

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**7/16/2019**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
2300 Wisconsin Unit 101 - Special Use	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

The petitioner, Arietta Motor Group, is requesting approval of a Special Use to operate a personal vehicle sales business at 2300 Wisconsin Avenue, Unit 101.

**STRATEGIC PLAN ALIGNMENT**

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

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

This item was discussed at the July 9, 2019 Village Council meeting. Staff recommends approval on the July 16, 2019 Active Agenda.

**BACKGROUND**

Property Information & Zoning Request

The petitioner is requesting approval of a Special Use to operate a Personal Vehicle Sales business at 2300 Wisconsin Avenue, Unit 101. The subject property is zoned M-1, Light Manufacturing and consists of three light industrial buildings with 55 total units. The purpose of the petitioner's business is the sale of used high-end luxury cars. The petitioner plans on having no more than six to seven sale vehicles at a time, all of which will be stored on the interior of the 1,600 square foot unit. No sale vehicles will be allowed to be stored outside of the building. Accessory to the primary use of vehicle sales, the petitioner will provide a detailing service to prepare the cars for sale.

Compliance with the Comprehensive Plan

The Comprehensive Plan designates the land use of the property as light industrial/business park, which primarily includes uses dedicated to design, assembly, processing, packaging, storage and transportation of products. Additionally, the Comprehensive Plan promotes attracting contemporary industrial users in the Ellsworth Industrial Park.

### Compliance with the Zoning Ordinance

The subject property is zoned M-1, Light Manufacturing. Per Section 5.010 of the Zoning Ordinance, personal vehicle sales is an allowable Special Use. There are no bulk regulations to evaluate considering that no exterior modifications are proposed. All activities will be conducted within the building. With regards to off-street parking, the petitioner is required to provide three parking spaces. The current tenant mix requires 90 parking spaces where 150 are currently located at the site. The property will be able to accommodate the three required spaces.

### Public Comment

Prior to and during the Plan Commission meeting, staff did not receive any inquiries regarding this proposal.

### **ATTACHMENTS**

Ordinance

Aerial map

Plan Commission Staff Report with attachments dated June 3, 2019

Approved Minutes of the Plan Commission Hearing dated June 3, 2019

VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY

INITIATED: Applicant DATE: July 16, 2019  
(Name)

RECOMMENDATION FROM: \_\_\_\_\_ FILE REF: 19-PLC-0011  
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 2300 WISCONSIN AVENUE, UNIT 101 TO PERMIT A PERSONAL VEHICLE SALES BUSINESS", as presented.

*Yes*

**SUMMARY OF ITEM:**

Adoption of the attached ordinance will authorize a special use for 2300 Wisconsin Avenue, Unit 101 to permit a personal vehicle sales business.

**RECORD OF ACTION TAKEN:**

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**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 2300 WISCONSIN AVENUE, UNIT 101  
TO PERMIT A PERSONAL VEHICLE SALES BUSINESS**

WHEREAS, the following described property, to wit:

**PARCEL 1:**

LOT 1 IN FRANK LOPATA RESUBDIVISION OF LOTS 10, 11 AND 12 IN THE RESUBDIVISION OF LOTS 8 TO 13 INCLUSIVE IN ELLSWORTH PARK UNIT 3, AND LOT 24 IN ELLSWORTH PARK UNIT 5 IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 12, AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID FRANK LOPATA RESUBDIVISION RECORDED AUGUST 13, 1965 AS DOCUMENT R65-30445, IN DUPAGE COUNTY, ILLINOIS

Commonly known as: 2300 Wisconsin Avenue, Unit 101, Downers Grove, IL 60515  
PINs: 08-12-407-006

(hereinafter referred to as the "Property") is presently zoned in the "*M-1, Light Manufacturing 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 personal vehicle sales business; 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 3, 2019 and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, 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 personal vehicle sales business.

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

1. The Special Use shall substantially conform to the staff report, plans and documents attached to the Staff Reported dated June 3, 2019 except as such plans may be modified to conform to the Village codes and ordinances;
2. All test drives are limited to arterial streets as defined by the Comprehensive Plan. Arterial streets include: Ogden Avenue, Belmont Road, Warren Avenue, and Main Street.
3. All vehicle deliveries must be completed on private property. Deliveries may not take place on Wisconsin Avenue.
4. No vehicles for sale may be stored outside. All vehicle storage must be within the building.

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.

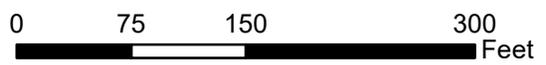
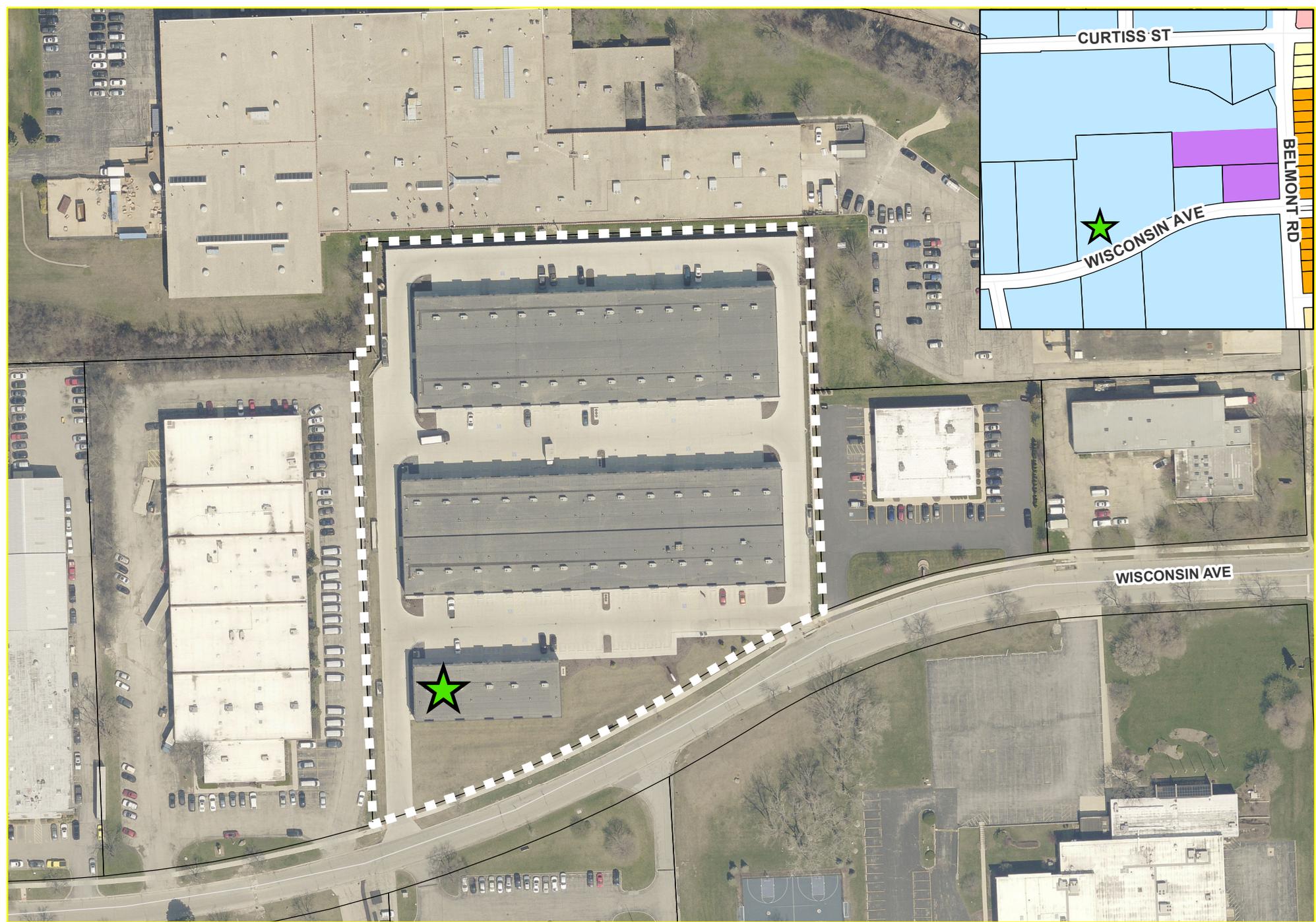
\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk



**2300 Wisconsin Avenue - Location Map**

-  Subject Property
-  Project Location



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
JUNE 3, 2019 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
19-PLC-0011 2300 Wisconsin Avenue Unit 101	Special Use for Personal Vehicle Sales	Devin Kamperschroer Planning Intern

**REQUEST**

The petitioner is requesting approval of a Special Use to operate a personal vehicle sales business at 2300 Wisconsin Avenue.

**NOTICE**

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

**GENERAL INFORMATION**

**OWNER:** MacNeil Real Estate Holdings  
1 MacNeil Court  
Bolingbrook, IL 60440

**APPLICANT:** Florencio Arrieta  
Arrieta Motor Group  
203 Millcreek Lane  
Naperville, IL 60540

**PROPERTY INFORMATION**

**EXISTING ZONING:** M-1, Light Manufacturing  
**EXISTING LAND USE:** Light Industrial Business Park  
**PROPERTY SIZE:** 5.07 acres (220,899 square feet)  
**PIN:** 08-12-407-006

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	M-1, Light Manufacturing	Light Industrial / Business Park
<b>SOUTH:</b>	M-1, Light Manufacturing	Light Industrial / Business Park
<b>EAST:</b>	M-1, Light Manufacturing & ORM, Office, Research & Manufacturing	Light Industrial / Business Park
<b>WEST:</b>	M-1, Light Manufacturing	Light Industrial / Business Park

## ANALYSIS

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### SUBMITTALS

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

1. Application/Petition for Public Hearing
2. Project Narrative
3. Special Use Criteria
4. Plat of Survey
5. Floor Plan Layout

### PROJECT DESCRIPTION

The petitioner is requesting approval of a Special Use to operate a Personal Vehicle Sales business at 2300 Wisconsin Avenue, Unit 101. The property is zoned M-1, Light Manufacturing. The proposed use is an allowable Special Use in the M-1 district. The property consists of three light industrial buildings with 55 total units, cumulatively totaling 91,250 square feet with 147 off-street surface parking spaces. The off-street parking spaces are not assigned to any individual unit.

The purpose of the petitioners business is the sale of used high-end luxury cars. The petitioner plans on storing no more than 6 to 7 vehicles at a time, all of which will be stored on the interior of the 1,600 square foot unit. Accessory to the primary use of vehicle sales, the petitioner will provide a detailing service to prepare the cars for sale.

### COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates the land use of the property as light industrial/business park, which primarily includes uses dedicated to design, assembly, processing, packaging, storage and transportation of products. Additionally, the Comprehensive Plan promotes attracting contemporary industrial users in the Ellsworth Industrial Park.

### COMPLIANCE WITH THE ZONING ORDINANCE

The 2300 Wisconsin Avenue property is zoned M-1, Light Manufacturing. Per Section 5.010 of the Zoning Ordinance, personal vehicle sales is an allowable Special Use. There are no exterior modifications proposed with the petitioner's application; therefore, there are no bulk regulations to evaluate.

With regards to off-street parking, the petitioner is required to provide three parking spaces. The current tenant mix requires 90 parking spaces where 150 are currently located at the site. The property will be able to accommodate the three required spaces.

### ENGINEERING/PUBLIC IMPROVEMENTS

There are no public improvements proposed or required.

### PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division of the Fire Department has reviewed the application and has no concerns.

### 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 *Enterprise Newspapers, Inc. (The Bugle)*. Staff has not received any comments regarding the proposal at this time.

### STANDARDS OF APPROVAL

19-PLC-0011, 2300 Wisconsin Avenue  
June 3, 2019

Page 3

The petitioner is requesting a Special Use approval for a personal vehicle sales facility. The review and approval criteria is listed below.

The petitioner has submitted a narrative that attempts to address all the standards of approval. The Plan Commission should consider the petitioner's documentation, the staff report, and the discussion at the Plan Commission meeting in determining whether the standards for approval have been met.

***Section 28.12.050.H Standards for Approval of 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.*
- (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**

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Staff will provide a recommendation at the June 3, 2019 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 19-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 19-PLC-0011, subject to the following conditions:

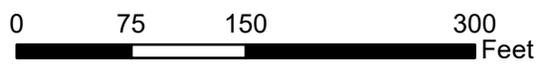
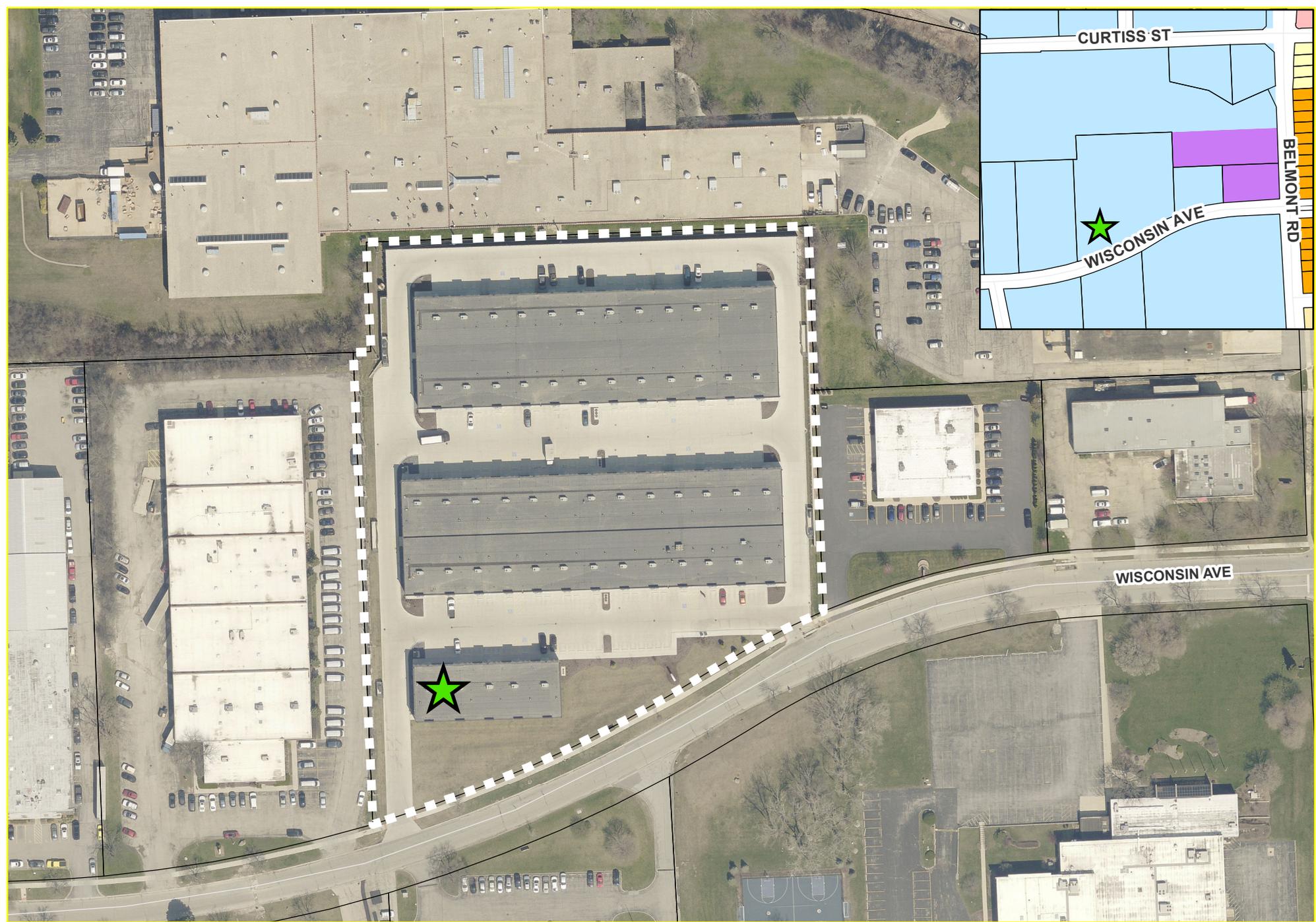
1. The Special Use shall substantially conform to the staff report, plans and documents attached to this report except as such plans may be modified to conform to the Village codes and ordinances;
2. All test drives are limited to arterial streets as defined by the Comprehensive Plan. Arterial streets include: Ogden Avenue, Belmont Road, Warren Avenue, and Main Street.
3. All vehicle deliveries must be completed on private property. Deliveries may not take place on Wisconsin Avenue.
4. No vehicles for sale may be stored outside. All vehicle storage must be within the building.

Staff Report Approved By:



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Stanley J. Popovich, AICP  
Community Development Director



### 2300 Wisconsin Avenue - Location Map

-  Subject Property
-  Project Location



203 Millcreek Lane  
Naperville, Illinois, 60540

Village of Downers Grove

801 Burlington Avenue

Downers Grove, Illinois, 60515

Attention: Mr. Devin Kamperschroer – Downers Grove Village Planner

Ms. Flora Ramirez – Downers Grove Village Planner

Mr. Jason R. Zawila – Downers Grove Planning Manager

Ms. Gabriella Baldassari – Village Planner Intern

Subject: M-1 for Online Dealership, Car Sales, Storage, and Detailing (Revised Submittal)

CC: Mr. Florencio M. Arrieta – Owner Arrieta Motor Group LLC.

Date: May 20 2019

Dear Mr. Devin Kamperschroer,

Arrieta Motor Group LLC is requesting a special use permit titled "M-1 for Online Dealership, Car Sales, Storage and Detailing." We are asking for the following use, which is a "Special Use Permit" in the M-1 District for Personal Vehicle Sales and Rentals, per Section 5.010.

It is our wish to seek approval for this special use permit for Arrieta Motor Group LLC to expand our online used car dealership sales at 2300 Wisconsin Avenue, Unit#101. It is the intent and purpose of this letter to provide the Village of Downers Grove a clear and concise overview of the nature and operation of Arrieta Motor Group LLC., and how we intend to make use of the special use permit.

My company ARRIETA MOTOR GROUP L.L.C. was established April 10 2015 and located in the township of Rockdale, Illinois. The primary purpose of my business is selling used high-end luxury cars (i.e., Porsche, Audi, McLaren, Mercedes Benz, BMW, Ferrari, Lamborghini, etc.) costing upwards of \$100,00.00 on up. I typically sell limited and numbered Porsche cars which are rarer to find and seen in the automotive industry. Part of the business is to establish a detailing shop and provide secured and climate-controlled storage for high-end luxury cars we sell.



This will be the second location while our primary location for now is still located in Rockdale, Illinois. We are also continuing to look for bigger facilities in the township of Downers Grove and eventually make Downers Grove as the main facility location.

I am also addressing the comments you have identified from your written letter dated May 14 2019:

1. List the property owner under "Owner(s) of Record."
  - a. A copy of Warranty Deed from DuPage County Recorder is provided.
2. Provide a letter of authorization from the property owner for this special use.
  - a. Attached please see "Lease Agreement" between Landlord (i.e., MacNeil Real Estate Holdings, LLC., and Tenant (i.e., Arrieta Motor Group LLC). On Page-ii it is noted, signed, and agreed upon by Landlord Property Manager (Mr. Richard Curran) that tenant applied and seeks approval to the Village of Downers Grove, "Special Permit – Car Storage and Internet car sales and car detailing only.
3. Complete the Review and Approval Criteria sheet included with the packet. An example of a previously approved case is attached.
  - a. Adhered and completed per your comments and recommendation now included as the last page on the Application Packet.

Please review for your comments, concurrence, and or approval. We look forward in expanding our business in the township of Downers Grove in the county of DuPage. I look forward in adding my business and contribute to the growth of Downers Grove.

Sincerely,

A handwritten signature in blue ink, appearing to read 'F. Arrieta', with the date '05/20/19' written to its right. The signature is written over a horizontal line.

Florencio M. Arrieta  
ARRIETA MOTOR GROUP L.L.C.  
President and Owner  
630-991-0715  
Farrieta60540@yahoo.com

Meter Room



Restroom

Wash/ Detail Area



**Unit 101 Layout  
Arrieta Motor Group**

Triple Basin Drain

Garage Door

Front Door

Window

Window



## 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:

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

Per Section 5.010

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.*

- 1.) Store is minimal foot/vehicle traffic as volume of cars stored is seven or less.
- 2.) Hours of operations is 10:00CST through 15:00CST, Monday through Saturday, or by appointment only.
- 3.) Noise will be kept at minimum since cars sold are of low volume select buyers.

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.*

- 1.) There is no foreseeable event over the course of day to day business operations that can be thought of detrimental to the health, safety, and welfare of the general public.
- 2.) No vehicles for sale will be parked outside, besides prospective buyers who will be onsite to view the car of their interest.
- 3.) In the interest of keeping the image "High-end" and luxurious, facility will be cleaned daily and mimic the cleanliness of a hospital environment.
- 4.) All business dealings will be conducted inside the confines of the Business Unit#101 at all times.
- 5.) Road test will be only be conducted on routes approved by the village, and road tests are allowed only when the prospective buyer is almost sure and qualifies in buying the vehicle.

APPROVED 7/2/19

## **PUBLIC HEARINGS**

**19-PLC-0011: A petition seeking Special Use approval to operate a personal vehicle sales. The property is currently zoned M-1, Light Manufacturing. The property is located on the north side of Wisconsin Avenue, approximately 500 feet west of Belmont Road, commonly known as 2300 Wisconsin Avenue, Unit 101, Downers Grove, IL (PIN 08-12-407-006). Florencio Arrieta, Petitioner and MacNeil Real Estate Holdings, Owner.**

### **Petitioner's Presentation:**

Mr. Florencio Arrieta, applicant from Naperville, IL, stated he is requesting a Special Use permit for the sale of high-end used cars because of the existing zoning on the property. His company was established in April of 2015. He deals with limited or numbered cars. The cars are stored in a climate-controlled environment throughout the year. Mr. Arrieta said his clientele is limited to the kind and number of cars he has available. He has many clients based in Westchester east to Aurora west, and is moving his business to include the western suburbs. He expects his line of cars will add aesthetics to the neighborhood. Cars that are traded in as part of a sale are auctioned at another facility, and would not be sold on the premises. He then described the 1600 square foot layout of the unit. Typically summer is what he calls his Christmas season for sports cars, and he would not put more than six cars in the unit. Cars cannot be parked outside of the unit as part of his agreement with his landlord. Most of his cars are not paint protection laminated, and he does provide that service to his customers only upon request. He stated he will adhere to all the stipulations and regulations from his landlord and is asking the Village to approve his request. He will make no modifications to the building either on the exterior. There will be no changes to the signage specifications of the Village. No cars will be parked outside and there will be no banners. This is similar to what an on-line dealership would resemble. The Secretary of State requires operation of the facility at least four hours a day. He will also abide by the routes suggested for test drives; however, the cars are valuable and he is selective on who test-drives the car. He noted that he is a nuclear specialist with Exelon and deals with the Nuclear Regulatory Commission and is familiar with working for the safety of the general public. There will be no flammable liquids stored on site other than gasoline in the tank of the cars. The premises will be kept to maintain the image of the business that he operates.

Ms. Johnson asked if this is by appointment only, or will there be an employee there. Mr. Arrieta said there will be someone on premises from 11:00-3:00 every day.

There were no further questions from the Plan Commission members at this time, and no public comments. Ch. Rickard called upon staff to make its presentation.

### **Staff Report**

APPROVED 7/2/19

Planning Intern Devin Kamperschroer explained that the petition is a request for a Special Use permit for property located at 2300 Wisconsin Avenue, Unit 101, on the southwestern most unit of the complex which is zoned M-1 Light Manufacturing. The current tenant mix requires 90 parking spaces and there are 150 available. He noted that conditions for approval have been stated by staff on Page 3 of its report dated June 3, 2019. Based on the petitioner's submittal, staff's report and the testimony presented, staff finds that the petitioner has met the standards of approval for a Special Use as required by the Village of Downers Grove Zoning Ordinance and recommends approval of Petition 19-PLC-0011 subject to the aforementioned conditions on page 3 of staff's report.

There being no comments or questions from the Plan Commission, Ch. Rickard asked Mr. Arrieta if he had any further comments.

Mr. Arrieta said he appreciated the help and support of the Village's staff to make sure he had all of the details covered. He hopes he can contribute to the tax base of the Village.

Ch. Rickard then closed the public comment portion of the public hearing.

#### **Commission Deliberation:**

Ms. Majauskas said she felt the petition was cut and dry, and as a Special Use nothing rang any bells for her. She would recommend approval.

Ch. Rickard said he agrees, as they appear to have met the three criteria for approval. There being no additional comments, he called for a Motion.

**Ms. Gassen said that based on the petitioner's submittal, the Staff Report, and the testimony presented, she finds that the petitioner has met the standards of approval for a Special Use as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore she moves that the Plan Commission recommend to the Village Council approval of 19-PLC-0011, subject to the following conditions:**

- 1. The Special Use shall substantially conform to the staff Report, plans and documents attached to said report except as such plans may be modified to conform to the Village Codes and Ordinances.**
- 2. All test drives are limited to arterial streets as defined by the Comprehensive Plan. Arterial streets include: Ogden Avenue, Belmont Road, Warren Avenue, and Main Street.**
- 3. All vehicle deliveries must be completed on private property. Deliveries may not take place on Wisconsin Avenue.**
- 4. No vehicles for sale may be stored outside. All vehicle storage must be within the building.**

**Ms. Majauskas seconded the Motion.**

**AYES: Ms. Gassen, Ms. Majauskas, Mr. Boyle, Ms. Johnson, Mr. Quirk,  
Ch. Rickard**

APPROVED 7/2/19

**NAYS:       None**

**The Motion carried unanimously to recommend approval of the petition.**

Mr. Zawila said this item would come before the Village Council at its July 9, 2019 meeting.

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