VILLAGE OF DOWNERS GROVE
Report for the Village
12/10/2019

SUBJECT:	SUBMITTED BY:
844 Warren Avenue - Planned Unit Development	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The petitioner is requesting approval for a Planned Unit Development and rezoning to construct a restaurant with a year-round outdoor seating area at 844 Warren Avenue.

STRATEGIC PLAN ALIGNMENT

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

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the December 17, 2019 active agenda per the Plan Commission's unanimous 8:0 positive recommendation. The Plan Commission found that the proposal is compatible with the Comprehensive Plan, the Downtown Business District Design Guidelines, meets all of the standards for a Planned Unit Development and subsequent Zoning Map Amendment found in Section 28.12.040 and Section 28.12.030 respectively.

BACKGROUND

Property Information & Zoning Request

The property is zoned DB, Downtown Business and the existing building is a former personal vehicle repair and maintenance facility. The petitioner is proposing to improve the property by adding 4,065 square feet to the existing 2,340 square-foot single story building footprint. The existing and proposed facades will both include the use of stucco, brick, veneer, steel, and glass.

The petitioner is requesting a Planned Unit Development approval to operate a new eating and drinking establishment with a year-round outdoor dining area. Indoor seating will be provided along with four golf simulator modules. By proposing to remove all onsite parking, the primary building façade will be entirely surrounded by a year-round outdoor seating area and designated space for game areas. Landscaping is provided along the west and southern property lines using a mix of planter boxes, shrubs and grasses. The northern property line includes an 8-foot solid fence. Additionally, the existing retaining wall along the northern and western property line will be extended along southern property line to create a flat outdoor area. The outdoor open space area will be covered by artificial turf grass.

Compliance with the Comprehensive Plan

The site is within the Downtown Key Focus Area. The downtown focus area concepts include:

- Redevelopment of non-pedestrian oriented businesses
- Development that is pedestrian-oriented
- Encouragement of outdoor seating areas for restaurants and entertainment
- Promotion of a diverse mix of uses including dining and entertainment uses
- Consolidation and reduction of curb cuts
- Promotion and encouragement of shared parking arrangements and facilities, wherever feasible, to minimize the land area within downtown dedicated to parking
- Provide detailed parking study in downtown when redevelopment occurs

The proposal redevelops a site at the northeast entrance to the downtown and provides a pedestrian-oriented development. The Compressive Plan states that the downtown should be characterized as an environment within which to shop, dine, work and live. This proposal has the potential to encourage visitors to make several stops by parking in the Village's public parking facilities during a trip to the downtown. Additionally, the proposal could potentially encourage commuters to stay in the downtown longer. The proposed development is consistent with the intent of the Comprehensive Plan.

Compliance with the Zoning Ordinance

The subject property is zoned DB, Downtown Business. The eating and drinking establishment business is a permitted use in the Downtown Business Zoning District that does not require parking. A table is provided in the Staff Report summarizing the development regulations for Downtown Business zoning district, in addition to the applicable calculations for the proposed improvements.

As depicted in the proposed site plan and elevations, the petitioner is proposing to keep the existing building and include a new building addition. The proposal includes a number of items that will require relief as shown in Table 1 below:

Table 1 – List of Deviations with Petitioner's Rationale

Improvement	Relief Request	Petitioner's Rationale
Build-to-Zone (BTZ) (Warren Avenue)	Requirement: Percent of Building in Primary Street BTZ: 80 Percent *Proposed: 0 Percent*	Redevelopment of the existing building, located on the far northeast corner of the property, coupled with the unique outdoor dining experience impedes the development of this site to meet the BTZ requirements.
Build-to-Zone (Washington Street)	Requirement: Percent of Building in Secondary Street BTZ: 30 *Proposed Setback: 0 %*	Redevelopment of the existing building, located on the far northeast corner of the property, coupled with the unique outdoor dining experience impedes the development of this site to meet the BTZ requirements.
Build-to-Zone (Corner Lots)	Requirement: On corner lots, the building's façade must be within the required build-to zone for the first 25 feet extending from the intersection of the two rights-of way. *Proposed: 0 Feet*	Redevelopment of the existing building, located on the far northeast corner of the property, coupled with the unique outdoor dining experience impedes the development of this site to meet the BTZ requirements.

Height	Requirement: 32 Feet minimum *Proposed Height: 14.92 Feet*	The currently vacant site was formerly used as a vehicle repair shop and there is some environmental contamination on the site. The property was issued a No Further Remediation (NFR) letter from the Illinois Environmental Protection Agency (IEPA). The NFR letter placed land use limitations on this site to industrial and commercial uses only. For this reason a mixed-use development with a residential component, that would meet the minimum height requirements, is not an option.
Refuse Container	Requirement: Permitted in side and rear yards. *Proposed Yard: Street*	Based on the existing location of the building, proposed addition location, and the need for an egress path along the side and rear of the building the proposed location for the enclosure is the only available location.
Fencing	Requirement: 8-Foot Open Design Fence Permitted in street yards. *Proposed Design: Solid fencing in street yard.*	With the location of the outdoor patio, the petitioner desires to add screening to create privacy fence along the north lot line for customers and existing residents on the property to the north.
Yard Features	Requirements: Permitted in side and rear yards. *Proposed Yard: Street*	The unique outdoor dining concept and existing location of the building places all available open space in the street yard. In order to program the outdoor space relief is required.
Fire Pits	Requirements: Permitted in side and rear yards. *Proposed Yard: Street*	The unique outdoor dining concept and existing location of the building places all available open space in the street yard. In order to program the outdoor space relief is required.
Year Round Outdoor Seating	Permitted: Between March 15 and November 15 *Proposed: Year-round*	To maximize on the unique outdoor dining concept and design layout requires the availability of year-round outdoor dining is required.

Compliance with the Downtown Business Design Guidelines

The petitioner is proposing to comply with the Downtown Design Guidelines by:

- Proposing construction that will contain high-quality building materials that differentiate the base, middle, and top of the building.
- Maintaining and painting the original brick and stucco.
- Utilizing both brick and stucco materials in the building addition to complement the existing façade.
- Proposing a year-round outdoor café that will contribute to the continuation of the street wall.
- Incorporating the use of windows in both facades to provide interest and activity at the street.
- Differentiating both entries clearly from the rest of the building using brick piers and lanterns.
- Incorporating a cornice in the building addition to create visual interest.

Parking

The petitioner completed a parking demand study for the proposed development. The study examined the peak parking demand and the available parking in nearby downtown public parking lots using data from the petitioner's planned operations and preliminary data from the Village's ongoing downtown parking study. The study demonstrated that there is sufficient parking available in the three nearest public parking lots during the weekday evening and weekend peak periods.

Public Comment

Prior to the Plan Commission meeting, staff received one email from a resident expressing concern over the hours of operation and the lack of onsite parking. The same resident along with three other residents voiced these same concerns during the public hearing. The restaurant operator stated that the hours of operation are not known yet, but the restaurant could operate from 11 A.M. to midnight on the weekends and would close earlier during the week. The petitioner noted the public parking lots would meet the parking demands and that the restaurant could also offer valet services to meet any unmet parking needs. Three other residents

expressed support for the petition noting that the proposal would be a considerable improvement to the existing conditions of this site.

ATTACHMENTS

Aerial Map
Ordinance
Staff Report with attachments dated November 4, 2019
NFR Letter – Subject Property
Resident Letter – Received after Publication of Staff's Report to the Plan Commission
Approved Minutes of the Plan Commission Hearing dated November 4, 2019

N

0 75 150 300 Feet

844 Warren Avenue - Location Map

Subject Property

Project Location

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PROPERTY
LOCATED AT 844 WARREN AVENUE

WHEREAS, the real estate located at 844 Warren Avenue, on the northeast corner of Washington Street and Warren Avenue, hereinafter described has been classified as "DB, Downtown Business" under the Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner or owners of said real estate have filed a written petition requesting that such property be rezoned as hereinafter provided; 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 respecting said petition on November 4, 2019 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, making due allowance for existing conditions, the conservation of property values, the development of the property in conformance to the official Comprehensive Plan of the Village of Downers Grove, and the current uses of the property affected, the Council has determined that the proposed rezoning is for the public good.

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

SECTION 1. The Zoning Map of the Village, pursuant to Section 28.12.030 of the Downers Grove Municipal Code, is hereby further amended by rezoning to "DB/PUD, Downtown Business/Planned Unit Development" the zoning classification of the following described real estate, to wit:

THE SOUTH 100 FEET OF LOT 6 IN BEARDSLEY'S ADDITION TO THE TOWN OF DOWNERS GROVE, IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 16, 1868 AS DOCUMENT 9654, IN DUPAGE COUNTY, ILLINOIS.

Commonly Known As: 844 Warren Avenue, Downers Grove, IL 60515
PIN: 09-08-125-004

SECTION 2. The official zoning map shall be amended to reflect the change in zoning classification effected by Section 1 of this ordinance, subject to the following conditions:

1. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and

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

SECTION 3. That the rezoning meets the requirements of the Zoning Ordinance as follows:

1. The existing use and zoning of nearby property;
2. The extent to which the particular zoning restrictions affect property values;
3. The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare;
4. The suitability of the subject property for the zoned purposes;
5. The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;
6. The value to the community of the proposed use; and
7. The comprehensive plan.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

_____
Mayor

Passed:
Published:
Attest: _____
Village Clerk

1\mw\Ord.19\844-Warren-Rezoning-19-PLC-0030

VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
NOVEMBER 4, 2019 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
19-PLC-0030 844 Warren Avenue	Planned Unit Development	Flora Ramirez Planner

REQUEST
The petitioner is requesting approval for a Planned Unit Development and accompanying rezoning to construct a restaurant with a year-round outdoor dining area at 844 Warren Avenue.

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

GENERAL INFORMATION

OWNER: Roger Andreen
844 Warren Avenue
Downers Grove, IL 60515

PETITIONER: Steve Sobkowiak
Oakley Home Builders
5216 Main Street, Unit A
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: DB, Downtown Business
EXISTING LAND USE: Vacant Personal Vehicle Repair and Maintenance Facility
PROPERTY SIZE: 13,210 sq. ft. (.303 acres)
PINS: 09-08-125-004

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	DT, Downtown Transition	Downtown
SOUTH:	DT, Downtown Transition	Downtown
EAST:	DB, Downtown Business	Downtown
WEST:	DB, Downtown Business	Downtown

ANALYSIS

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

1. Project Narrative
2. Planned Unit Development Criteria
3. Plat of Survey

4. Architectural Plans
5. Engineering Plans
6. Landscape Plan
7. Parking Impact Study

PROJECT DESCRIPTION

The petitioner is seeking a Planned Unit Development to operate a restaurant with a year-round outdoor dining area at 844 Warren Avenue. The property is located at the northeast corner of Washington Street and Warren Avenue and is zoned DB – Downtown Business. A restaurant is permitted by right in the DB zoning district per Section 5.010 of the Zoning Ordinance. However, the petitioner is requesting a Planned Unit Development and the accompanying rezoning to address the unique components of the project, including the year-round outdoor dining area.

The existing building, a former personal vehicle repair and maintenance facility, sits on the northern section of the parcel. The petitioner is proposing to improve the property by adding 4,065 square feet to the existing 2,340 square-foot single story building footprint. Both building facades will be composed of stucco, brick veneer, steel, and glass. Indoor seating will be provided along with four golf simulator modules. The primary building façade will be entirely surrounded by a year-round outdoor seating area and designated space for game areas. The proposal includes removal of all onsite parking to accommodate the outdoor seating area. The existing two curb cuts, one on Warren Avenue and one on Washington Street, will be removed. Immediately southeast of the building there is one screened trash enclosure area.

The petitioner is proposing landscaping around the perimeter of the site, in conformance with the Village requirements. Landscaping is provided along the west and southern property lines using a mix of planter boxes, shrubs and grasses. The northern property line includes an 8-foot solid fence. Additionally, the existing retaining wall along the norther property line will be extended along the full length of the northern, western, and southern property line. The outdoor open space area will be covered by artificial turf grass.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates the subject property as part of a Key Focus Area – Downtown. The development is proposed just northeast of the Main Street Metra station, which is identified by the Comprehensive plan as an anchor for downtown.

The downtown focus area concepts include:

- Redevelopment of non-pedestrian oriented businesses
- Development that is pedestrian-oriented
- Encouragement of outdoor seating areas for restaurants and entertainment
- Promotion of diverse mix of uses including dining and entertainment uses
- Consolidation and reduction of curb cuts
- Promotion and encouragement of shared parking arrangements and facilities, wherever feasible, to minimize the land area within downtown dedicated to parking
- Provided detailed parking study in downtown when redevelopment occurs

The proposed development redevelops a site at the northeast entrance to the downtown and provides a pedestrian-oriented development. The Compressive Plan states that the downtown should be characterized as an environment within which to shop, dine, work and live. This proposal has the potential to encourage visitors to make several stops by parking in the Village's public parking facilities during a trip to the downtown. Additionally, the proposal could potentially encourage commuters to stay in the downtown longer. The proposed development is consistent with the intent of the Comprehensive Plan.

COMPLIANCE WITH THE DOWNTOWN DESIGN GUIDELINES

This property is in the Downtown Business Zoning District. Exterior improvements proposed in this district are recommended to follow design elements outlined in the Downtown Business District Design Guidelines. The petitioner proposed to meet the Design Guidelines in the following manner:

- The proposed construction will contain high-quality building materials that differentiate the base, middle, and top of the building.
- The original brick and stucco will be maintained and painted. While the building addition will utilize both brick and stucco to complement the existing façade.
- The proposed outdoor café will contribute to the continuation of the street wall.
- The majority of both facades incorporates the use of windows to provide interest and activity at the street.
- Both entries are clearly differentiated from the rest of the building using brick piers and lanterns.
- The building addition will incorporate a cornice to create visual interest.

The site design layout proposed to establish a streetwall to promote a vibrant pedestrian environment. By removing the parking lot the streetwall is re-established. All mechanical equipment will be effectively screened from the public view.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned DB, Downtown Business. The eating and drinking establishment business is a permitted use in the Downtown Business Zoning District. The bulk requirements of the proposed development in the Downtown Business Zoning District are summarized in the following table:

1225 Warren Avenue	**Downtown Business Bulk Requirements**	**Proposed**
Street Setback – West property line	0-10 feet minimum	**26.9 feet**
Street Setback – South property line	0-10 feet minimum	**29.7 feet**
Side Setback – East property line	0 feet	4.1 feet
Side Setback – North property line	0 feet	0.7 feet
Building Coverage	N/A	55.3% (7,305 sq. ft.)
Minimum Open Space	N/A	43.13% (5,698 sq. ft.)
Building Height	Minimum Building Height of 32 feet	**14.92 feet**
Build to Zone – Washington Street	30 percent	**0 percent**
Build to Zone – Warren Avenue	80 percent	**0 percent**

The following proposed improvements require relief from the Zoning Ordinance:

Improvement	Relief Request	Petitioner's Rationale
Build-to-Zone (BTZ) (Warren Avenue)	Requirement: Percent of Building in Primary Street BTZ: 80 Percent *Proposed: 0 Percent*	Redevelopment of the existing building, located on the far northeast corner of the property, coupled with the unique outdoor dining experience impedes the development of this site to meet the BTZ requirements.
Build-to-Zone (Washington Street)	Requirement: Percent of Building in Secondary Street BTZ: 30 *Proposed Setback: 0 %*	Redevelopment of the existing building, located on the far northeast corner of the property, coupled with the unique outdoor dining experience impedes the development of this site to meet the BTZ requirements.
Build-to-Zone (Corner Lots)	Requirement: On corner lots, the building's façade must be within the required build-to zone for the first 25 feet extending from the intersection of the two rights-of way. *Proposed: 0 Feet*	Redevelopment of the existing building, located on the far northeast corner of the property, coupled with the unique outdoor dining experience impedes the development of this site to meet the BTZ requirements.
Height	Requirement: 32 Feet minimum *Proposed Height: 14.92 Feet*	The currently vacant site was formerly used as a vehicle repair shop and there is some environmental contamination on the site. The property was issued a No Further Remediation (NFR) letter from the Illinois Environmental Protection Agency (IEPA). The NFR letter placed land use limitations on this site to industrial and commercial uses only. For this reason a mixed-use development with a residential component, that would meet the minimum height requirements, is not an option.
Refuse Container	Requirement: Permitted in side and rear yards. *Proposed Yard: Street*	Based on the existing location of the building, proposed addition location, and the need for an egress path along the side and rear of the building the proposed location for the enclosure is the only available location.
Fencing	Requirement: 8-Foot Open Design Fence Permitted in street yards. *Proposed Design: Solid fencing in street yard.*	With the location of the outdoor patio, the petitioner desires to add screening to create privacy fence along the north lot line for customers and existing residents on the property to the north.
Yard Features	Requirements: Permitted in side and rear yards. *Proposed Yard: Street*	The unique outdoor dining concept and existing location of the building places all available open space in the street yard. In order to program the outdoor space relief is required.
Fire Pits	Requirements: Permitted in side and rear yards. *Proposed Yard: Street*	The unique outdoor dining concept and existing location of the building places all available open space in the street yard. In order to program the outdoor space relief is required.
Year Round Outdoor Seating	Permitted: Between March 15 and November 15 *Proposed: Year-round*	To maximize on the unique outdoor dining concept and design layout requires the availability of year-round outdoor dining is required.

Regarding parking, the subject property and proposed use do not require minimum off-street parking. However, per the recommendation provided in the Comprehensive Plan, a parking demand study was

included with the petitioner submittal, further summarized below. All exterior lighting will be required to meet the Village's lighting regulations. No additional signage is requested as part of the zoning request.

ENGINEERING/PUBLIC IMPROVEMENTS

The site is currently served by a public sidewalk along both Warren Avenue and Washington Street. There are two existing curb cuts each on Warren Avenue and Washington Street. As noted previously, both curb cuts will be removed and the approaches will be returned to green space. The sidewalks are proposed to be extended through the existing aprons. As required, by the Village the entire sidewalk along Washington Street shall be repaired due to its poor condition and noncompliance with the Illinois Accessibility Code. Water and sanitary sewer service lines are located within both Warren Avenue and Washington Street and will serve the development. The petitioner will be installing a new storm sewer along the southwest section of the property to accommodate for site improvements. Based on the required environmental mitigation of the site, the proposal will meet the concrete/asphalt barrier requirements below grade in some areas of subject site. All improvements shall meet the Stormwater and Floodplain Ordinance.

PARKING

A parking demand study for the proposed development was completed by the petitioner. The study examined the peak parking demand and the available parking in downtown parking lots near the site, using information from the applicant's planned operations and preliminary data from the Village's ongoing downtown parking study. The study also accounted for a reduction in minimum parking requirements by considering this development's proximity to a transit oriented district, walkability and car sharing.

The parking study demonstrates for the peak period (weekday evening and weekend) there is sufficient parking available in the three nearest public parking lots. During the lunchtime weekday time period, it was identified that the available parking for the three nearest parking lots can mostly accommodate the projected demand and that the applicant has noted that they do anticipate parking demand can be accommodated, based on their proposed business model. If needed, the operator plans to provide valet parking to handle lunchtime parking demand, similar to other restaurants in the downtown business district.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division reviewed the proposed development and determined that sufficient access to the site is provided for emergency vehicles. The existing building and new addition will need a complete fire alarm and fire sprinkler system. Additionally, the building permit will need to show how the retractable roof will be protected by fire sprinklers.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property in addition to posting public hearing notice signs and publishing the legal notice in the *Enterprise Newspaper, Inc. (The Bugle)*. One resident requested information regarding the outdoor seating layout and future restaurant ownership. A copy of the full agenda packet was provided to them via email.

As required by the Zoning Ordinance, the petitioner held a neighborhood meeting on October 21, 2019. The public asked questions about the proposed development**.** The applicant responded to each of these topics during the meeting and has provided a summary of the meeting that is attached.

STANDARDS OF APPROVAL

The petitioner is requesting a Planned Unit Development approval and accompanying rezoning to construct a new restaurant with a year-round outdoor dining area. The review and approval criterion for each request is listed below.

The petitioner has submitted a narrative that attempts to address all the standards of approval. The Plan Commission should consider the petitioner's documentation, the staff report and the discussion at the Plan

Commission meeting in determining whether the standards for approval have been met.

Section 28.12.040.C.6 Review and Approval Criteria
The decision to amend the zoning map to approve a PUD development plan and to establish a PUD overlay district are matters of legislative discretion that are not controlled by any single standard. In making recommendations and decisions regarding approval of planned unit developments, review and decision-making bodies must consider at least the following factors:

a. *The zoning map amendment review and approval criteria of Sec. 12.030.I.*
b. *Whether 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. *Whether PUD development plan complies with the PUD overlay district provisions of Sec. 4.030.*
d. *Whether 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.*
e. *Whether 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.*

Section 28.12.030.I. Zoning Map Amendment Review and Approval Criteria
The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations and decisions about zoning map amendments, review and decision-making bodies must consider at least the following factors:

1. *The existing use and zoning of nearby property.*
2. *The extent to which the particular zoning restrictions affect property values.*
3. *The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare.*
4. *The suitability of the subject property for the zoned purposes.*
5. *The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.*
6. *The value to the community of the proposed use.*
7. *The comprehensive plan.*

DRAFT MOTION

Staff will provide a recommendation at the November 4, 2019 meeting. Should the Plan Commission find that the request meets the standards of approval for a Planned Unit Development, staff has prepared a draft motion that the Plan Commission may make for the recommended approval of 19-PLC-0030:

Based on the petitioner's submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for a Planned Unit Development and accompanying rezoning as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 19-PLC-0030, subject to the following conditions:

1. The Planned Unit Development and Rezoning shall substantially conform to the staff report; architectural and landscape drawings prepared by Oakley Home Builders dated September 6, 2019, and last revised on October 10, 2019 and engineering drawings prepared by Gabriel Group, Inc. September 6, 2019 and last revised on September 30, 2019, except as such plans may be modified to conform to the Village codes and ordinances.
2. The building shall be equipped with an automatic suppression system and an automatic and manual fire alarm system.

3. Outdoor seating is permitted year round as shown in the attached drawings.

Staff Report Approved By:

Stanley J. Popovich, AICP
Director of Community Development

-att

N

0 75 150 300 Feet

844 Warren Avenue - Location Map

Subject Property

Project Location

OAKLEY
HOME BUILDERS inc.

Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

Attn: Mr. Stan Popovich - Director of Community Development
Mr Jason Zawilla - Village Planning Manager

Subject: Application for Planned Unit Development
Site Address: 844 Warren, Downers Grove, Illinois

Date: October 4, 2019

Dear Plan Commission and Staff,

844 Warren, LLC is requesting a Planned Unit Development overlay to the DB (Downtown Business) District.

It is our intent to develop the site at 844 Warren into an eating and drinking establishment as permitted by the Downtown Business District. The property was previously established as an automobile service station, but has since discontinued business on the property and now sits abandoned. In order for our proposal to make economic sense, we, the buyer, need to utilize the existing building as the corner stone of the plan. Our inspiration for the redevelopment is based on similar properties that have seen successful adaptive reuse development.

Our request is as follow.

1. Relief from Section 4.010 (Build-to-Zone) Southwest Corner - code specifyies that on corner lots, the building's facade must be within the required build-to-zone for the first 25 feet extending from the intersection of the two right-of-way.
   Our proposal includes 0% of the building facade in the BTZ.
2. Relief from Section 4.010 (Build-to-Zone) Street setbacks both Warren and Washington - code requires that 30% of the building facade must be in the 10 foot setback for the secondary setback (Washington) and 80% of the building facade must be in the primary setback (Warren).
   Our proposal includes 0% of the building facade in the BTZ
3. Relief from Section 4.010 (Building Height) Minimum building height. - DB zoning district requires a minimum 32 foot building height.
   Our relief request is to maintain the existing building height of approximately 12'-7" to the top of the existing flat roof. The property is encumbered by an NFR letter issued by the IEPA which stipulates that the property can only be use for industrial/commercial purposes. As such, the applicant cannot add additional levels to the building for residential purposes and do not believe other commercial uses would be appropriate for this location.
4. Request year round outdoor seating on private property.
5. Request for fire pits in the street yard.

OAKLEY
HOME BUILDERS inc.

Warren, LLC is the combined effort of local business persons, Steve Sobkowiak of Oakley Home Builders and Todd Davies of Cadence Kitchen and the future Foxtail restaurants, along with Will Kreuzer of Tartan Realty Group http://www.tartanrealtygroup.com/ The goal of the development at 844 Warren is to create an indoor and outdoor destination for dining and drinking and further the intent of the DB district by "promoting a vibrant and compact downtown area for living, shopping, dining and entertainment"

The current site is developed with a single story, concrete masonry unit with brick veneer building. The balance of the site is asphalt paving for storage and parking dedicated to the previous service station. The site has (2) existing curbs cuts for driveway access from both Warren and Washington streets. As part of the NFR letter, a concrete/asphalt barrier is required at some areas on the subject site.

With the existing building positioned to the far northeast corner of the property, we will be meeting 0% of the BTZ requirements as set forth in Section 4.010 for both Corner lots and street setbacks. We are using the Design Guidelines for the DB District and removing all parking lots and using outdoor cafe space to continue the street wall. This also removes the driveway curb cuts, along with on -site parking. No on-site parking is required as set forth in the DB zoning district. Our intention is to have patrons use the public parking on Warren Avenue.

Our BTZ minimum requirement at the Southwest Corner is to have the facade be located within the BTZ for the first 25ft from the intersection. Our outdoor cafe/patio will be the only development within the BTZ zone at the corner, 0% of our development will meet the BTZ requirement at the corner lots.

Our BTZ minimum requirement at the street setbacks are 80% of the building facade must be within the BTZ (10ft from sidewalk) on the primary street and 30% on the secondary street. Our outdoor cafe/patio will be the only development within the BTZ zone at the streets, so 0% of our development will meet the BTZ requirement at the street setbacks.

The property was issued an NFR letter and a land use limitation which states the property can only be used for industrial/commercial use, as such the development is unable to add additional floors for residential use. Which limits our building height at the existing building. See attached NFR letter.

OAKLEY
HOME BUILDERS inc.

Along with outdoor patio additions, we propose to expand the building along the east side of the property to create additional indoor dining and entertainment space. This addition will also include privacy screening and trash enclosure for service access to the rear of the building.

Please review our submittal documents and advise with any comments.
We look forward to working with the Village and Plan commission on this project.

Sincerely,

Steve Sobkowiak
Owner - Oakley Home Builders

5216 Main St., Unit A, Downers Grove, IL 60515
www.oakleyhomebuilders.com

Memorandum

TO: Mr. Steve Sobkowiak
Oakley Home Builders, Inc.

FROM: Stephen B. Corcoran, P.E., PTOE
Director of Traffic Engineering

DATE: October 28, 2019

RE: Parking Demand Study
Restaurant/Golf
844 Warren Avenue
Plainfield, Illinois

This memorandum analyzes the parking demand for the redevelopment of 844 Warren Avenue from an auto repair shop into a restaurant with indoor golf in Downtown Downers Grove, Illinois. The purpose of this study is to determine if enough parking is available in the area.

Redevelopment Plan

The redevelopment site is located at 844 Warren Avenue on the north side of the street east of Washington Street. It is in the northeastern part of the Downers Grove Downtown District with the commuter parking and railroad tracks to the south, businesses to the east and west, and residential uses to the north.

An auto repair shop occupies the site (2,265 square feet) with 13 parking spaces and an access on Warren Avenue and one on Washington Street.

The restaurant will expand the building to 3,980 square feet and include an outdoor patio covering 2,450 square feet. Four bays within the building are for golf simulation games. Seating will be provided for 212 persons as follows:

- Inside Seating – 30 seats
- Covered Patio – 108 seats
- Golf Simulation – 24 seats
- Outdoor Seating – 50 seats
- **Total Seats – 212 seats**

Downers Grove Parking Requirement

The Village staff has determined that 78 parking spaces would be required if this restaurant was located outside the downtown area. Given its location in the downtown area and nearby public parking, the need for parking is minimized.

National Parking Data

National parking data for restaurants was reviewed to estimate the parking demand for the site. The Institute of Transportation of Engineers' publication Parking Generation, 5th Edition provides parking survey data on quality restaurants (Land Use Code 931). Based on the 212 seats (indoor and outdoor), the peak parking demand would be 110 spaces in the evening at a typical non-downtown location. At lunch time, the parking demand would be 75% of evening peak or 83 vehicles including employees.

Surveys of Downers Grove pedestrians, as part of the 2011 downtown parking study, indicated that only 53.2% of them drove and parked. The remaining pedestrians walked, took public transportation, biked, or shared a ride. Applying that ratio to the ITE data would result in a lunchtime demand of 44 vehicles and 59 vehicles in the evening/weekend.

Downers Grove Downtown Parking Study

Village staff provided preliminary results of an ongoing parking study conducted in 2019 of public parking lots near the site including Lot F across the street from the site, 12 hour on-street parking to the east of Lot F, and Lot L south across the tracks. Among the three lots, there are 171 spaces. Occupancy counts at each lot are shown on **Table 1**. In the evening and on the weekends, there are 133 to 155 spaces available in the lots. On a weekday during the day, only 32 spaces are available.

Table 1
Available Parking Spaces

Lot	Total Spaces	Weekday		Weekend	
		Daytime	Evening	Daytime	Evening
F	40	15	35	30	33
12 hr East of F	43	2	28	43	41
Lot L	88	15	70	63	85
Totals	**171**	**32**	**133**	**136**	**158**
Proposed Demand	**-**	**44**	**59**	**59**	**59**

Analysis

Based on the Village requirement of 78 spaces and the estimated demand estimate of 59 vehicles, there is sufficient parking available near the site to accommodate the requirements during the evenings and weekends. During lunchtime, the 32 available parking spaces will meet most of the projected demand. On days when the weather would prevent the outdoor seating from opening 158 of the 212 seats, lunchtime parking could be accommodated. If needed, the operator could provide valet parking to handle the lunch time parking demand.

It should also be noted that the projections provided by the restaurant operator show a lower demand with 40-50 persons during weekday lunch resulting in a demand of 17 to 25 vehicles which can be accommodated.

MAP OF PUBLIC PARKING AREAS
844 WARREN
DOWNERS GROVE

Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

Attn: Mr. Stan Popovich - Director of Community Development
Mr Jason Zawilla - Village Planning Manager

Subject: Neighborhood meeting summary
Site Address: 844 Warren, Downers Grove, Illinois

Date: October 21, 2019

Summary Report for Neighborhood meeting

1. Letters were mailed to all neighbors within 300ft, see attached list. Letters were mailed via USPS on Monday October 14th, 2019 for our meeting held October 21st, 2019. Todd Davies also contacted adjacent neighbors directly prior to the meeting.
2. Neighbors were invited to attend on Open House on October 21st, 2019 at Cadence Kitchen. Presentation boards with site plan, elevations and renderings were shared.
3. Steve Sobkowiak and Jen Hense of Oakley Home Builers, Will Kreuzer of Tartan Realty and Todd Davies and Tim Canning of Cadence Kitchen were all in attendance and participated in the presentation and discussions with neighbors.
4. Questions and concerns raised by neighbors:
   a. Stig Benson of 841 Rogers was concerned regarding storm water flow onto his property.
   b. Hours of operation of establishment was a question raised by a couple of neighbors.
   c. Date of opening of establishment.
5. No specific changes were made as a result of the meeting.

EXISTING TOPOGRAPHY

FOR

844 WARREN AVE. - DOWNERS GROVE, IL

SCALE: 1" = 10'

0 15 30 45 60

LEGEND

	Existing	Proposed
Sanitary Sewer	—— (——	—— (——
Storm Sewer	—— < ——	—— < ——
Watermain	—— 8" W ——	
Contour Lines	— 704 —	— 704 —
Spot Elevations	705.00	705.00
Fence	—— W ——	
Fire Hydrant		
Manhole		
Light Pole		
Power Pole		
B-Box		NEW B BOX
San. Cleanout		SAN. CLEANOUT
Tree		
Shrubs		
Drainage Pattern		
Silt Fence		—— S ——

BENCHMARK INFORMATION

DuPage County Benchmark DK3312: Located at the northeast corner of Washington Street and Warren Avenue in Downers Grove. A 3.5" brass disc set in concrete.

Elevation = 718.78 (NAVD88)

Dupage County Benchmark 0166: Monument is 2.0 ft above the road grade located along the east side of Finley Road at the overpass for Interstate 88.

Elevation = 771.018 (NAVD88)

GENERAL NOTES:

1. Utilities and improvements shown hereon based on visible field verified structures
2. Boundary information shown hereon is for graphical depiction only.
3. This drawing does not constitute a plat of survey.

EXISTING TOPOGRAPHY

844 WARREN AVE. - DOWNERS GROVE, IL

FILE NAME : -
JOB DIRECTORY : -
DRAWN BY: -
CHECKED BY : -

PREPARED FOR
OAKLEY BUILDERS

Gabriel Group, Inc.
Civil Engineering Solutions
P.O. Box 5375 - Oak Brook, IL 60522
Tel: 630-772-9393 Fax: 630-756-4151

Sheet 1 / 2

Q (PROPOSED) = C*I*A = 0.60*10.82*0.278 = 1.81 CFS

IMPERVIOUS AREA CALCULATIONS (S.F.)

LOT AREA = 13210 S.F.

	IMPERVIOUS AREA
EXISTING	
BUILDING	2340
DRIVEWAY & PARKING LOT	8450
TOTAL EXISTING IMPERVIOUS	10790
PROPOSED	
BUILDING	3951
COVERED PATIO	2454
RETAINING WALL & DUMPSTER ACCESS	900
TOTAL IMPERVIOUS AREA	7300
NET NEW IMPERVIOUS AREA	-3490

SITE PLAN

FOR

844 WARREN AVE. - DOWNERS GROVE, IL

N

SCALE: 1" = 10'

SITE PLAN

844 WARREN AVE. - DOWNERS GROVE, IL

DRAWN BY: -

CHECKED BY: -

FILE NAME: -

JOB DIRECTORY: -

09/30/19	REVISED PER VILLAGE/CLIENT COMMENTS

PREPARED FOR

OAKLEY BUILDERS

Gabriel Group, Inc.
Civil Engineering Solutions
P.O. Box 5375 - Oak Brook, IL 60522
Tel: 630-772-9393 Fax: 630-756-4151

Sheet 2 / 2

1 SOUTH ELEVATION - FACING WARREN
Scale: 1/4" = 1'-0"

2 WEST ELEVATION - FACING WASHINGTON
Scale: 1/4" = 1'-0"

OAKLEY HOME BUILDERS inc.

5216 MAIN STREET DOWNERS GROVE, ILLINOIS
(630)241-9402
www.oakleyhomebuilders.com

844 WARREN - SITE DEVELOPMENT PLAN

DATE:	10/04/19
ISSUED FOR PERMIT:	
ISSUED FOR CONST.:	

EXTERIOR ELEVATIONS

A1

ALL SIGNAGE TO
BE PERMITTED SEPARATELY.

1 SOUTH ELEVATION - COLOR
Scale: 1/4" = 1'-0"

2 WEST ELEVATION - COLOR
Scale: 1/4" = 1'-0"

OAKLEY
HOME BUILDERS INC.
5216 MAIN STREET DOWNERS GROVE, ILLINOIS
(630)241-9402
www.oakleyhomebuilders.com

844 WARREN - SITE
DEVELOPMENT PLAN

DATE:	10/04/19
ISSUED FOR PERMIT	
ISSUED FOR CONST.:	

COLOR
ELEVATIONS

A6

1 WEST (REAR) ELEVATION
Scale: 1/8" = 1'-0"

OAKLEY
HOME BUILDERS inc.
5216 MAIN STREET DOWNERS GROVE, ILLINOIS
(630)241-9402
www.oakleyhomebuilders.com

844 WARREN - SITE
DEVELOPMENT PLAN

DATE:	10/04/19
ISSUED FOR PERMIT:	
ISSUED FOR CONST.:	

SITE PLAN

A2

OAKLEY
HOME BUILDERS inc.
5216 MAIN STREET DOWNERS GROVE, ILLINOIS
(630)241-9402
www.oakleyhomebuilders.com

844 WARREN - SITE
DEVELOPMENT PLAN

DATE:	10/04/19
ISSUED FOR PERMIT:	
ISSUED FOR CONST.:	

LANDSCAPE PLAN

A3

OAKLEY HOME BUILDERS inc.

5216 MAIN STREET DOWNERS GROVE, ILLINOIS
(630)241-9402
www.oakleyhomebuilders.com

2 FIRST FLOOR PLAN
Scale: 1/4" = 1'-0"

844 WARREN - SITE
DEVELOPMENT PLAN

DATE:	10/04/19
ISSUED FOR PERMIT:	
ISSUED FOR CONST.:	

FLOOR PLAN

A4

OAKLEY
HOME BUILDERS inc.

Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

Attn: Mr. Stan Popovich - Director of Community Development
Mr Jason Zawilla - Village Planning Manager

Subject: Application for Planned Unit Development
Zoning Map Amendments
Site Address: 844 Warren, Downers Grove, Illinois

Date: October 4, 2019

Section 28.12.040.C.6 Review and Approval Criteria (Planned Unit Development)
The decision to amend the zoning map to approve a PUD development plan and to establish a PUD overlay district are matters of legislative discretion that are not controlled by any single standard. In making recommendations and decisions regarding approval of planned unit developments, review and decision-making bodies must consider at least the following factors:

(1) The zoning map amendment review and approval criteria of Sec. 12.030.I:
See the analysis of zoning map amendment review and approval criteria in separate document.

(2) Whether the proposed PUD development plan and map amendment would be consistent with the Comprehensive Plan and any other adopted plans for the subject area.
As an overlay PUD, the development will be consistent with the Comprehensive Plan, including the following items:

- Development that is pedestrian-oriented.
- Promotes the walkable nature of Downtown
- Utilize existing building setbacks to create plazas and larger outdoor areas.
- Reduce stormwater runoff by reducing the amount of concrete and asphalt.
- Redevelops an underutilized downtown site.
- Infills the downtown district rather than an abandoned property.

(3) Whether PUD development plan complies with the PUD overlay district provisions of Sec. 4.030.
The proposed project is appropriate for a PUD per Section 4.030.A.1 of the DG Zoning Ordinance. The proposed development plan will not work without relief.
Section 4.030.A.1.e notes that developments that are consistent with and help advance the goals of the comprehensive plan.

The proposed plan includes elements that further the following objectives as identified in Section 4.030.A.2

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HOME BUILDERS inc.

- Implementation of and consistently with the comprehensive plan and other relevant plans and policies.
- Flexibility and creativity in responding to changing social, economic and market conditions.
- High quality buildings and improvements that are compatible with surrounding areas, as determined by their arrangements, massing, form, character and landscaping.
- The protection and enhancement of open space amenities
- The incorporation of sustainable development features including green infrastructure practices in landscapes
- Attractive, high-quality landscaping, lighting, architecture and signage, including the use of native landscaping that reflects the unique character of the village and surrounding area.

(4) *Whether 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.*

The proposed development PUD as compared with conventional zoning allows for the site to provide for a high percentage of land use, maintain an existing structure and create an extensive outdoor patio space at the sidewalk's edge. The proposed concept is not possible under conventional zoning regulations. The subject site is underutilized and the proposed development will enhance the downtown area. The development as a dining establishment will bring employment opportunities as well as sales tax revenue to the village.

(5) *Whether 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.*

We have worked with Village staff to ensure a high-quality development will be constructed. Our conversations have reviewed building code, fire codes, liquor commission, traffic and parking studies and stormwater management. Our development will meet or exceed all conditions requested.

Section 28.12.030.I Review and Approval Criteria (Zoning Map Amendments - Rezonings)
The decision to amend the zoning map is a matter of legislative direction that is not controlled by any single standard. In making recommendations and decisions about zoning map amendments, review and decision making bodies must consider at least the following factors:

(1) *The existing use and zoning of nearby properties:*

The current uses of the subject site is a vacant service station. The neighboring property to the east on Warren Avenue is zoned DB, Downtown Business and is occupied by a small business. The property directly to the north on Washington is zoning DT, Downtown Transition and is improved with a single family home. To the west, located across Washington are three properties, all of which are zoning DB. At the northwest corner of Washington and Warren, address 900 Warren ave is a multi-unit,

single story commercial office building. The property at 5008 Washington is improved with a multi-family 2-story residence. The property at 5006 Washington is improved with a 2-story office business building. The subject site is bordered on the east by the BNSF train tracks along Warren Avenue.

(2) *The extent to which the particular zoning restrictions affect property values.*
The proposed rezoning to DB/PUD will not negatively affect property values. The proposed dining establishment and outdoor patio will replace a currently vacant building and underutilized property. The PUD overlay restrictions require high quality buildings and improvements to the property. The development of this property may lead to additional improvements in this area, which is on the fringe of the DB district.

(3) *The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare.*
The proposed rezoning will not negatively impact property values or the public health, safety and welfare of the community or neighborhood.

(4) *The suitability of the subject property for the zoning purposes.*
Currently, the property is zoned DB, Downtown Business and we are requesting to rezone to DB/PUD. The existing vacant building is not a positive attribute to the downtown area. Our dining establishment is a permitted use in the DB zone and will utilize the entire site for public use, both interior and outdoor. Under the DB district ordinance, our development of the site is not permitted without relief. The existing building is setback from the street beyond the BTZ limits on both Warren and Washington. Our proposal uses the outdoor uncovered patio area as an extension of the establishment to border the sidewalk and attract pedestrians. The existing building was an automotive service station which required an IEPA review for further development, IEPA issued an NFR Letter which limits the land use to industrial or commercial. Building height relief is also requested as the existing building is single story and without residential development abilities, we do not see a high quality use for a second floor addition. The development which includes an extensive outdoor seating area is proposed as year round to continue the land use through all seasons. The development will promote a vibrant downtown and encourage pedestrian traffic for use of the establishment.

(5) *The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.*
The current owner of the property has informed us that the service station last operated from the building approximately 1 year ago. Approximate date is September 2018.

(6) *The value of the community of the proposed use.*
The development of the subject property will add value to the downtown area and the community. The proposal will extend the downtown area beyond the Tivoli Theatre area

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HOME BUILDERS inc.

and provide an additional destination accessible from downtown and the Metra train stop. The development will add local employment for staff and management.

(7) The Comprehensive Plan.

As an overlay PUD, the development will be consistent with the Comprehensive Plan, including the following items:

- Development that is pedestrian-oriented.
- Promotes the walkable nature of Downtown
- Utilize existing building setbacks to create plazas and larger outdoor areas.
- Reduce stormwater runoff by reducing the amount of concrete and asphalt.
- Redevelops an underutilized downtown site.

5216 Main St., Unit A, Downers Grove, IL 60515
www.oakleyhomebuilders.com

FRED BUCHOLZ

Du Page County Recorder
421 North County Farm Road
Wheaton, IL 60187

(630) 407-5400

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
JAN.25,2005 2:30 PM
OTHER 09-08-125-004
~~016~~ 17 PAGES R2005-018041

RECORDING COVER PAGE

☐ DEED ☒ OTHER ☐ UCC ☐ PLAT ☐ RE-RECORD

*Please note - This cover page has been attached to the document for recording purposes. It is a permanent part of the document and has been included in the page count.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1105 6821

JAN 14 2005

Automotive Services
Attention: Roger Andreen
844 Warren Avenue
Downers Grove, Illinois 60515

Re: LPC #0430305169 -- DuPage County
Downers Grove/Automotive Services
844 Warren Avenue
LUST Incident No. 930155
LUST Technical File

Dear Mr. Andreen:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Reports submitted for the above-referenced incident. This information is dated December 12, 2003 and September 10, 2004 and were received by the Illinois EPA on January 12, 2004 and September 29, 2004. Citations in this letter are from 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Ill. Adm. Code 731 indicate remediation has been successfully completed.

Based upon the certification by Peter Swarr, a Licensed Professional Engineer, and based upon other information in the Illinois EPA's possession, your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based on the certification of the Licensed Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. This Letter shall apply in favor of the following parties:

FRED BUCHOLZ R2005-018041 DUPAGE COUNTY RECORDER

1. Automotive Services, the owner or operator of the underground storage tank system(s).

2. Any parent corporation or subsidiary of such owner or operator.

3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.

4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.

5. Any mortgagee or trustee of a deed of trust of such owner or operator.

6. Any successor-in-interest of such owner or operator.

7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.

8. Any heir or devisee of such owner or operator.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above-referenced site is located. In addition, the Groundwater Ordinance must be filed as an attachment of this Letter with the Office of the Recorder or Registrar of Titles of the applicable county. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives have been established in accordance with an industrial/commercial land use limitation. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.

2. As a result of the release from the underground storage tank system(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: The land use shall be industrial/commercial.

3. The land use limitation specified in this Letter may be revised if:

   a. Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and

   b. A new No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.

* Engineering: A building and concrete/asphalt barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media must remain over the contaminated soil as outlined in the attached Site Base Map. This building and concrete/asphalt barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.

Highway Authority Agreement

Village of Downers Grove agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soil to remain beneath its highway right-of-way adjacent to the site located at 844 Warren Avenue, Downers Grove, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Washington Street and Warren Avenue, as indicated in the Highway Authority Agreement 2003-81. The Highway Authority agrees to: (a) prohibit the use groundwater under the highway right-of-way that is contaminated above Tier 1 groundwater remediation objectives as a potable or other domestic supply of water, and (b) limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 soil remediation objectives. A copy of the Highway Authority Agreement can be obtained through a written request under the

Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this Letter. Questions regarding the Highway Authority Agreement should be directed to:

Village of Downers Grove
Attention: Riccardo Ginex, Village Manager
801 Burlington Avenue
Downers Grove, Illinois 60515

Groundwater Use Ordinance

Ordinance 4423 adopted by the Village of Downers Grove effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

a. The current owner or successor-in-interest of this site who relies on this ordinance as an institutional control shall:

   i. Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this remediation site; and

   ii. Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.

b. Each affected property owner, potentially affected property owner (as identified through contaminant modeling), and the Village of Downers Grove must receive written notification from the owner or operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA in accordance with 35 Ill. Adm. Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

   i. The name and address of the unit of local government;

   ii. The citation of the ordinance used as an institutional control in this Letter;

   iii. A description of the property being sent notice by adequate legal description or by reference to a plat showing the

boundaries;

iv. A statement that the ordinance restricting the groundwater use was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;

v. A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and

vi. A statement as to where more information may be obtained regarding the ordinance.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

a. Modification of the referenced ordinance to allow potable uses of groundwater.

b. Approval of a site-specific request, such as a variance, to allow use of groundwater at the site.

c. Violation of the terms of a recorded institutional control.

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan may, if applicable, result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.

7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
Attention: Freedom of Information Act Officer
Bureau of Land - #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

8. Should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:

   a. Any violation of institutional controls or industrial/commercial land use restrictions;

   b. The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;

   c. The disturbance or removal of contamination that has been left in place in accordance with the Corrective Action Plan or Completion Report;

   d. The failure to comply with the recording requirements for the Letter;

   e. Obtaining the Letter by fraud or misrepresentation; or

   f. Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment.

Submit an accurate and official copy of this Letter, as recorded, to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Mindy Weller, at 217/782-6762.

Sincerely,

Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:MW:mw\930155-3.DOC

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map
Legal Description
Groundwater Ordinance
Engineered Barrier Map

cc: Erika Goerich, Integrity Environmental Services, Inc.
Division File

PREPARED BY:

Name: Automotive Services

Address: 844 Warren Avenue
Downers Grove, Illinois

RETURN TO:

Name: Automotive Services

Address: 844 Warren Avenue
Downers Grove, Illinois 60515

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF DUPAGE COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA Number: 0430305169
LUST Incident No.: 930155
Automotive Services, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 844 Warren Avenue, Downers Grove, Illinois, has performed investigative and/or remedial activities for the site identified as followsand depicted on the attached Site Base Map:

1. Legal Description or Reference to a Plat Showing the Boundaries: See Attached
2. Common Address: 844 Warren Avenue, Downers Grove, Illinois
3. Real Estate Tax Index/Parcel Index Number: 09-08-125-004
4. Site Owner: Roger Andreen, Automotive Services
5. Land Use Limitation: The land use shall be industrial/commercial.
6. See the attached No Further Remediation Letter for other terms.

HAC:MW:mw/930155-3.DOC

Attachment: Site Base Map, Engineered Barrier Map
Legal Description
Groundwater Ordinance

FRED BUCHOLZ R2005-018041 DUPAGE COUNTY RECORDER

T. 39 N.
T. 38 N.
DOWNERS GROVE
Belmont
WARREN
NORTHERN
Lisle-04305
I 20729-
A 20730
B 20731
A 20732
A 20733
Belmont/High
A 20517/043
A 20510
Dupage Hth Co
B 20716/04305
D 20717
A 20718
Woodridge
A 20529/043
A 20530
A 20532
37920000
PMS

INTEGRITY ENVIRONMENTAL SERVICES, INC.

PROJECT: AUTO SERVICES
844 WARREN AVENUE
DOWNERS GROVE, ILLINOIS
IES No. 507-35

CLIENT: AMERICAN TANK, INC.
5255 NORTH CENTRAL AVENUE
CHICAGO, ILLINOIS

DRAWN BY: TN
DATE: 7/21/03
REV: 0
SCALE: 1"=20'-0"
0 5 10 20
SCALE IN FEET

NORTH

EXTENT OF HIGHWAY AUTHORITY AGREEMENT

INTEGRITY ENVIRONMENTAL SERVICES, INC

PROJECT: AUTO SERVICES
844 WARREN AVENUE
DOWNERS GROVE, ILLINOIS
IES No. 507-35

CLIENT: AMERICAN TANK, INC.
P.O. BOX 30054
CHICAGO, ILLINOIS

DRAWN BY: TN
DATE: 9/8/04
REV: 0
SCALE: 1"=20'-0"
0 5 10 20
SCALE IN FEET

NORTH

EXTENT OF ENGINEERED BARRIER PLAN

DUPAGE COUNTY RECORDER
R2005-018041
FRED BUCHOLZ

IEMA No. 930155

Legal Description

The South 100.0 feet of Lot 6 in Beardsley's addition to the Town of Downers Grove, being a subdivision in the northeast quarter of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian, according to plat recorded June 16, 1868, as document 9654 in Du Page County.

FRED BUCHOLZ R2005-018041 DUPAGE COUNTY RECORDER

06/03/02

ORDINANCE NO. 4423

AN ORDINANCE AMENDING SECTION 25-52 REGARDING GROUNDWATER WELLS

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 25-52 of the Downers Grove Municipal Code is hereby amended as follows:

25-52. Private water wells; permit required.

(a) For purposes of this section, the following terms shall be defined as follows:

Person - any individual, partnership, co-partnership, firm, company, limited liability corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or employees.

Potable Water - any water used for human or domestic consumption, including, but not limited to water used for drinking, bathing, swimming, washing dishes or preparing food.

Groundwater - is any underground water which occurs within the saturated zone and geological materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

(b) Except for such uses or methods in existence prior to February 19, 2002, the use or attempt to use by any person, including the Village of Downers Grove, as ~~a potable~~ water supply groundwater from any location within the corporate limits of the Village by the installation or drilling of wells or by any other method is hereby prohibited.

(c) It shall be unlawful for any person to dig, drill, redrill or extend, or cause to be dug, drilled, redrilled, or extended, any well, hole or other excavation in the ground for the purpose of extracting water therefrom, at any location within the corporate limits of the Village.~~, except:~~

~~(1) Any well intended and used exclusively for irrigation and watering of crops or landscaping or in cooling towers used in conjunction with air conditioning systems; provided, that the well shall meet the following conditions:~~

~~(i) Such well shall not be drilled to a depth greater than two hundred feet; and~~

~~(ii) Such well shall not be connected in any way to any water system providing water for domestic use or human consumption, including but not limited to, the Village's water system. In order to assure that water from such well is not so connected, the Village may require that a periodic bacteriological sampling may be taken of the domestic water entering any building on the property served by such well. The charge for such sampling shall be automatically added to the water bill for Village water for such building, and shall constitute an expense to the owner thereof; and~~

~~(iii) Any such well with a column pipe up to four inches in size shall not be dug or drilled within fifty feet from any Village owned well. Any such well with a column pipe greater than five inches in size shall not be dug or drilled within one thousand feet from any Village owned well; and~~

~~(iv) Such well shall be no less than fifteen feet from any publicly or privately owned water main, and~~

~~(v) A backflow prevention device shall be installed on the water service pipe(s)/line(s) connecting any structure on the property to the public water supply.~~

~~(vi) Such wells shall not be subject to the water conservation regulations in Section 25-5 if the owner or occupant of the property on which the well is located obtains and displays a "private well" sign. A metal sign shall be placed in the front yard or a paper sign in the window of the~~

FRED BUCHOLZ R2005-018041 DUPAGE COUNTY RECORDER

~~property in a location clearly visible from the street. Such signs shall be obtained from the Village: metal property signs for a cost of twenty dollars; paper window signs at no charge. Except as otherwise provided in the preceding sentences, such wells shall be subject to the water conservation regulations in Section 25-5.~~

~~(vii) If well water is used in cooling towers in conjunction with air conditioning systems, all such water shall dispense through evaporation or other appropriate means and shall not be discharged into the sanitary or storm sewer systems, or otherwise discharged into the ground.~~

~~(d) It shall be unlawful for any person to dig, drill, redrill or extend, or cause to be dug, drilled, redrilled, or extended, any well, hole or other excavation in the ground for the purpose of extracting water therefrom, without (1) having first applied for and obtained a permit for such well from the Village, which permit shall not be issued unless the applicant provides satisfactory evidence to the effect that such well is permitted under the provisions of subsection (a) above; (2) establishing that permits therefor have also been issued by DuPage County, the Illinois Department of Mines and Minerals and any other governmental authority having jurisdiction thereof; and (3) certifying that such well will be in full compliance with all applicable health and safety requirements of DuPage County. Fees for the permit required in paragraph (a) hereof shall be as follows:~~

~~Work Performed~~	~~Fee~~	~~Bond~~
~~Plan review and on-site inspection~~	~~$ 100.00~~	~~N/A~~
~~Electrical inspection~~	~~6.00~~	~~N/A~~
~~Parkway opening~~	~~20.00~~	~~$200.00~~

(Ord. No. 2942, § 1; Ord. No. 3301, § 3.)

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed: June 18, 2002

Published: June 19, 2002

Attest: April H. Hall
Village Clerk

[grndh2o]

FRED BUCHOLZ R2005-018041 DUPAGE COUNTY RECORDER

STATE OF ILLINOIS

COUNTY OF DU PAGE

CERTIFICATE

I, April K. Holden, DO HEREBY CERTIFY THAT I am the Village Clerk of the Village of Downers Grove, Du Page County, Illinois, and as such officer I have the lawful power and duty to keep an index and record of all proceedings of the Village Council of said Village, and of all ordinances and resolutions presented to or passed by said Village Council.

I DO HEREBY FURTHER CERTIFY, THAT the foregoing document is a true, correct and complete copy of a certain ordinance now on file in my office, designated as Ordinance No. 4423 and that said ordinance was duly passed and approved by the Council of said Village at a meeting duly called and held in accordance with applicable law, at which a quorum was present and acting throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Downers Grove, Illinois, in the State and County aforesaid, this 1st day of August 2003.

SEAL

Municipal Clerk

RECEIVED
AUG 2003
BOL

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with, (2) all corrective action concerning the remediation of the occurrence has been completed, and (3) no further corrective action concerning the occurrence is necessary so long as the site is used in accordance with the terms and conditions of the NFR Letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (See 415 ILCS 5/57.10(d).) If not properly recorded, the Illinois EPA *will* take steps to void the NFR Letter in accordance with the regulations.

Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located *within 45 days after receipt of the NFR Letter*. You must record the NFR Letter and any attachments. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR Letter voidable.

For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on the Illinois EPA Web site at http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html.

ROCKFORD – 4302 North Main Street, Rockford, IL 61103 – (815) 987-7760 • DES PLAINES – 9511 W. Harrison St., Des Plaines, IL 60016 – (847) 294-4000
ELGIN – 595 South State, Elgin, IL 60123 – (847) 608-3131 • PEORIA – 5415 N. University St., Peoria, IL 61614 – (309) 693-5463
BUREAU OF LAND - PEORIA – 7620 N. University St., Peoria, IL 61614 – (309) 693-5462 • CHAMPAIGN – 2125 South First Street, Champaign, IL 61820 – (217) 278-5800
SPRINGFIELD – 4500 S. Sixth Street Rd., Springfield, IL 62706 – (217) 786-6892 • COLLINSVILLE – 2009 Mall Street, Collinsville, IL 62234 – (618) 346-5120
MARION – 2309 W. Main St., Suite 116, Marion, IL 62959 – (618) 993-7200

PRINTED ON RECYCLED PAPER

November 4, 2019

To Plan Commission

Re PUD 844 Warren Avenue, Downers Grove

My name is Barbara Whiting and I reside at 814 Warren Avenue, the 5th lot east of the proposed eating and drinking establishment.

I am concerned about several issues regarding the operation of this establishment.

First, the prior business was operated during daytime hours and it had parking for its customers. The proposed business:

- Plans to operate into the late night hours and it is planning an outdoor patio area directly on Warren Avenue where patrons can continue "partying" after they have finished dinner in the main restaurant area. This was how it was described to me at the informal meeting set up by the principals.
- Is providing no onsite parking for patrons. I anticipate that patrons will use the parking spots along the south side of Warren Avenue. I do not, as the principals described to me, expect that all patrons will be walking to the facility rather than driving.

Except for the northeast corner of Washington and Warren, the neighborhood is residential. Additional foot traffic late at night and vehicular traffic is bound to disrupt the current residents and possibly result in diminished safety and security for the residents.

I request that the Commissioners take this in consideration when determining the propriety of the proposed facility in our neighborhood. I request that the Commission decline to rezone the property as Planned Unit Development.

I can be reached for further discussion at 630 710-1762.

APPROVED 12-2-2019

19-PLC-0030: A petition seeking approval for a Planned Unit Development to operate an eating and drinking establishment. The property is currently zoned DB, Downtown Business. The property is located directly northeast of the intersection of Washington Street and Warren Avenue, commonly known as 844 Warren Street Avenue, Downers Grove, IL (PIN: 09-08-125-004). Steve Sobkowiak, Oakley Home Builders, Petitioner and Roger Andreen, Owner.

Petitioner's Presentation:

Mr. Steve Sobkowiak of 5319 Blodgett, Downers Grove, IL introduced himself and thanked staff for their efforts and thoroughness on this project. He stated as a resident and business owner it is good to know that there is a lot of forethought that goes into new development in town. He moved on to share the vision for 844 Warren. First Mr. Sobkowiak introduced his team, he started by introducing himself as the owner of Oakley Home Builders; Jen Hense, licensed architect at Oakley Home Builders; Todd Davis, owner of Cadence Kitchen; Will Kreuzer, Tartan Realty; and Steve Corcoran, his parking expert.

Mr. Sobkowiak provided some background on Oakley Home Builders by sharing that he is originally from Downers Grove and started a company based in Downers Grove. Oakley Home Builders has constructed in fifteen years about 170 luxury homes and he was happy to tell the audience that 60 of those homes are in Downers Grove. Mr. Sobkowiak shared that he thinks a lot of this community, he loves what it brings, it has a great mix of people, and he is proud to raise his family in Downers Grove.

Mr. Sobkowiak then stated that their first office was George Swimmers previous location on Main Street. Oakley Home Builders was working on a few residential projects and were growing and needed a new location. Across the street from George's place was Nancy's Teahouse, and this would be Oakley's first entry into the world of commercial construction. Oakley needed more space and they needed a design showroom and staff. Mr. Sobkowiak expressed that it was a great project as he worked with Mark Mourek, who told him that Oakley would work on more and more commercial projects. While Mr. Sobkowiak believed that was unlikely, that project was successful. Oakley was successful and again outgrew that space. The second project Oakley took on was the old Carlson Paint building, similar to Nancy's tea house that property had sat vacant for many year. Mr. Sobkowiak looked at the building and thought it would be a great opportunity to improve Downers Grove since this was a great intersection and he expected future development in the area. Oakley Corporation is housed on the second floor and they rent to SPENGA on the first floor.

Mr. Sobkowiak then moved on to talk about the new project. As someone who lives in Downers Grove and spends a lot of time driving across the tracks, with his house south of the tracks and his office north of the tracks, he passes the intersection (Warren and Washington) a lot. He sees a lot of people, trains, and a bad looking building, so he spent a lot of time thinking about what he could do with this building. He mentioned that Jen would spend some time talking about some of the limitations associated with the existing conditions. Mr. Sobkowiak noted that future development cannot be residential. Previously the property had been under contract, however since it was a service

station, there are environmental restraints that prohibit residential development so they are left with commercial. Oakley has spent time looking at the Downers Grove Comprehensive Plan, and the existing zoning, both which encourage downtown restaurants and walkable locations, and they thought this concept would be great.

Mr. Sobkowiak then went on to share that the concept is borrowed from a place called Big Star in the Chicago neighborhood of Bucktown. This restaurant was an old service station that they turned into an outdoor patio where tapas were served. The idea behind the concept was to ensure the design would add to the beauty of the Main Street train station. At Main Street development covers all four corners. The intersection of Washington Street and Warren Avenue is not pretty. So the idea was to add more landscaping, an outdoor patio, and create a space for families to spend more time.

Mr. Sobkowiak notes that most downtowns have large open patios and that Downers Grove does not currently have large patio spaces in the downtown. To ensure this vision came true Mr. Sobkowiak shared how he assembled his team. He first offered background on Will Kreuzer who is a commercial developer with over 20 years of experience, and has developed 40 properties in the Midwest and his company believes in a “build and hold strategy.” This last note is important to Mr. Sobkowiak because he wants to develop properties to ensure he can make Downers Grove a better place not simply to develop properties and sell them. From there, Mr. Sobkowiak shared that he reached out to Todd Davis since he is also a Downers Grove resident and has invested in this community also. Then, Mr. Sobkowiak explained after reaching out to Jen Hense in his office, who has 20 years of experience as an architect and was able to quickly draft a three-dimensional rendering for the site.

Jen Hense, 308 6th Street Downers Grove, IL, stated that she moved to Downers Grove five years ago looking for a neighborhood to raise her kids. She shared that the proximity to the train station allows her husband to commute into the city and the children are able to attend a District 58 school. Ms. Hense notes that she wishes there was a restaurant that her family could enjoy a with an outside and an inside. This site was one that she had thought about often.

Ms. Hense introduced the site located at the corner of Washington and Warren within the Downtown Business District. The neighbors to the east are in the Downtown Business District also, those to west are zoned Downtown Business District, and neighbors to the north are residential properties. The property is the only one in the area that is vacant, as it was previously a service station. Ms. Hense notes that almost the entire site is concrete and asphalt and currently has 14 parking stalls. The site is in poor condition including the retaining wall to the north of the site and the building has been broken into. The building is a single-story masonry building with garage doors and is setback 60’ from Warren and 27’ from Washington. In reviewing the potential for development Ms. Hense states that she saw the Phase I NFR letter which limits the development of this site to commercial and light industrial. No residential could ever be developed on this site. With this in mind the proposal includes keeping the building as is and pays homage to the service station. Two building additions are proposed. Ms. Hense explains that the first addition is directly to the east and will have similar materials to match the existing building. This section of the building will house indoor

games including golf simulations. The second addition is a four-season glass and steal enclosure with a retractable roof and doors that can open up into the outdoor space. Lastly, an outdoor terrace is proposed all the way out to the sidewalk to fill the site without building up to the edge. The outdoor area would be programmed with games, outdoor seating, and fire pits.

Ms. Hense then showed the proposed elevations to indicate the significant grade change as you walk north on Washington. This grade change allows the design to create a multi-level and multi-layer landscaped area to include landscaped beds, railings, and retaining walls, to hold back the flat seating area. The existing materials will be kept and the brick will be painted. New garage doors and a new parapet to allow for rooftop equipment screening will be extended to the new addition. She then noted that site will have two privacy screens which will be added to the north and east sides of the site from the edge of the building out to the sidewalk.

Ms. Hense then showed photos of outdoor concepts, highlighting Big Star in Chicago that served as inspiration for this design. A three-dimensional model was then shown to further describe the site. The main entrance is on Warren Avenue and it allows residents to interact with all of the landscape in the street yard. An overall shot at the corner of Washington and Warren shows a much different view than the existing view. From this angle the glass enclosure, additional landscaping, seating, fire pits, and dedicated game areas are visible. Finally, an overall shot of the outdoor concept was shown.

Ms. Hense went on to explain that in their narrative they believe they meet or exceed the five PUD criteria. She goes on to state that their inspiration is derived from the Comprehensive Plan of Downers Grove. The six major items they focused on were to ensure the development would be pedestrian oriented, that it would promote the walkability of downtown, utilize the existing setbacks and create large open spaces, reduce the stormwater runoff by removing all of the concrete at this site, and redevelop a vacant downtown site with infill development. Ms. Hense understands that they have requested a lot of relief. However, she notes that this concept, no matter where it is in the downtown, will require relief. She notes that they do not meet the build-to zone, but they want to consider the outdoor plaza as part of the overall structure. Lastly, Ms. Hense stated that they have worked with a parking consultant who is present tonight if any questions come up. She also notes that the Village provided a preliminary parking study that focused on the closest lots: Lot L, Lot F, and the 12-hour metered parking spots on Warren. Using this data, Ms. Hense stated that they believed the proposal has met its parking needs. She also notes that the study did not take into account any other parking downtown and they do not plan on utilizing any of the residential parking north of Rogers. Ms. Hense thanked the commission for their time and consideration.

Ch. Rickard opened the floor to questions from the Commission.

Ms. Rollins asked about the trash enclosures and how the garbage would be picked up. Ms. Hense explained that there is pedestrian alley by the trash enclosure. This was designed so the service can happen back there and the garbage dumpsters would be accessed from the side. Mr. Rickard further inquired if the containers would be

wheeled out to a truck in the street, instead of a truck maneuvering onto the property to empty the dumpsters. Ms. Hense confirmed Mr. Rickard's understanding.

Ms. Gassen asked about the location of the property line in relation to the pedestrian alley. Ms. Hense showed the location of the property line and confirmed that the neighbor to the east has their driveway located east of the property line. Mr. Zawila added that the alley is a pedestrian alley not a Village right-of-way.

Mr. Maurer asked if the two parking lots, indicated as available parking, are not in fact commuter parking during the day. Ms. Hense confirmed this was correct. Mr. Maurer further indicated that the reduced lunch time parking count of 17-25 cars could not actually park there during lunch. Ms. Hense confirms that parking may not be available there.

Mr. Maurer went on to state that this was also true for Lot L and concludes that those two lots are not really available for the majority of the day, while in the evening the spaces would be available. He wanted to clarify what spaces are actually available as he considers his understanding for parking and traffic in this area. Ms. Hense agrees that lunch is the most susceptible in parking inadequacy as opposed to evenings and weekends.

Mr. Maurer then requested that Ms. Hense go back to the parking diagram to try and figure out where the 17-25 cars might park during the lunch hour. Ms. Hense noted that they did not consider any other parking lots in the downtown area, so she imagined that those 17-24 cars could also be people walking. She offered the example that she lives and works downtown and rarely drives.

Mr. Maurer corrected Ms. Hense and stated that the 17-24 cars is part of the parking count so these people are not walking. Ms. Hense agreed with Mr. Maurer but noted that there is very little data on a national study scale of how many cars are parked versus how many people are walking and rideshare. Mr. Maurer understood, but mentioned that the 17-24 is the reduced estimate of what will be driving. He added that just to say there is no data and that we are just working in the dark does not give the community any comfort. Ms. Hense then requested that Mr. Corcoran answer additional parking questions.

Mr. Corcoran introduces himself as the Director of Traffic Engineering at Eriksson Engineering, Grayslake, IL. He then noted that for the evenings and weekends there is plenty of available parking in the area. The issue is the midday time for lunch. Mr. Corcoran referenced the preliminary parking data provided by the Village for Lot F, Lot L, and the twelve-hour parking worth a total of 32 empty spaces at midday. So, these available spaces would account for the required 17-24 vehicles during that time frame.

Mr. Maurer thanked Mr. Corcoran but noted that his question is that those lots are reserved for commuters so although no one is parked there, if he tried to park here he could be ticketed because he would be in a reserved commuter zone. Mr. Zawila clarified that the spaces are available to the public after 11 A.M.

APPROVED 12-2-2019

Mr. Dmytryszyn asked if the study uses multiple sample times and what days of the week or times of the day are these results from. Mr. Corcoran clarified if Mr. Dmytryszyn meant the parking data or the demand for parking. Mr. Dmytryszyn clarified that his questions was about the data related to how many parking spots were available midday. Mr. Corcoran stated that the data was provided by the Village and he is unsure about what sample days were used for that information.

Mr. Maurer expressed his concern over special events such as events at the Tivoli or the high school choir. Rogers becomes a one-way street due to parked cars. He questioned that if there is in fact existing parking capacity that the Village may be suffering from crowding in that neighborhood. Mr. Corcoran shared that in order to accommodate for special events, the restaurant has offered to provide valet parking. This way, the cars could be placed in parking lots that are further away if required.

Ch. Rickard asked staff if this was constructed new in this zoning district would parking be required. Mr. Zawila explained that if new construction was proposed and it met the bulk regulations of the zoning ordinance there would be no parking required for a restaurant use. However, with the PUD and the requested deviations this petition is appearing before the Plan Commission.

Ms. Gassen asked for staff to confirm if the lack of parking was a deviation from the zoning ordinance. Mr. Zawila confirmed that parking is not a code requirement for the restaurant use in the downtown. However, he added that the Comprehensive Plan recommendations include the requirement for a parking study for redevelopment projects and that is why the parking study is part of this discussion.

Mr. Maurer noted that he was attempting to read the staff report which stated that the Village parking requirement was 78 spaces and the estimated demand was 59 spaces. During lunch time there are 32 available spaces that will meet most of the projected demand which is estimated at 17-24 spaces. Mr. Maurer expressed concern over starting with a requirement of 78 spaces, decreased to 59 spaces, to 32 spaces, to 17-24 spaces. This said, Mr. Maurer asked Mr. Corcoran to explain the numbers.

Mr. Corcoran explained that the 78 spaces would be the Village requirement if this restaurant was built anywhere else in the Village. The next thing he looked at was national data for parking demands for a typical restaurant of this type and that is where they arrived at a required parking count of 110 spaces. This did not account for the downtown location of the restaurant. Adjustment were made to also account for the parking study conducted for the downtown in 2011 that focused on patron surveys. From these surveys, 53% indicated that they did not use an automobile to get to the downtown. Instead these patrons use public transit, carpooled, biked, or walked. This data was accounted for and the numbers were adjusted to reflect a parking demand of 44 spaces during lunch time. As compared to the national data, that indicates a demand of 32 spaces, their projections indicated that they are 12 spaces short. However, this did not account for weather and a reduction in seating and thus parking demand. Mr. Corcoran mentioned that the final option was to offer valet parking to make up for shortage in parking during the day.

APPROVED 12-2-2019

Mr. Maurer asked Mr. Corcoran if they really reached a point where they took direction from their client who suggested that the parking demand was instead 17-24 spaces. Mr. Corcoran stated that he relied on his national data came up with a number that was not what his client wanted to see. So, if you looked at it that way there is only a shortage of 12 spaces. He also accounted for his clients' knowledge of the area and lowered the numbers. He then stated that the true question was if they should go with his data or the national data. The data showed they could be short twelve spaces and how do they accommodate for that. So, the solution for this area is to provide valet parking for the middle of the day. He further stated that is really a solution for the middle of the weekday, because once it is the evenings and the weekends, the commuters clear out, and there is not an issue.

Ms. Rollins asked the petitioner's where they would valet park.

Todd Davies, 5101 Mochel, stated that he operates Cadence and the soon to open Foxtail, which both have zero parking spaces. With the new restaurant they are starting to wrap their arms around how valet would work, but he expects to utilize private or public lots for his valet. He acknowledged that there were a lot of questions related to parking around the lunch hour during the week; if he needs to valet during the week that is good problem but does not expect more than 40 to 60 customers, which is reasonable.

Mr. Dmytryszyn wanted confirmation on how the percentage was reached regarding auto usage. He stated that the adjustment appeared to be made to also account for the parking study conducted for the downtown in 2011 that focused on patron surveys. From these surveys 53% indicated that they did not use an auto to get to the downtown. Instead these patrons use public transit, carpooled, biked, or walked. Mr. Corcoran confirm that is correct. Mr. Dmytryszyn further confirmed if the method that determined auto usage was similar to the how the 2011 parking study determined the percentage. Without it in front of him, Mr. Corcoran stated that he was not sure he knew exactly how the original survey was computed. He did state that in a suburban downtown, people like to park once within the downtown and go to multiple locations.

Ms. Majauskas stated that on one hand you don't need any parking for the use, as described by Jason, but she notices that you cannot find parking now and does not believe there is a lot of parking available in the evening with all the uses. She wanted clarification if those spots mentioned as available are for everyone. Chairman Rickard mentioned that that information was just provided to demonstrate what was adjacent to the site but doesn't provide what is available throughout the downtown. He further stated that the parking numbers available from the Village are in the middle day and evening. Ms. Majauskas further state that she is not saying that this is bad as the parking is available for all businesses.

Mr. Zawila clarified when the survey was conducted from the preliminary information that was provided to the petitioner. The survey was conducted during peak AM and PM hours for at least two instances on Thursdays and Saturday.

APPROVED 12-2-2019

Mr. Sobkowiak further stated that the goal for this project is not to drive to it like other sites on Ogden and 75th; the point is that this is a walkable place which encourages walking, from the train, and from other businesses. He added that this would be a bar and they do not want to encourage drivers, and that ride share vehicles are prevalent in the downtown now. Chairmen Rickard echoed that point is reflected in the zoning ordinance which does not require parking in that district.

Ch. Rickard called upon the public to make any comments regarding this petition at this time.

Rick Hines, 922 Warren, stated that this a great idea and is in favor of the project. He stated that he looks forward to being able to walk to the restaurant. He did state that he does not believe the 3-hour parking spots provided on the map exist and if there are special events or bowling those spots are not available; however, this is the downtown and they walk everywhere. He also mentioned that he thought there were plans to redevelop the Village Hall site and hopes that this intersection will see more redevelopment.

Barbara Whiting, 814 Warren Avenue, stated that she is located 5 lots west and wanted to make sure the Plan Commission received her letter. She said she read the summary of the neighborhood meeting, but it does not accurately reflect her comments at the meeting and felt the developer dismissed her concerns. The previous business did operate during the daytime and did have parking on site. She stated concerns that the proposed use would operate late in the night and there would be no onsite parking; the area just northeast is primarily residential and that is not being taken into consideration. This will introduce more foot and vehicle traffic and she is concerned about safety and security. Mr. Maurer indicated that they did receive the letter.

Jane Kagel, 832 Rogers, stated that she did not attend the neighborhood meeting, but wanted to reiterate previous speakers concerns. She also had additional concerns regarding outdoor activity, hours of operations and that nearby residential is not being taken into consideration.

Wendy Kaiser, 840 Rogers, stated that that with railroad construction earlier this year there was a big traffic situation and they could not leave their house because of traffic backups. She stated concern that during peak hours the use will cause a similar issue and blockade their vehicles in their homes.

Scott Richards, 1120 Warren Avenue, state that the project is attractive, but should be located in another area. This is too ambitious and is concerned that no parking will be provided on site and that there will be no parking available with other businesses in the area. He stated that people don’t want to walk and will park in the closest location, which will include parking in the neighborhood, which is not fair. He also stated concerns about the hours of operation and that the petitioner will be taking existing parking from existing businesses.

Kelsey Brar, 5007 Washington Street, stated that she is the most affected resident of this project, as she lives right next door. She stated that she is a Millennial and that

everyone in her generation ride shares and uses public transport. As part of the downtown everyone walks in the walkable environment. With her time living in the Village she personally had seen parking available east of the site that was not completely full. She stated that she does not see the issue, and that the property now is a public nuisance. She has four children and is concerned about their safety with the dilapidated building and potential toxic chemicals still there that have not been maintained. She stated that it is unfortunate how beautiful downtown is except this dilapidated building in the downtown. She said that everyone has to keep in mind that anything that locates will need parking no matter what opens there and feels that this a moot point. She originally thought that she would not want to live next to a bar, but as she is getting to know the community and more specifically the operators, she stated that she believes they have a high level of professional ethics and integrity and believes what they are saying. Lastly, she stated that there is going to be traffic, and that is life, which you have to plan for. She would rather have these guys operate than what is there now.

Dan O Donnel, 835 Rogers, stated that he is located kitty corner to the subject property and would like to go on record his vote of confidence for the petitioner and their investment in the community. He further stated that you cannot build a house here and nobody will ever build a park here, but he feels this is a wonderful idea and is excited to see something happen here as he walks past the site every day and it has been an eye sore. He feels the petitioners will do a good job.

Michael Cassa, President of the Downers Grove Economic Development Corporation, stated that on the first day of the job on July 25th 2011, he was invited to the grand opening of Oakley Home Builders and met Steve and subsequently was able to also attend the grand opening of Steve's other facility he opened up further down Main Street and was able to get to know him well. Then 2.5 year ago, the late Linda Kunze said I have a guy that is going to turn Lemon Tree around, and his name is Todd Davies. He stated that he knew Todd from his Oswego days and that he was a professional restaurateur who is now opening a second restaurant after Cadence called Fox Tail and is looking to open this third restaurant. He stated that he has a lot of confidence in him.

Mr. Cassa went on to further state that this is a great concept for downtown and the Chicago area is embracing outdoor seating; it is what the public wants. He noted that Jason mentioned this is in a downtown district and is not residential and they are subject to all the rules and regulations for a downtown business property. He further stated that the Comprehensive Plan call for this this type of use which includes recommendations for restaurants and other commercial uses. He believes that they are proposing to transform a terrible building into something special. One question that he continues to get from residents and businesses on the north side, is when they are going to going to get some stuff. The north side lacks foot traffic that restaurants and shops provide; that is the whole idea. He further suggested that we need to get people on foot to the north of the tracks and that most of the new restaurants are on the south side where they create the synergy and energy needed. This will be a great addition and the Downers Grove Economic Development Corporation strongly supports this project.

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Barbara Whiting returned to the podium and stated that she gets that this is zoned downtown business and that the neighbors should be taken into consideration.

Dick Kasper, 4942 Elm Street stated that the facility has been used for 20 years for auto repair and prior to that it was a gas station. He inquired if the tanks were removed. Chairman Rickard stated that they receive a letter from the State that no further remediation was required, but he was not sure if the tanks were removed. Mr. Zawila said that the petitioner can respond to that inquiry when they return to the podium, but reconfirmed that per the letter, residential could not be placed on the site, and the site could only be used for commercial or industrial purposes.

Mr. Maurer stated that is a very important point that was referenced in several locations in the agenda packet. It appears no further remediation is required and that a solid slab must be placed over the soil. Just as important that this cannot be used for residential use and that he understands that there is concern in the neighborhood about multi-family residential and that traffic is backed up at the lights in the area.

Will Kreuzer, Tartan Realty, stated that when the addition was added that the tanks were removed, and 6 feet of soil was removed from the site with the concrete slab being placed back. With the redevelopment they will ensure there are no conflicts with work completed and the environmental remediation that occurred on the site. The full phase 1 was completed and is available.

Chairman Rickard invited the petitioner back up to offer closing remarks.

Mr. Sobkowiak feels they addressed a lot of the concerns regarding parking and understands that this is a risky endeavor north of the tracks. They feel that they are meeting what the master plan recommends and this will drive foot traffic north of the tracks with a walkable space. He also admitted he has ulterior motives and wants to raise property values with this awesome opportunity that is great for the community. He thank the Commission and staff.

Mr. Davies returned to the podium to provide information on planned hours. As they learned being under a residential condo with Cadence, it is imperative that they are good neighbors. He feels they have been successful with that balance. He stated that the hours are not known yet, but this would not be 2:00 in the morning; that is not the idea. With Cadence they close their patio at 11:00PM and expect something similar. He stated that his current servers are respectful to the neighborhood and he is in the business to make people happy. He thinks his hours will be 11AM to midnight on the weekends and a little earlier in the week.

Staff's Presentation:

Ms. Ramirez, Development Planner with the Village, provided a location map and said that the property is located northeast of the intersection of Warren Avenue and Washington Street and it is zoned downtown business. The petition is seeking approval for a Planned Unit Development. Ms. Ramirez provided a photo of the site looking

north on Warren Avenue. In response to the public hearing notice, staff received a letter from a concerned citizen last minute. She apologized for not including the letter in the packet and mentioned that a copy of that letter was placed on the counter for their review. Ms. Ramirez noted that the existing site was a former vehicle repair and maintenance facility. She then provided an image of the proposed site plan that indicates building additions and outdoor seating concept. She also provided an elevation indicating the material types and architectural features proposed.

Staff stated that they found that the petition complies with the Planned Unit Development criteria and therefore recommends that the Plan Commission provide a positive recommendation to the Village Council to approve this Planned Unit Development for a restaurant 844 Warren Avenue, subject to the recommended conditions for approval.

Ms. Rollins noted that there is no east west pedestrian crossing at this intersection unless you cross the tracks or walk up to the closest corner. She asked if there were any considerations to add a cross walk or something to help the pedestrian traffic.

Mr. Zawila offered to look at those crosswalk options as part of this approval process. He explained that there were likely limitations based on the proximity to the BNSF but if the petition moved forward staff could review some crosswalk options during the permitting phase. Ms. Ramirez thanked Ms. Rollins for the comment and offered to consider this comment with the Public Works department.

Ch. Rickards asked if there were any other questions for staff.

Ms. Gassen noted that the petition was asking for a lot of relief which she understood was the main reason why the request was for a PUD. She then requested that the deviations be addressed. In response to Ms. Gassen's inquiry, Ms. Ramirez explained the deviations that were being requested. She stated in looking at the seating plan the Plan Commission will notice that there are several features that are not typically permitted in the street yard these include fire pits, anchored lawn furniture, and the trash enclosures. Ms. Ramirez also noted that the proposal did not meet the build-to zone requirements. Next, she explained the minimum building height was not being met and the reason for this was the NFR letter that restricted the construction of residential dwelling units on this property. Ms. Gassen noted that while residential development was prohibited other types of development could be added to a second floor. Ms. Ramirez confirmed that the development for limited industrial and commercial would be permitted on a second floor.

Mr. Maurer stated that one of the ironies of the proposal is that what is being proposed, with all of the requested reliefs, could be seen as a relief to the neighbor. He explained that while the code requires building to the street, the proposal wants less building and more open space. At another point the code requires a minimum height of 32 feet and the proposal includes a shorter building. So, it is rare that someone is in front of the commission requested to build and host less. This in turn could give comfort to the community there.

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Ms. Gassen noted that the zoning district on this lot recently changed to Downtown Business and that this change was for a reason. The goal for this area was to continue the streetwall. She clarified that she was not against the project but there is a lot of relief that is being asked for. Ms. Gassen noted that the adjacent parcels are also zoned downtown business and in reality, you could have a six-story building at this location.

Ch. Rickard stated that while there are residential properties surrounding this property, they are zoned downtown transition. That said, people should expect uses typical to a downtown to be able to locate in this area. He then referenced Mr. Maurer's earlier point and stated that the fact that this building is smaller and shorter does generate additional thoughts. For instance, a restaurant use would have more rooftop equipment, exhaust, steam, and smells from food. But residential uses directly adjacent will be affected by this. Ch. Rickard suggest that with so much relief being asked for additional screening should be looked at this level because of the relief for the short building. Mr. Zawila, noted that screening for the rooftop equipment will be provided. Mr. Maurer agreed that the elevations indicate a proposed parapet.

Ch. Rickard stated that parking is related to the nature of the zoning district. He shared that as a resident who lives north of the tracks when he frequents business in the downtown, he is always on foot to avoid parking and traffic. He also recognized that more people are walking and taking advantage of ride share and cycling. Ch. Rickard also realized that while parking is being removed, he is unsure if that can be held against the petitioner. Instead, he notes that if the business is good, he believed people would not mind walking a block or two even if they do choose to drive. Lastly, he said he was surprised with the amount of relief that was being asked for. Yet, he understood that the request was tied to being able to reuse the existing building. While most people are trying to maximize their footprint and height this proposal is trying to keep that to a minimum.

Ms. Gassen stated that this could mean the neighbors feel a lot better since it could be a lot worse. With regards to the property to the east, she stated that that it is unlikely to become a six-story building and if it did, she would not find it problematic.

Ms. Majauskas stated that this was an issue over the devil you know and the devil you do not know. She said that something was going to be built here and a resident of she weighs how bad it could be. If a six-story residential building comes in it may require 500 parking spaces. Based on what she has heard from staff it sounds like adding a parking requirement is not something the Village can control. While she is concerned with parking it is not within their purview to make the property a parking lot. Instead, the proposal is for a business that attracts families. The proposal could be a bar or office complex it could be much worse than what is being proposed. So, knowing the devil she suggested going with the devil they do know. Ms. Gassen kindly added that Ms. Majauskas is not saying the petitioner is the devil. Ms. Majauskas confirms that is correct and it is only a saying.

Mr. Dmytryszyn asked if the proposal met the bulk regulations and a PUD would not be required then the proposal would not have to appear before plan commission.

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Mr. Zawila confirmed this was correct the proposal would follow the building permit requirements. Mr. Dmytryszyn appreciated the explanation and noted that the parking issue would be present even in that scenario. He also suggested that staff should consider more days for the parking data.

Ms. Gassen noted that while the overall parking discussion for the downtown is not appropriate for this meeting, she knows there have been talks of considering a future parking lot on the north side of the tracks, so in general the parking is an issue regardless of this project.

Mr. Patel expressed support for the design and while he would drive to the establishment, he recognizes that several people would be able to walk there.

Ms. Johnson echoed previous comments stating that she would not be in favor of a 70-foot building at this intersection because it would not fit in. Instead the proposal would allow for a nice transition to the residential areas.

Mr. Maurer noted that he considered three different options for this property. One being the development of multi-family high density which would not fall in line with the requirements of the IEPA. The second issue was parking, but the code does not require parking because it is not part of the relief that the petition is looking for. The final issue is related to noise. He noted that there was no shortage of al fresco dining in the Village. The existing dining are all adjacent to residential uses. He then asked staff if there were any complaints related to al fresco dining.

Mr. Zawila stated that staff has not prepared that information at this point.

Mr. Maurer asked about the process for recourse. Mr. Zawila stated that resident can call the police and during business hours they can also contact the Community Development department.

Ms. Gassen asked if the petitioner could have outdoor live music or if they would need a special permit. Mr. Zawila explained that the outdoor patio permit is being request year-round as one the relief points. However, they are still subject to the other requirement in the ordinance for outdoor cafes. Amplified noise is not permitted and noise from a live band cannot go past 10 P.M.

There being no further discussion, Ch. Rickard closed the opportunity for further public comment.

Commission Deliberation:

Ch. Rickard asked if the Commissioners had any comments regarding this proposal.

Ms. Gassen thanked the petitioners for continuing to invest in the community and wished the petitioners success.

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Ms. Johnson agreed with Ms. Gassen and noted that this is an area that is underserved.

Ms. Gassen stated that based on the petitioner's submittal, the staff report, and the testimony presented, she finds that the petitioner has met the standards of approval for a Planned Unit Development and accompanying rezoning as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, moved that the Plan Commission recommend to the Village Council approval of 19-PLC-0030, subject to the following conditions:

1. **The Planned Unit Development and Rezoning shall substantially conform to the staff report; architectural and landscape drawings prepared by Oakley Home Builders dated September 6, 2019, and last revised on October 10, 2019 and engineering drawings prepared by Gabriel Group, Inc. September 6, 2019 and last revised on September 30, 2019, except as such plans may be modified to conform to the Village codes and ordinances.**
2. **The building shall be equipped with an automatic suppression system and an automatic and manual fire alarm system.**
3. **Outdoor seating is permitted year round as shown in the attached drawings.**

Motion seconded by Commissioner Rollins

AYES: Dmytryszyn, Gassen, Johnson, Majauskas, Maurer, Patel, Rollins, Ch. Rickard

NAYS: None

The Motion passed unanimously