

VILLAGE OF DOWNERS GROVE
Report for the Village
12/3/2024

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

SYNOPSIS

The petitioner is requesting approval of a Special Use to establish an accessory use before the principal use is established at 3131 Finley Road.

STRATEGIC PLAN ALIGNMENT

The goals for 2023-2025 include a *Strong and Diverse Local Economy*.

FISCAL IMPACT

N/A

RECOMMENDATION

UPDATE & RECOMMENDATION

This item was discussed at the November 19, 2024 Village Council meeting. Staff recommends approval on the December 3, 2024 Active Agenda.

Approval on the December 3, 2024 active agenda. The Planning and Zoning Commission (PZC) found that the proposal is compatible with the Comprehensive Plan and meets the standards for a Special Use found in Section 28.12.050(h). The PZC provided a positive 6:0 recommendation including the following two conditions:

1. *If within twenty-four (24) months of ordinance approval the parking lot is no longer used for 1400 Opus Place or a tenant is not secure 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.*
2. *The Village Council is authorized to extend the expiration period for good cause on up to one separate occasion, by up to one (1) year. The request for extension must be submitted to the Community Development Director and forwarded to the Village Council for a final decision.*

Due to the administrative burden and cost associated with the demolition of the existing parking lot, staff recommends approval of this special use request without the above conditions.

BACKGROUND

Property Information and Zoning Request

The petitioner is requesting approval of Special Use to continue using a 240 space off-site parking lot as an accessory

use before the principal use of the property is in place at 3131 Finley Road. On June 16, 2020 the petitioner received Special Use approval to construct an off-site parking lot to provide accessory parking for Executive Towers West III located at 1400 Opus Place, directly south and adjacent to the existing parking lot. The approved Special Use from 2020 included the following condition:

The parking lot must be constructed within 6 months of passage of this ordinance. If within 12 months of construction of the parking lot, 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. The Village Council is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 1 year each. Requests for extensions must be submitted to the Community Development Director and forwarded to the Village Council for a final decision

Since their approval, the petitioner completed the construction of the parking lot on July 7, 2021. However, the petitioner was not able to secure a tenant large enough to necessitate the use of the accessory parking lot. The petitioner has stated that due to the onset of the COVID-19 pandemic, there was a decrease in demand for office space. The Village Council approved two one year extensions on July 19, 2022 and June 29, 2023 respectively.

The petitioner stated that the additional parking was critical at the time to attract large corporate users and to accommodate the existing tenant base. Since the COVID-19 Pandemic, the use of office space has changed and the high density parking needs are not as prominent. The petitioner continues to market to users who may need heavy parking, but their efforts also focus on marketing the property for sale. The existing investment in the construction of a new parking lot enhances the marketability of the site.

The petitioner is now requesting a new Special Use without the restriction related to the timing of securing a tenant. Removing this restriction would allow the petitioner the flexibility needed to pursue additional office tenants. If a new Special Use is not authorized, 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.

Compliance with Comprehensive Plan

The Comprehensive Plan designates the subject property as Regional Commercial, which is characterized by office uses that rely on the ability to draw a customer base from the larger region. The existing area currently is a mix of corporate office uses, large shopping centers, hotels, and big box development. The Comprehensive Plan identifies the Finley Road/Butterfield Road area as a Key Focus Area. It specifically suggests leveraging the unique location of this area, adjacent to two highways, to attract new retail and office tenants. To remain competitive and draw from the surrounding region, reinvestment should occur to improve the aesthetics and function of regional commercial uses, large shopping centers, hotels, and big box development.

Compliance with the Zoning Ordinance

The subject property is currently zoned B-3, General Services and Highway Business. The Special Use for the parking lot was originally approved on June 16, 2020 and extended twice for one year on July 19, 2022 and June 29, 2023. No changes are proposed that would affect the surface parking lot. The use is allowed as a Special Use in the B-3 Zoning District.

Public Comment

Prior to and during the PZC meeting, staff did not receive any inquiries from the public regarding the proposal.

ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated November 4, 2024

Approved Minutes of the Planning and Zoning Commission hearing dated November 4, 2024

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: December 3, 2024
(Name)

RECOMMENDATION FROM: Planning & Zoning Commission FILE REF: 24-PLC-0028
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE TO ESTABLISH AN ACCESSORY USE BEFORE THE PRINCIPAL USE IS ESTABLISHED AT 3131 FINLEY ROAD", as presented.



SUMMARY OF ITEM:

Adoption of this ordinance shall authorize an accessory use before the principal use is established at 3131 Finley Road.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____**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 Planning and Zoning 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 Planning and Zoning Commission of the Village of Downers Grove, and said Planning and Zoning Commission has given the required public notice, has conducted a public hearing for the petition on November 4, 2024 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 Planning and Zoning 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 Planning and Zoning Commission, is such as to establish the following standards which were in effect prior to November 1, 2024:

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 establish an accessory use before the principal use is established.

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

1. The Special Use shall substantially conform to the staff report dated November 4, 2024, plans and documents attached to this report except as such plans may be modified to conform to the Village codes and ordinances.

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.

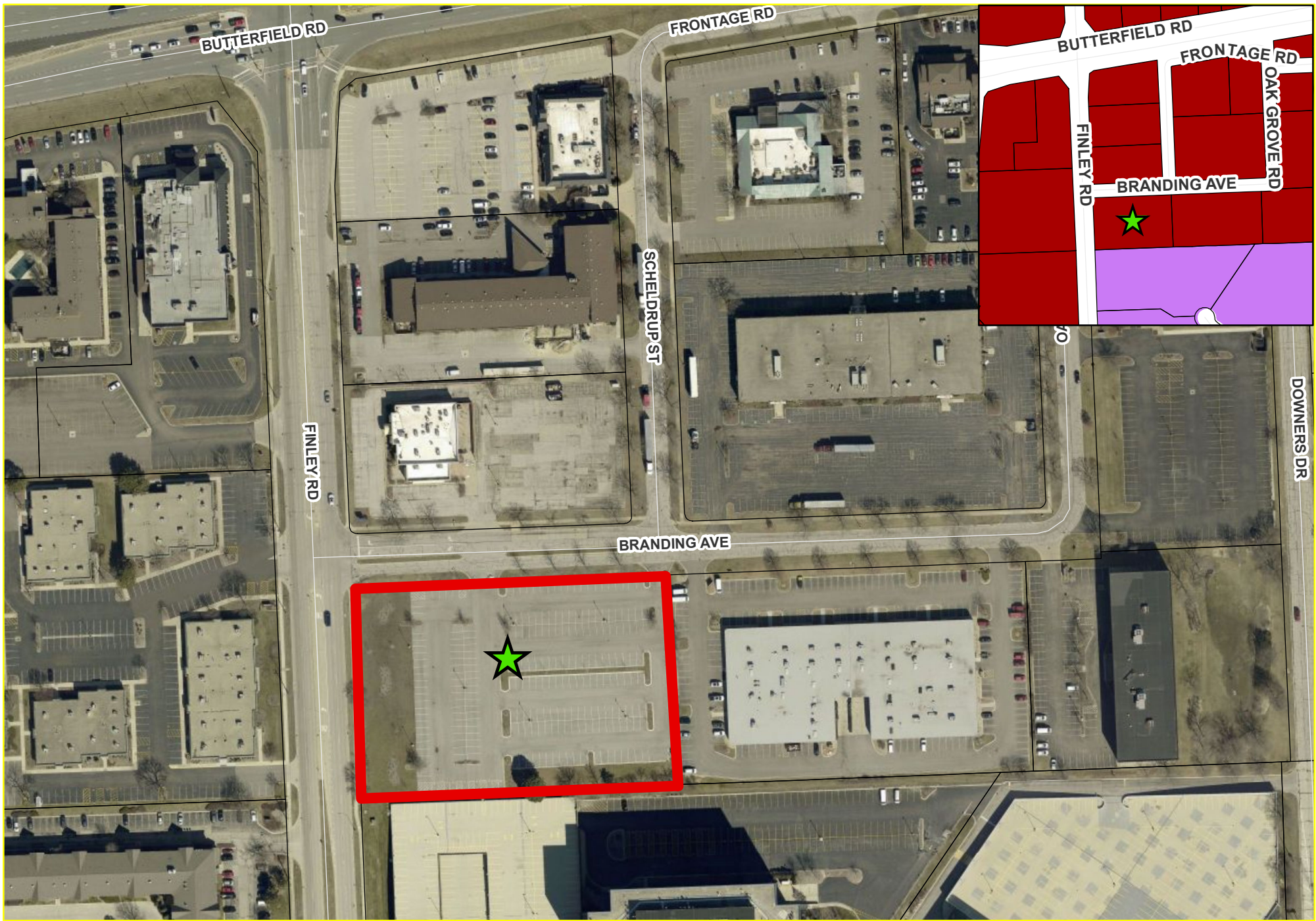
Mayor

Passed:

Published:



Attest: _____

Village Clerk



0 500 1,000 Feet

3131 Finley Road - Location Map

-  Subject Property
-  Project Location



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLANNING AND ZONING COMMISSION
NOVEMBER 4TH, 2024 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---------------------------------|--|------------------------------------|
| 24-PCE-0028 3131 Finley Road | Special Use to Provide an Accessory Parking Lot | Flora León, AICP Senior Planner |

REQUEST

The petitioner is requesting approval for a Special Use to establish an accessory use before the principal use is established at 3131 Finley Road.

NOTICE

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

GENERAL INFORMATION

OWNER: ETW Land LP
One World Trade Center, Suite 83G
New York, NY 10007

PETITIONER: Karolina Breithaupt
1431 Opus Place
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: B-3, General Services and Highway Business
EXISTING LAND USE: Vacant Restaurant
PROPERTY SIZE: 114,931.54 square feet (2.64 acres)
PINS: 06-30-409-009

SURROUNDING ZONING AND LAND USES

| | ZONING | FUTURE LAND USE |
|---------------|--|-------------------------|
| NORTH: | B-3, General Services and Highway Business | Regional Commercial |
| SOUTH | O-R-M, Office, Research, and Manufacturing | Office Corporate Campus |
| EAST: | B-3, General Services and Highway Business | Regional Commercial |
| WEST: | B-3, General Services and Highway Business | Regional Commercial |

ANALYSIS

SUBMITTALS

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

1. Project Summary/Narrative

3131 Finley Road, 24-PLC-0028
November 4th, 2024

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2. Special Use Criteria
3. Plat of Survey
4. Location Map
5. Ordinance 5817
6. Ordinance 5938 (First Extension)
7. Ordinance 5988 (Second Extension)

PROJECT DESCRIPTION

The petitioner is requesting approval of Special Use to continue using a 240 space off-site parking lot as an accessory use before the principal use of the property is in place at 3131 Finley Road. On June 16, 2020 the petitioner received approval to construct an off-site parking lot to provide accessory parking for Executive Towers West III located at 1400 Opus Place, directly south and adjacent to the existing parking lot. Per the Zoning Ordinance, a Special Use approval was required to establish the off-site parking lot as an accessory use before the principal use of the property was in place at 3131 Finley Road.

The approved Special Use from 2020 included the following condition:

The parking lot must be constructed within 6 months of passage of this ordinance. If within 12 months of construction of the parking lot, 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. The Village Council is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 1 year each. Requests for extensions must be submitted to the Community Development Director and forwarded to the Village Council for a final decision

Since their approval, the petitioner completed the construction of the parking lot on July 7, 2021. However, the petitioner was not been able to secure a tenant large enough to necessitate the use of the accessory parking lot. The petitioner has stated that due to the onset of the COVID-19 pandemic, there was a decrease in demand for office space. The Village Council approved two one year extensions on July 19, 2022 and June 29, 2023 respectively.

The petitioner is now requesting a new Special Use without the restriction related to the timing of securing a tenant. Removing this restriction would allow the petitioner the flexibility needed to pursue additional office tenants. If a new Special Use is not authorized, 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.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates the subject property as Regional Commercial, which is characterized by office uses that rely on the ability to draw a customer base from the larger region. The existing area currently is a mix of corporate office uses, large shopping centers, hotels, and big box development. The Comprehensive Plan identifies the Finley Road/Butterfield Road area as a Key Focus Area. It specifically suggests leveraging the unique location of this area, adjacent to two highways, to attract new retail and office tenants. To remain competitive and draw from the surrounding region, reinvestment should occur to improve the aesthetics and function of regional commercial uses, large shopping centers, hotels, and big box development.

Another goal for Commercial and Office Areas is to enhance the economic viability, productivity, and function of the Village's commercial properties. The objectives of this goal include promoting a mix of commercial and retail, in addition to encouraging campuses to offer spaces that are adaptable to market trends.

3131 Finley Road, 24-PLC-0028
November 4th, 2024

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COMPLIANCE WITH THE ZONING ORDINANCE

The subject property is currently zoned B-3, General Services and Highway Business. The Special Use for the parking lot was originally approved on June 16, 20220 and extended twice for one year on July 19, 2022 and June 29, 2023. No changes are proposed that would affect the surface parking lot. The use is allowed as a Special Use in the B-3 Zoning District.

The surface parking lot includes 240 additional spaces. The aggregate of the parking stalls at 1400 Opus (782) and the proposed parking stalls at 3131 Finley (240) is 1,020 parking stalls. The existing building at 1400 Opus place has a total area of 228,069 square feet. The combined parking provides for a parking ratio of 4.5 parking spaces per 1,000 square feet, based off of gross building square footage.

ENGINEERING/PUBLIC IMPROVEMENTS

The petitioner is not proposing any changes to the surface parking lot that would result in public improvements. All required infrastructure exists and adequately services the property.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing a legal notice in the *Daily Herald*. Staff did not receive any inquiries.

STANDARDS OF APPROVAL

Special Use

The petitioner is requesting approval for a Special Use to establish an accessory use before a principal use, as required by Section 6.010(a)(3).

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:

- 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.*

DRAFT MOTION

Staff will provide a recommendation at the November 4th, 2024 meeting. Should the Planning and Zoning Commission find that the request meets the standards of approval for a Special Use, staff has prepared a draft motion that the Planning and Zoning Commission may make for the recommended approval of 24-PCE-0028:

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 Planning and Zoning Commission recommend to the Village Council approval of 24-PCE-0028, subject to the following conditions:

3131 Finley Road, 24-PLC-0028
November 4th, 2024

Page 4

1. The Special Use shall substantially conform to the staff report, plans and documents attached to this report except as such plans may be modified to conform to the Village codes and ordinances.

Staff Report Approved By:

A handwritten signature in black ink, appearing to read "Stanley J. Popovich". The signature is written in a cursive, flowing style.

Stanley J. Popovich, AICP
Community Development Director



Erin B. Davis

Vice President of Asset Management
445 Hutchinson Ave Suite 920
Columbus, OH 43235
614-568-6668 Ext 301

Via Electronic Mail

September 17, 2024

Mr. Jason Zawila, AICP
Planning Manager
Village of Downers Grove
801 Burlington Ave
Downers Grove, IL 60515

Re: Request for Amendment to 3131 Finley Ordinance 5988

Dear Mr. Zawila:

This letter is in regards to the property located at 3131 Finley, where a parking lot was constructed in July 2021 to support the occupants of 1400 Opus Place, in accordance with Ordinance No. 5817.

Since the parking lot's completion, the building has lost its anchor tenant, State Farm, and the ownership has encountered significant challenges in securing a tenant large enough to fully utilize the additional parking spaces, largely due to the ongoing impact of the COVID-19 pandemic and the continued difficulties in the office leasing market. Despite aggressive efforts to promote and lease the property, we have been unable to find a tenant that requires the available parking.

As a result of these challenges, we have extended the Special Use several times now to allow for more time to secure tenants. However, having exhausted all allowable extensions under the ordinance, we are now requesting an amendment to remove Section 2.3 ("Condition #3"), which stipulates a timeline for the parking lot's use before it must be returned to green space.

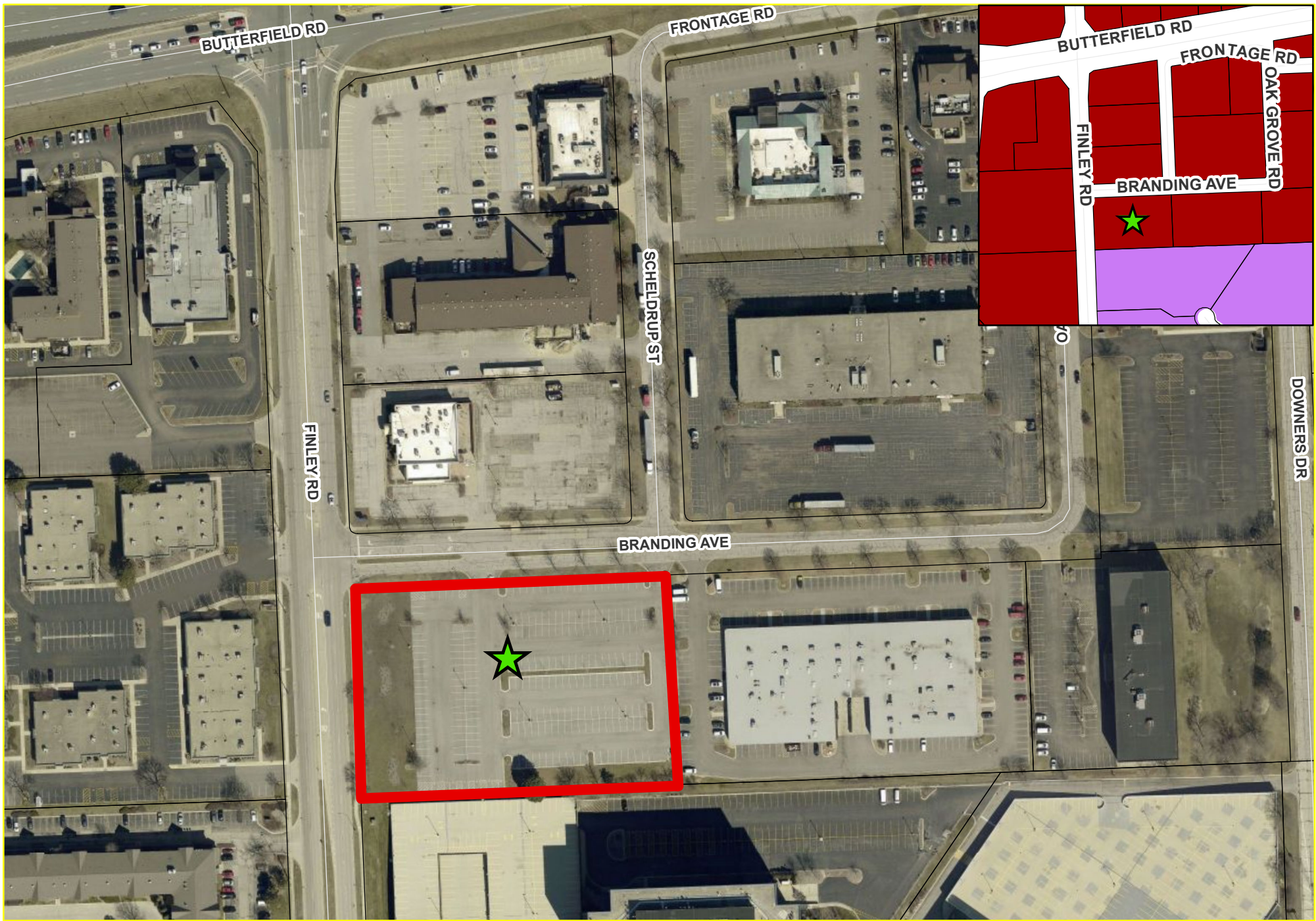
Additionally, we are actively pursuing a sale of the property, though no agreement has been reached at this time. The parking lot remains a critical asset for both future tenants and potential buyers, and the removal of the timing condition would provide much-needed flexibility to continue our efforts without the added pressure of converting the lot prematurely. Returning the lot to green space would result in unnecessary costs, especially if reconstruction becomes necessary once a tenant or buyer is secured.

We respectfully ask for your consideration of this request to remove the timing condition. This amendment will allow us to navigate the ongoing challenges in the commercial real estate market more effectively.

Respectfully,



A handwritten signature in blue ink, appearing to read "Erin B. Davis", written over a light blue rectangular background.

Erin B. Davis
GroupRMC



0 500 1,000 Feet

3131 Finley Road - Location Map

-  Subject Property
-  Project Location

3131 FINLEY ROAD, DOWNERS GROVE

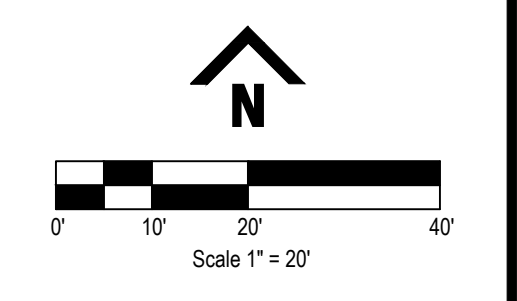
| Building SF | Parking Ratio | Spaces Allowed | Existing 1400 Opus | Additional Spaces Requested |
|-------------|---------------|----------------|--------------------|-----------------------------|
| 228,069 | 1,000 | 228 | 4.5 | 1,026 |
| | | | 782 | 240 |

| PARKING DATA | |
|--------------|------------|
| STANDARD: | 233 STALLS |
| ADA: | 7 STALLS |
| TOTAL: | 240 STALLS |

BLECK
engineers | surveyors

Bleck Engineering Company, Inc.
1375 North Western Avenue
Lake Forest, Illinois 60045
T 847.295.5200 F 847.295.7081
www.bleckeng.com

3131 FINLEY ROAD
DOWNERS GROVE, IL



Impervious Area Calculations
3131 Finley Road, Downers Grove, Illinois
Lot Area: 114,932 sf 200-014
2.64 ac

| Existing | Proposed |
|--------------------------------|------------------------------|
| Restaurant 21,476 sf | Restaurant - sf |
| Parking Lot* 76,681 sf | Parking Lot* 86,341 sf |
| Deck 2,265 sf | Deck - sf |
| Sidewalks 2,073 sf | Sidewalks - sf |
| Generators, Utility Pad 348 sf | Generators, Utility Pad - sf |
| Walls 58 sf | Walls - sf |
| Total 102,902 sf | Total 86,341 sf |
| 2.36 ac | 1.98 ac |
| 90% | 75% |

*Parking Lot Areas include driveway access to Branding Ave and existing parking areas that encroach on neighboring properties

| ISSUED DATE | ISSUED FOR |
|-------------|---------------------------|
| 01.23.2020 | Special Use Permit |
| 02.14.2020 | Village Review #1 |
| 02.25.2020 | Village Review #2 |
| 07.06.2020 | Village Comment #3 |
| 08.11.2020 | Village Comment #4 |
| 12.18.2020 | Record Drawing |
| 06.07.2021 | SW Island and Tree Update |

PROFESSIONAL SEAL

Michael G. Bleck, PE 06.07.2021

License No. 062-04893 Expires 11/30/21
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Illinois Professional Design Firm 154.020911

ALTOUNIAN CONSTRUCTION
13110 W HIGHWAY 176, SUITE ONE
LAKE BLUFF, ILLINOIS 60044

| | |
|---------|-------------|
| 200-014 | Project No. |
| MB | Drawn By |
| MGB | Checked By |

Drawing No. **1**

Drawing Name
TOPOGRAPHIC SURVEY

© Project Files - Shared/001/Downers Grove/3131 Finley Rd - Downers Grove/2021-014 Alt. Rev.
 10/6/2024 10:00 AM. Modified/001/Downers Grove/3131 Finley Rd - Downers Grove/2021-014 Alt. Rev.



Special Uses

Review and Approval Criteria

Form #PC02

Address of Project Site: 3131 Finley Road Downers Grove IL 60515

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:

1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located.

According to the Village's zoning ordinance, the specific is listed as an authorized Special Use within the applicable zoning district. This designation indicates that the Village has already determined that such use is compatible with the surrounding area. Our request to amend the timing condition does not alter the nature of the use or its compliance with the Village's zoning regulations. The proposed use remains consistent with the intent of the zoning district and aligns with the objectives set forth in the Village's comprehensive plan and other applicable policies.

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.

3131 Finley Road was acquired to utilize as an additional parking facility for the Executive Towers West office complex. Additional Parking was critical at the time to attract large corporate users and to accommodate the existing tenant base. Since the COVID 19 Pandemic, office use of space has changed and the high density parking needs are not as prominent. While we continue to market to users who may need heavy parking, our efforts have now focused to marketing the property for sale. The existing investment in the demolition of the former dated building and the construction of a new parking lot enhances the marketability of the site. Removal of the parking lot will only devalue the property for ownership and a prospective buyer.

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 property is a surface parking lot and does not propose any health or safety issues to the surrounding area. This site in its current condition provides value to a prospective buyer for a new development which will add to the Downers Grove tax base.

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.

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.

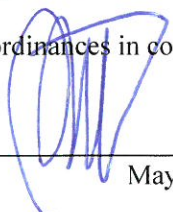
SECTION 2. This approval is subject to the following conditions:

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

ORDINANCE NO. 5938**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.

Passed: 07/19/2022

Published: 07/20/2022

Attest: 

Village Clerk



Mayor

Special Use Extension
3131 Finley
20-PL.C-0004

ORDINANCE NO. 5988

**AN ORDINANCE AUTHORIZING THE SECOND 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 19, 2024**

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

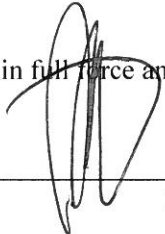
WHEREAS, the owner of the Property has made a request for a second extension of the improvements authorized under Ordinance No. 5817; and

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.

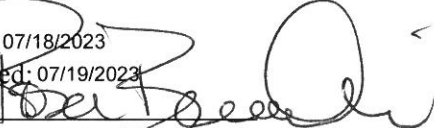
NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Downers Grove as follows:

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 19, 2024.

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: 07/18/2023
Published: 07/19/2023
Attest: 
Village Clerk

VILLAGE OF DOWNERS GROVE
PLANNING AND ZONING COMMISSION MEETING

November 4, 2024, 7:00 P.M.

FILE 24-PCE-0028: A PETITION SEEKING SPECIAL USE APPROVAL TO ESTABLISH AN ACCESSORY USE (PARKING LOT) BEFORE THE PRINCIPAL USE IS ESTABLISHED. THE PROPERTY IS CURRENTLY ZONED B-3, GENERAL SERVICES AND HIGHWAY BUSINESS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF FINLEY ROAD AND BRANDING AVENUE. (PIN: 06-30-409-009). KAROLINA BREITHAAPT, PETITIONER AND ETW LAND LP, OWNER.

Sue Lehman presented their request in seeking a Special Use approval to establish a parking lot before the principal use is established. She explained the original site was a former business and when their client purchased the adjacent three-building property, they were concerned about maximizing parking so they purchased the original adjacent site for overflow parking. They demolished the existing structure and in 2020, they receive approval of the special use permit originally in place to construct the parking lot. She stated that according to the ordinance, the property was listed as a special use within the applicable zoning district.

Pete Adamo added that the subject property was acquired to construct the parking lot. He said they no longer have the same density of office employees, so the parking lot is not warranted. They want to put the site up for sale, and believe the parking lot adds value for the property owner. Sue Lehman added that there is a challenge securing a large tenant to utilize the existing parking. She said their hope is to reach approval to extend the special use criteria on the parking lot.

Commissioner Lincoln asked what they would have to do to the lot if this is not extended. Ms. Lehman responded the original reference was to return it to green space. She added their hope would be not to have to spend money to turn it back into green space.

Commissioner K. Patel asked what the current usage is. Mr. Adamo answered it is just a surplus for the office buildings next door.

Chairman Rickard asked for public input.

There was no public input.

Chairman Rickard then asked for the staff report.

Flora Leon, Senior Planner, discussed the petition for a special use request at 3131 Finley. She said all noticing requirements were met and staff did not receive any additional inquiries. She clarified that the special use request is an entirely new special use to continue to have a standalone parking lot. She provided an aerial map and history for the site. She added that if the special use is not granted, the original conditions of the special use permit will apply. Ms. Leon highlighted a few key items from the comprehensive plan. She said staff found that all three criteria were met.

Commissioner Toth inquired if it is common to have a special use with no restrictions or something similar to this after there were previous restrictions put in place. Ms. Leon answered it is not very common and this is a unique case.

Commissioner Lincoln asked why it was prudent to say there has to be use of the parking lot within a set amount of time or it would be forced to go back to green space. Mr. Zawila answered the economy has changed. Ms. Leon added that with the extensions requested, they started to see that ownership was looking for keeping the parking lot, and the reason they have revisited and brought this forward is to offer that.

Commission Frankovic asked if it is possible to keep the timeline on the extension if they were to approve. Mr. Zawila responded that it could be an administrative burden that would have to continue to go to Council to ask for extensions each year if they did something like that.

Commission Boyle asked if it was better to have a parking lot there or raise green space for future development for the comprehensive plan.

Chairman Rickard asked for clarification that the special use is specific to the owner. He asked if and when they sale the property if the new owner would take over or if they have to reapply. Ms. Leon answered that the special use is tied to the land.

Chairman Rickard asked for discussion or comments from the commissioners.

Commissioner Toth understood the hardship and did not want to force them to bear the cost of removing the parking lot they paid for to turn into green space. He said with the parking lot in place, it is a more attractive. However, he was not in agreement to keep it in perpetuity without any restrictions. He proposed the same special use granted before.

Commissioner Frankovic agreed that it should have some limitations and not just be extended. She said they need to keep the option of turning it into green space.

Commissioner Lincoln stated that it would be more marketable, but he was having trouble understanding why the restrictions were there to begin with. He said he was leaning more towards having a restriction.

Commissioner Toth stated that the Village would like to give every opportunity for the owner to have success with finding a tenant, and that is why he is interested in allowing the special use timing of a year with extensions if needed for up to 3 years total, which would keep the spirit of the original and also help the owner keep it more marketable.

Commissioner Frankovic suggested a two-year with a single extension.

Commissioner Toth said he would go with the original restrictions, giving them one year to find a tenant and they could request up to two extensions.

Commissioner Boyle expressed a timeline is something he would support and two years and one year extension makes sense.

Commission Lincoln said he was leaning towards a two-year to make it more fair, but he does not see a strong reason to not have a stipulation.

K. Patel was in agreement to put parameters around it going forward and a timeline with extensions.

Chairman Rickard asked for a motion.

WITH RESPECT TO FILE 24-PCE-0028 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, IT IS FOUNDED THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR A SPECIAL USE AS REQUESTED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST, AND THEREFORE, COMMISSIONER BOYLE MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF FILE 24-PCE-0028, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT PLANS AND DOCUMENTS ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.
2. IF WITHIN 24 MONTHS OF APPROVAL OF THE ORDINANCE OR WHERE THE PARKING LOT IS NO LONGER USED FOR 1400 OPUS PLACE OR A TENANT IS NOT SECURED THAT WILL UTILIZE THE PARKING LOT, THE BUILDING MUST BE CONSTRUCTED ON THE PROPERTY OR THE PARKING LOT MUST BE REMOVED AND THE ENTIRE SITE RESTORED TO GREEN SPACE.
3. THE VILLAGE COUNCIL IS AUTHORIZED TO INCLUDE AN EXPIRATION PERIOD FOR GOOD CAUSE ON UP TO ONE SEPARATE OCCASION BY UP TO ONE YEAR. THE REQUEST FOR EXTENSION MUST BE SUBMITTED TO THE COMMUNITY DEVELOPMENT DIRECTOR AND FORWARDED TO VILLAGE COUNCIL FOR FINAL DECISION.

SECOND BY COMMISSIONER TOTH

ROLL CALL:

AYE: BOYLE, FRANKOVIC, K. PATEL, TOTH, LINCOLN, CHAIRMAN RICKARD

NAY: NONE.

MOTION APPROVED. VOTE: 6-0

/s/ Celeste K. Weilandt
Recording Secretary

(As transcribed by Ditto Transcripts)