

VILLAGE OF DOWNERS GROVE
Report for the Village
12/12/2017

SUBJECT:	SUBMITTED BY:
3300 Finley Road - PUD Extension	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared granting a one-year extension to Planned Unit Development Ordinance #5597 to permit modifications to the existing sign plan at 3300 Finley Road.

STRATEGIC PLAN ALIGNMENT

The goals for 2017 – 2019 include *Strong and Diverse Local Economy*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the December 19, 2017 active agenda.

BACKGROUND

On December 20, 2016, the Village Council approved the establishment of a Planned Unit Development to approve a 915 square foot sign plan for the property at 3300 Finley Road. Per Section 12.040.C.7, a Planned Unit Development approval lapses in one year if an application for a PUD site plan approval has not been submitted. In this case, the petitioner has not submitted such a plan. Per the same section, the applicant may request a one-time extension for a period of one additional year by filing an extension request.

On December 6, 2017, the petitioner requested the Village Council grant the one-year extension of the Planned Unit Development. The petitioner has been in discussions with staff over the past few months and anticipates implementing the improvements in spring 2018.

ATTACHMENTS

Ordinance

Petitioner's request letter dated December 6, 2017

Ordinance No. 5597

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE EXTENSION
OF A PLANNED UNIT DEVELOPMENT SITE PLAN APPROVAL
TO ALLOW ADDITIONAL SIGNAGE AT
3300 FINLEY ROAD TO DECEMBER 20, 2018**

WHEREAS, on December 20, 2016, the Village of Downers Grove has previously approved Ordinance No. 5597 entitled "AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE THE PROPERTY AT 3300 FINLEY ROAD (LOCATED AT THE SOUTHWEST CORNER OF FINLEY ROAD AND OPUS PLACE) AS PLANNED UNIT DEVELOPMENT #57 TO ALLOW ADDITIONAL SIGNAGE"; and

WHEREAS, pursuant to the Downers Grove Zoning Ordinance, Section 28.12.040(c)(7), the Village Council is authorized to extend the site plan approval expiration period up to one (1) year. Requests for extensions must be submitted to the Community Development Director and forwarded to the Village Council for a final decision; and

WHEREAS, the owner of the Property has made a request for an extension of the improvements authorized under Ordinance No. 5597; and

WHEREAS, the Village Council has considered such request and has determined that it is in the best interest of the Village of Downers Grove to extend the Planned Unit Development approval as requested.

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

SECTION 1. That the Planned Unit Development approval as set forth in Ordinance No. 5597, permitting additional signage at 3300 Finley Road, is hereby extended to December 20, 2018.

SECTION 2. That this ordinance shall be in full force an effect from and after its adoption in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk



111 East Wacker Drive, Suite 2800 / Chicago, Illinois 60601
Tel: 312.527.4000 / Fax: 312.527.4011
www.taftlaw.com

GRAHAM C. GRADY
312-836-4036
ggrady@taftlaw.com

IN REFERENCE TO:
F29316-GN003

December 6, 2017

VIA E-MAIL

Stan Popovich
Planning Manager
Village of Downers Grove
801 Burlington Ave.
Downers Grove, IL 60515

**Re: 3300 Finley Rd.
Fry's Electronics, Inc.
ORD 2016-7129 and ORD 2016-7130**

Dear Mr. Popovich:

On behalf of Fry's Electronics, Inc. ("Fry's"), this letter is to request an extension of one year, until December 20, 2018, of the requirement that the applicant for the Planned Unit Development ("PUD") associated with the above-referenced Ordinances file an application for PUD site plan approval within one year of the date of approval of the PUD development plan and zoning map amendment. Fry's has been unable to file such application prior to date. It is fully Fry's intention to file such application within the next twelve months and to complete the modifications to the signs as provided in the PUD in 2018. Fry's is currently identifying appropriate contractors to implement the modifications to the property as contained in the approvals of the PUD.

Please let me know if you need any additional information or if you have any questions, comments or suggestions. Thank you for your consideration.

Sincerely,

TAFT STETTINIUS & HOLLISTER LLP


Graham C. Grady

GCG/gcg
Enclosure

cc: Fry's Electronics, Inc.

21622240.2

3300 Finley PUD #57
16-PLC-0044**ORDINANCE NO. 5597**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING
ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS
TO DESIGNATE THE PROPERTY AT 3300 FINLEY ROAD
(LOCATED AT THE SOUTHWEST CORNER OF FINLEY ROAD AND OPUS PLACE)
AS PLANNED UNIT DEVELOPMENT #57
TO ALLOW ADDITIONAL SIGNAGE**

WHEREAS, the owner(s) of the property located on the southwest corner of Finley Road and Opus Place, commonly known as 3300 Finley Road, Downers Grove, IL (PIN 06-31-101-017); (hereinafter referred to as the "Property" and legally described below) have requested that such real estate be designated as a Planned Unit Development to be known as "3300 Finley Road Planned Unit Development #57" pursuant to the provisions of the Comprehensive Zoning Ordinance of the Village of Downers Grove, as set forth in Chapter 28 of the Downers Grove Municipal Code (hereinafter referred to as the "Zoning Ordinance"); and

WHEREAS, the owner(s) have also filed a written petition with the Village conforming to the requirements of the Comprehensive Zoning Ordinance and requesting approval of the Fry's plans for construction of a tollway monument sign as provided under the Comprehensive Zoning Ordinance; and,

WHEREAS, the Property is to be zoned B-3/PUD, General Services and Highway Business District with a Planned Unit Development pursuant to the Downers Grove Zoning Ordinance; and,

WHEREAS, the Plan Commission of the Village of Downers Grove has given the required public notice and has conducted a public hearing on November 7, 2016 respecting a final plan for the 3300 Finley Road Planned Unit Development #57 on the Property in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove and has reported its findings and recommendations to the Village Council of the Village of Downers Grove pursuant to the provisions of the Zoning Ordinance; and,

WHEREAS, the Plan Commission recommended that the Property be designated as a Planned Unit Development and authorizing a permitted use, with approval of the 3300 Finley Road planned unit development plans as the documents submitted are consistent with the requirements of the Comprehensive Zoning Ordinance and the character of the planned unit development; and

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

SECTION 1. That the provisions of the preamble are incorporated into this ordinance.

SECTION 2. The following documents are attached hereto and incorporated herein by reference as a part of this ordinance as Group Exhibit A, and are hereafter collectively referred to as the "3300 Finley Road Planned Unit Development #57" plans, all of which are incorporated by reference.

SECTION 3. That the Village Council hereby finds as follows:

(1) That Planned Unit Development #57 meets the requirements of the Zoning Ordinance as follows:

- a. the zoning map amendment review and approval criteria of Sec. 28.12.030.I;
- b. the proposed PUD development plan and map amendment would be consistent with the comprehensive plan and any other adopted plans for the subject area;
- c. the PUD development plan complies with the PUD overlay district provisions of Sec. 28.4.030;
- d. the proposed development will result in public benefits that are greater than or at least equal to those that would have resulted from development under conventional zoning regulations; and
- e. the appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public.

(2) That the proposed development conforms with the requirements of the Comprehensive Zoning Ordinance.

SECTION 4. The Zoning Ordinance is hereby amended by adding to the Zoning Map the boundaries of the following described real estate and by designating said real estate as a Planned Unit Development under the title and style "3300 Finley Road Planned Unit Development #57" to be stated on the face of said map within the boundaries of the real estate hereinafter described, to wit:

☐ SEE ATTACHED EXHIBIT A

Commonly known as 3300 Finley Road, Downers Grove, IL 60515
PIN 06-31-101-017

SECTION 5. The 3300 Finley development plans be and are hereby approved to permit a Planned Unit Development to allow additional signage, subject to the conditions and restrictions contained therein, and subject to the following:

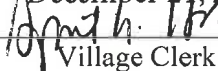
1. The proposed Planned Unit Development shall conform to the drawings submitted by the petitioner dated October 26, 2016 and Elevation Drawing dated November 21, 2016.

SECTION 6. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this ordinance be and are hereby repealed.

SECTION 7. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Passed: December 20, 2016

Published: December 21, 2016

Attest: 
Village Clerk

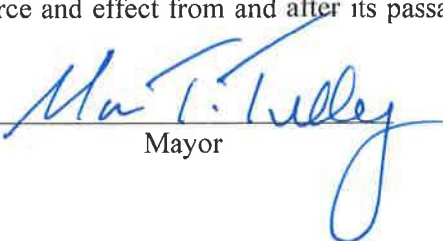

Mayor

EXHIBIT A

THAT PART OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS : COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST 1/4 WITH THE WEST LINE OF FINLEY ROAD ACCORDING TO THE PLAT OF DEDICATION RECORDED JULY 15, 1959 AS DOCUMENT NO. 931536, SAID WEST LINE OF FINLEY ROAD BEING A LINE 50.00 FEET. AS MEASURED AT RIGHT ANGLES, WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST 1/4 (BEARINGS AND DISTANCES REFERRED TO IN THIS LEGAL DESCRIPTION AS "RECORD" ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM-EAST ZONE AND SHOWN ON PLATS OF SURVEY PREPARED BY THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY); THENCE SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST ALONG SAID WEST LINE OF FINLEY ROAD, 514 .02 FEET TO A POINT FOR A PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST ALONG SAID WEST LINE OF FINLEY ROAD. 1014.96 FEET TO A POINT OF CURVATURE IN SAID WEST LINE; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID FINLEY ROAD, BEING A CURVED LINE CONVEX SOUTHEASTERLY, HAVING A RADIUS OF 2146.85 FEET AND BEING TANGENT TO SAID LAST DESCRIBED LINE AT SAID LAST DESCRIBED POINT, AN ARC DISTANCE OF 755.84 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF THE NORTH-SOUTH TOLLWAY (THE CHORD OF SAID ARC BEARS SOUTH 09 DEGREES 41 MINUTES 54 SECONDS WEST, 751.94 FEET); THE FOLLOWING 8 COURSES ARE ALONG THE EASTERLY LINE OF THE NORTH-SOUTH TOLLWAY; THENCE NORTH 74 DEGREES 14 MINUTES 00 SECONDS WEST, 186.94 FEET (RECORD NORTH 76 DEGREES 24 MINUTES 30 SECONDS WEST, 186.84 FEET) TO A POINT 526.25 FEET EAST OF STATION 1245+58.12 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 62 DEGREES 16 MINUTES 01 SECONDS WEST, 178.70 FEET (RECORD NORTH 64 DEGREES 26 MINUTES 31 SECONDS WEST, 178.71 FEET) TO A POINT 367.92 FEET EAST OF STATION 1246+40.98 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY. AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 29 DEGREES 38 MINUTES 25 SECONDS WEST (RECORD NORTH 31 DEGREES 48 MINUTES 55 SECONDS WEST), 268.82 FEET TO A POINT 234.54 FEET EAST OF STATION 1248+74.36 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 11 DEGREES 03 MINUTES 31 SECONDS WEST, 230.01 FEET (RECORD NORTH 13 DEGREES 13 MINUTES 59 SECONDS WEST, 230.00 FEET) TO A POINT 190.00 FEET EAST OF STATION 1251+00 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 02 DEGREES 00 MINUTES 58 SECONDS EAST, 300.18 FEET (RECORD NORTH 00 DEGREES 09 MINUTES 27 SECONDS WEST, 300.19 FEET) TO A POINT 200.00 FEET EAST OF STATION 1254+00 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 01 DEGREES 03 MINUTES 43 SECONDS EAST, 300.06 FEET (RECORD NORTH 01 DEGREES 06 MINUTES 43 SECONDS WEST, 300.07 FEET) TO A POINT 205.00 FEET EAST OF STATION 1257+00 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 03 DEGREES 41 MINUTES 34 SECONDS EAST (RECORD NORTH 01 DEGREES 31 MINUTES 09 SECONDS EAST), 751.51 FEET TO A POINT 252.00 FEET EAST OF STATION 1264+50.00 ON

THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE NORTH 05 DEGREES 29 MINUTES 54 SECONDS EAST (RECORD NORTH 03 DEGREES 19 MINUTES 34 SECONDS EAST). 58.17 FEET ALONG A STRAIGHT LINE, THE NORTHERLY EXTENSION OF WHICH RUNS TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3 1,283.00 FEET EAST OF THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE SOUTH 84 DEGREES 30 MINUTES 06 SECONDS EAST, 46.23 FEET; THENCE SOUTH 23 DEGREES 56 MINUTES 52 SECONDS WEST, 26.70 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 24 SECONDS EAST. 42.11 FEET; THENCE SOUTH 41 DEGREES 10 MINUTES 43 SECONDS EAST. 50.04 FEET; THENCE SOUTH 29 DEGREES 22 MINUTES 44 SECONDS EAST. 79.90 FEET; THENCE SOUTH 38 DEGREES 18 MINUTES 06 SECONDS EAST, 102.90 FEET; THENCE SOUTH 67 DEGREES 40 MINUTES 00 SECONDS EAST, 45.52 FEET; THENCE SOUTH 78 DEGREES 29 MINUTES 35 SECONDS EAST, 67.95 FEET; THENCE SOUTH 88 DEGREES 03 MINUTES 51 SECONDS EAST, 95.54 FEET; THENCE NORTH 83 DEGREES 49 MINUTES 53 SECONDS EAST, 57.95 FEET; THENCE NORTH 77 DEGREES 36 MINUTES 17 SECONDS EAST, 56.30 FEET; THENCE NORTH 73 DEGREES 54 MINUTES 04 SECONDS EAST, 44.32 FEET; THENCE NORTH 62 DEGREES 59 MINUTES 28 SECONDS EAST, 38.32 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS, EXCEPTING

THEREFROM THAT PART CONVEYED BY SPECIAL WARRANTY DEED RECORDED JUNE 28, 2005 AS DOCUMENT R2005-136239 AND RE-RECORDED SEPTEMBER 9, 2005 AS DOCUMENT R2005-199446. DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST 1/4 WITH THE WEST LINE OF FINLEY ROAD ACCORDING TO THE PLAT OF DEDICATION RECORDED JULY 15, 1959 AS DOCUMENT NO. 93 1536, SAID WEST LINE OF FINLEY ROAD BEING A LINE 50.00 FEET, AS MEASURED AT RIGHT ANGLES, WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST 1/4 (BEARINGS AND DISTANCES REFERRED TO IN THIS LEGAL DESCRIPTION AS "RECORD" ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM - EAST ZONE AND SHOWN ON PLATS OF SURVEY PREPARED BY THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY): THENCE SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST. ALONG SAID WEST LINE OF FINLEY ROAD, 514.02 FEET TO A POINT FOR A PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST, ALONG SAID WEST LINE OF FINLEY ROAD, 460.72 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 43 SECONDS WEST, A DISTANCE OF 92.87 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 125.00 FEET AND AN ARC LENGTH OF 59.11 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY, ALONG A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 125.00 FEET AND AN ARC LENGTH OF 58.78 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 36 MINUTES 37 SECONDS WEST, A DISTANCE OF 410.23 TO A POINT ON THE EASTERLY LINE OF THE NORTH- SOUTH TOLLWAY; THENCE NORTHEASTERLY, ALONG THE EASTERLY

LINE OF SAID NORTH - SOUTH TOLLWAY FOR THE FOLLOWING 2 COURSES: 1) THENCE NORTH 03 DEGREES 41 DEGREES 34 MINUTES EAST, A DISTANCE OF 679.83 FEET TO A POINT BEING 252.00 FEET EASTERLY OF STATION 1264 + 50.00 ON THE CENTER LINE OF THE NORTH-SOUTH TOLLWAY. AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; 2) THENCE NORTH 05 DEGREES 29 MINUTES 54 SECONDS EAST, A DISTANCE OF 58.17 FEET ALONG A STRAIGHT LINE, THE NORTHERLY EXTENSION OF WHICH RUNS TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 31 BEING 283.00 FEET EAST OF THE CENTER LINE OF THE NORTH - SOUTH TOLLWAY, AS MEASURED AT RIGHT ANGLES TO SAID CENTER LINE; THENCE SOUTH 84 DEGREES 30 MINUTES 06 SECONDS EAST. A DISTANCE OF 46.23 FEET; THENCE SOUTH 23 DEGREES 56 MINUTES 52 SECONDS WEST, A DISTANCE OF 26.70 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 24 SECONDS EAST, A DISTANCE OF 42.11 FEET; THENCE SOUTH 41 DEGREES 10 MINUTES 43 SECONDS EAST, A DISTANCE OF 50.04 FEET; THENCE SOUTH 29 DEGREES 22 MINUTES 44 SECONDS EAST, A DISTANCE OF 79.90 FEET; THENCE SOUTH 38 DEGREES 18 MINUTES 06 SECONDS EAST, A DISTANCE OF 102.90 FEET; THENCE SOUTH 67 DEGREES 40 MINUTES 00 SECONDS EAST. A DISTANCE OF 45.52 FEET; THENCE SOUTH 78 DEGREES 29 MINUTES 35 SECONDS EAST, A DISTANCE OF 67.95 FEET; THENCE SOUTH 88 DEGREES 03 MINUTES 51 SECONDS EAST, A DISTANCE OF 95.54 FEET; THENCE NORTH 83 DEGREES 49 MINUTES 53 SECONDS EAST, A DISTANCE OF 57.95 FEET; THENCE NORTH 77 DEGREES 36 MINUTES 17 SECONDS EAST, A DISTANCE OF 56.30 FEET; THENCE NORTH 73 DEGREES 54 MINUTES 04 SECONDS EAST, A DISTANCE OF 44.32 FEET; THENCE NORTH 52 DEGREES 59 MINUTES 28 SECONDS EAST. A DISTANCE OF 38.32 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 3300 FINLEY ROAD, DOWNERS GROVE, IL 60515

PIN: 06-31-101-017