

VILLAGE OF DOWNERS GROVE
Report for the Village
5/17/2022

SUBJECT:	SUBMITTED BY:
400 75 th Street – Special Use	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The petitioner is requesting approval of a Special Use to permit a drive-through at 400 75th Street.

STRATEGIC PLAN ALIGNMENT

The goals for 2021-2023 include *Strong and Diverse Local Economy*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the June 7, 2022 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 and meets all of the standards for a Special Use found in Section 28.12.050.

BACKGROUND

Property Information & Zoning Request

The property consists of a 3,200 square foot building that was formerly occupied by a bank with a three lane drive-through, which has been vacant since 2018. The petitioner is proposing to convert the existing building into a salon and a coffee shop with one drive-through lane. A restaurant with a drive-through is listed in Section 28.5.010 of the Zoning Ordinance as a Special Use in the B-3, General Services and Highway Zoning District.

The petitioner is proposing upgrades to the interior and exterior of the existing building to accommodate a salon and coffee shop. The existing three lane wide canopy over the drive-through will be removed and replaced with an awning over the drive-through window. Additionally, the existing brick on all four sides of the building will be painted white and the existing paneling painted black. Site improvements also include pedestrian connections from both Fairview Avenue and 75th Street, a new trash enclosure and a menu order board. The bollards along the north building façade will be removed.

Compliance with the Comprehensive Plan

The Comprehensive Plan's Future Land Use Map designates this property as Corridor Commercial. Corridor Commercial uses include a blend of neighborhood oriented commercial retail that provide services and retail opportunities to the nearby neighborhoods and the surrounding region. The Comprehensive Plan specifically

identifies that the 75th Street corridor should continue to contain a range of these types of uses. These commercial areas have a “unique character” and should serve the daily needs of local residents while providing goods and services to the larger region.

Public Comment

Staff received one call seeking additional information on the request. At the public hearing, the leasing manager of the shopping center requested details on the drive-through queuing area.

ATTACHMENTS

Ordinance

Aerial Map

Staff Report with attachments dated May 2, 2022

Approved Minutes of the Plan Commission Hearing dated May 2, 2022

ORDINANCE NO. _____**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR
400 75TH STREET TO PERMIT
A DRIVE-THROUGH**

WHEREAS, the following described property, to wit:

THE EAST 206.0 FEET OF THE SOUTH 278 FEET (EXCEPTING THEREFROM THE SOUTH 100 FEET AND THE EAST 50 FEET THEREOF, DEDICATED FOR ROAD PURPOSES BY PLAT OF DEDICATION RECORDED AS DOCUMENT R76-38607) OF THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 400 75th Street, Downers Grove, IL 60516
PIN: 09-29-216-004

(hereinafter referred to as the "Property") is presently zoned in the "*B-3, General Services and Highway Business District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.12.050 of the Zoning Ordinance be granted to permit a drive-through.

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing for the petition on May 2, 2022 and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

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

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

1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;
2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
3. That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage

County, Illinois, as follows:

SECTION 1. That Special Use of the Property is hereby granted to permit a drive-through.

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

1. The Special Use request for a coffee shop with a drive-through shall substantially conform to the plans prepared by The Interior Design Group LTD, drawn on 3/25/22 and revised on 4/18/22, except as such plans may be modified to conform to Village codes and ordinances.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use is granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and/or revocation of the Special Use granted herein.

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

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

Mayor

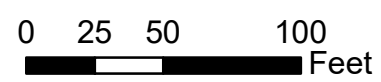
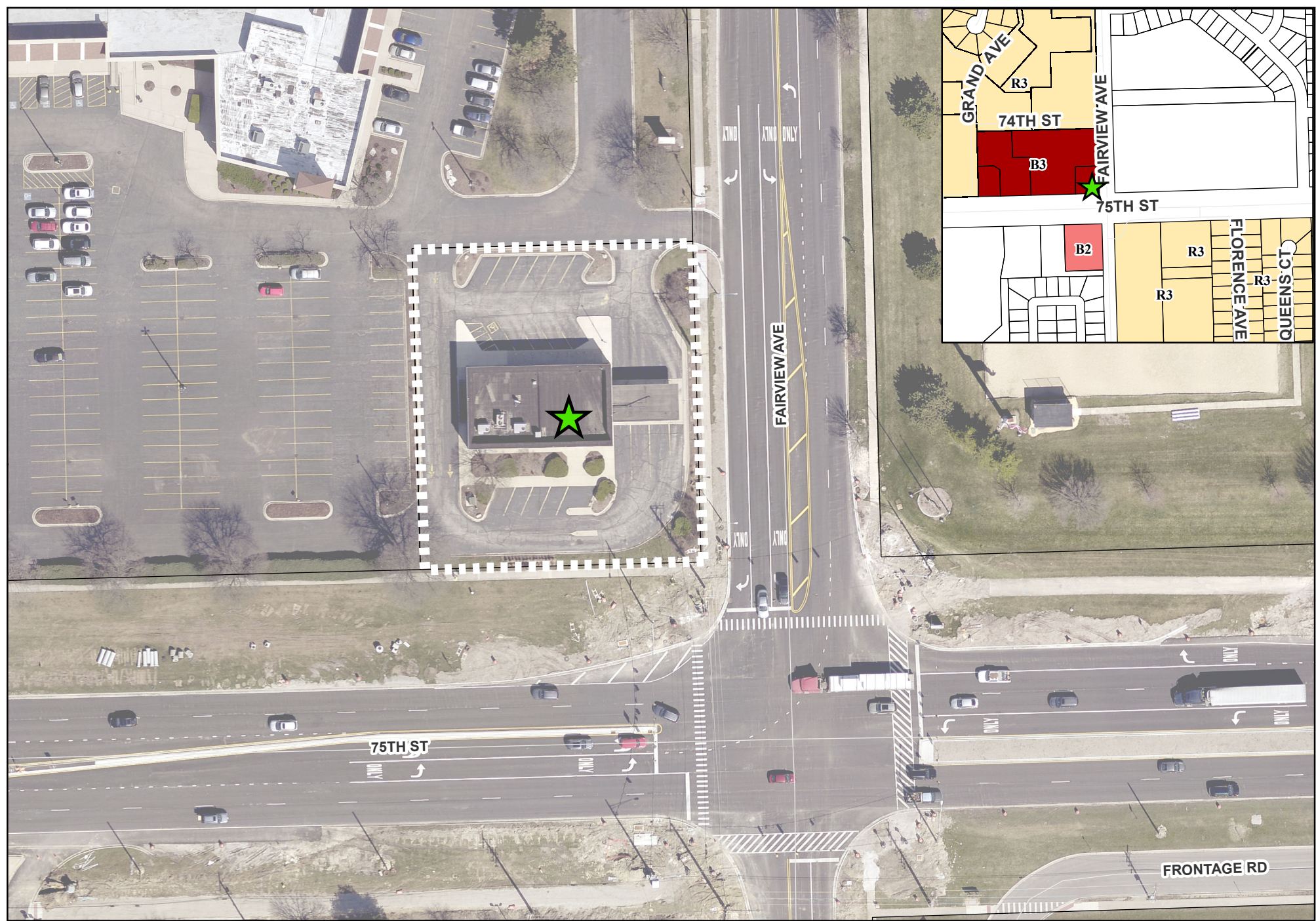
Passed:

Published:



Attest: _____

Village Clerk

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400 75th Street - Location Map

-  Subject Property
-  Project Location



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
MAY 2, 2022 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
22-PLC-0011 400 75 th Street	Special Use for Drive-Through	Gabriella Baldassari, AICP Development Planner

REQUEST

The petitioner is requesting Special Use approval for a drive-through at 400 75th Street.

NOTICE

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

GENERAL INFORMATION

OWNER/PETITIONER: Sebastian Sotelo
400 75th Street
Downers Grove, IL 60516

PROPERTY INFORMATION

EXISTING ZONING: B-3, General Services and Highway Business
EXISTING LAND USE: Vacant
PROPERTY SIZE: 27,768 square feet (0.64 acres)
PIN: 09-29-216-004

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
North:	B-3, General Services and Highway Business	Corridor Commercial
South:	B-2, General Retail Business and	Corridor Commercial
East:	City of Darien, B-2, Community Shopping Center Business District	City of Darien
West:	B-3, General Services and Highway Business	Corridor Commercial

ANALYSIS**SUBMITTALS**

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

1. Location Map
2. Plat of Survey
3. Project Narrative
4. Approval Criteria

5. Architectural Plans
6. Shared Parking Agreement

PROJECT DESCRIPTION

The subject property is located at the northwest corner of 75th Street and Fairview Avenue and is zoned B-3, General Services and Highway Business. The 27,768-square foot property consists of a 3,200 square foot building that was formerly occupied by a bank with a three lane drive-through, and has been vacant since 2018. The petitioner is proposing to convert the existing building into a salon and a coffee shop with one drive-through lane. A restaurant with a drive-through is listed in Section 28.5.010 of the Zoning Ordinance as a Special Use in the B-3 zoning district.

Site Layout

The petitioner is proposing upgrades to the interior and exterior of the existing building to accommodate the salon and coffee shop. The existing three lane wide canopy over the drive-through will be removed, and replaced with an awning over the drive-through window. Additionally, the existing brick on all four sides of the building will be cleaned and the existing paneling painted black.

The site circulation will remain unchanged with vehicles entering the site from the one-way entrance aisle at the northwest corner of the lot and exiting at the one-way exit aisle at the northeast corner of the lot. The parking area along the south side of the building will be returned to green space and landscaped, and the drive aisle along the south side will provide space for the required 8 stacking spaces in queue for the drive-through. As required, there will be three spaces between the order and pickup window. The drive aisle striping will be updated for the single lane drive-through.

Site improvements also include pedestrian connections from both Fairview Avenue and 75th Street, a new trash enclosure and a menu order board. The bollards along the north building façade will be removed.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The current Comprehensive Plan's Future Land Use Map designates this property as Corridor Commercial. Corridor Commercial uses include a blend of neighborhood oriented commercial retail that provide services and retail opportunities to the nearby neighborhoods and the surrounding region. The current Comprehensive Plan specifically identifies that the 75th Street corridor should continue to contain a range of these types of uses. These commercial areas have a "unique character" and should serve the daily needs of local residents while providing goods and services to the larger region.

The proposed development also meets the Comprehensive Plan's recommendations as follows:

- Proposed redevelopment of underutilized commercial properties
- Demonstrates high level of design that blends with surrounding properties
- Provides added value to the adjacent properties
- Utilizes shared parking
- Provides a dumpster enclosure and screening

COMPLIANCE WITH THE ZONING ORDINANCE

The property is zoned B-3, General Services and Highway Business District. The properties on all four sides adjacent to the site are also zoned for commercial activities. The proposed coffee shop with a drive-through is listed as a Special Use in this district. The request for a drive through is to re-establish a previously existing special use that was discontinued for a continuous period of six (6) months or more. The bulk requirements of the proposed drive-through in the B-3 zoning district are summarized in the following table:

22-PLC-0011; 400 75th Street
May 2, 2022

Page 3

Proposed Drive-through	Required	Proposed
Stacking Spaces	8	8
Drive Aisle Width	10 ft.	10 ft.
Parking Space Required	14	11 (plus shared parking)
Street Setback (east)	25 ft.	35 ft.
Street Setback (south)	25 ft.	25 ft.

Parking

The existing accessible parking space will be improved with an accessible path leading to the building entrance. The proposed use requires 14 parking spaces. With the proposed improvements, 11 parking spaces will be provided on the subject property. The shopping center has an additional 316 parking spaces that are available through a shared parking agreement between the property owner and shopping center.

Signage

New wall signs will be proposed on the eastern and southern facades. Directional signage will also be installed to help guide vehicles to the drive-through. All exterior signage will be required to meet the Sign Ordinance requirements.

ENGINEERING/PUBLIC IMPROVEMENTS

The proposal will decrease the net impervious area by 893 square feet, for a proposed impervious area of 22,023 square feet for the shopping center. As such, no Post Construction Best Management Practices are required. New pedestrian connections will be provided to both Fairview Avenue and 75th Street. No other public improvements will be required.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division has reviewed the proposed plans and has determined that the proposal will not require the installation of fire sprinklers.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners within 250 feet or less from the property lines, the public hearing sign was posted, and a legal notice was published in the *Daily Herald*. Staff received one call with questions about the project, but no concerns were stated.

STANDARDS OF APPROVAL

Special Use

Section 28.12.050.H Approval Criteria – Special Uses

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the petitioner has presented evidence to support each of the following conclusions:

1. *That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;*
2. *That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.*

22-PLC-0011; 400 75th Street
May 2, 2022

Page 4

3. *That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.*

DRAFT MOTION

Staff will provide a recommendation at the May 2, 2022 meeting. Should the Plan Commission find that the request meets the standards of approval for a special use, staff has prepared a draft motion that the Plan Commission may make for the recommended approval of 22-PLC-0011:

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 Special Use 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 22-PLC-0011, subject to the following conditions:

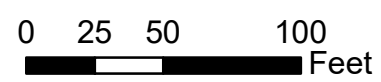
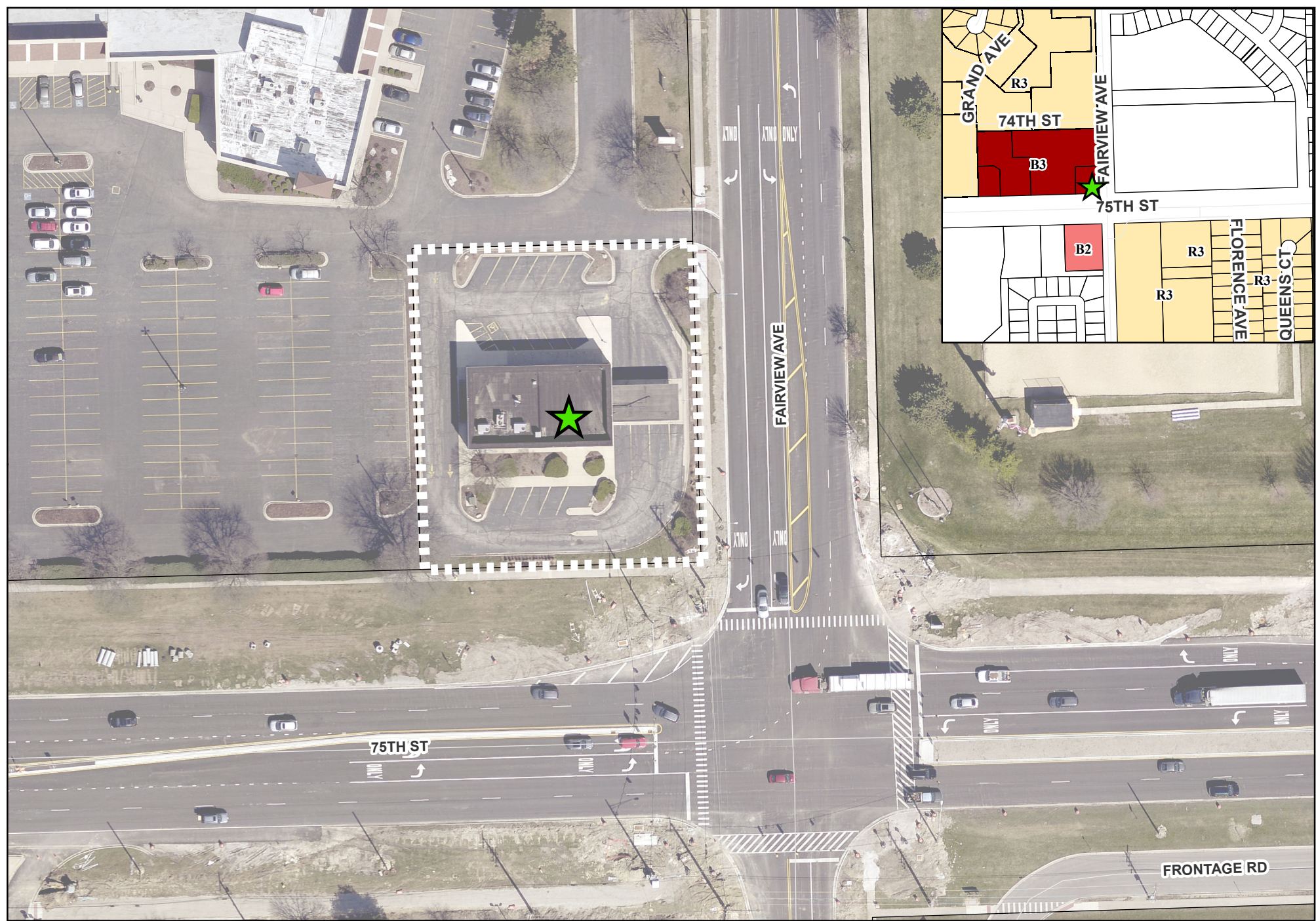
1. The Special Use request for a coffee shop with a drive-through shall substantially conform to the plans prepared by The Interior Design Group LTD, drawn on 3/25/22 and revised on 4/18/22, except as such plans may be modified to conform to Village codes and ordinances.

Staff Report Approved By:





Stanley J. Popovich, AICP
Director of Community Development

SP:gb
-att



400 75th Street - Location Map

-  Subject Property
-  Project Location



March 25, 2022

Ms. Gabriella Baldassari
Village of Downers Grove
801 Burlington Ave.
Downers Grove, Illinois 60515

RE: Project Summary/Narrative
Proposed Sotello Beauty Space
400 75th Street

Dear Gabriella,

As per our recent meeting and conversations, please see the enclosed Planning Commission Application for the above referenced project on behalf of Stay Safe Beauty, LLC (Agent for CRE JV Mixed Fifteen IL 3 – Owner) which includes a Special Use approval request for a Drive-Through. A check for the required application fee will be delivered to your office under separate cover.

The proposed Hair Salon with a coffee bar is to occupy the existing vacant one story building with full basement (formerly U.S. Bank) located at the corner of 75th Street and Fairview Ave. The 3,250 sq.ft. First Floor will be renovated to accommodate the new hair salon and coffee bar while the basement will not be used and is not in the scope of work.

Sitework shall include the removal of the existing drive-up canopy and concrete islands that made up the multi-lane drive-up for the previous bank. The existing drive-thru circulation around the perimeter of the site will remain as it is currently set up which avoids the main parking lot on the north side of the building. In order to provide the required eight (8) car stacking for the proposed drive-thru, the parking spaces on the south side of the building will be removed and a new curb installed connecting to the existing islands on either side of the parking spaces. There is an existing shared parking and access agreement between the subject property and the adjacent Fairview Plaza Shopping Center which, combined with the eleven (11) on-site parking spaces, contributes to the total required parking for the subject property. Due to the removal of the parking stalls on the south side of the building and replacing it with new landscaping, the



overall open space on the property is increased by approximately 998 sq.ft. A new composite wood trash enclosure will also be provided on the West side of the building and will be designed to blend in with the building as much as possible to minimize its appearance.

In following with the requirements of the Village, a new pedestrian connection will be provided from the existing sidewalk along Fairview Ave. to the existing sidewalk along the north side of the building where the main building entrance is located. We have not provided a new pedestrian connection on the South side of the property. Due to the existing configuration of the building and the drive aisles, we believe that providing a pedestrian walkway on the South side of the building will be detrimental to the health and safety of the general public as it would lead the public directly into the drive-thru circulation and traffic. This would be in direct contradiction to the intention of the pedestrian connections.

The proposed coffee bar, within the hair salon, will feature a single drive-thru lane. The previous bank drive-thru will be reutilized to serve the coffee bar and one of the existing fixed windows will be replaced with a new sliding drive-thru window. Also, a new standing seam metal canopy/awning will be provided over the new drive-thru window. The canopy will match the color and aesthetic of the standing seam metal paneling around the top portion of the building.

The existing building consists of brick around the base of the building with standing seam metal panels around the top of the building with aluminum storefront windows. There are no planned physical changes to the existing building, however we are proposing to update its appearance by whitewashing the brick and painting the metal paneling black. All the existing exterior building lighting will remain and be upgraded with new LED lamps. The application packet includes colored exterior elevations of all four sides of the building illustrating the proposed changes. We believe these updates will create a clean and modern aesthetic that better represents the new use as a hair salon.



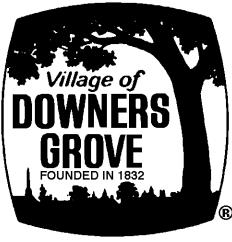
Thank you for your assistance thus far with this proposed project. Please let us know if you have any questions or need any additional information in order to consider this application complete and eligible for placement on the Plan Commission Meeting agenda.

Best regards,

THE INTERIOR DESIGN GROUP LTD.

A handwritten signature in black ink, appearing to read 'R. DeBari'.

Ryan L. DeBari
Vice President/Senior Architectural Associate



Review and Approval Criteria SPECIAL USES

Plan Commission Number & Title: _____

A DETAILED RESPONSE TO ALL OF THE STANDARDS SHALL BE PROVIDED, SPECIFYING HOW EACH STANDARD IS OR IS NOT MET.

Section 28.12.050.H Approval Criteria (Special Uses)

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

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

- 3. That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.***



THE INTERIOR DESIGN GROUP LTD.

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PROJECT DESIGN TEAM:

ARCHITECT: JESSICA LIES
PROJECT MANAGER: RYAN DEBARI
REVIEWER:
DRAWN BY: RYAN DEBARI
REVISED BY:

SOTELO
BEAUTY SPACE
400 75TH STREET
DOWNERS GROVE, ILLINOIS 60516

PROJ. NO. 24376-22

SUBMITTED: DATE:

REVISED PER VILLAGE: 04 | 18 | 22

FOR PLAN COMMISSION: 03 | 25 | 22

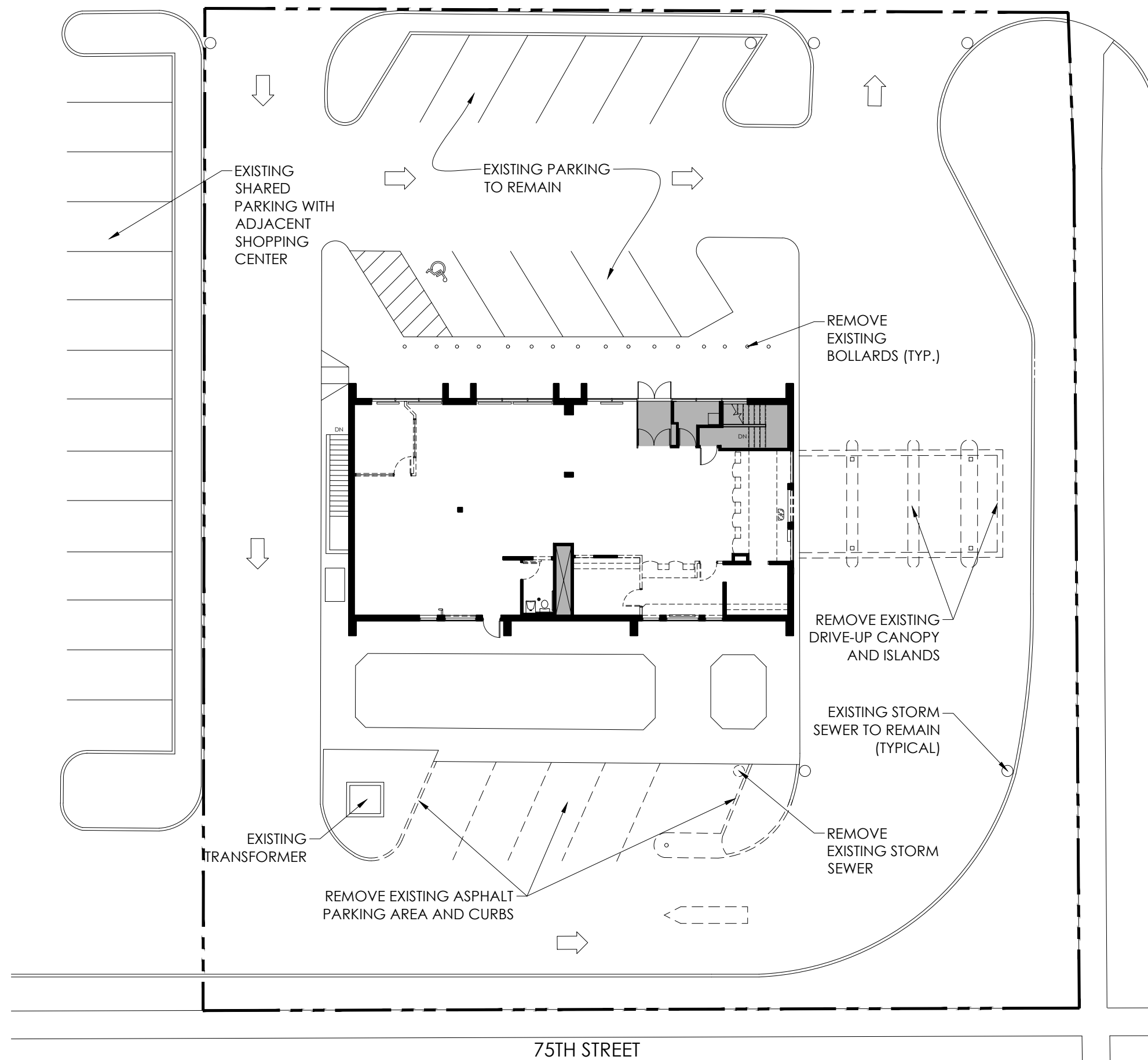
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SHEET TITLE:

PROPOSED SITE DEMOLITION PLAN

SHEET NO.:

SP-1



FAIRVIEW AVE.



North

PROPOSED SITE DEMOLITION PLAN

SCALE: 1"=20'-0"



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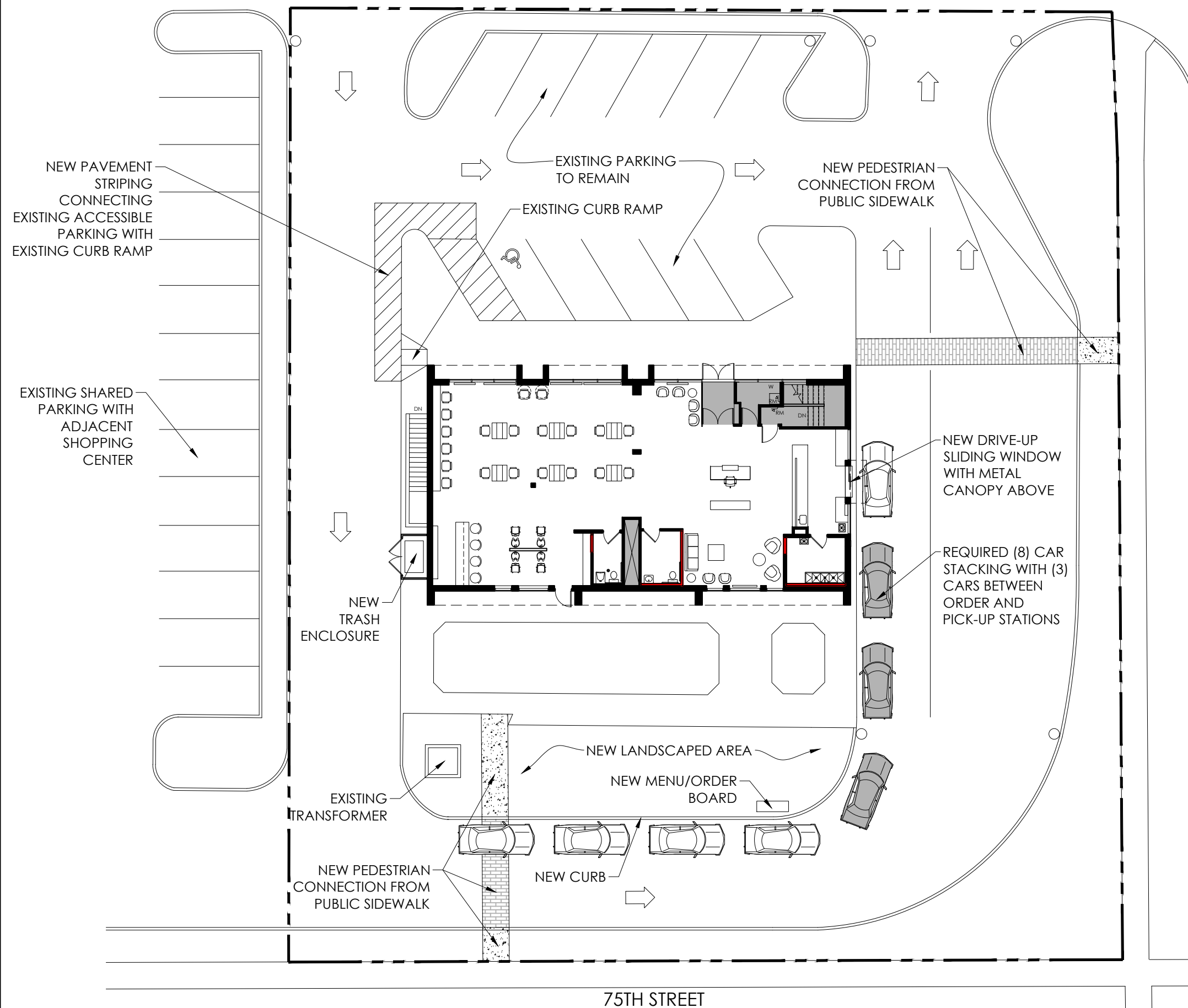
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SHEET TITLE:

PROPOSED SITE PLAN

SHEET NO.:

SP-2



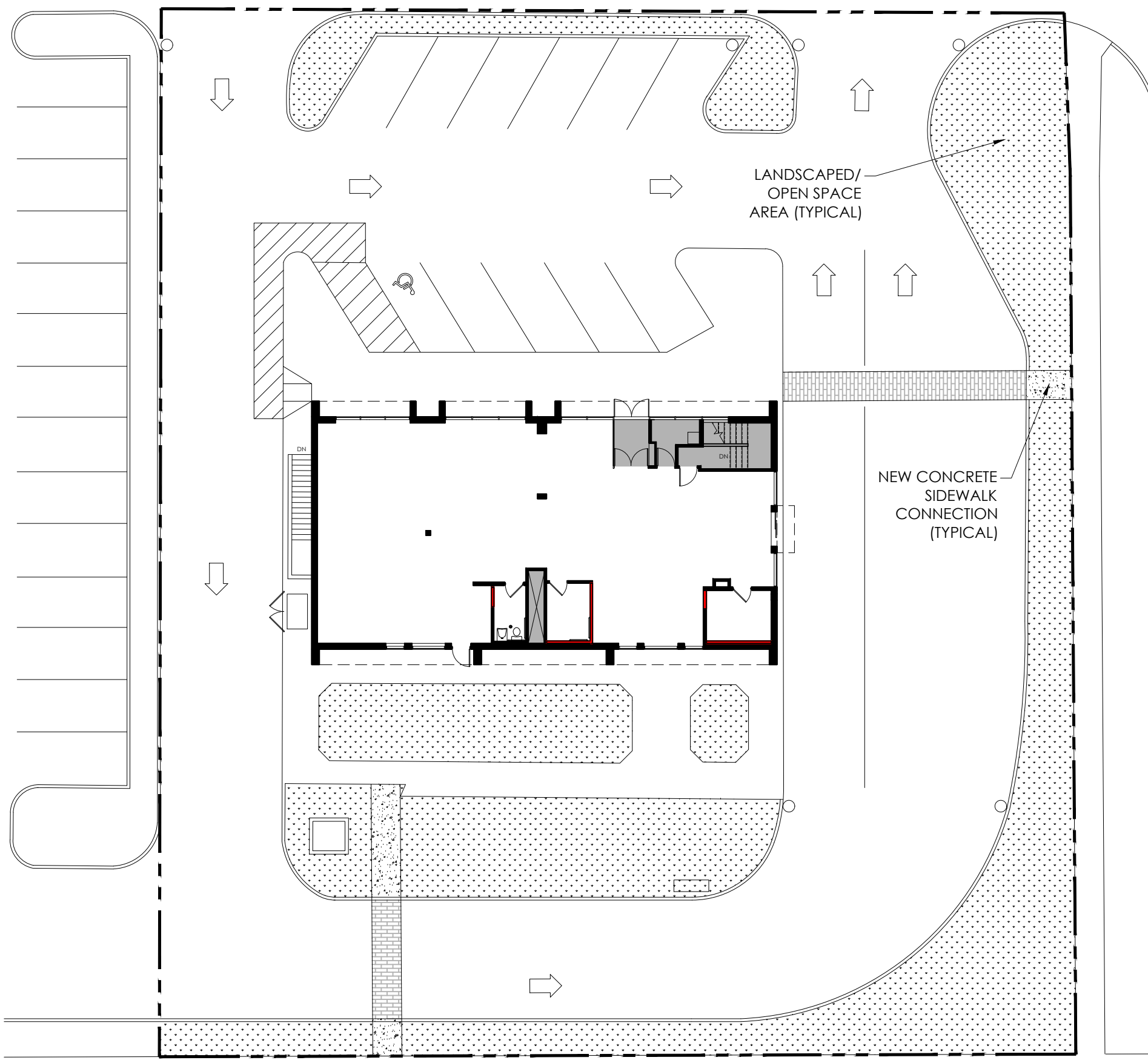
FAIRVIEW AVE.

75TH STREET

PROPOSED SITE PLAN

SCALE: 1"=20'-0"





FAIRVIEW AVE.

75TH STREET

PROPOSED PERVIOUS/IMPERVIOUS SITE PLAN

SCALE: 1"=20'-0"

SITE IMPERVIOUS

EXISTING IMPERVIOUS AREA: 22,916 SQ.FT.

PROPOSED IMPERVIOUS AREA: 22,023 SQ.FT.

NET IMPERVIOUS: -893 SQ.FT.



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SUBMITTED: DATE:

REVISED PER VILLAGE: 04 | 18 | 22

FOR PLAN COMMISSION: 03 | 25 | 22

DRAWN: 03 | 25 | 22

SHEET TITLE:

PROPOSED
PERVIOUS/IMPERVIOUS SITE PLAN

SHEET NO.:

SP-3



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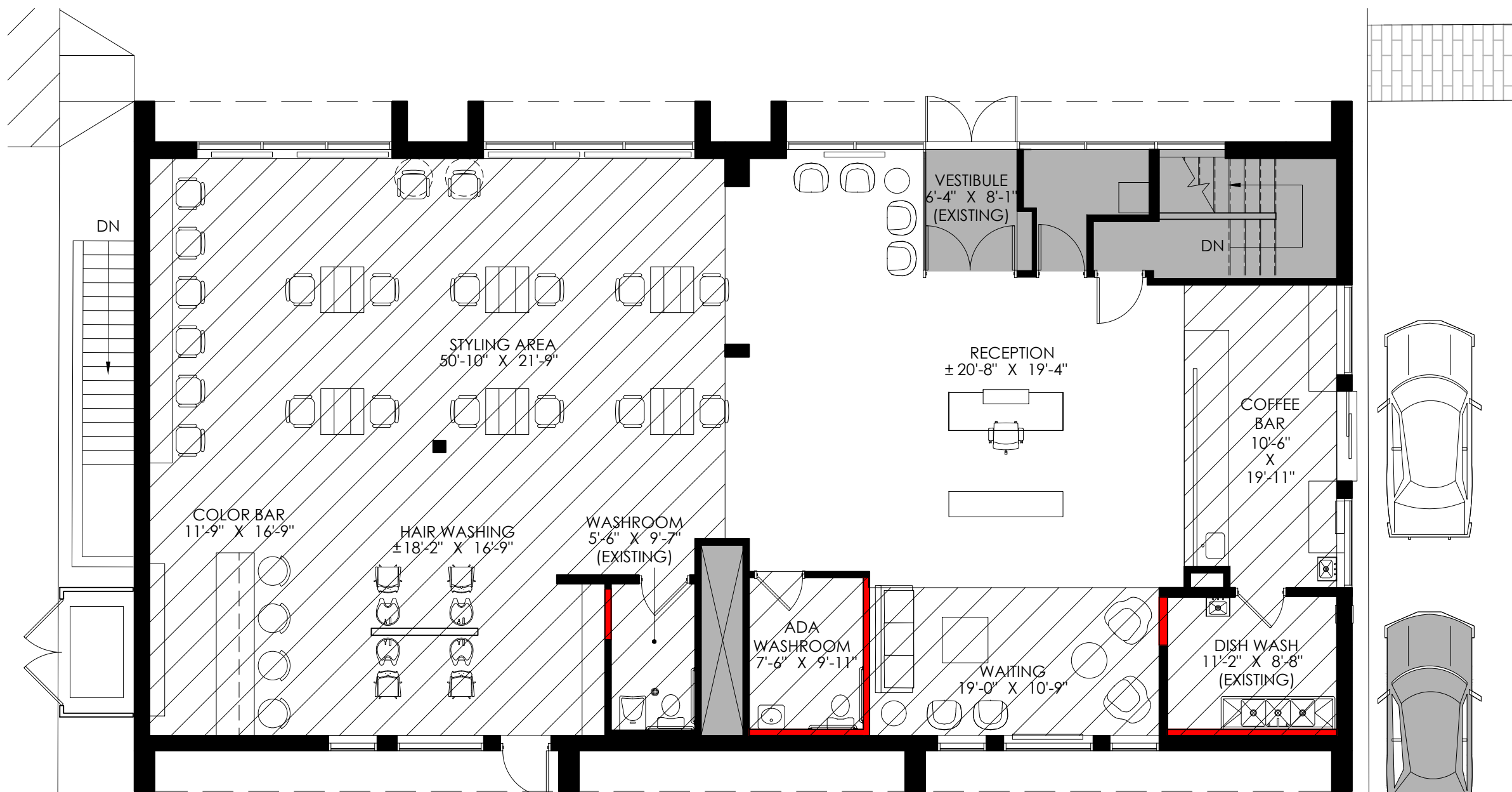
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SHEET TITLE:

PROPOSED SPACE PLAN

SHEET NO.:

SP-4



	SCOPE OF WORK AREA: (DEMOLITION/CONSTRUCTION)	1,988 SQ.FT.
	TOTAL BUILDING AREA:	6,400 SQ.FT.
SCOPE OF WORK AREA = 31% OF TOTAL BUILDING AREA		

PROPOSED SPACE PLAN

SCALE: 1/8" = 1'-0"



North



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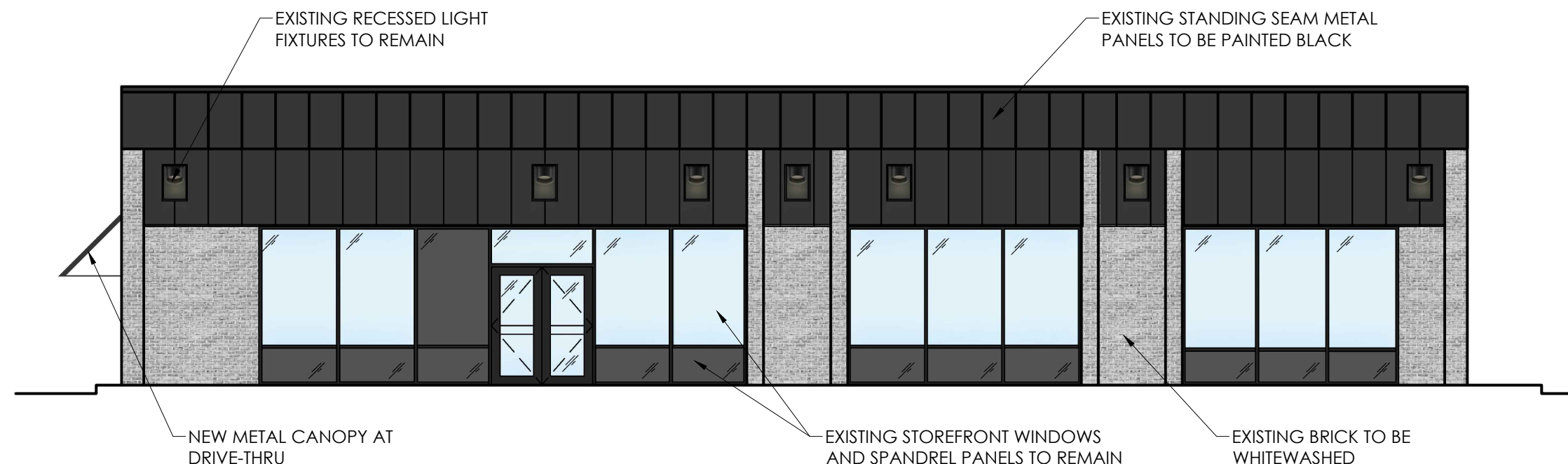
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REVISED BY:



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

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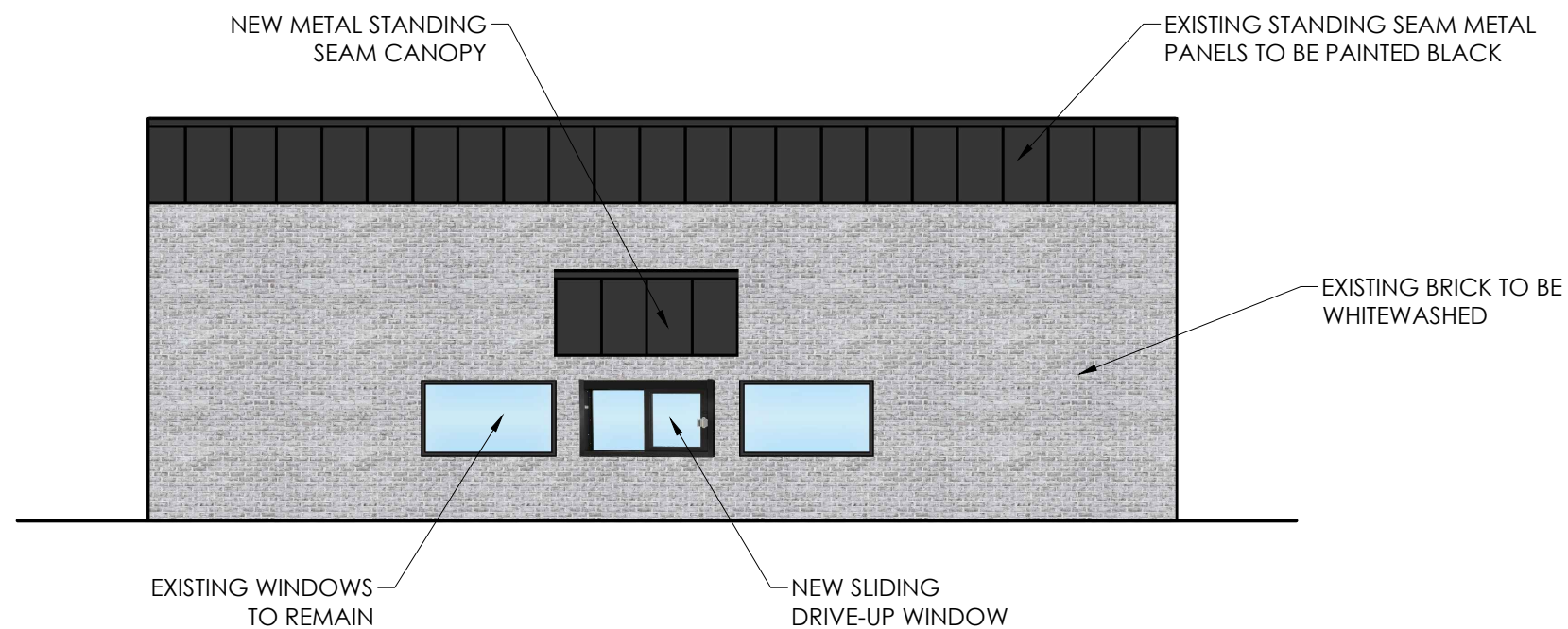
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SHEET TITLE:

NORTH AND SOUTH
EXTERIOR ELEVATIONS

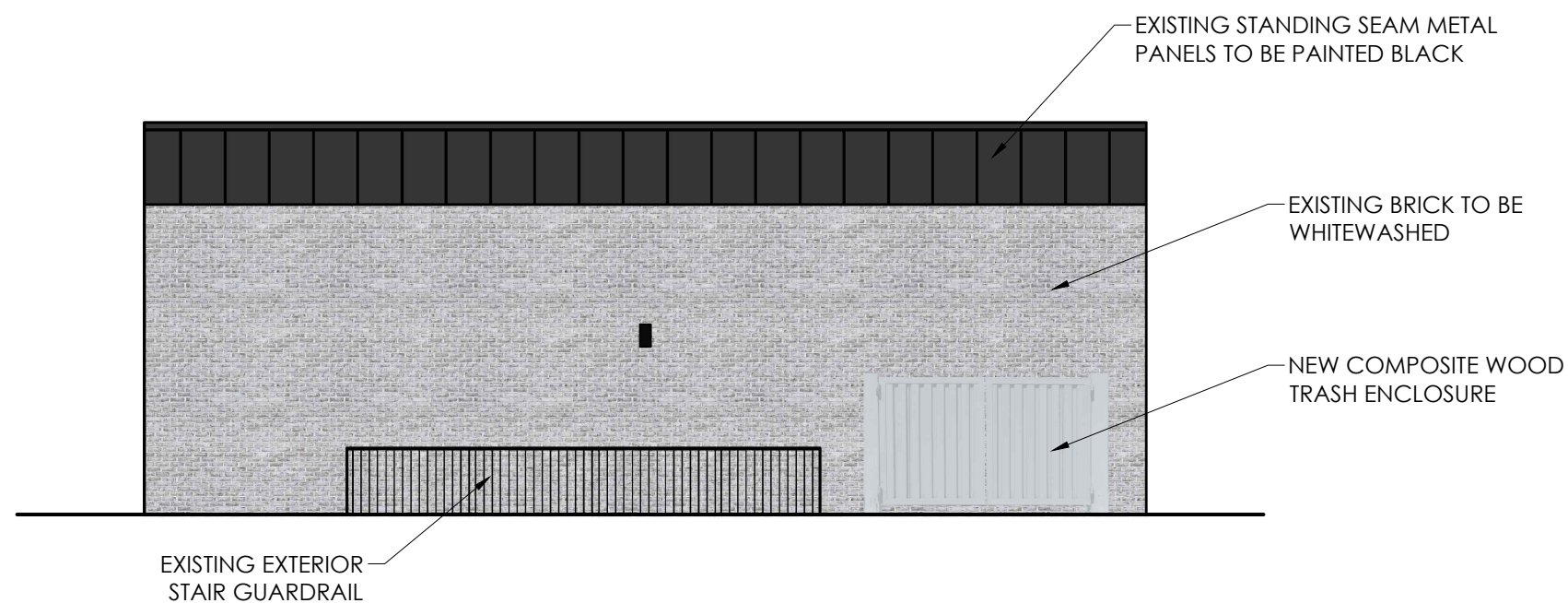
SHEET NO.:

EL-1



EAST ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"



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SHEET TITLE:
**EAST AND WEST
EXTERIOR ELEVATIONS**

SHEET NO.:

EL-2

RECORDER
DU PAGE COUNTY

R79- 26057

1979 APR -3 AM 9:45

George W. Joseph

RECIPROCAL EASEMENT AGREEMENT

INDENTURE, made this 13th day of March, 1979, between HERITAGE STANDARD BANK AND TRUST COMPANY, not individually, but as Trustee under Trust Agreement dated the 5th day of December, 1978, and known as Trust No. 6162 (hereinafter referred to as Party of the First Part), HERITAGE STANDARD BANK AND TRUST COMPANY, not individually but as Trustee under Trust Agreement dated the 18th day of April, 1966, and known as Trust No. 2860 (hereinafter referred to as Party of the Second Part), and HERITAGE STANDARD BANK AND TRUST COMPANY, not individually but as Trustee under Trust Agreement dated the 23rd day of September, 1976, and known as Trust No. 5038 (hereinafter referred to as Party of the Third Part).

WHEREAS, the Party of the First Part is seized of an estate in fee simple of a parcel of land described as Parcel "A" in Exhibit "A", attached hereto and by reference expressly made a part hereof, consisting of approximately 2.234 acres net, said property presently being vacant and upon which may be constructed at a later date commercial, retail or office space with parking areas for lease or sale, and;

WHEREAS, the Party of the Second Part is seized of an estate in fee simple of a parcel of land described as Parcel "B" in Exhibit "A", attached hereto and by reference expressly made a part hereof, consisting of approximately 4.2 acres net, such property now being under construction for use as a shopping center with a parking lot and driveway areas; and

WHEREAS, the Party of the Third Part is seized of an estate in fee simple of a parcel of land described as Parcel "C"

13th day

Return to:

GALLAGHER & HENRY
6280 JOLIET ROAD
COUNTRYSIDE, ILL. 60525

in Exhibit "A", attached hereto and by reference expressly made a part hereof, said property presently being leased and utilized by St. Paul Federal Savings and Loan Association; and

WHEREAS, the Party of the First Part, the Party of the Second Part and the Party of the Third Part have agreed, in consideration of the mutual covenants hereinafter stated and the sum of Ten and No/100 (\$10.00) Dollars, each paid to the other, to grant each other an easement or right-of-way over Parcel No. A, over Parcel No. B and over Parcel No. C, respectively and reciprocally, for use by each Party and their tenants, and their customers, invitees and licensees for common ingress, egress and parking over said Parcels.

W I T N E S S E T H:

In pursuance of the said agreement and in consideration of the mutual covenants herein contained and the sum of Ten and No/100 (\$10.00) Dollars paid by each of the Parties to each other, the receipt and sufficiency hereof being hereby acknowledged, it is hereby agreed as follows:

1. The Party of the First Part hereby grants to the Party of the Second Part and the Part of the Third Part, their successors, heirs and assigns, full and free right and liberty for each of their tenants, servants, visitors, customers and licensees in common with all others having the like right, at all times hereafter, with or without vehicles, for all purposes connected with the use and enjoyment of the said Parcel, to pass through for purposes of ingress and egress to adjoining public roads, to drive over and to use for parking the designated paved

portion of Parcel "A", subject only to the reasonable rules and regulations imposed by the Party of the First Part from time to time.

2. The Party of the Second Part hereby grants to the Party of the First Part and the Party of the Third Party, their successors, heirs and assigns, reciprocally, full and free right and liberty for each of their tenants, servants, visitors, customers and licensees, in common with all others having the like right, at all times hereafter, with or without vehicles, for all purposes connected with the use and enjoyment of the said parcel belonging to each Party, to pass through for purposes of ingress and egress to adjoining public roads, to drive over and to use for parking the designated paved portion of Parcel "B", subject only to the reasonable rules and regulations imposed by the Party of the Second Part from time to time.

3. The Party of the Third Part hereby grants to the Party of the First Part and the Party of the Second Part, their successors, heirs and assigns, reciprocally, full and free right and liberty for each of their tenants, servants, visitors, customers and licensees, in common with all others having the like right, at all times hereafter, with or without vehicles, for all purposes connected with the use and enjoyment of the said parcel belonging to each Party, to pass through for purposes of ingress and egress to adjoining public roads, to drive over and to use for parking the designated paved portion of Parcel "C", subject only to the reasonable rules and regulations imposed by the Party of the Third Part from time to time.

4. Each of the parties shall have and hold the easements or rights-of-way hereby granted reciprocally by each of the

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Parties, their successors, heirs and assigns, as appurtenant to the said parcel of land of each Party.

5. Each of the Parties hereto agree that each shall hold harmless and indemnify the other party from and against any and all claims and demands whether for injuries to persons or loss of life, or damage to property, occurring within or upon the said Parcels and arising out of the use and occupancy of the said Parcels by the other Party, their tenants, customers, visitors, licensees or servants, excepting, however, such claims and demands whether for injuries to persons, loss of life, or damage to property, caused by acts or omissions of the other Party. Each of the Parties hereto shall forever allow the other Party, their tenants, servants, visitors, customers and licensees free and full use of the common areas and public facilities located on each of the Parcels and shall insure the peaceful enjoyment hereof each to the other.

IN WITNESS WHEREOF, each Party has hereunto set its hand and seal the day and year first above written.

EXCULPATORY CLAUSE ATTACHED HERETO AND MADE A PART HEREOF.

HERITAGE STANDARD BANK AND TRUST COMPANY, not individually but as Trustee under Trust Agreement dated December 5, 1978, and known as Trust No. 6162.

ATTEST
Deborah McCom
Its ASSISTANT SECRETARY

By *C. C. Baedermann*
Its VICE PRESIDENT

- 4 -

This Instrument is signed, sealed and delivered by Heritage/Standard Bank and Trust Company solely in its capacity as Trustee as aforesaid. Any and all duties, obligations and liabilities of the Trustee hereunder are to be performed by said Heritage/Standard Bank and Trust Company only as such Trustee. Any claims, demands and liabilities which may at any time be asserted against the Trustee hereunder shall be paid, collected or satisfied against only the property or assets in the possession of said Heritage/Standard Bank and Trust Company as Trustee as aforesaid, and the said Heritage/Standard Bank and Trust Company does not undertake, nor shall it have any personal or individual liability or obligation of any nature whatsoever by virtue of the execution and delivery hereof, nor shall said Heritage/Standard Bank and Trust Company, either individually or as Trustee, be under any duty or obligation to sequester the rents, issues and profits arising from the property herein described or any other property which it may hold under the terms and conditions of said Trust Agreement.

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EXCULPATORY CLAUSE ATTACHED HERETO
AND MADE A PART HEREOF.

HERITAGE STANDARD BANK AND TRUST
COMPANY, not individually but as
Trustee under Trust Agreement
dated April 18, 1966, and known
as Trust No. 2860.

By C. C. Badermann
VICE PRESIDENT

ATTEST:
Dorothy DeCon
Its ASSISTANT SECRETARY

HERITAGE STANDARD BANK AND TRUST
COMPANY, not individually but as
Trustee under Trust Agreement
dated September 23, 1976, and
known as Trust No. 5038.

By C. C. Badermann
Its VICE PRESIDENT

ATTEST:
Dorothy DeCon
Its ASSISTANT SECRETARY

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Prepared by:

Laurence C. Kozlicki
ISSELHARD, KIZLICKI & SCHENK, LTD.
69 West Washington
Chicago, Illinois 60602

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This Instrument is signed, sealed and delivered by Heritage/Standard Bank and Trust Company solely in its capacity as Trustee as aforesaid. Any and all duties, obligations and liabilities of the Trustee hereunder are to be performed by said Heritage/Standard Bank and Trust Company only as such Trustee. Any claims, demands and liabilities which may at any time be asserted against the Trustee hereunder shall be paid, collected or satisfied against only the property or assets in the possession of said Heritage/Standard Bank and Trust Company as Trustee as aforesaid, and the said Heritage/Standard Bank and Trust Company does not undertake, nor shall it have any personal or individual liability or obligation of any nature whatsoever by virtue of the execution and delivery hereof, nor shall said Heritage/Standard Bank and Trust Company, either individually or as Trustee, be under any duty or obligation to sequester the rents, issues and profits arising from the property herein described or any other property which it may hold under the terms and conditions of said Trust Agreement.

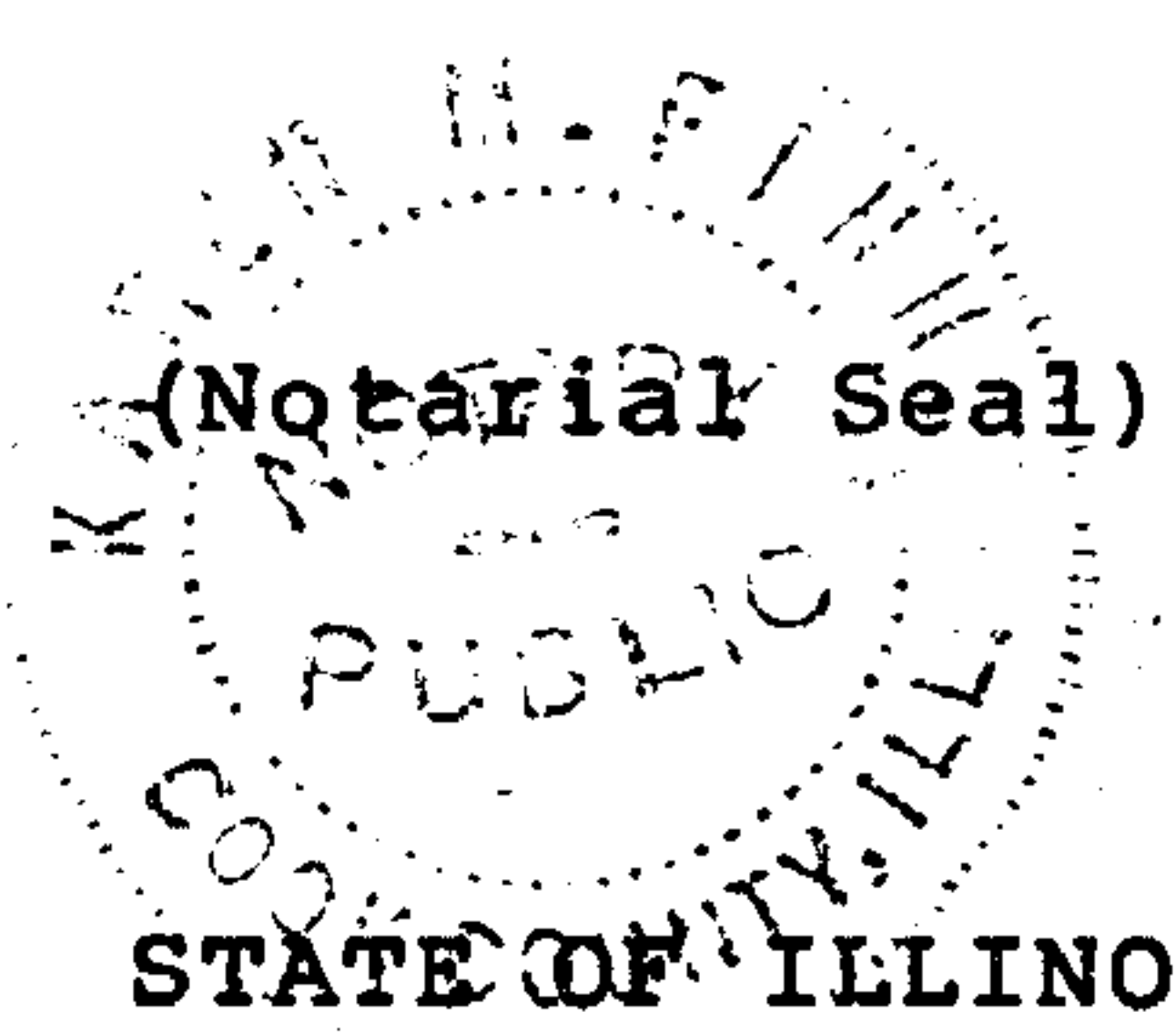
-5A-

STATE OF ILLINOIS)
COUNTY OF Cook)SS.

I, Louis M. Linn, a Notary Public in and for and residing in said County, in the State aforesaid, DO HEREBY CERTIFY THAT W.C. Baldernass, Vice President of Heritage Building Loan & S. Co. and Dwight Mc Carr, Asst. Secretary of said Corporation, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Asst. Secretary, respectively, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth; and the said Asst. Secretary then and there acknowledged that the corporate seal of said Corporation was affixed to said instrument as his own free and voluntary act and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 13th day of March, 1929.

Louis M. Linn
Notary Public



STATE OF ILLINOIS)
COUNTY OF Cook)SS.

I, Louis M. Linn, a Notary Public in and for and residing in said County, in the State aforesaid, DO HEREBY CERTIFY THAT W.C. Baldernass, Vice President of Heritage Building Loan & S. Co. and Dwight Mc Carr, Asst. Secretary of said Corporation, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Asst. Secretary, respectively, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Corporation,

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for the uses and purposes therein set forth; and the said Asst. Secretary then and there acknowledged that the corporate seal of said Corporation was affixed to said instrument as his own free and voluntary act and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 13th day of March, 1979.



Laura M. Liss
Notary Public

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STATE OF ILLINOIS)
COUNTY OF Cook)SS.

I, Laura M. Liss, a Notary Public in and for and residing in said County, in the State aforesaid, DO HEREBY CERTIFY THAT A.C. Baldernara, Vice President of Heritage Standard Bank & Co. and Dwight McLean, Asst. Secretary of said Corporation, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Asst. Secretary, respectively, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth; and the said Asst. Secretary then and there acknowledged that the corporate seal of said Corporation was affixed to said instrument as his own free and voluntary act and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 13th day of March, 1979.



Laura M. Liss
Notary Public

EXHIBIT "A"
TO RECIPROCAL EASEMENT AGREEMENT

LEGAL DESCRIPTIONS

Parcel "A":

THAT PART OF THE SOUTH 525 FEET, AS MEASURED ON THE EAST AND WEST LINES THEREOF, OF THE EAST 841.0 FEET; AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF, OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID EAST 841.0 FEET WITH THE NORTH LINE OF 75TH STREET AS DEDICATED BY INSTRUMENT RECORDED AS DOCUMENT R76-38607 AND RUNNING THENCE NORTH 00° 00' 04" EAST ALONG SAID WEST LINE, 198.00 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, 227.00 FEET TO THE NORTH LINE OF SAID SOUTH 525 FEET; THENCE EAST ALONG SAID NORTH LINE, 227.11 FEET TO A LINE DRAWN NORTH ALONG THE WEST FACE OF A BUILDING; THENCE SOUTH 00° 04' 20" WEST 175.00 FEET (SAID LINE RUNNING ALONG THE WEST FACE OF SAID BUILDING); THENCE SOUTH 89° 55' 40" EAST, 115.00 FEET; THENCE SOUTH 00° 04' 20" WEST, 249.86 FEET TO THE NORTH LINE OF 75TH STREET; THENCE WEST ON SAID NORTH LINE, 198.66 FEET TO A POINT IN SAID NORTH LINE THAT IS 143 FEET WEST OF THE PLACE OF COMMENCEMENT; THENCE NORTH 00° 00' 40" EAST, 172.00 FEET; THENCE NORTH 54° 09' 31" WEST, 44.40 FEET; THENCE WEST, 107.0 FEET TO THE PLACE OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

PARCEL B:

THAT PART OF THE SOUTH 525 FEET, AS MEASURED ON THE EAST AND WEST LINES THEREOF, OF THE EAST 841 FEET; AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF, OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN: COMMENCING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SAID NORTHEAST QUARTER WITH THE NORTH LINE OF SAID SOUTH 525 FEET; AND RUNNING THENCE WEST, 50 FEET TO THE WEST LINE OF FAIRVIEW AVENUE DEDICATED BY DOCUMENT R76-38607 FOR A PLACE OF BEGINNING; THENCE CONTINUING WEST ALONG SAID NORTH LINE, 563.89 FEET TO A LINE DRAWN NORTH ALONG THE WEST FACE OF A BUILDING THENCE SOUTH 00° 04' 20" WEST, 175 FEET (SAID LINE RUNNING ALONG THE WEST FACE OF SAID BUILDING) THENCE SOUTH 89° 55' 40" EAST, 115.00 FEET; THENCE SOUTH 00° 04' 20" WEST, 249.86 FEET TO THE NORTH LINE OF 75TH STREET; THENCE WEST ALONG SAID NORTH LINE, 293.34 FEET TO A POINT LYING 206.0 FEET WESTERLY OF THE EAST LINE OF SAID NORTHEAST QUARTER: THENCE NORTH 00° 00' 40" EAST, ALONG THE WEST LINE OF SAID EAST 206 FEET, 178 FEET TO A POINT LYING 278 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER: THENCE EAST ALONG THE NORTH LINE OF SAID SOUTH 278.0 FEET, 156.0 FEET TO THE WEST LINE OF SAID FAIRVIEW AVENUE; THENCE NORTH ALONG SAID WEST LINE, 247.00 FEET TO THE PLACE OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

PARCEL C:

THAT PART OF THE SOUTH 525.0 FEET, AS MEASURED ON THE EAST AND WEST LINES THEREOF, OF THE EAST 841.0 FEET, AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF, OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: THE EAST 206.0 FEET OF THE SOUTH 278 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION.

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**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

May 2, 2022, 7:00 P.M.

FILE 22-PLC-0011: A PETITION SEEKING APPROVAL FOR A SPECIAL USE TO OPERATE A DRIVE-THROUGH. THE PROPERTY IS CURRENTLY ZONED B-3, GENERAL SERVICES AND HIGHWAY BUSINESS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF 75TH STREET AND FAIRVIEW AVENUE, COMMONLY KNOWN AS 400 75TH STREET, DOWNERS GROVE, IL (PIN: 09-29-216-004). CRE JV MIXED FIFTEEN IL 4, OWNER, AND SEBASTIAN SOTELO, PETITIONER.

The Petitioner, Sebastian Sotelo stated that he was here this evening with his wife Nina and they are the owners of Sotelo Beauty Space. They are proposing a new concept that involves an open space salon and coffee shop. They are currently the contract purchasers of the building and residents of Downers Grove. He then invited his architect Ryan DeBari, the architect, for the project who will explain more about the project.

Mr. Ryan DeBari, stated he is he architect of the project and managing his client through the development process. They are revitalizing the building and requesting the special use for the drive-through. Their plan is to demolish the existing multi-lane drive through and install a smaller canopy over the drive through window. He provide an overview of additional changes to the site including adding landscaping on the southern side of the building, installation of a dumpster enclosure, installation of the pedestrian connections and painting the façade of the building. Although they are decreasing the amount of parking on the lot, they have a reciprocal parking agreement with rest of the shopping center. He then stated that he believes all the standards are met. The drive-through is already an authorized use special use in this zone, and feels that it's going to be an added benefit to the community to have to provide that service. He lastly stated that he does not feel that it would have any detrimental effect to the public.

Chairman Rickard invited public comment.

Carlo Rossi, Rossi Real Estate, stated that he is the managing agent for the shopping center. He was seeking clarification on where the drive-through stacking is proposed and if it would potentially overflow into the shopping center parking lot. He is also aware of the reciprocal agreement and not opposed to the development; just wanted to learn more about the drive-through and how it would affect ingress and egress into the shopping center.

Chairman Rickard invited for any additional public comment. No additional public comment was received. Staff was invited to present.

Ms. Gabriella Baldassari, Development Planner, summarized the request for the special use for a drive through at 400 75th Street. Referring to the presentation, she provided an overview of the existing conditions and the proposed improvements. To address the comment made by the public she highlighted that the stacking for the drive through will be completed located on site and in cases

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of overflow, the site allows additional space on the subject property above what is required by code. She concluded the presentation stating that the standards have been met and recommended approval of the special use request.

Commissioner Dmytryszyn asked if the parking agreement could be terminated at any time. It was stated that the parking agreement is in perpetuity and there was no end date.

Chairman Rickard invited the petitioner to provide any closing statements. The petitioner stated they had nothing else to add.

Chairman Rickard moved to Plan Commission deliberation. It was generally stated by the Plan Commission that the building has been vacant for a while and it would be nice to see someone improve it and it is a service that can be used in this portion of town. It was also represented that the standards have been met.

Chairman Rickard entertained a motion

WITH RESPECT TO FILE 22-PLC-0011 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER RECTOR MADE A MOTION THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR A SPECIAL USE AND IS IN THE PUBLIC INTEREST THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0011, SUBJECT TO THE CONDITION THE THE SPECIAL USE REQUEST FOR A DRIVE-THROUGH SHALL SUBSTANTIALLY CONFORM TO THE PLANS PREPARED BY THE INTERIOR DESIGN GROUP LTD, DRAWN ON 3/25/22 AND REVISED ON 4/18/22, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

SECOND BY COMMISSIONER DMYTRYSZYN. ROLL CALL:

AYE: COMMISSIONERS RECTOR, DMYTRYSZYN, BOYLE, TOTH, ROCHE, JOHNSON, PATEL, AND CHAIRMAN RICKARD

NAY: NONE

MOTION PASSED. VOTE: 8-0

/s/ Village Staff
Recording Secretary
(As transcribed by MP-3 audio)