

VILLAGE OF DOWNERS GROVE
Report for the Village
7/19/2022

SUBJECT:	SUBMITTED BY:
3131 Finley Road - Special Use Extension	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared granting a one-year extension to Special Use Ordinance No. 5817 which authorized the establishment of an accessory use before a principal use is established at 3131 Finley Road.

STRATEGIC PLAN ALIGNMENT

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

FISCAL IMPACT

N/A

RECOMMENDATION

UPDATE & RECOMMENDATION

This item was discussed at the July 12, 2022 Village Council meeting. Staff recommends approval on the July 19, 2022 active agenda

BACKGROUND

On June 16, 2020, the Village Council approved a Special Use to establish a 240 space off-site parking lot as an accessory use before the principal use was established at 3131 Finley Road. The parking lot is meant to provide accessory parking for the Executive Towers West III building located at 1400 Opus Pace, directly south of the proposed parking lot. At the time, the petitioner was requesting the use of the additional spaces in order to address the increased density trends in office space.

Since the approval, the petitioner completed the construction of the parking lot on July 7, 2021. However, the petitioner has not been able to secure a tenant large enough to necessitate the use of the accessory parking lot. Due to the onset and continuation of the COVID-19 pandemic, there has been a decrease in demand for office space. The petitioner's hope is that additional tenants will lease office space and the parking lot will then be used within the next year.

On July 1, 2022, the petitioner requested that the Village Council grant a one year extension of the Special Use approval. Per Ordinance No. 5817, the Village Council is authorized to extend the expiration period for

good cause on up to two separate occasions, by up to one year each. This is the first request to extend the expiration period. Approval of the extension would allow the applicant until July 7, 2023 to secure a tenant.

However, if the Village Council does not authorize an extension of the special use, Ordinance No. 5817 requires a building be constructed on the property or the parking lot must be removed and the site restored to green space. Additionally, the Village would not be able to accept a substantially similar parking lot application until July 7, 2023. A similar application would be required to go through the public hearing process again which typically takes three to four months and a building permit process whose timeline varies based on the complexity of the project.

ATTACHMENTS

Ordinance
Petitioner's Request Letter dated July 1, 2022
Ordinance No. 5817

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: July 19, 2022
(Name)

RECOMMENDATION FROM: Plan Commission FILE REF: 22-PLC-0004
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to adopt "AN ORDINANCE AUTHORIZING THE EXTENSION OF SPECIAL USE ORDINANCE NO. 5817 TO PERMIT AN ACCESSORY PARKING LOT USE BEFORE THE PRINCIPAL USE IS ESTABLISHED AT 3131 FINLEY ROAD TO JULY 7, 2023", as presented.



SUMMARY OF ITEM:

Adoption of this ordinance shall authorize the extension of a special use for 3131 Finley Road to July 7, 2023.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____**AN ORDINANCE AUTHORIZING THE EXTENSION OF
SPECIAL USE ORDINANCE 5817 TO PERMIT AN ACCESSORY PARKING LOT USE
BEFORE THE PRINCIPAL USE IS ESTABLISHED AT
3131 FINLEY ROAD TO JULY 7, 2023**

WHEREAS, on June 16, 2020, the Village of Downers Grove has previously approved Ordinance No. 5817 entitled "AN ORDINANCE AUTHORIZING A SPECIAL USE TO ESTABLISH AN ACCESSORY USE BEFORE THE PRINCIPAL USE IS ESTABLISHED AT 3131 FINLEY ROAD"; and

WHEREAS, the construction of the subject parking lot was completed on July 7, 2021 and pursuant to Ordinance No. 5817 Section 2(3) if within twelve (12) months of construction of the parking lot or the parking lot is no longer used for 1400 Opus Place or a tenant is not secured that will utilize the parking lot, a building must be constructed or the parking lot must be removed and returned to green space; and

WHEREAS, pursuant to Ordinance No. 5817, Section 2(4), "The Village Council is authorized to extend the expiration period for good cause on up to two separate occasions, by up to one (1) year each. Requests for extensions must be submitted to the Community Development Director and forwarded to the Village Council for a final decision"; and

WHEREAS, the owner of the Property has made a request for an extension of the improvements authorized under Ordinance No. 5817; and

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

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

SECTION 1. That the Special Use approval as set forth in Ordinance No. 5817, permitting an accessory parking lot use before the principal use is established at 3131 Finley Road, is hereby extended to July 7, 2023.

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

Mayor

Passed:

Published:

Attest: _____

Village Clerk

1431 Opus Place
Suite 115
Downers Grove, IL 60137

Main: +1 630 968 2479
colliers.com



Via Electronic Mail

July 1, 2022

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

Re: Extension of Special Use – 3131 Finley Ordinance 5817

Dear Mr. Popovich:

We are respectfully requesting an extension for the special use of property at 3131 Finley where a parking lot was constructed in July 2021 for 1400 Opus Place building occupants pursuant to ordinance number 5817. Under the ordinance, Village Council is authorized to extend the expiration period for good cause on up to two separate occasions.

The parking lot was constructed within the time frame allotted in the ordinance, however, within the twelve (12) months of construction, Ownership has not successfully secured a tenant large enough to utilize the parking lot. As you know, over the past 24 months office users have not been seeking space due to the Covid 19 pandemic. Office employees are just starting to come back to the office, and we are hopeful this will lead to companies searching for new office opportunities over the next year.

We continue to market the available 100,000 SF space State Farm vacated on 12/31/21 and recently signed a lease with existing Tenant, T-Mobile, to expand their premises by 17,000 SF. We are hoping to obtain a larger user within the next year to utilize the parking lot that was constructed at 3131 Finley. We are seeking an extension which will provide additional time to obtain new Tenants.

We thank you for your consideration and are happy to answer any additional questions you may have.

Respectfully,

A handwritten signature in blue ink, appearing to read "Maria Kosciak".

Maria Kosciak, as agent for Owner

Senior Property Manager

ORDINANCE NO. 5817**AN ORDINANCE AUTHORIZING A SPECIAL USE TO ESTABLISH
AN ACCESSORY USE BEFORE THE
PRINCIPAL USE IS ESTABLISHED AT 3131 FINLEY ROAD**

WHEREAS, the following described property, to wit:

LOT 1 IN OAK GROVE CENTRE OF COMMERCE UNIT THREE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 2, 1978 AS DOCUMENT R78-09661 AND CORRECTED BY DOCUMENTS R78-27328, R78-94193 AND R78-123102 RESPECTIVELY, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 3131 Finley Road, Downers Grove, IL 60515
PINS: 06-30-409-009

(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 be granted to establish an accessory use before the principal use is established; and

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing for the petition on March 2, 2020 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.

ORD 2020-8543

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 establish an accessory use before the principal use is established.

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

1. The proposed Special Use shall substantially conform to the staff report dated March 2, 2020, engineering plans prepared by Bleck, originally on January 23, 2020 and revised on February 14, 2020, and to the photometric plans prepared by KSA originally submitted on January 31, 2020, except as such plans may be modified to conform to the Village codes and ordinances.
2. The parking lot must be constructed within six (6) months of passage of this ordinance.
3. If within twelve (12) months of construction of the parking lot or the parking lot is no longer used for 1400 Opus Place or a tenant is not secured that will utilize the parking lot, a building must be constructed on the property or the parking lot must be removed and the entire site restored to green space.
4. The Village Council is authorized to extend the expiration period for good cause on up to two separate occasions, by up to one (1) year each. Requests for extensions must be submitted to the Community Development Director and forwarded to the Village Council for a final decision.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Uses are granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and/or revocation of the Special 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: June 16, 2020

Published: June 17, 2020

Attest:

Village Clerk

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