information is provided in the table below:

Address	Building Area	Lot Area	FAR	# of Parking	Spaces per 1,000 sq.ft of building area
<b>2300 Wisconsin</b>	<b>91,250</b>	<b>220,850</b>	<b>0.41</b>	<b>147</b>	<b>1.61</b>
2302 - 2320 Wisconsin	46,100	134,422	0.34	105	2.27
2460 - 2478 Wisconsin	46,100	116,740	0.39	83	1.8
2500 - 2508 Wisconsin	46,100	115,434	0.4	82	1.78

Staff recommends approval on the December 6, 2016 Active Agenda.

**BACKGROUND**

In 2012, the petitioner received a Special Use to construct three buildings on a single lot of record at 2300 Wisconsin Avenue. The property is zoned M-1, Light Manufacturing. The Special Use Ordinance includes a condition which restricts the types of uses permitted on the property based on Council concerns regarding the high density of the buildings and limited on-site parking. The uses permitted by the Ordinance are shown below:

- a) Professional and Business Offices
- b) Research and Development Facilities
- c) Light Manufacturing including production, processing, cleaning, testing and repair limited to uses and products described in 28.902(h)
- d) Wholesale and warehousing, storage and distribution facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses); however, no single tenant shall contain more than 10,000 square feet
- e) Uses accessory to the above-listed permitted uses

Currently, 29 of the 55 tenant units are occupied by a variety of uses including a research and development automotive facility and a craft brewing facility. All current tenants fall into the use categories listed within the Ordinance.

The petitioner is requesting an amendment to the approved Special Use to remove all use restrictions set forth in the ordinance. The requested amendment would allow all permitted uses and special uses identified as allowed in the M-1, Light Manufacturing Zoning District. Special Use requests would be required to go through the standard Special Use process.

In June 2014, the Village adopted an updated Zoning Ordinance which included a consolidation of permitted and special uses into broad categories throughout all zoning districts. Staff supports reconciling the specific use types in the current Zoning Ordinance with the approved use categories from 2012. Staff supports expanding the allowed permitted and special uses to include the following use types from Section 5, Table 5-1 in the current Zoning Ordinance:

- Building service
- Business support service
- Consumer maintenance and repair
- Research service
- Business and professional office
- Medical, dental and health practitioner
- Warehouse
- Wholesale sales and distribution
- Artisan industrial
- Limited industrial
- General industrial

The uses allowed in the M-1 district include public, civic and institutional, commercial, industrial and wholesale uses. Many of these permitted uses are traffic intensive and generate substantial foot-traffic on the property such as “day care center” and “financial service.” The broader use category, “Vehicle Sales and Service” could also generate more onsite traffic, create circulation and stacking issues, and lead to the policing of outdoor storage of inoperable vehicles. If the property was opened up to more parking intensive uses with onsite storage and stacking of vehicles, the overall parking and drive aisles could be significantly impacted.

#### Compliance with the Comprehensive Plan

This property is designated as Light Industrial/Business Park in the Future Land Use Plan. The property at 2300 Wisconsin Avenue continues to be in broad compliance with the Comprehensive Plan and the proposed amendment to the Special Use does not affect the overall land use or character. The Comprehensive Plan recommends the uses in the Industrial Park be restricted to light industrial and office, thus protecting the area from non-compatible commercial, institutional, membership, or recreational uses.

### Compliance with Zoning Ordinance

The proposed amendment has no impact on the bulk requirements for this property as there are no physical changes proposed to the buildings or site. However, parking requirements are dependent on the proposed uses. The staff tracks available parking at this site based on the limited amount of parking (147 spaces) on-site to ensure any proposed use has sufficient parking available. The inclusion of traffic intensive users could impact the amount of available parking and the safe flow of emergency vehicles if vehicles are stored or parked outside of striped parking spaces.

### Public Comment

There was no public comment at the Plan Commission meeting.

### **ATTACHMENTS**

Ordinance

Aerial Map

Staff Report with attachments dated September 12, 2016

Draft Minutes of the Plan Commission Hearing dated September 12, 2016

VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY

INITIATED: Applicant DATE: December 6, 2016  
(Name)

RECOMMENDATION FROM: \_\_\_\_\_ FILE REF: 16-PLC-0033  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE AMENDING  
ORDINANCE NO. 5265 AUTHORIZING A  
SPECIAL USE TO PERMIT THE  
CONSTRUCTION OF THREE PRINCIPAL  
BUILDINGS ON A SINGLE LOT AT 2300  
WISCONSIN AVENUE", as presented.



**SUMMARY OF ITEM:**

Adoption of the attached ordinance will amend Ordinance No. 5265 authorizing a special use to permit the construction of three principal buildings on a single lot at 2300 Wisconsin Avenue.

**RECORD OF ACTION TAKEN:**

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**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE AMENDING ORDINANCE NO. 5265 AUTHORIZING A SPECIAL USE  
TO PERMIT THE CONSTRUCTION OF THREE PRINCIPAL BUILDINGS  
ON A SINGLE LOT AT 2300 WISCONSIN AVENUE**

WHEREAS, on May 15, 2012 the Village Council adopted Ordinance No. 5265 entitled "An Ordinance Authorizing a Special Use to Permit the Construction of Three Principal Buildings on a Single Lot at 2300 Wisconsin Avenue"; 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 an amendment to the Special Use granted per Section 28.050(k) of the Zoning Ordinance be granted to remove certain use restrictions; and,

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove on September 12, 2016, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission has recommended approval of the requested amendment to the Special Use, subject to certain conditions; and,

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

SECTION 1. That SECTION 2, Paragraph 3 of Ordinance No. 5265 shall be deleted in its entirety.

SECTION 2. That SECTION 2, Paragraph 8 be added:

8. The Special Use shall substantially conform to the staff report dated September 12, 2016, except as such plans may be modified to conform to the Village codes and ordinances.

SECTION 3. That SECTION 2, Paragraph 9 be added:

9. The petitioner shall provide the Village with updated parking vacancy numbers based on the Zoning Ordinance for the entire site with every new tenant use.

SECTION 4. That SECTION 2, Paragraph 10 be added:

10. If future tenant uses are allowable Special Uses per the results of this petition, an application to Plan Commission for approval of the Special Use must still be sought.

SECTION 5. That all other provisions of Ordinance No. 5265 shall be in full force and effect.

SECTION 6. 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 7. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

\_\_\_\_\_  
Mayor

Passed:

Published:

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



0 60 120 Feet

2300 Wisconsin Avenue - Location Map





**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
SEPTEMBER 12, 2016 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
16-PLC-0033 2300 Wisconsin Avenue	Special Use Amendment	Swati Pandey Planner

**REQUEST**

The petitioner is requesting an amendment to the Special Use Ordinance for 2300 Wisconsin Avenue to remove use restrictions and allow all uses expressly permitted in the M-1 Zoning District.

**NOTICE**

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

**GENERAL INFORMATION**

<b>OWNER &amp; APPLICANT</b>	MacNeil Real Estate Holdings, LLC 1 MacNeil Court Bolingbrook, IL 60440
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**PROPERTY INFORMATION**

<b>EXISTING ZONING:</b>	M-1, Light Manufacturing
<b>EXISTING LAND USE:</b>	Industrial
<b>PROPERTY SIZE:</b>	5.07 acres (220,899 square feet)
<b>PIN:</b>	08-12-407-006

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	M-1, Light Manufacturing	Light Industrial/Business Park
<b>SOUTH:</b>	M-1, Light Manufacturing	Light Industrial/Business Park
<b>WEST:</b>	M-1, Light Manufacturing	Light Industrial/Business Park
<b>EAST:</b>	M-1, Light Manufacturing & ORM, Office-Research-Manufacturing	Light Industrial/Business Park Light Industrial/Business Park



## **ANALYSIS**

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### **SUBMITTALS**

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

1. Application/Petition for Public Hearing
2. Project Narrative
3. Plat of Survey
4. Site Plan
5. Engineering Plans
6. Parking Study
7. Ordinance 5265

### **PROJECT DESCRIPTION**

The petitioner is requesting an amendment to a Special Use to remove use restrictions set forth in Village Ordinance 5265. The requested amendment would allow all uses, either permitted as of right uses or special uses, expressly identified in the M-1, Light Manufacturing Zoning District, which is the underlying zoning for the property. The site is located on Wisconsin Avenue, 480 feet west of Belmont Road in the Ellsworth Business Park. The approximately five acre property is improved with three multi-tenant buildings, constructed after a Special Use approval in 2012.

As per the Zoning Ordinance in effect in 2012, a Special Use approval was required for multiple buildings on a single lot. When approving the Special Use, Village Council established multiple conditions, one of which restricted the types of uses permitted on the property based on their concerns regarding the high density of the buildings and limited parking on-site. At the public hearing, discussion included a review of allowed uses in the M-1 District and Village Council determined that a condition restricting the types of uses was necessary to limit tenants to less parking intensive uses. The petitioner in 2012 agreed to the conditions of approval for the Special Use.

The petitioner is requesting that the Plan Commission and Village Council reconsider the original use restrictions set forth in Ordinance 5265 because of difficulties leasing the remaining units, as described in the petitioner's project narrative. There are 55 tenant units in the three buildings, with 29 units occupied by a variety of uses including a research and development automotive facility and a craft brewing facility. All current tenants fall into the 2012 Zoning Ordinance use categories of light manufacturing, warehouse, office, research and development. As described in the analysis below, the use categories and specific types of business activities were slightly altered through the 2014 Zoning Ordinance revision.

Ordinance 5265 limits the potential tenants to the following use categories, per the Zoning Ordinance in effect in 2012:

- a) Professional and Business Offices
- b) Research and Development Facilities
- c) Light Manufacturing including production, processing, cleaning, testing and repair limited to uses and products described in 28.902(h)
- d) Wholesale and warehousing, storage and distribution facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses); however, no single tenant shall contain more than 10,000 square feet
- e) Uses accessory to the above-listed permitted uses

Staff supports reconciling the specific use types in the current Zoning Ordinance with the approved use

categories as selected by Village Council through Ordinance 5265. This would expand the permitted use types to include all activities that fell under the 2012 Zoning Ordinance umbrella for the five categories Council approved, regardless of what category the business type correlates to in the 2014 ordinance revision. Through the revision of the Zoning Ordinance, culminating in 2014, some specific use types or business activities were shifted from one category to another, and as a result, are no longer allowed for this development. For example, repair of household or office machinery or equipment and printing and publishing establishments previously fell under item “c” which was classified as “Industrial” in 2012. In the current Zoning Ordinance, these uses fall under the umbrella of “Commercial Service”, not “Industrial”, and thus Staff would no longer consider the activity a legally conforming, permitted use since the use category “Commercial Service” was not approved by Council. Staff is supportive of guaranteeing all uses allowed at the time of Ordinance 5265 remain permitted, regardless of shifting priorities and categories in the Zoning Ordinance.

Staff supports expanding the allowed uses to include the following use types from Table 5-1 in the Zoning Ordinance and described further in Section 5:

- Building service
- Business support service
- Consumer maintenance and repair
- Research service
- Business and professional office
- Medical, dental and health practitioner
- Warehouse
- Wholesale sales and distribution
- Artisan industrial
- Limited industrial
- General industrial

Per the current Zoning Ordinance, the uses allowed in the M-1 District range from public, civic and institutional, commercial, industrial, agriculture to other types of uses. Many of these permitted uses are traffic intensive and generate substantial foot-traffic on the property such as “medical, dental and health practitioner”, “day care center”, and “financial service.” The broader use category, “Vehicle Sales and Service” could also generate more onsite traffic, create circulation and stacking issues, and lead to the policing of outdoor storage of inoperable vehicles.

The petitioner provided a parking study that showed parking as observed on a Wednesday and Friday. According to the parking study, the peak parking demand was observed in the evening between 6:00 – 9:00 PM, influenced by the demand at Alter Brewing Company. Ninety-five out of the 147 parking spaces are outdoor parking spaces. Of the 95 outdoor spaces, on Friday evening at 9:00 PM, 50 spaces were occupied. As stated in the parking study, shared parking is working because of the varied peak parking characteristics. However, if the property was opened up to more parking intensive uses with evening competing hours or onsite storage and stacking of vehicles, Staff believes that overall parking could be significantly impacted as one use occupies one third of the parking lot at peak time.

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

This property is designated as Light Industrial/Business Park in the Future Land Use Plan. Light Industrial/Business Park uses include manufacturing activities such as design, assembly, processing, packaging, storage and transportation of products. The property at 2300 Wisconsin Avenue continues to be in broad compliance with the Comprehensive Plan and the proposed amendment to the Special Use does not affect the overall land use or character. However, the Comprehensive Plan recommends the uses to be restricted to light industrial and office, thus protecting from the non-compatible commercial, institutional, membership, or recreational uses.

The Comprehensive Plan identifies the property as a catalyst site within the Belmont/Ellsworth Business Park, and since the construction of the three buildings, remains a flexible tenant space for contemporary light industrial and business uses. The development is in close proximity to I-355 and I-88 and complements the existing uses in the Ellsworth Industrial Park.

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

The subject property is zoned M-1, Light Manufacturing, as are the properties to the north, south and west. Properties to the east of the subject property are zoned M-1, Light Manufacturing and O-R-M, Office-Research-Manufacturing. The development was approved through a Special Use process. No changes are being proposed that would affect the site or the buildings on the property. The allowed uses on the property fall under the categories permitted in Ordinance 5265. These uses are a restricted subgroup of uses allowed in the underlying M-1 Zoning District.

Required parking is calculated based on the parking factor in the zoning ordinance for the proposed use and the square footage of the tenant space. Staff tracks the available parking and tenant space for the project site. The current total number of required parking spaces from a zoning perspective is 66 of the total 147 parking spaces on the property.

#### **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.

#### **NEIGHBORHOOD COMMENT**

Notice was provided to all property owners within 250 feet of the subject property in addition to posting a public hearing sign on the subject property and publishing a notice in *Downers Grove Suburban Life*. Staff has received one inquiry about the petition expressing concerns related to parking and the potential spillover of parking onto the neighboring property.

#### **FINDINGS OF FACT**

The petitioner is requesting an amendment to an approved Special Use to allow all uses expressly permitted in the M-1 Zoning District at 2300 Wisconsin Avenue. Staff finds that the proposal does not meet all of the standards for granting a Special Use 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 M-1, Light Manufacturing zoning district. The development was approved through a Special Use process under a previous version of the Zoning Ordinance. The current uses on the property are consistent with Ordinance 5265 and are permitted in the underlying zoning district and the current Zoning Ordinance. The proposed amendment to the Special Use is to provide the option to consider all uses allowed in the M-1, Light Manufacturing 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.***

While the uses permitted under the M-1 zoning district are compatible with the surrounding properties similarly zoned, the high density of this development creates the unique challenge of adequately allocating

available parking across various uses and tenant spaces. The Special Use approving three buildings with 55 units on the property in 2012 identified some traffic, circulation and parking challenges and therefore conditions were placed by the Village Council to limit the types of uses to uses that would be less parking intensive and commensurate with the development plan. By expanding the allowed uses to all uses permitted in the M-1 District, parking overspill and parking in access drive aisles may result. There are no site changes proposed that affect the original determination by Village Council. Therefore, the proposed amendment is not in the interest of public convenience and does not contribute to the general welfare of the neighborhood or community. This standard is not 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 proposal to allow all uses in the M-1 zoning district includes uses that generate a greater traffic and parking demand as discussed above. It includes the potential for auto-oriented uses, such as personal vehicle repair and maintenance, to generate heavier traffic and parking needs. Given the tight circulation and site constraints, some typical M-1 allowed uses may not be compatible with the site. Also, at the time of the original development, the site plan did not take into account different elements that would have allowed for greater flexibility with uses such as pedestrian access, circulation, stacking and other issues. Therefore, the proposed use will be detrimental to the health, safety or general welfare of persons residing in or working in the vicinity. This standard has not been met.

## RECOMMENDATIONS

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The request to amend the Special Use Ordinance for 2300 Wisconsin Avenue, to remove all use restrictions and allow all uses expressly permitted in the M-1 Zoning District, is not consistent with Ordinance 5625 as adopted by Village Council in 2012. No change in the conditions or development have occurred since Council first placed the use restrictions. Based on the findings listed in this report, Staff recommends that the petitioner's request be **denied**; however Staff recommends amending the approved uses from 2012 to the categories in the current Zoning Ordinance shown below in the conditions:

1. The Special Use shall substantially conform to the staff report, except as such plans may be modified to conform to the Village codes and ordinances.
2. The property may be occupied by the following use types from Table 5-1 in the Zoning Ordinance:
  - a. Building service
  - b. Business support service
  - c. Consumer maintenance and repair
  - d. Research service
  - e. Business and professional office
  - f. Medical, dental and health practitioner
  - g. Warehouse
  - h. Wholesale sales and distribution
  - i. Artisan industrial
  - j. Limited industrial
  - k. General industrial
3. The petitioner shall provide the Village with updated parking vacancy numbers for the entire site with every new tenant use.
4. If future tenant uses are allowable Special Uses per the results of this petition, an application to Plan Commission for approval of the Special Use must still be sought.

16-PLC-0033, 2300 Wisconsin Avenue  
September 12, 2016

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Staff Report Approved By:



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Stanley J. Popovich, AICP  
Director of Community Development

SP:sp  
-att

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## PROJECT NARRATIVE

MacNeil Real Estate Holdings, LLC (“Owner”) is the current owner of the property located at 2300 Wisconsin Avenue (“Property”) in Downers Grove. On May 15, 2012, the Village Council approved a special use to allow construction on the Property of three principal buildings on a single lot within the M-1 Light Industrial District (“Ordinance.”) The ordinance approving the Special Use limited the uses allowed on the Property to the following:

- a. Professional and Business Offices.
- b. Research and Development Facilities.
- c. Light Manufacturing including production, processing, cleaning, testing and repair limited to uses and products described in 28.902(h).
- d. Wholesale and warehousing, storage and distribution facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses); however, no single tenant shall contain more than 10,000 square feet.
- e. Uses accessory to the above-listed permitted uses.

The project was completed and opened on October 1, 2014. Since that time, it has encountered challenges leasing the units due to the limits placed on the allowable uses. Currently, only 29 of 55 total units are leased (as are depicted on the attached site plan and list of existing tenants.) The Owner has actively marketed the property over the past 21 months, to no avail. Advertisements for leasing opportunities have been published in the Naperville Sun and the Doings Newspaper, which serves Hinsdale, Clarendon Hills, La Grange (Park), Western Springs, Oak Brook, Elmhurst, Burr Ridge, Indian Head Park, Oakbrook Terrace and Westchester. In addition, advertisements have been placed on various commercial real estate websites including LoopNet, City Feet, and CoStar. Failure to fully lease the Property for such an extended period of time is making the financial success of the development difficult to achieve.

There have been a minimum of seven potential uses that would have been an authorized permitted or special use in the underlying M-1 District that have been rejected by the Village of Downers Grove due to the use limitations imposed by the Ordinance. These users included a wholesale facility, personal trainer, and various motor vehicle uses. Almost all of the rejected uses would have been allowed by the M-1 District regulations as a permitted or special use. This option was not available to the Owner due to the Ordinance. Minutes of the Plan Commission and Village Board are silent as to why the additional restrictions were imposed by the Ordinance and current Village staff is unable to clarify what happened due to staff turnover.

The Owner is filing an application seeking to amend the existing Ordinance to remove the limitation on uses and permit the full range of authorized permitted and special uses allowed in the underlying M-1 District with the goal of fully leasing the development. The Owner simply seeks to be treated the same as any other owner of property located in the M-1 District and have

the right to make a case that an authorized use meets the Code requirements. Many of the rejected uses are deemed a “special use” under the M-1 regulations. The special use process would require a hearing where evidence can be introduced that parking is available to serve the use and conditions can be placed on that use if deemed required. The Owner believes that this would be a more fair approach and allow more flexibility to lease the vacant spaces.

Owner is seeking consistent application of the Downers Grove Zoning Code. There are a number of uses such as “Animal Service” that has a similar parking requirement to the “Professional and Business Office” which is permitted by the Ordinance. It is unclear why “Animal Service” is not allowed on the Property while it has a similar parking requirement as a use allowed by the Ordinance and is allowed on other properties zoned M-1. Another example is “Personal Improvement Service” which has a similar parking requirement. This use is allowed down the street at 2474 Wisconsin Avenue, which is also located in the M-1 District, but is not allowed on the Property.

As the Parking Study prepared by KLOA concluded, existing uses are generating parking at a ratio less than anticipated allowing more parking to be utilized by future tenants. In addition, the development is an example where shared parking is working. Existing tenants with different peak parking periods have resulted in less occupied parking during the business day. This data supports the request for an amendment to the Ordinance to allow a greater variety of uses on site.

Full occupancy of the building is in the interest of the Downers Grove due to the jobs created and enhanced tax revenues paid to the Village. As an owner of three properties located within the Ellsworth Industrial Park, Owner has a history of being a responsible landlord and has strict Tenant Rules in place to ensure that this remains a high quality development from an aesthetic and operational perspective. Owner believes that the flexibility provided by the ability to lease to a larger group of potential tenants will result in the success of this project and an enhanced manufacturing environment for Downers Grove.

Mr. Stan Popovich  
July 1, 2016

### Compliance with Special Use Standards

The Owner believes that the proposed amendment to the special use complies with the standards contained in the Downers Grove Zoning Ordinance which govern approval of a special use:

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

This standard is not applicable since the purpose of the original special use (i.e. to allow three principal buildings on one zoning lot) has been effectuated by successfully constructing the development in 2014.

**“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 Owner is simply seeking equity by having the Village apply the same rules to the subject property as are applied to other properties located within M-1 zoning districts located throughout Downers Grove. If a use is permitted in a M-1 District, it should be allowed as of right. If the proposed use is an authorized special use, the Owner should have the right to make its case to the Village that the proposed use is consistent with the special use standards.

It is in the interest of the public convenience to fully lease the development. This will make a broader range of uses available to meet the needs of the citizens of Downers Grove and result in increased tax revenues to the Village. Failure to remove the lease restrictions will continue to hinder leasing efforts and prevent the development from becoming a successful, productive property benefitting the Village.

**“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 Owner is seeking to remove the use restrictions from applying to the subject property and be treated like any other property owner in a M-1 District. Any use to be located within the buildings will comply with the underlying zoning and, thus, be consistent with surrounding uses and not be detrimental to the health, safety, or general welfare of persons working in the vicinity. In addition, this consistency with the underlying plan for the area will ensure that there are no adverse effects on property values or improvements in the vicinity. The Owner is concerned that a failure to fully lease the building and have a



Mr. Stan Popovich  
July 1, 2016

successful development will ultimately adversely impact property values and the general welfare of nearby workers.

We look forward to working with you to answer any questions that you may have regarding the proposed amendment to the special use. Please let us know if any further information or documentation is required for your review.

Thank you in advance for your assistance with this matter.

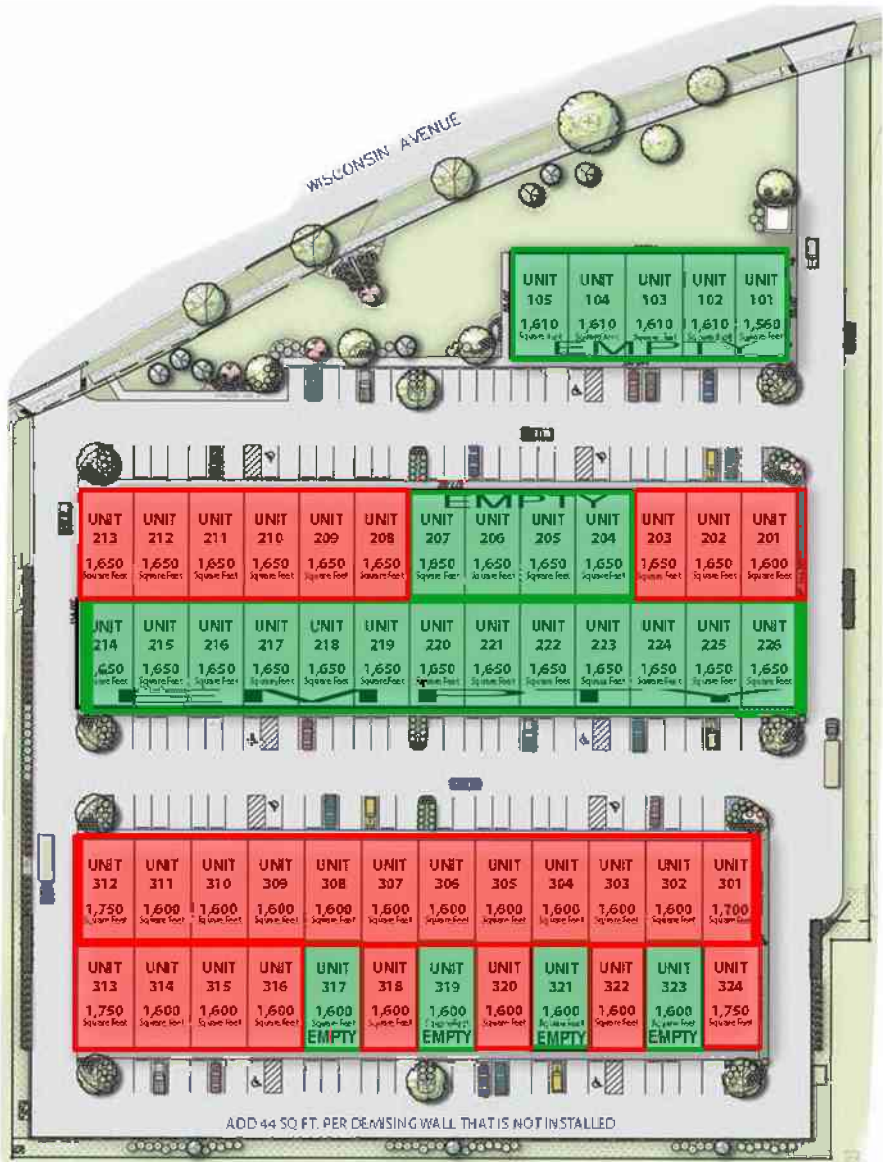
Sincerely,

A handwritten signature in black ink that reads "Bridget O'Keefe" followed by a stylized flourish.

Bridget O'Keefe

#### Attachments

cc: David MacNeil (via e-mail w/out attachments)  
Richard Curran (via e-mail w/out attachments)  
Kevin Greyhill (via e-mail w/out attachments)  
Robert Aument (via e-mail w/out attachments)



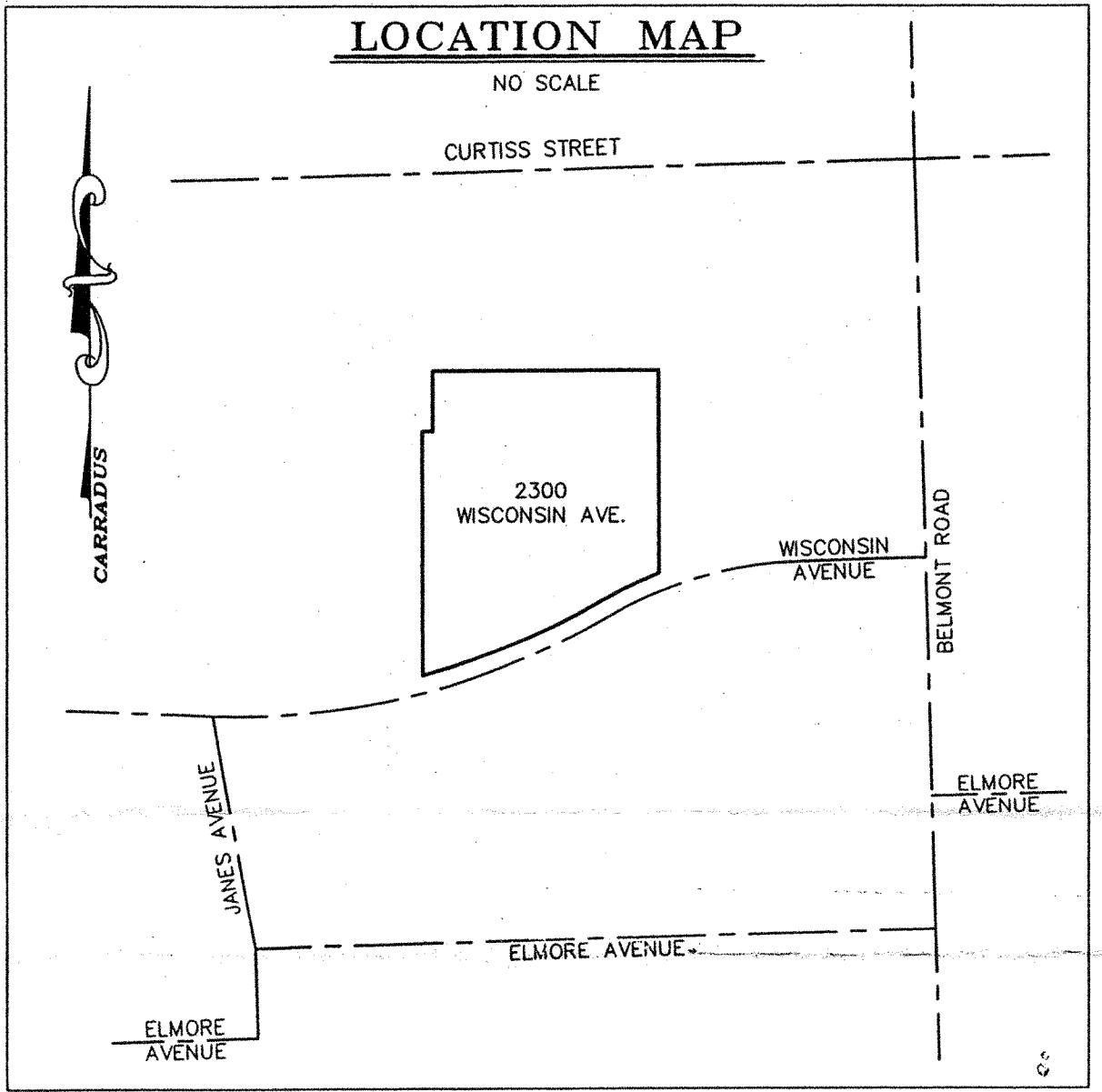
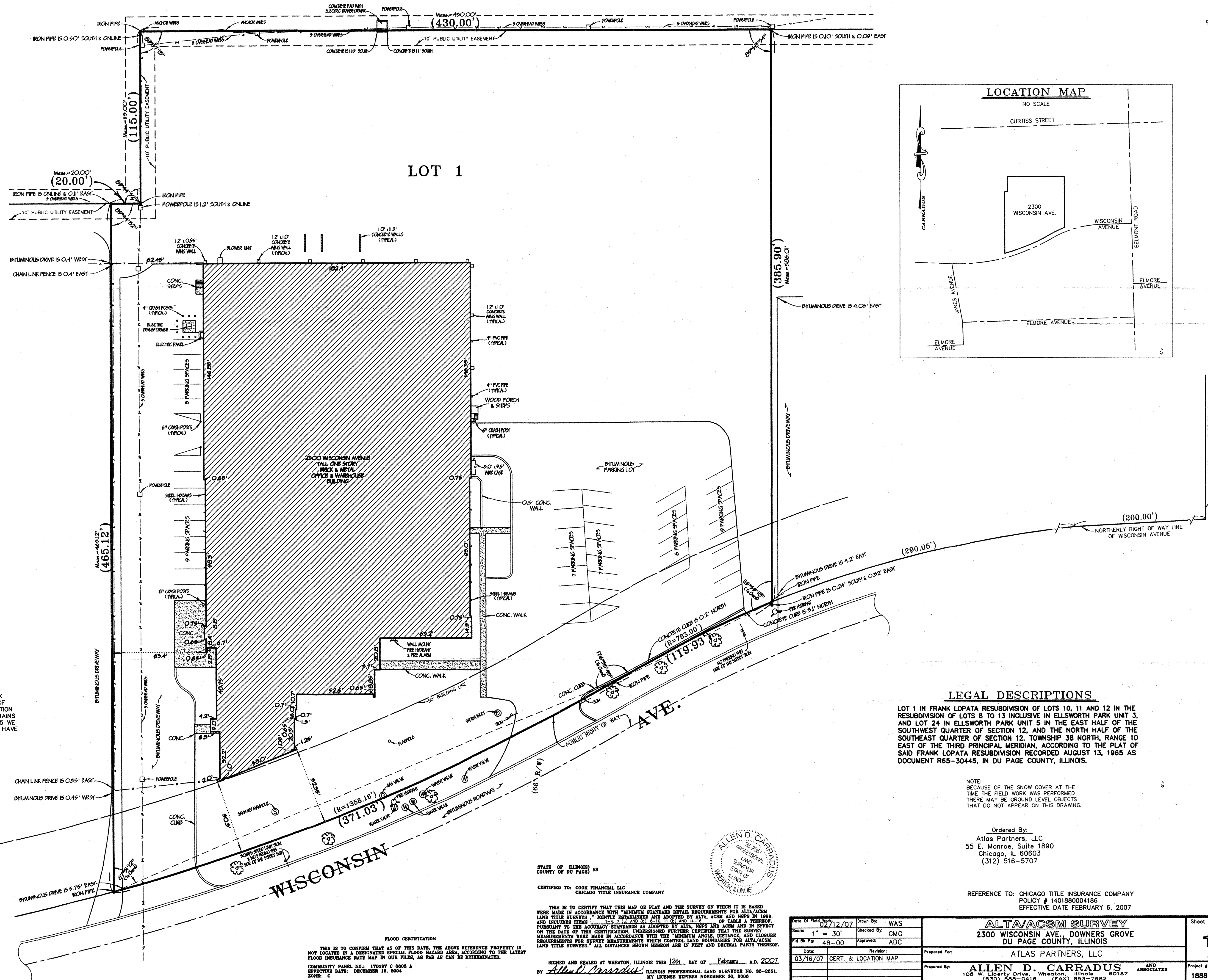
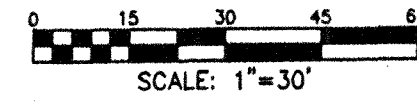
### 2300 WISCONSIN AVENUE

2300 Wisconsin Avenue | Downers Grove, IL 60515  
Phone: 800-943-9250 | 630-769-1500 | Fax: 630-769-0300

# ALTA/ACSM SURVEY

## LEGEND

- MANHOLE / CATCHBASIN
- CURB INLET
- FLARED END SECTION
- ⊕ WATER VALVE VAULT
- ⚡ FIRE HYDRANT
- UTILITY MANHOLE
- UTILITY STRUCTURE
- ▼ TRAFFIC SIGNAL
- SIGN
- POWER POLE
- MONUMENTATION FOUND
- MONUMENTATION SET (IRLS 35-2551)
- (50') RECORD DIMENSION
- FENCE LINE



LOT 1

TOTAL LOT AREA 219,211.18 SQ. FT. (5.032 ACRES)  
 TOTAL BUILDING AREA 52,968.44 SQ. FT.

**NOTE:**  
 OUR FIELD CREW OBSERVED NO VISIBLE EVIDENCE OF EARTHWORK ON THE SITE EXCEPT THAT NECESSARY TO REMOVE A SECTION OF SIDEWALK AND ELIMINATE AN ENTRANCE ON THE SOUTHERN PORTION OF THE BUILDING. THOUGH THE FOOTPRINT OF THE BUILDING REMAINS THE SAME AS OUR PREVIOUS SURVEY DATED FEBRUARY 10, 2005 WE CAN NOT CERTIFY THAT INTERNAL CHANGES TO THE STRUCTURE HAVE OR HAVE NOT BEEN MADE.

## LEGAL DESCRIPTIONS

LOT 1 IN FRANK LOPATA RESUBDIVISION OF LOTS 10, 11 AND 12 IN THE RESUBDIVISION OF LOTS 8 TO 13 INCLUSIVE IN ELLSWORTH PARK UNIT 3, AND LOT 24 IN ELLSWORTH PARK UNIT 5 IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID FRANK LOPATA RESUBDIVISION RECORDED AUGUST 13, 1965 AS DOCUMENT R65-30445, IN DU PAGE COUNTY, ILLINOIS.

**NOTE:**  
 BECAUSE OF THE SNOW COVER AT THE TIME THE FIELD WORK WAS PERFORMED THERE MAY BE GROUND LEVEL OBJECTS THAT DO NOT APPEAR ON THIS DRAWING.

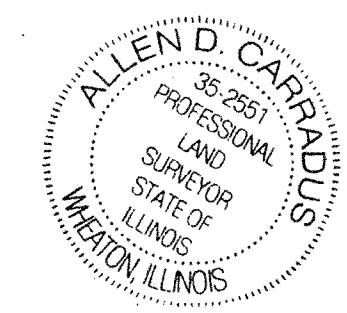
Ordered By:  
 Atlas Partners, LLC  
 55 E. Monroe, Suite 1890  
 Chicago, IL 60603  
 (312) 516-5707

REFERENCE TO: CHICAGO TITLE INSURANCE COMPANY  
 POLICY # 1401880004186  
 EFFECTIVE DATE FEBRUARY 6, 2007

## SURVEY NOTES

1. All distances shown hereon are in feet and decimal parts thereof.
2. Compare the Legal Description, Building Lines, and Easements as shown hereon with your Deed, Title Insurance Policy or Title Commitment.
3. Consult the local authorities for additional setback lines and restrictions not shown hereon.
4. Compare all survey points and report any discrepancies immediately.
5. Consult utility companies and municipalities prior to the start of any construction.
6. All dimensions to and along the buildings as shown hereon are exterior foundation measurements.
7. Do Not Assume distances from scaled measurements made hereon.

STATE OF ILLINOIS ss  
 COUNTY OF DU PAGE) ss  
 CERTIFIED TO: COOK FINANCIAL LLC  
 CHICAGO TITLE INSURANCE COMPANY



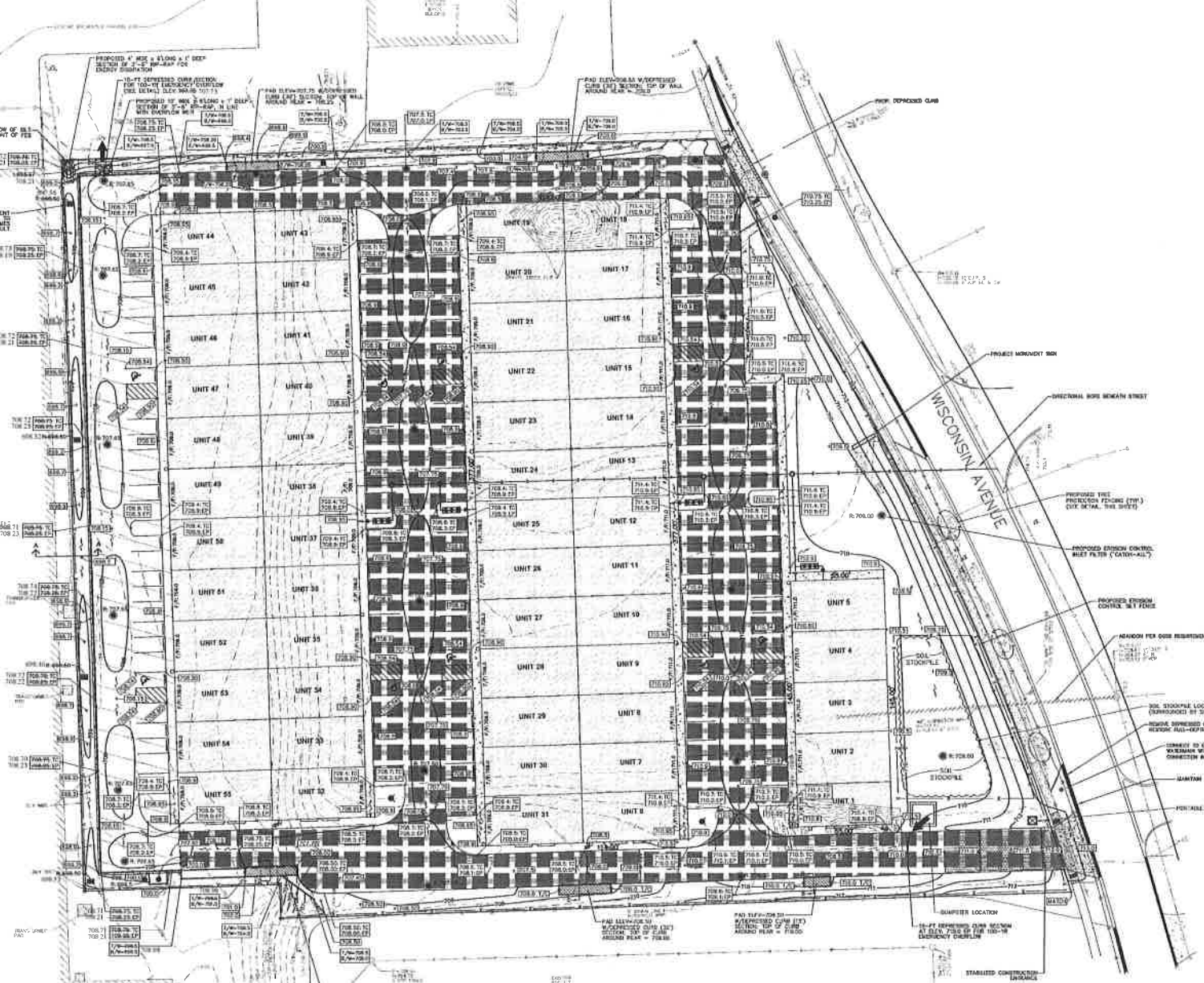
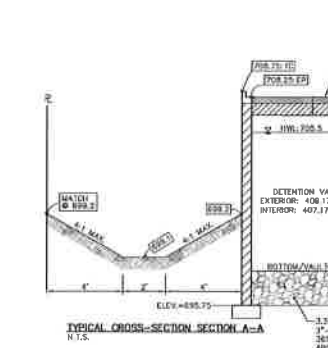
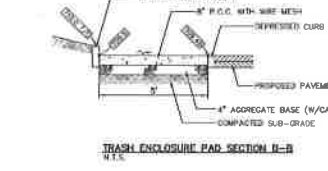
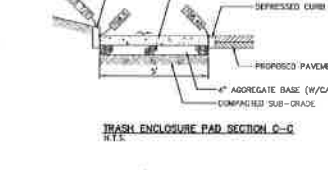
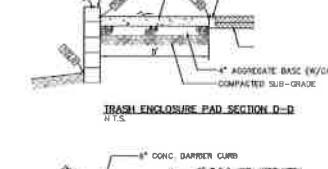
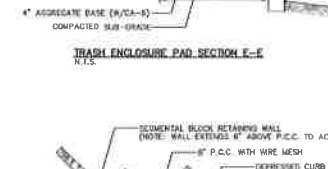
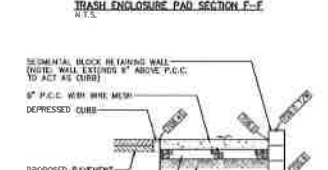
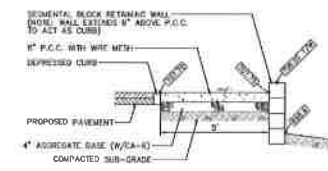
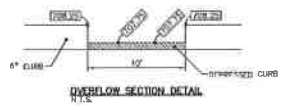
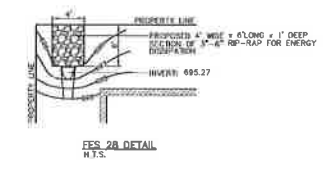
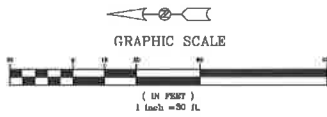
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1-7, 9, 10 AND 11 OF TABLE A THEREOF. I HEREBY CERTIFY THAT THE SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS. ALL DISTANCES SHOWN HEREON ARE IN FEET AND DECIMAL PARTS THEREOF.

SIGNED AND SEALED AT WHEATON, ILLINOIS THIS 12th DAY OF February, A.D. 2007.  
 BY Allen D. Carradus ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2551.  
 MY LICENSE EXPIRES NOVEMBER 30, 2006.

**FLOOD CERTIFICATION**  
 THIS IS TO CONFIRM THAT AS OF THIS DATE, THE ABOVE REFERENCED PROPERTY IS NOT LOCATED IN A DESIGNATED SPECIAL FLOOD HAZARD AREA, ACCORDING TO THE LATEST FLOOD INSURANCE RATE MAP IN OUR FILES, AS FAR AS CAN BE DETERMINED.  
 COMMUNITY PANEL NO.: 170197 C 0803 A  
 EFFECTIVE DATE: DECEMBER 16, 2004  
 ZONE: 0

Date of Field Work: 02/12/07	Drawn By: WAS	Checked By: CMG	Approved: ADC
Scale: 1" = 30'	Fig. Bk. Pg.: 48-00	Revision: 03/16/07 CERT. & LOCATION MAP	
Prepared For: ATLAS PARTNERS, LLC			Sheet: 1 of 1
Prepared By: ALLEN D. CARRADUS AND ASSOCIATES 108 W. Liberty Drive, Wheaton, Illinois 60187 (630) 588-0416 (FAX) 633-7682			Project #: 18889-AL

# RECORD/AS BUILTS 9-15-2014



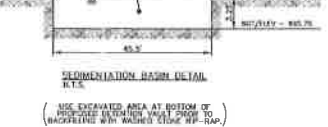
**NOTES:**

- SEE STORMWATER POLLUTION PREVENTION PLAN SHEET 5 FOR MORE INFORMATION.
- ANY STORM WATER DRAINAGE STRUCTURES THAT HAVE THE POTENTIAL TO ACCEPT RUNOFF CONTAINING SUSPENDED SOL PARTICLES SHALL BE SURROUNDED WITH INLET PROTECTION. STORM STRUCTURES IN GRASSY AREAS SHALL FOLLOW NRCS DETAIL IL-590 AND IL-508 SF AND IN PAVED AREAS SHALL INCLUDE THE "CATCH-ALL" AS MANUFACTURED BY MARATHON MATERIALS, OR APPROVED EQUAL, AS SHOWN ON SHEET 5.

DETENTION REQUIRED = 104,849 CF = 2.407 AC-FT
DETENTION PROVIDED = 120,417 CF = 2.784 AC-FT
INLET = 705.5
BOTTOM OF VAULT = 899.00
RESTRICTOR = 2.375' AT INV 699.00 LOCATED IN STORM STRUCTURE #23

Stage (ft)	Storage (CF)	Discharge (CF)
899.00	0.00	0.00
900.00	104,849	104,849
901.00	120,417	120,417
902.00	135,984	135,984
903.00	151,551	151,551
904.00	167,118	167,118
905.00	182,685	182,685
906.00	198,252	198,252
907.00	213,819	213,819
908.00	229,386	229,386
909.00	244,953	244,953
910.00	260,520	260,520
911.00	276,087	276,087
912.00	291,654	291,654
913.00	307,221	307,221
914.00	322,788	322,788
915.00	338,355	338,355
916.00	353,922	353,922
917.00	369,489	369,489
918.00	385,056	385,056
919.00	400,623	400,623
920.00	416,190	416,190
921.00	431,757	431,757
922.00	447,324	447,324
923.00	462,891	462,891
924.00	478,458	478,458
925.00	494,025	494,025
926.00	509,592	509,592
927.00	525,159	525,159
928.00	540,726	540,726
929.00	556,293	556,293
930.00	571,860	571,860
931.00	587,427	587,427
932.00	602,994	602,994
933.00	618,561	618,561
934.00	634,128	634,128
935.00	649,695	649,695
936.00	665,262	665,262
937.00	680,829	680,829
938.00	696,396	696,396
939.00	711,963	711,963
940.00	727,530	727,530
941.00	743,097	743,097
942.00	758,664	758,664
943.00	774,231	774,231
944.00	789,798	789,798
945.00	805,365	805,365
946.00	820,932	820,932
947.00	836,499	836,499
948.00	852,066	852,066
949.00	867,633	867,633
950.00	883,200	883,200
951.00	898,767	898,767
952.00	914,334	914,334
953.00	929,901	929,901
954.00	945,468	945,468
955.00	961,035	961,035
956.00	976,602	976,602
957.00	992,169	992,169
958.00	1007,736	1007,736
959.00	1023,303	1023,303
960.00	1038,870	1038,870
961.00	1054,437	1054,437
962.00	1070,004	1070,004
963.00	1085,571	1085,571
964.00	1101,138	1101,138
965.00	1116,705	1116,705
966.00	1132,272	1132,272
967.00	1147,839	1147,839
968.00	1163,406	1163,406
969.00	1178,973	1178,973
970.00	1194,540	1194,540
971.00	1210,107	1210,107
972.00	1225,674	1225,674
973.00	1241,241	1241,241
974.00	1256,808	1256,808
975.00	1272,375	1272,375
976.00	1287,942	1287,942
977.00	1303,509	1303,509
978.00	1319,076	1319,076
979.00	1334,643	1334,643
980.00	1350,210	1350,210
981.00	1365,777	1365,777
982.00	1381,344	1381,344
983.00	1396,911	1396,911
984.00	1412,478	1412,478
985.00	1428,045	1428,045
986.00	1443,612	1443,612
987.00	1459,179	1459,179
988.00	1474,746	1474,746
989.00	1490,313	1490,313
990.00	1505,880	1505,880
991.00	1521,447	1521,447
992.00	1537,014	1537,014
993.00	1552,581	1552,581
994.00	1568,148	1568,148
995.00	1583,715	1583,715
996.00	1599,282	1599,282
997.00	1614,849	1614,849
998.00	1630,416	1630,416
999.00	1645,983	1645,983
1000.00	1661,550	1661,550

**VAULT REQUIREMENTS:**  
 NEW IMPERVIOUS AREA = 178,155 S.F.  
 VOLUME REQUIREMENTS = 178,155 S.F. x 1.25m x 1.12 = 15,662 CF  
 PROPOSED STONE INF-RAP SECTION AT BOTTOM OF VAULT  
 PROPOSED VOLUME: 0.26 x 2.52' x 45.2' x 407.1' = 21,876 (600) (800) (1000)  
 21,876 CF = 18,882 (ENGINEER'S DESIGN)



RETAINING WALL DETAIL

SEE EXCAVATED AREA AT BOTTOM OF DETAIL FOR 18\"/>

Item	Description	Quantity	Unit	Price	Total
1	Excavation	100	cu yd	15.00	1500.00
2	Retaining Wall	100	sq ft	12.00	1200.00
3	Gravel	100	cu yd	8.00	800.00
4	Concrete	100	cu yd	20.00	2000.00
5	Rebar	100	lb	0.50	50.00
6	Formwork	100	sq ft	1.00	100.00
7	Backfill	100	cu yd	10.00	1000.00
8	Drainage	100	sq ft	2.00	200.00
9	Geotextile	100	sq ft	1.00	100.00
10	Grass Seed	100	sq ft	0.50	50.00
11	Mulch	100	sq ft	1.00	100.00
12	Subtotal				10000.00

**Retaining Wall**  
 Retaining Wall System  
 3050mm (10.00ft)  
 Site: Suncharge - Cuype  
 Infil: Gravel

DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
8/27/12	RT	VILLAGE COMMENTS			
12/7/12	AJ	VILLAGE COMMENTS			
7/16/13	BK	VILLAGE COMMENTS			

**ENGINEERING RESOURCE ASSOCIATES, INC.**  
 3701 WEST AVENUE, SUITE 150  
 WARRENVILLE, ILLINOIS 60555  
 PHONE (630) 393-3390 FAX (630) 393-2152

**501 W STATE STREET, SUITE 201  
 GENEVA, IL 60133  
 PHONE (630) 252-9055 FAX (630) 267-8098**

**14 S. RIVERSIDE PLAZA, SUITE 1800  
 CHICAGO, ILLINOIS 60606  
 PHONE (312) 453-0118**

PREPARED FOR:  
**MACNEIL AUTOMOTIVE PRODUCTS, LTD.**  
 1 MACNEIL COURT  
 BOLINGBROOK, ILLINOIS 60440

SCALE: 1"=30'  
 DATE: JUNE 8, 2012  
 JOB NO: 2804039  
**GRADING AND SOIL EROSION CONTROL PLAN**  
 SHEET 4 OF 7





9575 West Higgins Road, Suite 400 | Rosemont, Illinois 60018  
p: 847-518-9990 | f: 847-518-9987

MEMORANDUM TO: Richard Curran  
MacNeal Real Estate Holdings, LLC

FROM: Luay R. Aboona, PE  
Principal

DATE: July 22, 2016

SUBJECT: Parking Study  
2300 Wisconsin Avenue  
Downers Grove, Illinois

This memorandum presents the findings of a parking study conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the 2300 Wisconsin Avenue office development in Downers Grove, Illinois. The development consists of three buildings with 55 units and has a total of 89,800 square feet of gross floor area with 95 outdoor parking spaces and 55 indoor (individual garages) parking spaces for a total of 150 spaces. The development is currently 53 percent occupied (29 occupied units) with Building 1 vacant, Building 2 35 percent occupied, and Building 3 83 percent occupied. **Figure 1** is an aerial view of the development.

The purpose of this parking study is to determine the adequacy of the parking supply in meeting the parking needs of the existing uses, establish the parking ratio for the uses, and confirm the adequacy of the parking supply for future tenants of the development.

### **Parking Occupancy Surveys**

Parking occupancy surveys of the existing parking were conducted on Wednesday, July 13, 2016 and Friday, July 15, 2016 at various times of the day to determine current occupancy levels and peak demand. **Table 1** summarizes the results of the surveys for each day by the following parking areas:

- Area 1: Between Buildings 1 and 2 with 42 outdoor spaces (three handicap) and 18 indoor spaces
- Area 2: Between Buildings 2 and 3 with 36 outdoor spaces (four handicap) and 25 indoor spaces
- Area 3: North of Building 3 with 17 outdoor spaces (two handicap) and 12 indoor spaces



Aerial View of Site Location

Figure 1

Table 1  
PARKING OCCUPANCY SURVEYS

Time	Parking Occupancy			Total	Available Parking
	1	2	3		
Wednesday, July 13, 2016					
10:00 A.M.	9	6	6	24	129
12:00 P.M.	10	6	8	24	126
2:00 P.M.	16	9	6	31	119
4:00 P.M.	20	7	6	33	117
6:00 P.M.	31	4	7	42	108
8:00 P.M.	32	5	3	40	110
Friday, July 15, 2016					
11:00 A.M.	15	6	11	32	118
1:00 P.M.	15	7	8	30	120
3:00 P.M.	18	8	6	32	118
5:00 P.M.	16	4	7	27	123
7:00 P.M.	40	3	2	45	105
9:00 P.M.	42	6	2	50	100



As can be seen, the peak parking demand on Wednesday occurred at 6:00 P.M. with 42 occupied spaces or 28 percent of available spaces. On Friday, the peak demand occurred at 9:00 P.M. with 50 occupied spaces or 33 percent of available spaces.

### **Parking Evaluation**

The results of the parking occupancy surveys show that parking is readily available during the day. The peak demand occurs after regular business hours and is influenced by the demand of Alter Brewing Company. The peak demand during regular business hours is 33 spaces occurring on Wednesday at 4:00 P.M. which is 22 percent of available parking spaces. These results indicate the following:

- Shared parking is currently working well due to the different peak parking characteristics of the uses including Alter Brewing Company.
- The overall parking ratio of occupied spaces is 1.72 spaces per occupied unit which occurs at 9:00 P.M.
- During regular business hours, the parking demand ratio is 1.14 spaces per occupied unit occurring at 4:00 P.M.
- The available parking spaces (117 spaces), when compared to the vacant units (26 units), will translate into a ratio of 4.5 spaces per unit, which far exceeds the observed demand.

Tenant 2300 Wisconsin Ave.	Units	Contact : Person and Numbe	email
<b>Building 1</b>			
Empty	101		
Empty	102		
Empty	103		
Empty	104		
Empty	105		
<b>Building 2 South</b>			
Fastenal	201-203	Kirk Decker	630-795-1081 <a href="mailto:kdecker@fastenal.com">kdecker@fastenal.com</a>
Empty	204		
Empty	205		
Empty	206		
Empty	207		
Custom Cabinet Connections	208	Pete Guardi	630-688-2448 <a href="mailto:pguardi@comcast.net">pguardi@comcast.net</a>
Alter Brewery	209-210-211- 212-213	David Yob	773-203-9434 <a href="mailto:davidyob@gmail.com">davidyob@gmail.com</a>
<b>Building 2 North Side</b>			
Empty	214		
Empty	215		
Empty	216		
Empty	217		
Empty	218		
Empty	219		
Empty	220		
Empty	221		
Empty	223		
Empty	224		
Empty	225		
Empty	226		
<b>Building 3 South Side</b>			
Olsen Motor Sports	301-302	Tim Olsen	312 810-5353 <a href="mailto:Olsenmotorsports@me.com">Olsenmotorsports@me.com</a>
Boo Coo Enterprises	303	ED Brackett	( 630-484-6779 <a href="mailto:Edbrackett4@gmail.com">Edbrackett4@gmail.com</a>
All Around Vending	304	Dennis Neisteom	630-674-7 <a href="mailto:Snacktime@hotmail.com">Snacktime@hotmail.com</a>
Apple and Sons Vending	305	Anthony Appleyard	708-837 <a href="mailto:apples1992@sbcglobal.com">apples1992@sbcglobal.com</a>
Tim Hendricks	308	Tim Hendricks	312-513-2471

John Kucera	309	John Kucera 630-887-7510	<a href="mailto:jdkucera@comcast.net">jdkucera@comcast.net</a>
Saratore Resource Group	310	David Iverson 773- 399- 959	<a href="mailto:DSLverson@weathertech.com">DSLverson@weathertech.com</a>
The Car Stall	311-312	Patrick Wolmak	<a href="mailto:pwomack20@aol.com">pwomack20@aol.com</a>
<b>Building 3 northside</b>			
Naperville property's	313	Joel Weinberger 630-388-54	<a href="mailto:jkw@continentalmotors.com">jkw@continentalmotors.com</a>
Sievers & Stevens Const	314	Mike Stevens	Michael Stevens. <mike@sieversan
Vulcan Motot Sports	315	Anthony 331-588-9083	<a href="mailto:Tonyd8620@gmail.com">Tonyd8620@gmail.com</a>
Empty	316		
Empty	317		
McBath Construction	318	Mike McBath 708-654-8204	
Empty	319		
Epoc Construction	320	Dan Deem 630-808-7962	<a href="mailto:ddeem@epochconstrction.com">ddeem@epochconstrction.com</a>
Empty	312		
1st Class Garage Door	322	Branden Suva 630-532-8937	<a href="mailto:fcgdoor@gmail.com">fcgdoor@gmail.com</a>
empty	323		
Todd Hensley	324	Todd Hensley 417-830-2990	<a href="mailto:Todd@toddsdomain.com">Todd@toddsdomain.com</a>

**ORDINANCE NO. 5265****AN ORDINANCE AUTHORIZING A SPECIAL USE  
TO PERMIT THE CONSTRUCTION OF THREE PRINCIPAL BUILDINGS  
ON A SINGLE LOT AT 2300 WISCONSIN AVENUE**

WHEREAS, the following described property, to wit:

Lot 1 in Frank Lopata Resubdivision of Lots 10, 11 and 12 in the Resubdivision of Lots 8 to 13 inclusive in Ellsworth Park Unit 3, and Lot 24 in Ellsworth Park Unit 5 in the east half of the southwest quarter of Section 12, and the north half of the southeast quarter of Section 12, Township 38 North, Range 10 East of the third principal meridian, according to the plat of said Frank Lopata Resubdivision recorded August 13, 1965 as Document R65-30445, in DuPage County, Illinois,

Commonly known as 2300 Wisconsin Avenue, Downers Grove, IL 60515 (PIN 08-12-407-006)

(hereinafter referred to as the "Property") is presently zoned "*M-1 -Light Manufacturing 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 28.1300SEC (a) of the Zoning Ordinance be granted to permit construction of three principal buildings on a single lot; and,

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove on April 2, 2012, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission has recommended approval of the requested Special Use, subject to certain conditions; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

5265

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

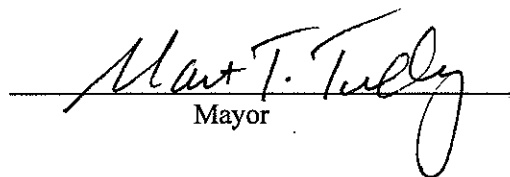
SECTION 1. That a Special Use of the Property is hereby granted to permit construction of three principal buildings on a single lot within the M-1 zoning district.

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

1. The Special Use shall substantially conform to the staff report, engineering plans prepared by Engineering Resource Associates, Inc. dated February 24, 2012 and architectural plans prepared by Fergon Architects, LLC., dated February 21, 2012, except as such plans may be modified to conform to the Village codes and ordinances.
2. The applicant shall obtain an extension of the Special Use from Village Council if the construction of Phase II does not commence on or before May 1, 2014.
3. The Special Use shall be limited to the following uses:
  - a. Professional and Business Offices
  - b. Research and Development Facilities
  - c. Light Manufacturing including production, processing, cleaning, testing and repair limited to uses and products described in 28.902(h).
  - d. Wholesale and warehousing, storage and distribution facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses); however, no single tenant shall contain more than 10,000 square feet.
  - e. Uses accessory to the above-listed permitted uses.
4. The proposed sidewalk on the private property shall be connected to the existing public sidewalk along Wisconsin Avenue.
5. All new signage on the property shall conform to the Sign Ordinance. A separate sign permit is required prior to installation of any new signage on the property.
6. Private fire hydrants shall be provided within 100 feet of the Fire Department connection and no greater than 300 feet apart.
7. The buildings shall have fire suppression and detection systems in a manner suitable to the Fire Prevention Bureau Chief.

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: May 15, 2012  
Published: May 16, 2012

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Attest: April K. Br  
Village Clerk

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with the environmental standards set forth in Article XX. The Plan Commission may in its discretion require that there be furnished favorable certification by a registered professional engineer approved by the Plan Commission covering any one or more of such environmental standards; and

(3) Such proposed activity will be in compliance with all applicable provisions of this Zoning Ordinance.

(Ord. 4628, Amended, 12/07/2004; Ord. 4527, Amended, 08/19/2003; 4164, Amended, 12/07/1999; 4069, Enacted, 10/05/1998)

**Article IX. Manufacturing Districts**  
(4069, Enacted, 10/05/1998)

**28.900. Manufacturing Districts - General Provisions.**

(a) All uses and structures within a manufacturing district shall comply with the requirements of this Article, as well as all other applicable requirements found in this Zoning Ordinance. This includes, but is not limited to applicable regulations governing height, lot area, lot width, open space, lot coverage, floor area, floor area ratio, setback and yard requirements found in Article XI; off street parking requirements found in Article XIV; environmental regulations set forth in Article XX; sign requirements found in Article XV; use requirements found in Article X; and special use requirements found in Article XIX and, for Planned Developments, the requirements found in Article XVI.

(b) All manufacturing, processing, or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent property by reason of the emission of odors, fumes or gases, dust, smoke, noise, vibrations, or fire hazards. (4069, Enacted, 10/05/1998)

**28.901. M-1 Districts - General Provisions.**

(a) Since most uses permitted in this district will be in proximity to residence districts, it is hereby declared that performance standards shall be high, and that all manufacturing, processing, or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by reason of the emission of odors, fumes or gases, dust, smoke, noise, vibrations, or fire hazards.

(b) Any production, processing, cleaning, servicing, testing, repair, or storage of goods, materials or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.

(c) Except as otherwise provided herein, and except for authorized temporary uses, all uses shall be conducted wholly within enclosed buildings. Within one hundred fifty (150) feet of the nearest point of any residence district, all storage shall be in completely enclosed structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid wall or fence eight (8) feet high, including solid doors or gates thereto. However, open off-street loading facilities and open off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district except for such screening of parking and loading facilities as may be required under the provisions of Article XIV.

(4069, Enacted, 10/05/1998)

**28.902. M-1 Districts - Permitted uses.**

The following uses are allowed in the M-1 Light Manufacturing District as permitted uses:

(a) Uses permitted in the B-3 General Ser-

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vices and Highway Business District, which are not permitted in other business districts.

- (b) Animal hospitals, pounds, and shelters
- (c) Banks and financial institutions
- (d) Day care center. (See Section 28-1017.)
- (e) Fuel and ice sales
- (f) Gymnasiums
- (g) Production, processing, cleaning, testing and repair limited to the following uses and products:
  - (1) Advertising displays
  - (2) Art and needlework and hand weaving
  - (3) Artificial limb manufacture
  - (4) Awnings, venetian blinds
  - (5) Bakeries
  - (6) Batteries
  - (7) Beverages, non-alcoholic
  - (8) Bicycles
  - (9) Blacksmith shops
  - (10) Blueprinting and photostating establishments
  - (11) Boat building and repair of pleasure craft
  - (12) Books - hand binding and tooling
  - (13) Bottling works - beverage or creamery
  - (14) Brushes and brooms
  - (15) Camera and other photographic equipment, except film
  - (16) Candy manufacture
  - (17) Canvas and canvas products
  - (18) Carpentry and woodworking shops
  - (19) Carpet and rug cleaning
  - (20) Caskets and casket supplies
  - (21) Ceramic products - such as pottery and small glazed tile
  - (22) Clothing manufacture
  - (23) Cold storage plants
  - (24) Cosmetics and toiletries
  - (25) Dentures
  - (26) Drugs

- (27) Dry cleaning establishments
- (28) Dwellings for watchmen, located on the premises where employed.
- (29) Electric appliances, such as lighting fixtures, irons, fans, toasters, and electric toys.
- (30) Food products, processing and combining of baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.
- (31) Frozen food lockers
- (32) Fur goods, not including tanning or dyeing
- (33) Glass products, from previously manufactured glass
- (34) Hair, felt and feather products (except washing, curling and dyeing)
- (35) Hat bodies of fur and wool felt
- (36) House trailers or mobile homes
- (37) Ice, dry and natural
- (38) Ink mixing and packaging and inked ribbons
- (39) Insecticides
- (40) Jewelry
- (41) Laboratories, medical, dental, research, experimental and testing
- (42) Laundries
- (43) Leather products, including shoes and machine belting
- (44) Luggage
- (45) Machine shops for tool, die and pattern making
- (46) Machinery, farm - sales, repairing and overhauling
- (47) Medical and dental clinics.
- (48) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing and heat treatment.
- (49) Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
- (50) Monument works
- (51) Musical instruments
- (52) Offices, business and profes-



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(53) Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.

(54) Paper products, small, such as envelopes and stationery, bags, boxes, tubes, and wallpaper printing.

(55) Perfumes and perfumed soaps, compounding and packaging only.

(56) Pharmaceutical products, compounding and packaging

(57) Plastic manufacture and processing

(58) Precision instruments, such as optical, medical and drafting

(59) Printing, lithographing, or publishing establishments for letter press, business cards, mimeographing and other similar custom services, newspaper publishing, including engraving and photo-engraving.

(60) Products from finished materials - plastic, bone, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, precious and semi-precious stones, rubber, shell, or yarn.

(61) public service facilities, including electric distribution substations, fire and police stations, telephone exchange and similar uses.

(62) Repair of household or office machinery or equipment

(63) Rubber products, small and synthetic treated fabrics, (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

(64) Sheet metal shops

(65) Silverware, plate and sterling

(66) Sign painting

(67) Soap and detergents, packaging

only

(68) Soldering and welding

(69) Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets and rods.

(70) Statuary, mannequins, figurines, and religious and church art goods, excluding foundry operations.

(71) Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread, and cordage, but not including textile bleaching.

(72) Truck repair garages

(73) Tools and hardware, such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, non-ferrous metal castings, and plumbing appliances.

(74) Toys

(75) Umbrellas

(76) Upholstering (bulk), including mattress manufacturing, rebuilding and renovating.

(77) Vehicles, children's - such as bicycles, scooters, wagons, and baby carriages

(78) Watches

(79) Wood products such as furniture, boxes, crates, baskets, and pencils, and cooperage corks.

(h) Wholesale and warehousing, storage and distribution Facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses).

(i) Public and community service uses

(j) Adult Entertainment Establishments. (See Section 28-1011.)

(k) Telecommunications Towers. (See Section 28-1307.)

(l) Uses incidental to permitted uses as follows:

(1) Signs.

(2) Incidental retail sales of products, parts or service directly related to a permitted use.

(3) Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

(Ord. 4628, Amended, 12/07/2004; Ord. 4598, Amended, 07/06/2004; 4164,

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Amended, 12/07/1999; 4150, Amended, 08/16/1999; 4069, Enacted, 10/05/1998)

**28.903. M-1 Districts - Special Uses.**

The following uses are allowed in the M-1 Light Manufacturing District as special uses:

- (a) Aircraft landing areas.
  - (b) Automobile Dealerships.
  - (c) Automobile Laundries.
  - (d) Automobile Repair.
  - (e) Automobile Service Stations. (See Section 28-1018.)
  - (f) Banks and financial institution drive-in type facilities.
  - (g) Planned developments. (See Article XVI.)
  - (h) Railroad and motor freight terminal, railroad switching facilities.
  - (i) Recycling collection facilities. (See Section 28-1007.)
  - (j) Self-storage facilities, including mini-warehouses. (See Section 28-1010.)
- (Ord. 4628, Amended, 12/07/2004; 4150, Amended, 08/16/1999; 4069, Enacted, 10/05/1998)

**28.904. M-2 District - General Provisions.**

In the M-2 Restricted Manufacturing District all uses are subject to the following conditions:

- (a) The M-2 District is intended generally to accommodate nuisance-free operations, such as headquarters offices, research laboratories, and restricted industrial activities. The standards prescribed for this district are intended to ensure the creation of an environment in which each use is a credit to the others and the investment in well-designed and maintained facilities and grounds is secured by the maintenance of the highest reasonable standards throughout the district. All uses shall be in keeping with the character of the district and shall not be detrimental to the orderly and harm-

ful development and maintenance of the Village as a whole and nearby districts.

(b) Except as otherwise provided, and except for authorized temporary uses, all permitted uses shall be conducted wholly within enclosed buildings. Within five hundred (500) feet of the nearest point of any residence district, all storage shall be in completely enclosed structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fence eight (8) feet high, including solid doors or gates thereto; provided that off-street loading facilities and off-street parking facilities for the storage of vehicles may be unenclosed throughout the district except for such screening of parking and loading facilities as may be required under the provisions of Article XIV.

(c) All areas on a zoning lot not occupied by structures, pavement or similar improvements shall be landscaped.

(d) All activity involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be prohibited. Such prohibited materials shall include, but not limited to, all primary explosives such as lead azide and lead styphnate, fulminate of mercury; all high explosives and boosters, such as TNT, RDX, tetryl and ammonium nitrate; black powder, ammonium perchlorate, and nitroguanidine; blasting explosives such as dynamite and nitroglycerine pyrotechnics and fireworks materials such as powdered magnesium, potassium chlorate; rocket fuels such as hydrazine nitrate and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239. (4069, Enacted, 10/05/1998)

**28.905. M-2 District - Permitted uses.**

The following uses are allowed in the M-2 Restricted Manufacturing District

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VILLAGE OF DOWNERS GROVE  
 PLAN COMMISSION MEETING  
 PUBLIC HEARING

SEPTEMBER 12, 2016, 7:00 P.M.

Chairman Rickard called the September 12, 2016 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Rickard, Ms. Gassen, Ms. Hogstrom, Ms. Johnson, Mr. Quirk, Mr. Thoman

**ABSENT:** Mr. Cronin, *ex-officios* Mr. Livorsi and Mr. Menninga

**STAFF:** Village Planners Scott Williams, Rebecca Leitschuh, Swati Pandey

**VISITORS:** Mr. Jason Jarrett and George Kisiel, OK-Rent Kisiel, 122 S. Michigan Ave., Chicago; Mr. Rich Curran, MacNeil Real Estate, 841 Remington, Boling Brook; Mr. Greg Jones, Ancel Glink, 140 S. Dearborn St., Chicago; Msrs. Greg O'Keefe Jarrett Kreger, Daspin & Aument, 300 S. Wacker Dr., Chicago; Mr. Jeffrey Crane, 4825 Saratoga Ave., Downers Grove; Mr. Bill Styczynski, Studio 21, 221 8<sup>th</sup> Street, Downers Grove; D. Norvilas and V. Norvilas, 5440 Gunor Ave., Downers Grove; P. Yano, 5321 Webster, Downers Grove; Ms. Shanon Tully, Realty Executives, 943 Maple, Downers Grove; Mr. Brian McLachlan and Ms. Colleen McLachlan, Doggie Depot, 4723 Elm St., Downers Grove

**APPROVAL OF MINUTES**

**AUGUST 1, 2016 MINUTES – MOTION BY MR. THOMAN, SECONDED BY MS. HOGSTROM, TO APPROVE THE MINUTES AS PRESENTED. MOTION CARRIED BY VOICE VOTE OF 5-0-1 (MS. GASSEN ABSTAINS)**

**PUBLIC HEARINGS:**

Chairman Rickard explained the protocol for the public hearings and swore in those individuals that would be speaking on the petitions below.

**FILE 16-PLC-0033:** A petition seeking to amend the existing Special Use Ordinance to allow all uses expressly permitted in the M-1 Zoning District. The property is currently zoned M-1, Light Manufacturing. The property is located on Wisconsin Avenue, 480 feet west of Belmont Road, commonly known as 2300 Wisconsin Avenue, Downers Grove, IL (PIN 08-12-407-006). MacNeil Real Estate Holdings, LLC, Owner.

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Village Planner Swati Pandey reviewed the petitioner's request to amend Ordinance No. 5265 which was approved in 2012, specifically to remove the use restrictions and allow all uses in the M-1 Light Manufacturing Zoning District. Reviewing the site, located at the intersection of Wisconsin Avenue and Belmont Road, Ms. Pandey referenced the plat of survey and the three buildings on the site, explaining there were certain restrictions placed on the types of uses that were permitted on it back in 2012. At that time, there were concerns raised which included the parking ratio and the high density being proposed for the site. She referenced the list of uses allowed under the ordinance being attached to staff's report.

Ms. Pandey reported the petitioner was experiencing challenges in leasing the tenant space due to the restrictions placed on the types of uses and only 53% occupancy currently existed. A quick depiction of the broad use categories allowed under Ordinance 5625 followed. However, since 2012, Ms. Pandey stated the zoning ordinance changed and some of the uses depicted were not considered to be allowed under M-1 zoning but had moved to other broader category types. Staff was asking the commission to consider those uses under a different category type under the 2014 ordinance and to continue them to be interpreted as if they were under the 2012 definition of the Industrial Uses under Ordinance 5625.

Ms. Pandey did a quick review of the comprehensive plan's recommendations for the site and the standards of approval for special use. Of particular note was the fact that the petition did not meet Standards 2 and 3 since there were concerns of high density, resulting in more traffic/parking/circulation issues and those conditions still remained. In summary, Ms. Pandey stated the proposal was not consistent with Ordinance 5625 as adopted by Council in 2012 and, based on staff's findings, staff recommended denial of the petition; however, staff recommended amending the approved uses from 2012 to the categories in the current zoning ordinance shown in staff's report (pgs. 5 and 6).

Questions from the commission included how many parking spaces would be needed to allow the development to include all uses in the standard M1, to which Ms. Leitschuh stated 1.7 per 1,000 square feet and it depended upon the uses on a case by case basis. She found that each of the three buildings, having their own unique set of uses, was very unique. Details followed. Turning to Standard No. 2 for approval, Ms. Pandey explained the proposed use was not complying with issues of parking, traffic and congestion in the neighborhood and complaints were already occurring with parking. Per Mr. Quirk's questions, Ms. Pandey stated that staff's analysis in its report was based on material/information from the petitioner currently and from material/information provided in 2012. A couple of commissioners pointed out the square foot of the floor area was 89,800 sq. feet and there were 147 exterior parking spaces.

Questions followed as to why certain uses were refused by staff; whether there was ever consideration to allow the permitted and special uses in the M1 district; keeping a parking log for each of the uses; and whether staff denied permitted uses on the permitted list because parking was not sufficient at the site. Ms. Leitschuh pointed out that the petitioner had to show that enough permitted parking existed or existed offsite through an agreement in order to avoid compounding issues for surrounding properties. Further assumptions regarding the parking followed by Mr. Thoman, summarizing that parking issues probably existed in 2012 and the village council placed conditions on the development because they wanted the project to move forward but limited what was considered high traffic uses. Questions followed that if the site, back in 2012, was for a 86,000 sq. foot single-story building, how much parking would be needed, wherein staff explained

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it depended upon the intended use. The range would be a minimum ratio of .67 to 4.1 maximum 1000 sq. feet.

The petitioner was invited to speak.

For the petitioner, Bridgett O'Keefe, attorney with Daspin & Aument, 300 S. Wacker, Chicago, on behalf of MacNeil Real Estate Holdings (owner of the property), confirmed the owner was seeking an amendment to the special use governing the property to remove the restriction on uses and allow a full range of M-1 permitted and special uses.

Attorney and friend of the petitioner, Robert Aument, 4721 Wallbank Avenue, Downers Grove, shared some business and personal background about Mr. David MacNeil, who is the founder of Weather Tech Floors and Mats and whom purchased a few properties in the village, one of them being 2300 Wisconsin. Mr. Aument shared how Mr. MacNeil improved the site from its original condition back in 2007 but had to turn away potential tenants due to the burdensome restrictions placed on his property, which were not imposed on other properties located in the industrial park within the M-1 zoning district. He wanted to have the same uses offered to other M-1 properties.

Ms. O'Keefe proceeded to "interview" Mr. Rich Curran, property manager for the subject property by asking him a number of questions including how many units existed (55), how many were leased (33 with 22 tenants), the type of tenants on-site (light industrial companies using space for storage); how tenants are found for the site and the difficulties of finding tenants. Mr. Curran summarized some examples of tenants that would fit in the building nicely, including an exercise facility, a yoga facility, a physical therapy office, and smaller types of businesses. Ms. O'Keefe added that 7 to 9 uses were denied by the village. Mr. Curran reviewed rules for the site, such as no overnight parking, no truck parking, and no storage in the common areas. (Ms. O'Keefe distribute copies of the rules) To date, Mr. Curran said there were no issues at the site since he visited the site twice daily.

Per Mr. Thoman's question, Mr. Curran stated the 7 to 9 tenants that were denied were denied in the past year and in the past year there were 5 to 6 new tenants added. A typical lease was 1 to 5 years.

Mr. Luay Aboona, traffic and parking consultant with KLOA in Rosemont, reviewed the parking/occupancy survey done for the 55-unit facility taken on a Wednesday and a Friday, 10:00 AM to 9:00 PM during various hours of the day and divided into three areas on the site. He noted the parking demand during the day was not very high but what was driving the parking was the Alter Brewery. The peak for the overall facility appeared to be 9:00 PM on Friday with 50 parking spaces occupied, which calculated to be 1 space per 1,000 and left 2.5 spaces per 1000 sq. feet of available square footage for future tenants which was higher than the 1.7 that was provided.

During business hours, however, Mr. Aboona pointed out that the park demand was less, or 33 spaces at 4:00 PM which left almost 2.8 spaces per 1,000 available for future tenants. Details followed. From his analysis, the parking demand was lower than what was provided. He believed ample parking existed for multiple types of tenants and stated the shared parking was working between the tenants. Further details were explained.

Ms. O'Keefe returned and pointed out that most of the uses on-site were classified as light industrial or storage and the code parking requirements for wholesale/distribution/storage was .67 per 1,000

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while industrial was 1.17 per 1,000 and not 1.7, which was why the parking was working very well and the surplus parking existed.

Mr. George Kisiel, land use expert and president with OK-Rent Kisiel Associates, shared his professional background and was retained by MacNeil Real Estate. He reviewed the history of the special use when it was granted in May of 2012 for three buildings on the site, noting the original staff report was in support of the proposal and the proposal was consistent with the village's comprehensive plan and zoning ordinance standards. At that time staff anticipated the 1.17 ratio per 1,000 sq. feet would be adequate for light industrial. However, 1.7 per 1000 was provided for the development and no matter what use, an adequate amount of parking would have to be demonstrated for each use. He confirmed additional use conditions were placed on the site by the village council. Of note, however, Mr. Kisiel stated that while about 150 parking spaces existed on the site, in certain circumstances another 55 spaces could be utilized on-site through the use of tandem parking and valet service. Specifics of the parking lot, current tenants, as well as a quick review of Mr. Aboona's parking analysis followed. Other uses in the industrial park were described as well as the parking ratio for other, nearby multi-tenant buildings in the area, including 2416 and 2500 Wisconsin Avenue, which had a 0.4 floor area ratio and a 1.7 parking ratio while immediately west of the subject building, 2302 Wisconsin, had a 0.4 floor area ratio and 2.2 per 1,000 parking standard.

Mr. Kisiel reviewed each of the three standards for approval of the special use. He and staff agreed Standard No. 1 was met. With regard to Standard No. 2, *whether the proposed use is necessary or desirable to provide a service or facility that is in the interest of public convenience etc.*, Mr. Kisiel emphasized the importance of providing jobs to the area and agreed the M-1 District was appropriate for its location. Its uses were also appropriate and were supported by the village's comprehensive plan. He stated Standard No. 2 was met. However, Mr. Kisiel also pointed out the fact that staff now disagreed with Standard No. 2 by pointing out that the site was too dense and caused parking and circulation issues. He reminded the commissioners that density was measured by floor area ratio and not by the number of units on a site and, currently a .04 floor area ratio existed which was less than half of what was allowed in the M-1 District and was similar to nearby uses and light industrial uses, as constructed. Evidence in support of Standard No. 2 followed by Mr. Kisiel, including staff reports from 2012.

As to Standard No. 3, *whether the proposed use will be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity, or be injurious to property values, etc.*, Mr. Kisiel stated the M-1 uses were compatible with the nearby land uses and were supported by the village's comprehensive plan. The development was well maintained with the site being fifty percent leased and showed no issues with traffic or site circulation and presented no threat to health, safety, and general welfare, nor property value. Standard No. 3 was met. However he pointed out that staff disagreed with this criteria, giving similar reasons as stated in Standard No. 2.

Mr. Kisiel closed by stating that in-place use restrictions from special use Ordinance #5265 were unnecessary and were burdensome to the applicant compared to similar properties and it served no public purpose. The proposal was consistent with the applicable standards for special uses and granting the proposed amendment would have no adverse impacts.

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Per Mr. Quirk's question, Mr. Aboona returned and stated there was enough cushion if a couple of tenants with higher parking ratios came to the development. Mr. Thoman asked for clarification of the comparisons used for the other nearby properties.

Of the 7 tenants that were denied, Ms. Leitschuh stated the majority were denied due to the uses listed in the ordinance. As for the multiple buildings on the site, she clarified to the chairman that in the 2014 ordinance update, it was no longer a special use and the development would, instead, come before the commission as either a planned unit development application or as an Institutional INP2 development (civic/governmental type building).

Mr. Aboona returned and addressed internal and external tenant parking spaces on the site for Mr. Thoman.

Ms. O'Keefe, attorney for the petitioner, proceeded to "interview" Mr. Kevin Grayhill, project director for MacNeil Real Estate, and wanted to clarify some of the confusion that appeared to exist in the process of obtaining the special use in 2012, specifically since there was a statement in staff's report stating that Mr. MacNeil agreed to the restrictive conditions, which she said he did not. Mr. Grayhill confirmed that parking for the proposal, at that time, would be handled and individually reviewed on a tenant by tenant basis by staff. Mr. Grayhill confirmed that he did meet with village staff prior to the buildings being constructed to confirm that the development would fall under the M-1 District. He stated there was no discussion of putting any restrictions on uses at the 2012 Plan Commission meeting. (O'Keefe submits copy of April 2, 2012 Plan Commission meeting minutes.) However, as to restrictions and the type of uses within the development, Ms. O'Keefe pointed out there was a reference to Planner Damir Latinovic stating that the only restrictions would be based on the parking requirements because it was anticipated they would be reviewed on a case by case basis, consistent with what staff stated tonight.

Discussing the May 1, 2012 village council hearing, Ms. O'Keefe confirmed with Mr. Grayhill that there were questions about the types of uses that could be used on-site but that there were no serious discussions of restrictions on uses that took place. Listening to the May 1, 2012 hearing herself, Ms. O'Keefe stated there were questions about the allowed uses in the M-1 District and concern about certain uses that could generate much traffic. However, she stated at that meeting that staff was asked to provide the council with a list of the uses that would be allowed in an M-1 District and that staff would provide that list to the council. There was no discussion about drafting an ordinance or eliminating the restrictions in the ordinance. Mr. Grayhill confirmed the prior statements.

Asked if Mr. Grayhill saw a copy of the draft ordinance before it went through the process, Mr. Grayhill stated he did not. He would not have agreed to the restrictions. Copies of the April 2, 2012 Plan Commission minutes, staff's report to the village board from the Plan Commission hearing, and the minutes from May 1, 2012 and May 15, 2012 Village Council hearings were provided by Ms. O'Keefe, who stated that nowhere within the documents was there an issue of such concerns being placed in writing about the restrictions to be placed. She said she found no record of the restrictions being discussed in a public setting.

Chairman Rickard interjected and asked if Ms. O'Keefe ever approached the village council or staff in the past to address her concerns as to what was or was not agreed upon wherein Ms. O'Keefe explained what took place, i.e., her client kept getting denied and so they decided to do some

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research into the matter. The reason she was bring this topic forward was that she wanted the commissioners to be aware of it “from an equity point of view” because her client was being forced to abide by something they did not agree to, yet go along in good faith, while other property owners were not expected to comply with the same restrictions. She stated this was her client’s chance to challenge the matter because her client did not even have a chance to file a petition.

Chairman Rickard invited the commissioners to ask questions. Mr. Thoman asked if anyone was present from MacNeil Real Estate at the village council meeting when the policy was voted on and approved? Mr. Grayhill stated he was present at the meeting and no restrictions were discussed which was why he had no need to speak. Ms. O’Keefe stated the public hearing was held on May 1, 2012 and she listened to the tape; no discussion of restrictions were voiced. Mr. Grayhill stated he was present and, again, said there was no discussion about restrictions.

Concern was raised by Mr. Thoman that this matter was moving into adjudication and outside the scope of this commission.

Chairman Rickard then opened up the meeting to public comment. No public comment received.

Ms. O’Keefe closed by summarizing how each of the three Standards for Approval were met and believed all three satisfied the requirements for the amendment and had no detrimental affect to the general health, welfare and safety of the public and there was no diminution of property values. Further supportive comments followed.

The chairman queried staff as to whether the uses that were excluded from this project, yet allowed in other M-1 districts, were due to the parking demand or because the uses in the specific project could be problematic. Ms. Leitschuh explained that the ratio 1.17 was for a low intensity M-1 use and there was the assumption that every tenant space would fall under the low intensity M-1 use but as soon as higher intensity uses were added, the 1.17 ratio increased to a 3.5 ratio per 1000 sq. feet and it became a multiplying effect and a future issue. She explained her response in greater detail.

Discussion moved toward some of the complaints that came from the site as it relates to parking. However, another commissioner pointed out that one of the witnesses stated there was no complaints received with regard to the site. Comments from the chairman included that as long as the parking worked and the uses were within the M-1 zoning, it should be fine. Staff even researched past documentation to find out how the restrictions changed and could not confirm it with documentation.

Mr. Quirk supported removing the restrictions, pointing out the Plan Commission, from its prior minutes, did not recommend the conditions and it was not an issue then and should not be an issue today. The applicant provided data to this commission and it was a hardship to them. As to how many uses would be added back to the list, Ms. Leitschuh proceeded to explain how the old ordinance had uses broken down by categories and provided examples of what types of uses would not be allowed, in general, under the M-1 zoning. Ms. Gassen pointed out, however, that some of the uses would have to come before the commission for approval anyway.

Per Ms. Johnson’s question on who would limit the restrictions for certain uses, Chairman Rickard indicated the Plan Commission could place restrictions on certain uses within the M-1 district that they felt could be problematic and the commission could recommend those uses be excluded.



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Mr. Thoman voiced that he was trying to determine council's reasoning for the restrictions, which was why he was returning to the interior/exterior parking issue. In fact, he pointed out there were 55 units that were potentially taking public parking away. In viewing the slide he questioned why staff and the petitioner did not address adding diagonal parking at the eastern edge of the property which could have added 25 to 30 more spaces. Ultimately, he believed there was some common ground where the petitioner and the village could possibly work together to add some diagonal parking as well as add some permeable pavers at the southern retention area of the property. Furthermore, he questioned whether the commission could even make a recommendation to the council because the petitioner was challenging the council's restrictions.

Asked if there was anything to be gained by continuing this hearing Ms. Leitschuh stated staff went thoroughly through the files and documentation, and had even spoken to the senior staff members regarding this matter. Mr. Thoman could not understand why Standard Nos. 2 and 3 would be approved for all of the M-1 properties surrounding the petitioner's site but not for the petitioner. He believed the current project met all three special use requirements just as it did four years ago and could not find a good reason to vote against it. He did, however want the petitioner to consider additional parking.

**WITH RESPECT TO FILE 16-PLC-0033, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL AND THAT COUNCIL CONSIDER REPEALING THE SPECIAL USE CONDITIONS ASSOCIATED WITH SPECIAL USE ORDINANCE 5625 IN ORDER TO APPROVE THE PETITIONER'S REQUEST, SUBJECT TO THE FOLLOWING TWO (2) CONDITIONS LISTED IN STAFF'S REPORT:**

- 1) THE PETITIONER SHALL PROVIDE THE VILLAGE WITH UPDATED PARKING VACANCY NUMBERS FOR THE ENTIRE SITE WITH EVERY NEW TENANT USE; AND**
- 2) IF FUTURE TENANT USES ARE ALLOWABLE SPECIAL USES, PER THE RESULTS OF THIS PETITION, AN APPLICATION OF THE PLAN COMMISSION FOR APPROVAL OF THE SPECIAL USE MUST STILL BE SOUGHT.**

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

**AYE: MR. QUIRK, MS. GASSEN, MS. HOGSTROM, MS. JOHNSON, MR. THOMAN,  
CHAIRMAN RICKARD**

**NAY: NONE**

**MOTION CARRIED. VOTE: 6-0**

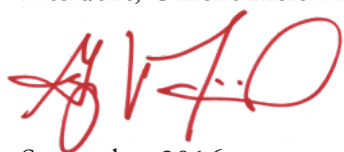
(The commission took at 3 minute break at 8:57 p.m. and reconvened at 9:00 p.m.)

EVALUATION REPORT

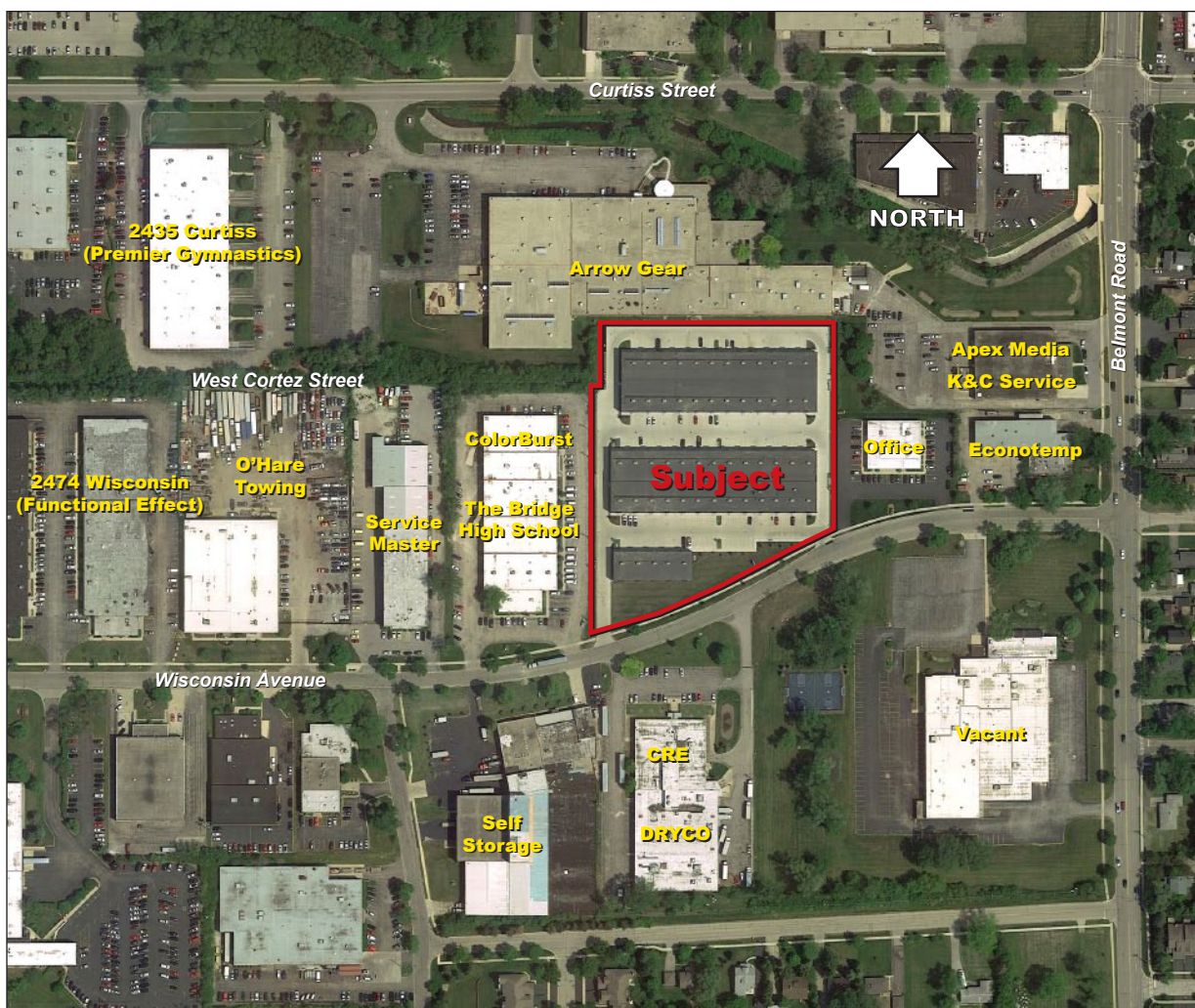
MacNeil Real Estate Holdings, LLC  
2300 Wisconsin Avenue, Downers Grove, IL

Evaluation of an application for an amendment to the Special Use Ordinance to remove use restrictions and allow all uses expressly permitted in the M-1 Light Manufacturing District

By: George V. Kisiel, AIA, AICP  
President, Okrent Kisiel Associates, Inc.



Date: September 2016



## I. Site Conditions

The applicant, MacNeil Real Estate Holdings, LLC, is seeking an amendment to an existing special use ordinance for the subject property located at 2300 Wisconsin Avenue, Downers Grove, Illinois. The special use currently in place was required under the previous zoning ordinance due to the construction of more than one building on a single zoning lot. The ordinance was passed by the Village Council on May 15, 2012 and included a condition that restricted the allowable uses on the site to a limited subset of uses permitted in the M-1 Light Manufacturing District. The amendment sought by the applicant would remove these use restrictions, allowing for permitted and special uses as outlined in §5.010 of the current Downers Grove Zoning Ordinance.

The subject property is located on the north side of Wisconsin Avenue,  $\pm 500$  feet west of its intersection with Belmont Avenue, and is part of the Ellsworth Business Park. It is less than one-half mile south of the Downers Grove - Belmont Station on the BNSF Metra West commuter



*Subject Property, View to East along North Property Line rail line.* The subject property is  $\pm 5.03$  acres ( $\pm 219,211$  square feet) in area and is irregular in shape. It has  $\pm 490$  feet of frontage on Wisconsin Avenue, and a lot depth ranging from  $\pm 386$  feet along its eastern property line to  $\pm 580$  feet along its western property line. The subject property slopes gradually from south to north, with a retaining wall containing the development along its northern property line and portions of its eastern and western property line. The grade of the development along the northern property line is approximately ten feet above the grade of the adjacent property to the north.



*Subject Property - View Looking West from Driveway*

The subject property is improved with three single-story, precast concrete buildings, completed in October of 2014. The existing buildings are  $\pm 21' - 8''$  in height and total  $\pm 89,800$  square feet in floor area. The development can accommodate a maximum of 55 units, ranging from 1,560 square feet to 1,750 square feet, which can be combined to create larger tenant spaces. Each unit has a separate entrance and a single overhead garage door, as well as multiple window openings. Concrete-paved parking areas surround the buildings, providing 95 outdoor parking spaces, with an additional 55 parking spaces provided via individual garages, for a total of 150 parking spaces (9 handicap spaces). An additional 55 parking spaces could be made available under certain scenarios by utilizing garage access drives in conjunction with garage bays to create tandem spaces. The parking lot is accessed via two entrances onto Wisconsin Avenue, one near the eastern property line and the other near the western property line. A monument sign, including a list of tenants, is located near the eastern-most entrance. Pedestrian walkways run along the full length of each tenant frontage.

The subject property is adequately lit by numerous wall-mounted light fixtures. There is ample, well-maintained interior landscaping, as well as additional landscaping along the southern edge of the property. Well-screened dumpster enclosures are provided at the east and west end of the northern-most buildings and at the west end of the southern-most building. The buildings are fully sprinklered and private fire hydrants are located throughout the development.

The property owner has numerous rules in place to ensure the property remains attractive and fully functional for all tenants. These rules include no overnight parking without approval, no outside parking or storage of trucks, and no outside storage of pallets, materials and supplies. Additional rules govern signage, lettering, trash disposal, and other aesthetic aspects of the development.

As developed, the subject property has an FAR of 0.4 and a parking ratio of 1.7 spaces per 1,000 square feet of floor area.

A parking study undertaken by KLOA, Inc. in-



*Subject Property - View toward East with Fastenal in Foreground*

dicates that during normal weekday business hours, parking ranges from 16 percent to 22 percent occupied. The peak parking demand is in the evening hours, influenced by Alter Brewing, the largest tenant of the subject property. At peak demand, parking is 33 percent occupied.

## II. Land Use

The subject property consists of 55 combinable tenant spaces, 29 of which are currently occupied by a total of 20 tenants. The building nearest Wisconsin Avenue is currently empty, while the middle building is 35% occupied and the rear building is 83% occupied. Alter Brewing, a brewer of craft beers with an accessory taproom, is the largest single tenant, occupying five units (8,250 square feet). The taproom's peak hours are offset from other uses within the development, occurring during the evening and on the weekend. The second largest tenant in the development is Fastenal, a fastener distributor occupying three units (4,950 square feet). Other uses on the subject property include a cabinet company, vending services, motor sports fabrication,

personal vehicle storage (interior), and assorted contractor and small office uses. 40,000 square feet, or roughly 45 percent, of the development's total floor area is currently unoccupied.

The subject property is located at the eastern end of Ellsworth Business Park, which was developed primarily in the 1960s and 1970s. The previous industrial use on the subject property was one of the earliest developments in the business park, predating historic aerial photography from 1961. The business park consists primarily of larger buildings, originally developed for single-tenant light industrial and office/research uses. Many buildings in the park have since been subdivided into multi-tenant facilities and several now include non-industrial/office uses. Such uses include The Bridge High School, a school for special needs students, located immediately west of the subject property (2318 Wisconsin), Functional Effect Fitness and Rehabilitation (2474 Wisconsin), Paws in Paradise (5108 Thatcher, pet boarding and grooming), and Premier Gymnastics Academy (2435 Cur-tiss). All are located within the M-1 district.



*Subject Property - View of Alter Brewing*

Immediately west of the subject property is a former-industrial building ( $\pm 48,000$  square feet) that includes The Bridge High School and ColorBurst Screen Printing. Immediately north of the subject property is a light-industrial facility ( $\pm 125,000$  square feet) that houses Arrow Gear (precision gear manufacturers). Immediately east of the subject property is a small office building ( $\pm 9,000$  square feet) whose current tenants are ABS Electric Contractors, Heartland Business Systems, and Morgan Engineering. Immediately south of the subject property is a light industrial/office facility that houses Content Recovery Experts and DRYCO (industrial climate

control). Southwest of the subject property is a self-storage/U-Haul rental facility. Immediately southeast of the subject property, fronting on Belmont Road, is the currently unoccupied Magnetrol facility (73,000 square feet on 9.23 acres), which they vacated in 2013.

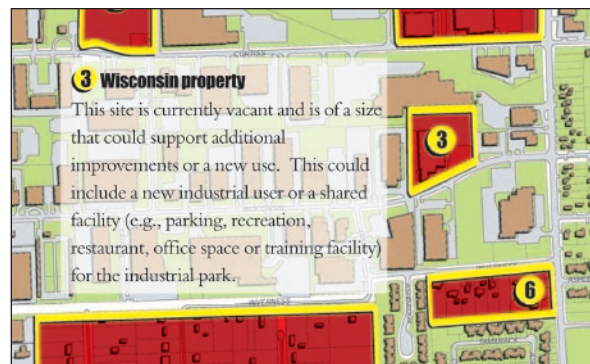
It is also worth noting two  $\pm 47,000$  square foot multi-tenant facilities located  $\pm 800$  feet west of the subject property at 2460-78 Wisconsin and 2500-18 Wisconsin. Of any facilities in the business park, these facilities are the most similar to the subject property in terms of operating characteristics and layout. The two facilities house a total of 16 tenants with a range



*Subject Property in Context*

of uses, including office/research, distribution, and fitness/rehabilitation. Both facilities have an FAR of 0.4 and a parking ratio of 1.7 spaces per 1,000 square feet, matching those of the subject property. The property immediately west of the subject property (2302-20 Wisconsin), housing The Bridge High School, has a similar layout to these facilities, with an FAR of .40 and a parking ratio of 2.2 spaces per 1,000 square feet. It should be noted that a substantial portion of parking along the eastern portion of this facility is dedicated to parking of commercial passenger vans.

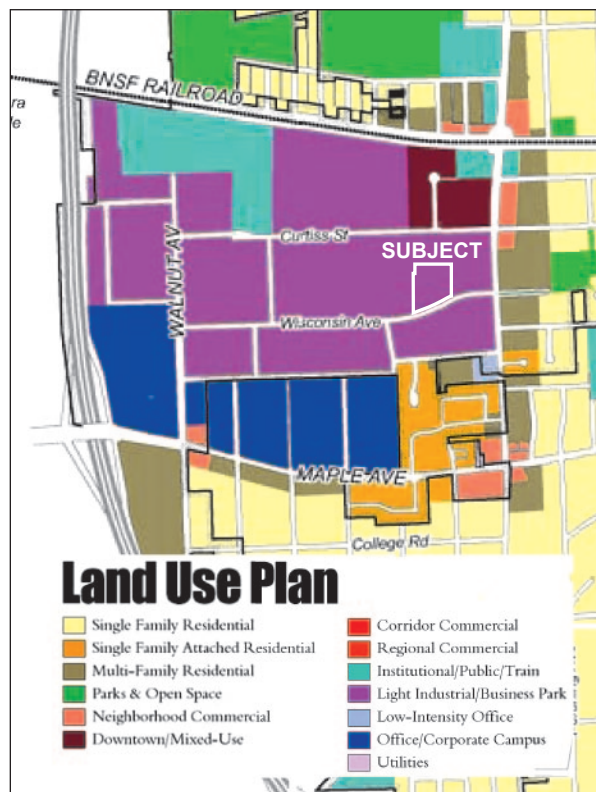
The future land use map accompanying the Village of Downers Grove Comprehensive Plan (adopted October 4, 2011) shows the area encompassing the Ellsworth Business Park as Light Industrial/Business Park. More specifically, the Belmont/Ellsworth Industrial Park Key Focus Area identifies the subject property as a “catalyst



*Belmont/Ellsworth Industrial Park - Catalyst Sites* site” and identifies it as a site that “is currently vacant and is of a size that could support additional improvements or a new use. This could include a new industrial user or a shared facility (e.g., parking, recreation, restaurant, office space or training facility) for the industrial park.” As is explained in more detail in Section IV of this report, the existing development and proposed amendment are consistent with the comprehensive plan.

### III. Zoning

The subject property is located in an M-1 Light Manufacturing District. The primary purpose of the M-1 zoning district, per §3.010(D) of the Village of Downers Grove Zoning Ordinance is “...to accommodate office, research and employment uses, including very low-impact industrial activities.” Permitted uses in the M-1 district include building service, building support service, consumer maintenance and repair, research service, financial service, business and professional office, medical and dental office, commercial vehicle repair, trucking and transportation terminals, warehouses, wholesale sales and distribution, artisan industrial, limited industrial, general industrial, public services, wireless telecommunications towers, animal boarding, animal grooming, veterinary care, and day care centers. Special uses include personal im-



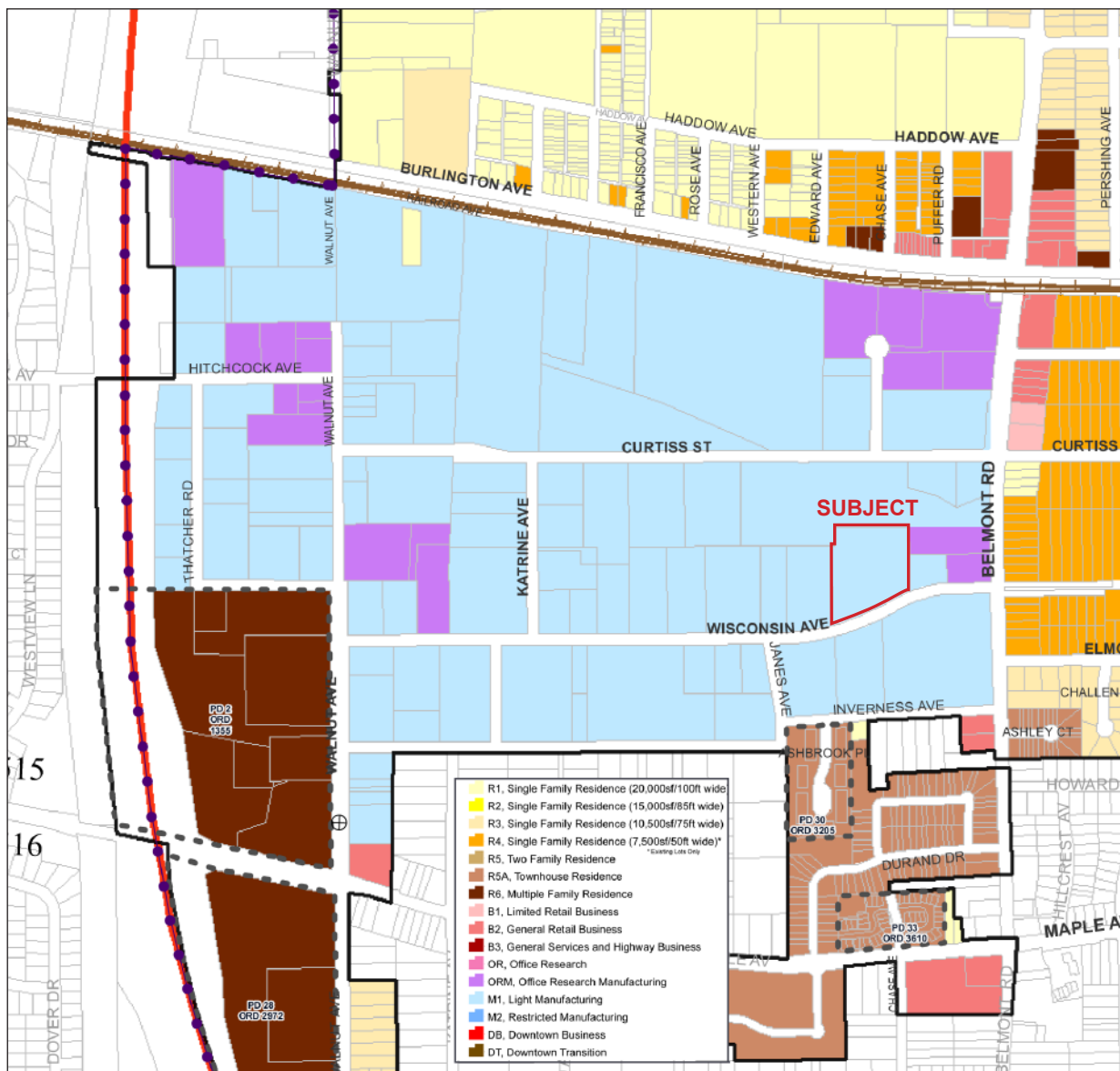
*Future Land Use Plan*

provement service, guns and firearms supplies, self-storage, trade schools, commercial vehicle sales and rental, fueling stations, personal vehicle repair, personal vehicle sales and rentals, vehicle body and paint shops, drive-thru banks, and intensive industrial.

The current zoning ordinance, which was enacted June 15, 2014, replaced the previous zoning ordinance, which was in place at the time the development was approved. The previous

zoning ordinance had been in effect since April 19, 1965. The updated zoning ordinance was a comprehensive rewrite and included the reclassification of many uses.

Under the previous zoning ordinance, the subject property was zoned M-1 Light Manufacturing District. A special use was required for the construction of more than one principal building on a single zoning lot. The development met all other zoning standards in place at the time



Current Zoning Context



of approval, and no changes to the development are proposed. The enacted special use ordinance, passed by the Village Council on May 16, 2012, included a condition that limited the allowable uses on the subject property to a severely constrained subset of permitted and special uses allowed under the zoning ordinance. Allowable uses were limited to professional and business offices, research and development facilities, light manufacturing, wholesale, warehousing, storage, distribution, and uses accessory to these uses.

Permitted uses in the M-1 district at the time of approval included animals hospitals, pounds and shelters, banks and financial institutions, day care centers, fuel and ice sales, gymnasiums, business and professional offices, light manufacturing, wholesale, warehousing, storage, distribution, public and community services adult entertainment establishments, telecommunications towers, and all uses permitted in the B-3 General Services and Highway Business District which were not permitted in other business districts. Special uses included automobile dealerships, automobile laundries, automobile repair, automobile service stations, drive-in banks, railroad and motor freight terminals, recycling facilities, and self-storage facilities.

The subject property is entirely surrounded by M-1 zoning, with the exception of a single parcel located near the northeastern corner of the subject property. This parcel, zoned ORM (Office Research Manufacturing), is improved with a light-industrial building that houses two tenants, Apex Media Solutions and K&C Services (machine tools servicing). Ellsworth Business Park is primarily zoned M-1, with the exception of scattered ORM zoning located near the western and eastern ends of the business park.

#### IV. Evaluation of Proposed Amendment to an Existing Special Use

The applicant seeks to amend existing Special Use Ordinance 5265 to remove the condition limiting allowable uses on the subject property. This change would allow the applicant the full range of permitted and special uses authorized in the M-1 Light Manufacturing District under the current Village of Downers Grove Zoning Ordinance, consistent with other similarly situated property. Any subsequent permitted or special uses on the subject property would still require proper approval pursuant to all relevant village ordinances, including the zoning ordinance.

Pursuant to §12.050 of the zoning ordinance, the Plan Commission is authorized to review and the Village Council is authorized to approve a special use or major amendment to an existing special use if it is determined "...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 conclusions."

##### ***§12.050(H) Approval Criteria***

*1. That the proposed use is expressly authorized as a special use in the district in which it is to be located;*

The existing special use was required under the zoning ordinance in place in 2012, due to the construction of multiple buildings on a single zoning lot, and was effectuated by the completion of construction under that ordinance in 2014. Under the updated zoning ordinance, no such requirement is in place and the existing development could be built as-of-right in full compliance with the

current ordinance.

All current uses on the subject property are authorized in the M-1 Light Manufacturing District, pursuant to the zoning ordinance at the time of their establishment and the current zoning ordinance. On January 13, 2015, Special Use Ordinance 5447 authorizing the expansion of Olsen Motorsports (personal vehicle repair and maintenance) was approved by the Village Council. Other uses on the subject property are in compliance with conditions imposed on the development by the existing special use ordinance (5265).

The requested amendment to Ordinance 5265 will simply allow the applicant to seek approval of uses (permitted and special uses) on the site in full compliance with all applicable standards of all village ordinances in place at the time that such approval is sought. The applicant is not seeking any rights beyond those already granted to other similarly situation properties in the same zoning district.

Given that all current uses on the subject property are expressly authorized, and that all proposed permitted and special uses are also expressly authorized, the proposal satisfies the first approval criteria. This is consistent with the opinion of the staff report dated August 1, 2016 that 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;*

While the applicant has made every effort to fully lease the development, it remains almost half vacant nearly two years after opening.

The applicant has had to turn away potential tenants such as personal trainers, motor vehicle uses and other prospective tenants, because the uses were rejected by the Village of Downers Grove as not being allowed under Ordinance 5265. The requested amendment would allow the applicant to pursue all permitted and special uses in the M-1 Light Manufacturing District, creating a broader range of leasing possibilities.

Permitted uses, by the very nature of their being permitted uses in the district, are deemed by the zoning ordinance to be compatible with other uses in the M-1 district. Special uses, while generally considered compatible with other uses in the M-1 district, require extra scrutiny on a case by case basis to determine suitability of the use. In either case, any future uses would still require the applicant to provide evidence to the village proving that the development had sufficient parking to support the proposed use prior to the issuance of an occupancy permit. In the case of special uses, the applicant would still be required to seek special use approval from the Village Council after Plan Commission review and provide evidence that the proposed use meets all applicable standards.

While the comprehensive plan states, generally, that Industrial/Business Park uses should be protected from non-compatible uses, the proposed amendment would only allow for uses already deemed compatible by the zoning ordinance and, in the case of special uses, additional special use approval. Several special uses that might be appropriate for the development, such as personal improvement uses and animal services, have been approved for other properties located within the Industrial/Business Park designated area of the

comprehensive plan with no observable negative impact.

More specifically, the comprehensive plan identifies the subject property as a catalyst site and states that it "...is currently vacant and is of a size that could support additional improvements or a new use. This could include a new industrial user or a shared facility (e.g., parking, recreation, restaurant, office space or training facility) for the industrial park." The site's designation as a catalyst site and its location at the eastern edge of the Ellsworth Business Park, near one of the main entrances to the park, make it a prime location for permitted uses and special uses that may be less traditionally industrial in nature.

The proposed amendment will allow the applicant more opportunities to lease available space, leading to a more successful development and increased tax revenue for the village. In contrast, continued use restrictions on the subject property could potentially lead to a development in a highly visible location that continues to be under-leased, projecting a negative image of the business park and the community as a whole.

Therefore, this amendment to existing Special Use Ordinance 5265 is consistent with the comprehensive plan, is in the interest of the public convenience and will contribute to the general welfare of the neighborhood and community.

The staff evaluation of this criteria states that, "While the uses permitted under the M-1 zoning district are compatible with the surrounding properties similarly zoned, the high density of this development creates the unique challenge of adequately allocating available parking across various uses and tenant spaces." The

measure of density for non-residential development is floor area ratio or FAR (the ratio of land to building floor area). The subject property is developed at a 0.4 FAR. This is less than half the maximum 1.0 allowed in the M-1 district and consistent with other similar multi-tenant buildings within the Belmont/Ellsworth Business Park. The parking ratio of 1.7 spaces per 1,000 square feet is also consistent with typical light industrial development and exceeds the general standard of 1.17 for light industrial indicated in the Downers Grove Zoning Ordinance.

With respect to "adequately allocating available parking across various uses and tenant spaces," the certificate of occupancy requirements that govern tenancy in multi-unit commercial buildings insures that adequate parking for each use on the site be accommodated. Additionally, staff cites "traffic, circulation and parking challenges" as the basis for the Village Council imposing additional use restrictions. The vehicular circulation of the site plan is efficient and clear in its configuration. Nearly all drive aisles are a minimum of 24'-0" consistent with typical parking area (and roadway) design. Turning radii at drive aisle intersections are adequate to handle both typical traffic and emergency vehicles as indicated in the exhibits submitted for initial special use approval (see staff report dated April 1, 2012). The traffic generation characteristics of the current uses on the properties and those allowed as permitted and special uses are typically modest given the size of the development and do not represent a significant impact on the surrounding street network as indicated in prior staff review (see staff report dated April 1, 2012). In fact, the earlier staff report identified no potential issues with traffic, circulation or parking, and fully supported its approval.

Finally, staff indicates that, “There are no site changes proposed that affect the original determination by Village Council.” The fact of the matter is that there have been significant changes to the site, though not physical in nature. The development is now over 50% leased and the parking study authored by KLOA indicates additional parking capacity is available for the currently unleased spaces. Staff indicates some apprehension due to the parking characteristics of Alter Brewing, but it should be noted that the peak hour for that use is different than peak hour demands for all the other current uses and typical permitted and special uses allowed in the M-1 district. Given the above, we disagree with staff’s conclusion that the second standard is not 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 existing development on the subject property is well-maintained and ownership has numerous rules in place regarding overnight parking, truck storage, and storage of materials that ensure that the property is safe, attractive and functions efficiently for both tenants and visitors to the property.

The staff report dated August 1, 2016 opines that the existing development is of “high density” and that “parking overspill and parking in access drives may result” if additional uses are allowed. It should be noted that the issuance of a certification of occupancy and compliance with all provisions of the zoning code would be required prior to the establishment of any new use (7.701 and 28.1.080). This compliance would require a determination by village staff

that sufficient parking exists on the site to support the use, pursuant to all parking standards found in Section 7 of the zoning ordinance. The proposed amendment to the existing special use would not alter that process. Additionally, many of the most auto-intensive uses allowed in the M-1 district, such as personal improvement uses, vehicle sales, vehicle repair, and vehicle body and paint finishing shops, are only permitted as special uses, adding an extra layer of scrutiny to the process.

The subject property’s FAR of 0.4 and parking ratio of 1.7 spaces per 1,000 square feet is comparable to similarly sited buildings such as 2302-20 Wisconsin, 2460-78 Wisconsin, and 2500-18 Wisconsin, which have no similar use restrictions.

The staff report dated April 2, 2012 states that staff originally anticipated that a parking ratio of 1.17 spaces per 1,000 square feet would be sufficient for the proposed development, and 1.7 spaces per 1,000 square feet were provided in the as-built development. According to the parking study undertaken by KLOA, a peak parking demand of 50 spaces currently exists on the subject property (Friday 9pm). This is a ratio of 1.0 spaces per 1,000 square feet for the leased portion of the development, leaving 2.5 spaces per 1,000 square feet for the unleased portion. During weekday business hours, the peak parking demand (Wednesday 4pm) was just 33 spaces. This is a ratio of 0.66 spaces per 1,000 square feet for the leased portion of the development, leaving 2.9 spaces per 1,000 square feet for the unleased portion. Even using staff’s parking requirement of 66 spaces for the currently leased portion of the development results in a ratio of 1.33 spaces per 1,000 square feet, leaving 2.0 spaces per 1,000 square feet for the unleased portion. While there may have

been initial concern that there was insufficient parking on the subject property to support the development, it is now clear with the development over half leased that the parking demand is even less intense than staff's more conservative 2012 estimates. The ratio of remaining parking to unleased space illustrates that shared parking is working and that ample parking for future uses exists.

If the village-imposed parking requirements for uses on the site were to approach the limit of available parking, it would be the applicant's responsibility to find users with a lower parking demand to fill any remaining space.

The proposed amendment will not free the applicant from any regulations that will cause the existing development to have any negative impacts on the health, safety or general welfare of or persons residing or working in the vicinity or be injurious to nearby property values or improvements. It will merely allow the applicant the right to pursue the approval of uses that are currently denied due to the previous use restrictions placed on the property. This flexibility will allow the applicant more opportunities to lease available space, helping to ensure the continued success of the development and the ability to maintain the property to its currently high standards, positively impact the business park and surrounding properties. In contrast, continuation of the use restrictions imposed by the special use could result in an inability to fully lease the property, resulting in a negative impact on the business park and the value of surrounding properties.

## VI. Conclusions

Based on the foregoing, it is respectfully submitted:

- 1) That the proposal is consistent with all applicable standards special uses.
- 2) That the proposal, will have no adverse impact.
- 3) That no public purpose of any kind would be served by its denial.