

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**5/21/2019**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
2125 Ogden Avenue - Special Use Extension	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

An ordinance has been prepared granting a six-month extension to Special Use Ordinance #5691 to permit the construction of a drive-through restaurant facility and a fueling station at 2125 Ogden Avenue.

**STRATEGIC PLAN ALIGNMENT**

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

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

At the discretion of the Village Council.

**BACKGROUND**

On May 1, 2018, the Village Council approved a Planned Unit Development, two Special Uses and an alley vacation to permit the construction of a 2,645 square foot drive-through restaurant facility and a fueling station with a 2,100 square foot convenience store at 2125 Ogden Avenue. At this time, the petitioner has yet to receive a building permit to construct the two buildings. Per Section 12.050.I of the Zoning Ordinance, a special use approval will lapse after one year if a building permit has not been issued.

Since their approval, the petitioner has been actively pursuing a building permit to construct both the drive-through restaurant facility and fueling station with the convenience store. The proposed work has experienced delays due to changes on the project management team.

On April 10, 2019, the petitioner requested that the Village Council grant a six-month extension of the Special Use approval. The Village Council is authorized to extend the expiration period for good cause on up to two separate occasions, by up to six months each. This is the first request to extend the expiration period. Approval of the extension would allow the applicant until October 31, 2019 to obtain a building permit. A building permit is good for one year after its issuance.

However, if the Village Council does not authorize an extension of the special uses, no substantially similar application may be accepted for the same property for 12 months from the date of denial by the Village Council. The Village would not be able to accept a substantially similar application until June 5, 2020. A similar application would be required to go through the public hearing process again which typically takes

three to four months and subsequently a building permit process whose timeline varies based on the complexity of the project.

**ATTACHMENTS**

Petitioner's request letter dated April 10, 2019  
Ordinance No. 5691

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE EXTENSION  
OF SPECIAL USES TO PERMIT CONSTRUCTION OF A DRIVE-THROUGH  
RESTAURANT FACILITY AND A FUELING STATION AT  
2125 ODGEN AVENUE TO OCTOBER 31, 2019**

WHEREAS, on May 1, 2018, the Village of Downers Grove previously approved Ordinance No. 5691 entitled "AN ORDINANCE AUTHORIZING SPECIAL USES FOR 2125 ODGEN AVENUE TO PERMIT A DRIVE-THROUGH RESTAURANT FACILITY AND FUELING STATION"; and

WHEREAS, pursuant to the Downers Grove Zoning Ordinance, Section 28.12.050(I), "The Village Council is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 6 months each. Requests for extensions must be submitted to the Community Development Director and forwarded to the Village Council for a final decision";

WHEREAS, the owner of the Property has made a request for an extension of the improvements authorized under Ordinance No. 5691; 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 Special Use approval as requested.

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

SECTION 1. That the Special Use approval as set forth in Ordinance No. 5691, permitting construction of a drive-through restaurant facility and fueling station at 2125 Ogden Avenue, is hereby extended to October 31, 2019.

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



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

10 April 2019

Per our conversation we are respectfully requesting an extension for the special use for Power Mart Real Estate Corp. (Power) pursuant to Downers Grove zoning ordinance 12.0505 (I)(2). Under the ordinance the village council is "authorized to extend the expiration period for good cause on up to 2 separate occasions."

We respectfully request that Power be allowed to make its request to the Village Council on May 7, 2019.

Power has a good cause for requesting a special use beyond the year time allotted.

The permit submittal was delayed mostly because the previous civil engineer, C.M. Lavoie & Associates (LaVoie), was originally leading the design team and sometime last summer decided to discontinue their work on the project.

Power Mart had to begin anew and began soliciting help and proposals from other civil engineering firms and eventually contacted Jacob & Hefner in the fall of 2018 to pick up where the previous civil engineer left off. Lavoie last worked on this specific project in October of 2018.

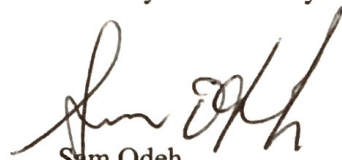
Once on board, Jacob & Hefner had to begin their design work from scratch which required extensive coordination with Ownership, the project architect, MEP consultants and other design team members, including those responsible for the design of the fuel pumps, fuel canopy, and other items related to the overall project design. Additionally, Jacob & Hefner needed to review all previous correspondence and review comments from the Village of Downers Grove, Illinois Department of Transportation, DuPage County Division of Transportation and other jurisdictional agencies. Further, bad weather conditions this winter did not allow the project to proceed as rapidly as we would have liked.

Ultimately, a revised permit submittal was made to the Village of Downers Grove on April 10, 2019. We foresee this being the last request submittal.

Again, we thank you for your consideration and are happy to discuss any issues with you and look forward to completing the permit process in the very near future.

Sincerely,

Sean O'Leary  
Corporate Affairs  
Government Affairs



Sam Odeh  
President  
Power Mart Real Estate

**ORDINANCE NO. 5691****AN ORDINANCE AUTHORIZING SPECIAL USES  
FOR 2125 OGDEN AVENUE TO PERMIT  
A DRIVE-THROUGH RESTAURANT FACILITY AND A FUELING STATION**

WHEREAS, the following described property, to wit:

LOTS 4, 5, 6, 7 AND 8 IN BLOCK 3 IN ARTHUR T. MCINTOSH AND COMPANY'S BELMONT COUNTRY CLUB ADDITION, BEING A SUBDIVISION OF PARTS OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND SECTION 6, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 18, 1927 AS DOCUMENT 235837, IN DUPAGE COUNTY ILLINOIS

Commonly known as: 2125 Ogden Avenue, Downers Grove, IL 60515  
PIN: 08-01-405-042

ALONG WITH

THAT PART OF THE EAST-WEST ALLEY LYING SOUTH OF AND CONTIGUOUS TO LOTS 4 THROUGH 8, INCLUSIVE, IN BLOCK 3 IN ARTHUR T. MCINTOSH AND COMPANY'S BELMONT COUNTRY CLUB ADDITION, BEING A SUBDIVISION OF PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND SECTION 6, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 18, 1927 AS DOCUMENT 235837, IN DUPAGE COUNTY, ILLINOIS

Commonly known as a public alleyway immediately south of 2125 Ogden Avenue, Downers Grove, IL 60515 bearing PIN 08-01-405-042

(hereinafter referred to as the "Property") is presently zoned "*B-3/PUD, General Services and Highway Business District with a Planned Unit Development Overlay*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing for the petition on March 5, 2018 and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

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

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

1. That the proposed uses are expressly authorized as Special Uses in the district in which they are to be located;

2. That the proposed uses at the proposed location are necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
3. That the proposed uses 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.

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

SECTION 1. That Special Uses on the Property are hereby granted to allow construction of a drive through restaurant facility and a fueling station.

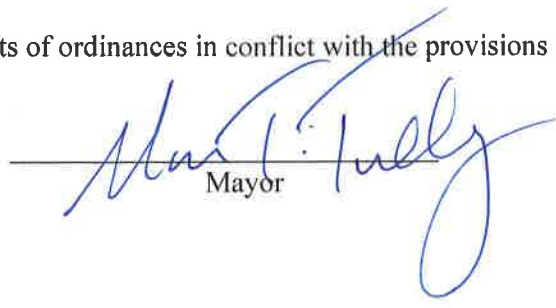
SECTION 2. This approval is subject to the following conditions:

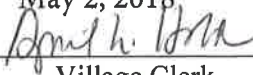
1. The Planned Unit Development, Special Uses, and Alley Vacation shall substantially conform to the staff report; engineering and landscape drawings prepared by C.M. Lavoie & Associates, Inc. dated January 16, 2018 and last revised on February 15, 2018, and architectural plans prepared by Kevin Drake Architecture, LLC dated December 4, 2017 and last revised January 23, 2018, except as such plans may be modified to conform to the Village codes and ordinances.
2. No liquor sales shall be allowed on the property pursuant to Chapter 3 of the Downers Grove Municipal Code.
3. The buildings shall be equipped with an automatic fire suppression system and an automatic and manual fire alarm system.
4. All proposed signage shall comply with the requirements of the Zoning Ordinance. Signage shall be reviewed at the time of the building permit application.
5. No building permits can be issued until the official Plat of Vacation and Plat of Subdivision are recorded.
6. Final approval shall be received from DuDOT and IDOT prior to issuance of a building permit.
7. The petitioner shall pay \$10,000 for the vacated alley.
8. The convenience store building and restaurant building shall be constructed at the same time. A certificate of occupancy for each building may only be issued in conjunction with the issuance of a certificate of occupancy for the other building.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Uses are 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 Uses granted herein.

SECTION 4. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

  
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Mayor

Passed: May 1, 2018  
Published: May 2, 2018  
Attest:   
\_\_\_\_\_  
Village Clerk

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