

VILLAGE OF DOWNERS GROVE
Report for the Village
9/6/2022

SUBJECT:	SUBMITTED BY:
935 Ogden Avenue - Special Use Extension	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared granting a six-month extension to Special Use Ordinance No. 5872 which authorized the establishment of a drive-through use at 935 Ogden Avenue.

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 August 16th, 2022 Village Council meeting. Staff recommends approval on the September 6th, 2022 active agenda.

BACKGROUND

On July 13, 2021, the Village Council approved a Special Use to construct a drive-through facility for a multi-tenant commercial building. At this time, the petitioner is requesting the extension to allow additional time to obtain permits and finalize the requirements for a tenant they are working on securing for the drive-through.

Since their approval, the petitioner completed two sets of reviews for their building permit submission. On August 5, 2022, the petitioner requested that the Village Council grant a six month extension of the Special Use approval. Per Village Ordinance VoDG Section 28.12.050(i), the Village Council is authorized to extend the expiration period for good cause on up to two separate occasions, by up to six months each. This is the first request to extend the expiration period. Approval of the extension would allow the petitioner until January 13, 2023 to obtain the necessary building permits.

However, if the Village Council does not authorize an extension of the special use, Ordinance No. 5872 will become void and the drive-through use may not be reestablished unless and until a new special use is obtained. The Village would not be able to accept a substantially similar drive-through request until July 13, 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

Petitioner's Request Letter dated August 5, 2022

Ordinance No. 5872

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Manager **DATE:** September 6, 2022
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** 21-PLC-0024
(Board or Department)

NATURE OF ACTION:

☒ Ordinance
☐ Resolution
☐ Motion
☐ Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to adopt "AN ORDINANCE
AUTHORIZING THE EXTENSION
OF A SPECIAL USE TO PERMIT A MULTI-
TENANT RETAIL BUILDING WITH DRIVE-
THROUGH AT 931 AND 935 OGDEN AVENUE
TO JANUARY 13, 2023", as presented.



SUMMARY OF ITEM:

Adoption of this ordinance shall authorize an extension of a special use permit for 931 & 935 Ogden Avenue to permit a multi-tenant retail building with drive-through to January 13, 2023.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____**AN ORDINANCE AUTHORIZING THE EXTENSION
OF A SPECIAL USE TO PERMIT A MULTI-TENANT
RETAIL BUILDING WITH DRIVE-THROUGH AT
931 AND 935 OGDEN AVENUE TO JANUARY 13, 2023**

WHEREAS, on July 13, 2021, the Village of Downers Grove has previously approved Ordinance No. 5872 entitled "AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 931 AND 935 OGDEN AVENUE TO PERMIT A MULTI-TENANT RETAIL BUILDING WITH DRIVE-THROUGH "; and

WHEREAS, pursuant to the Downers Grove Zoning Ordinance, Section 28.12.050(I), "The Village Council is authorized to extend the expiration period for good cause on up to two separate occasions, by up to six (6) months 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. 5872; 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. 5872, permitting a multi-tenant retail building with drive-through at 931 and 935 Ogden Avenue, is hereby extended to January 13, 2023.

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

Mayor

Passed:

Published:

Attest: _____
Village Clerk



August 5, 2022

Re: 933 Ogden Ave. Retail Development

To Whom It May Concern,

As you may recall we are developing a single-story retail center at what is now known as 933 Ogden Ave. This parcel received special use approval for a drive thru last year from the Village Council. We are very excited to bring this project to life and have been working diligently to get our plans and permits processed. We have now gone thru two rounds of permit revisions and are about to submit again with changes suggested by Village staff. I'm excited to share that we are also in the process of finalizing a lease for a well-known deli on the drive thru endcap. As such we are requesting an extension of our special use to give us the time needed to obtain our permits. We look forward to quickly progressing with this project and giving this vacant parcel new life.

Thank you,

A handwritten signature in black ink that reads "Vick Mehta".

Vick Mehta

ORDINANCE NO. 5872

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR
931 AND 935 OGDEN AVENUE TO PERMIT A MULTI-TENANT
RETAIL BUILDING WITH DRIVE-THROUGH**

WHEREAS, the following described property, to wit:

LOT 1 AND LOT 2 IN KNIPPEN'S SUBDIVISION OF LOT 8 IN LINDLEY'S ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID KNIPPEN'S RESUBDIVISION RECORDED APRIL 21, 1922 AS DOCUMENT 155351, IN DUPAGE COUNTY ILLINOIS

Commonly known as: 931 & 935 Ogden Avenue, Downers Grove, IL 60515
PIN(s): 09-05-306-001; -002; -003

(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 multi-tenant retail building with drive-through; 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 June 7, 2021 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 multi-tenant retail building with drive-through.

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

1. The proposed Special Use for a drive-through use shall substantially conform to the proposed New Multi-Tenant Building Plans for 935 Ogden drawings prepared by Engineering Resource Associates, Inc. dated April 7, 2021, last revised May 12, 2021, the architectural drawings prepared by CJ Architects dated April 29, 2021, last revised May 18, 2021, except as such plans may be modified to conform to Village codes, ordinances, and policies.
2. An administrative lot consolidation of the three lots shall be recorded at DuPage County prior to the issuance of a building permit. The Plat of Consolidation shall provide for a cross-access easement to the benefit of the 925 Ogden Avenue property.
3. Submit a fully executed off-street parking agreement to provide for the required parking spaces in a form approved by the Village Attorney.
4. The speaker volume on the drive through menu board must be reduced during overnight hours, starting at 9 PM CST.

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.

Passed: 07/13/2021

Published: 07/14/2021

Attest:


Village Clerk



Mayor