

COUNCIL WORKSHOP ITEM

ITEM: Zoning Board of Appeals File No. MC-4-02
DATE: March 21, 2002
PREPARED BY: Kenneth J. Rathje, Director Planning Services
PURPOSE: Obtain Approval for a petition seeking rezoning from R-1, Single Family Residential to B-3, General Services & Highway District for property located on the west side of Florence Avenue, approximately 175 feet north of Ogden Avenue, commonly known as 4244 Florence Avenue, Downers Grove, Il.

DISCUSSION:

At its February 27, 2002 meeting, the Zoning Board of Appeals recommended by a vote of 3:2 approval for the requested rezoning as it was in keeping with goals of the Village's Future Land Use Plan and the Lakota Plan.

ATTACHMENT:

1. Letter to Mayor & Council from Zoning Board of Appeals Chairman dated March 21, 2002.
2. Draft Minutes of the Zoning Board of Appeals Public Hearing February 27, 2002
3. Staff Findings regarding Case MC-4-02 with Attachments

RECOMMENDATION:

Approval of the requested rezoning.



Village of
DOWNERS GROVE
ILLINOIS

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801 Burlington Avenue
Downers Grove
Illinois 60515-4776
630.434.5500
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1015 Curtiss Street
Downers Grove
Illinois 60515
630.434.5940
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*Fire Department
Administration*
3900 Highland Avenue
Downers Grove
Illinois 60515-1506
630.434.5980
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825 Burlington Avenue
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5101 Walnut Avenue
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Social & Health Services*
842 Curtiss Street
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Downers Grove Web site*
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Info Line
630.434.6800

March 21, 2002

Mayor Brian Krajewski and Village Council
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

RE: **MC-4-02** A petition seeking rezoning from R-1, Single Family Residential to B-3, General Services & Highway Business for property located on the West side of Florence Avenue, approximately 175 feet north of Ogden Avenue, commonly known as 4244 Florence Avenue, Downers Grove, IL (PIN 09-04-110-024); Joseph Abbas, Owner; James F. Russ, Jr., Attorney/Petitioner.

Dear Mayor Krajewski and Village Council:

At its February 27, 2002 meeting, the Zoning Board of Appeals made the following recommendation in case MC-4-02:

Mr. Lukas moved that in case MC-4-02, that the Board recommend to the Village Council approval of the requested rezoning from Village R-1 to Village B-3. Mr. Gray seconded the Motion.

AYES: Mr. Lukas, Mr. Gray, Ch. White

NAYS: Mr. Domijan, Mr. Sleeter

Chairman White declared the Motion carried 3:2.

Those majority Board members who voted in favor of the petitioner's request to rezone the subject property, based their finding upon the belief that the proposed rezoning is consistent with the goals of the Village's Future Land Use Plan and the Lakota Plan.

Sincerely,
William White
William White,
Chairman

WW/tmh

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
FEBRUARY 27, 2002**

Call to Order

Chairman White called the meeting to order at 7:30 PM.

Roll call

Present: Mr. Domijan, Mr. Gray, Mr. Lukas, Mr. Sleeter, Ch. White

Absent: Mr. Benes, Mr. Detjen

A quorum was established.

Approval of minutes of January 27, 2002 meeting

Chairman White asked if there were any corrections or additions to the minutes as submitted. There being none, he called for a Motion.

Mr. Gray moved to approve the minutes of January 27, 2002 as presented. Mr. Sleeter seconded the motion.

Ayes: Mr. Gray, Mr. Sleeter, Mr. Lukas, Ch. White

Nays: None

Abstain: Mr. Domijan

Chairman White declared the motion carried 4:0:1.

Meeting Procedures

Chairman White explained the procedures to be followed for the meeting, reviewing the petition before the Board. He said that the recommendation made at this meeting is advisory, and that the final decision is made by the Village Council. Interested parties may contact the Village Clerk to find out when this case will be on the Council's Agenda. Chairman White asked anyone in the audience who intended to testify in this public hearing to rise and be sworn in.

Chairman White then asked Mr. Rathje to read the published public hearing notice for the petition.

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MC-4-02 A petition seeking rezoning from R-1, Single Family Residential to B-3, General Services & Highway Business for property located on the West side of Florence Avenue, approximately 175 feet north of Ogden Avenue, commonly known as 4244 Florence Avenue, Downers Grove, IL (PIN 09-04-110-024); Joseph Abbas, Owner; James F. Russ, Jr., Attorney/Petitioner.

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING – Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals at 7:30 p.m. on Wednesday, February 27, 2002 in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois to consider a petition seeking rezoning from R-1, Single Family Residential to B-3, General Services & Highway Business. The property is located on the west side of Florence Avenue, approximately 175 feet north of Ogden Avenue, commonly known as 4244 Florence Avenue, Downers Grove, Illinois (PIN 09-04-110-024) and is legally described as follows:

The South Half of Lot 4 in Block 2 in Arthur T. McIntosh and Company's Third Ogden Avenue Subdivision of the South 9 chains of the Southwest Quarter of the Northwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 31, 1924 in Book 12 of Plats, Page 28 as Document 186703, in DuPage County, Illinois.

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Information Officer (630) 434-5550 prior to the meeting. Wheelchair access may be gained through the side (South) entrance of Village Hall. All interested persons should attend this hearing and will be given an opportunity to be heard. Please call (630) 434-5531 with questions regarding this rezoning petition. The hearing may be continued from time to time without prior public notice. Zoning Board of Appeals, William White, Chairman. Published in the Downers Grove Reporter Friday, February 8, 2002.

Petitioner's Presentation:

Mr. James Russ, stated he was an attorney with offices located at 4915 Main Street in Downers Grove. Mr. Russ stated he represented Mr. Joseph Abbas, the petitioner and owner of Luxury Motors. He said the petitioner is seeking approval to rezone the property on the west side of Florence Avenue, north of Ogden Avenue, adjacent to the Luxury Motors property. Currently the property is zoned Village R-1 which was granted upon annexation by default. Mr. Russ said this is the first petition to rezone the property. The petitioner wants to rezone the parcel to B-3 commercial zoning, which would match the Ogden Avenue zoning. The parcel is 12,000 square feet in size and vacant. There was a building on the site at one time which was razed by the petitioner. He described the surrounding zoning as B-3 to the south, southeast and

southwest, and R-1 to the north, east and west. He noted, however, that the property to the west has commercial offices which were built under a court order.

Mr. Russ stated that the Village's Future Land Use Plan (hereinafter, the FLUP) depicts this property and the property immediately north as being appropriate for a commercial zoning use. He said the intent of the petitioner is to use the property in conjunction with the Luxury Motors business.

Mr. Russ gave a brief background of Luxury Motors, stating they began as a small business on Ogden Avenue in what was once a metal shop. That building was rehabbed and turned into a commercial use. In addition, landscaping was added to the site. Luxury Motors then acquired the property to the immediate west which had been a motorcycle shop at one time. That site was also rehabbed and remodeled. Mr. Russ stated the owner also owns the parcel on the northwest corner of Florence Avenue and Ogden Avenue which was the site of the former Somerset Motel. That building was razed and that property improved as part of Luxury Motors.

Mr. Russ said that Luxury Motors will be adding a Bentley dealership to its business. The owner intends to use the subject property as additional auto display space. They currently have limited land to expand their operations. Some of the issues raised because of the expansion included parking and noise in the area. He said the Village has worked with Luxury Motors to solve the issue regarding noise from outside speakers on the property in an effort to accommodate the neighbors who have been affected by these problems.

Mr. Russ noted that Luxury Motors' tenure has resulted in a great economic contribution to the Village, as they have improved the site from a dilapidated area to a well maintained and well designed parcel. He said the subject property has been designated as being appropriate for a commercial use under the FLUP. The petitioner is asking a positive recommendation from the Board to the Village Council to rezone the subject lot to B-3 commercial zoning, which is consistent with Ogden Avenue development.

Chairman White asked whether there is an analysis of what the Lakota Plan envisions in that area. Mr. Russ said that he did not know of anything specific for this parcel. He commented that he does know that one of the major concerns of the Lakota Plan is to obtain depth for the commercial sites along Ogden Avenue, which is the only way that acceptable development will occur along Ogden Avenue. The additional depth will allow for the setback requirements to be met as well.

There being no further questions at this time, Chairman White asked Mr. Rathje to make the Staff's presentation:

Staff Presentation:

Mr. Rathje began by displaying an aerial overhead photograph he had prepared to provide better orientation for the Board of the subject site. While showing the aerial photograph he explained the progression of Luxury Motors' business at its location, noting that the former Somerset Motel had a shallow setback along Florence Avenue with parking spaces extending directly into the right-of-way about to the point where the existing curbing is located. In addition, Mr. Rathje pointed out the location and the nature of the surrounding businesses along Ogden Avenue and Fairview Avenue.

Mr. Lukas asked what the zoning was from the Shell station north to M&M Orthopedics. Mr. Rathje responded there was B-3 commercial zoning along both sides of Ogden Avenue as well as some along Cumnor adjacent to R-5A zoning on Cumnor. The area on both sides of Florence north of the Ogden Avenue businesses is zoned R-1, as is the property along Fairview Avenue. Mr. Rathje noted that the property north of the Shell Station is the subject of a court order made in the 1980s when B-3 zoning was requested for the first third of the lots, and R-5A zoning for the remainder. The Zoning Board of Appeals recommended against that request, as did the Village Council; however, the courts found in favor of the petitioners. The court set aside the Zoning Ordinance and substituted a Judgment Decree which allowed for the construction of the two medical office buildings.

Chairman White asked, in the absence of the court order, what zoning would have been needed to build the medical office buildings. Mr. Rathje said it would either have been B-3, or in the alternative, B-2.

Mr. Rathje continued, stating that the subject property is located on the west side of Florence Avenue 200 feet north of the north line of Ogden Avenue. The subject property is sited immediately to the north of Luxury Motors. The petitioner is seeking approval to have the subject property rezoned from R-1, Single Family Residential to B-3, General Services and Highway Business District. It is the petitioner's desire to have the subject property rezoned so that it may be combined with and be utilized as part of Luxury Motors' existing automobile sales business which also carries a B-3, General Services and Highway Business District zoning designation.

Mr. Rathje described the subject property as having a width of 45 feet, a depth of 267.35 feet and an area of 12,030.75 square feet. Until October, 2000, the

property had been improved with a single family residence. The petitioner obtained a demolition permit from the Village and had the former residence razed. He said that the property is currently fenced (permit issued 11/00) and has been graveled, although the installation of gravel was undertaken without benefit of a Village permit. He explained that it has been determined that any action by the Village relative to the non-permitted graveling of the subject property will be held in abeyance until after the Council considers the matter of the proposed rezoning.

Mr. Rathje informed the Board that the subject property was annexed by the Village on April 29, 1974 under Ordinance No.1787. The subject property and many of the adjoining properties were brought into the Village under a force annexation. As such, the property currently carries an R-1, Single Family Residential zoning based upon the application of the provisions of Section 28-402 of the Zoning Ordinance. This provision of the Zoning Ordinance provides that upon annexation, property is automatically designated within the R-1, Single Family Residence district, unless there was either a pre-annexation rezoning petition filed and heard or unless there is a subsequent request and approval for a rezoning.

Mr. Rathje described the R-1, Single Family Residential zoning district as having a minimum lot width requirement of 100 feet and having a minimum lot area requirement of 20,000 square feet. As the subject property has a lot width of only 45 feet in contrast to the R-1 zoning district's 100 foot minimum width standard, this lot currently is unable to meet any of the criteria under Section 28-1203 which would permit it to be used even as a legal non-conforming lot.

Mr. Rathje stated that zoning of the surrounding property includes B-3, General Services and Highway Business District to the south, southeast and southwest and R-1, Single Family Residential to the east and north. The property located to the west of the subject property appears on the Zoning Map as being zoned R-1, Single Family Residential. He explained, however, that it is the aforementioned property that is the subject of a Judgment Decree which permitted that property to be improved with two medical office buildings, each with total floor areas of approximately 14,700 square feet and total parking spaces to accommodate 178 cars.

Regarding the Village's Future Land Use Plan, Mr. Rathje said the subject property is categorized with a land use designation of commercial. The lot immediately to the north of the subject property and the property on the east side of Florence immediately to the north of the oil change business are also designated on the Future Land Use plan with a commercial designation. He

said that it is the intent of the Future Land Use Plan to provide for some expansion as to the depth of the commercial properties which front on Ogden Avenue, rather than to promote the expansion of independent commercial activities behind the businesses that front on Ogden Avenue.

Mr. Rathje said that the FLUP does anticipate an expansion of commercial zoning up to a point 90 feet north of the north line of the existing Ogden Avenue commercial properties. He said the FLUP specifically indicates that the expansion of the commercial zoning is only to be permitted as a benefit to the properties fronting on Ogden Avenue. Regarding Chairman White's earlier question regarding the Lakota Plan, Mr. Rathje said the Lakota Plan and the FLUP are the same as far as property depths are concerned. The Lakota Plan has a variety of other provisions to it, many of which are conceptual and many of which are being carried out with the activities of Luxury Motors, including consolidation of property, minimizing the number of street openings along Ogden Avenue to reduce traffic friction points, facade improvements, and attracting viable/successful businesses to maintain a healthy business environment.

Mr. Rathje said that the petitioner's request to rezone the subject property from R-1, Single Family Residential to B-3, General Service and Highway Business District is consistent with the FLUP.

There being no comments from the Board at this time, Chairman White called for comments from the public in favor of the petition.

Dr. Tom Marquardt, an orthopedic surgeon practicing at M&M Orthopedics, said he wanted to hear the comments of others before he makes his qualified comment.

There being no comments in favor of the petition, Chairman White then called upon those opposed to the petition to speak.

Robert Novak said he resided at 4218 Florence Avenue, which is Lots 019 and 020 as depicted on the drawing displayed on the overhead projector, and he also commented that he owns Lot 021. He said he believed the Lakota Plan stated that this would be professional/medical, and not automobile use. He said it was mentioned that Luxury Motors obtained a demolition permit and fence permit when they demolished the previous building. However, Mr. Novak said he is not aware of them obtaining a permit to put twenty truckloads of stone on the site, raising the property and causing runoff to the adjacent properties which are on well and septic systems. He asked whether the health department or storm water department have been involved in any of the proceedings on the site.

Chairman White explained that this Board is only concerned with zoning and nothing done tonight will relieve any other department from complying with the Village's regulations. The Zoning Board of Appeals makes its decision with the assumption that other Village departments will do their job.

Mr. Novak asked whether anyone present knows if there is a limit to the number of automobiles that can be displayed on a given lot. Mr. Rathje said there is no such limit. Mr. Novak then asked if there is a limit for the amount of parking spaces needed for customer or visitor parking. Mr. Rathje responded that the last time the petitioner appeared before the Zoning Board of Appeals for a special use for the automobile service center, their site plan depicted an adequate number of spaces to be striped and provided. He believes that the requirement rate is one parking space per 600 square feet of building area.

Mr. Novak said it was suggested that Luxury Motors has taken steps to work with residents in the area concerning noise issues. He stated these items have not been addressed, and Luxury Motors has done nothing by actions or personal contact to follow through on the complaints.

Mr. Novak said he is building a 6,500 square foot home on lots 019 and 020 in which he intends to live. He is also building a 3,400 square foot home on Lot 021 which he intends to sell. He stated that another person present also built a 3,800 square foot home on Lot 022 less than a year ago. Mr. Novak asked, given the size and quality of the homes going up in that area, why would they want to bring the business district that far into the residential area, thereby effectively reducing the marketability of the homes.

Mr. Novak next asked about the area of notification for the public hearing, and Mr. Rathje said it was a radius of 250 feet from the subject site. Mr. Novak said a resident from Shady Lane was unable to attend the meeting and asked that he read her letter into the record.

Mr. Novak then read a letter dated February 27, 2002 from Barbara Murphy, 309 41st Street, Downers Grove, Illinois into the record. In that letter, Ms. Murphy expressed her opposition to the requested rezoning, citing numerous reasons including Luxury Motors being inconsiderate neighbors encroaching into the residential community. She cited problems of lighting, parking cars on sidewalks, test-driving cars on the dead end roadway, parking cars in the Shell station, on the medical building lot and along the adjacent streets. She noted that her quality of life, both in her home and in her yard, is jeopardized. Ms. Murphy said she objects to the lack of respect and regard the owners of Luxury

Motors have for the Village Ordinances and the neighborhood residents. Ms. Murphy's letter was given to staff to be placed in the case file.

Mr. Timothy Schalk of 4236 Florence said his property is on a septic tank, and his well tap is 8 feet from the property line. He is opposed to this expansion and rezoning. His wife has a heart condition, and they have an eight-week old baby and do not need this type of disruption to their lives. Mr. Schalk said cars are parked all over and are not ticketed; however, when he parked outside on the street he received a ticket.

Mr. Timothy Hampton of 4227 Florence has lived there for twenty years. He said that the last year has been crazy. He has spoken with Mr. Rathje and with Code Enforcement. The residents have wells and septic tanks. When the 200 tons of stone were being placed on the property, Mr. Hampton said he was standing outside talking with Code Enforcement employees. He is tired of what is going on and with the lack of action by Code Enforcement. Mr. Hampton said he has gone to court because of this, and Luxury Motors just does not show up in court. Chairman White interjected that this Board has no knowledge regarding the Code Enforcement Department's procedures. Mr. Hampton continued that he has been objecting to the violations for the past year, and he objects to them moving further into the residential area. He said the situation is ridiculous.

Ms. Kathy Hampton of 4227 Florence Avenue said they do not want this property rezoned. Luxury Motors has been using the property already and parking 50-60 cars on that lot. She said Luxury Motors only cleans up the property when they come to the Village requesting something on the site. Children cannot ride their bikes on the dead-end street, and there are no sidewalks on that block. Cars race up and down Shady Lane. Ms. Hampton said she has one of their cars parking in front of her home. She asked how emergency vehicles can get through with a car hauler parking on the street, even though there are "no parking" signs on the east side of the street. She said they may have the proper amount of parking for the size of the building, but they push everything they can onto the property. Ms. Hampton said that customers park on residential property. The lives of the residents have been disrupted. She also indicated that they wash cars using soap in the parking lot and that water goes into the storm sewers. They spray-paint cars in the parking lot and the fumes escape into the area. Ms. Hampton said that Luxury Motors does not listen to laws. They do what they want to do. They are very nice when they speak with the neighbors, then do whatever they want. There are too many issues to be considered, such as loud speakers heard by the neighbors on Otis and on Sherman. There is no way to make reports on cars as they use Luxury Motors' plates rather than regular license plates. Ms.

Hampton added that Luxury Motors has used the subject property to store cars since they razed the house, and they also have people parking on the Oil Exchange property. She asked the Board to take the extra time to review the situation and not to allow them to encroach further into the residential area.

Helene Mackie of 4241 Florence said she lives behind the oil change business and agrees with everything that has already been said. She noted that often cars are parked up and down the residential street and even block the driveways of residences so the people cannot leave their homes. The outside speakers are loud. She said that on occasion they have unloaded cars in front of her house and have been rude to the neighbors. A Luxury Motors' employee cursed at her husband when he asked him to move the truck from in front of his house.

Mr. Ken Steichmann of 315 Otis Avenue said he is concerned because it does not seem that anything is taken into consideration regarding loading or unloading zones for businesses. His greatest concern is that they are unloading cars anywhere they want, in the middle of Ogden Avenue, in the middle of Fairview Avenue, wherever they want. He said they should drive their trucks onto their property and unload there, not on the street.

Dr. Tom Marquardt said he came to the meeting with a qualified position of support for the rezoning but wanted to hear the neighbors' comments first. He clarified that M&M was not involved in the judicially decreed court case in the early 80s, but was the recipient of that benefit. Concerning Luxury Motors, his experience at M&M has been similar to the neighbors concerns raised earlier. Dr. Marquardt agreed with all that Mr. Novak said. Dr. Marquardt referred to Mr. Russ' comment that Luxury Motors continues to work with the neighbors; however, the neighbors have all said that not one of them found representatives of Luxury Motors to be cooperative or attentive to their needs or complaints.

Dr. Marquardt said that in the fall of 2000, Luxury Motors demolished the motel and began parking their cars in the parking lot of the medical buildings. He said there is a cross-easement agreement between the two owners of the two medical buildings which was part of the Judicial Decree previously mentioned. When the use of their parking lot began by Luxury Motors in the fall of 2000, he contacted Dr. Arrain and advised him that Luxury Motors was in violation of a cross easement agreement which Dr. Arrain had signed and agreed to. Dr. Marquardt said he called Mr. Abbas of Luxury Motors, who stated he knew nothing about it and that any cars on the M&M lot would be removed. However, cars continued to be parked in the medical building parking lot. Last winter (2000-2001) there were large amounts of snow, and

the M&M parking lot was reduced by at least 20% of the available spaces. Luxury Motors' cars continued to be parked in the M&M parking lot with a variety of excuses. Dr. Marquardt said he met with Mr. Abbas on several occasions in the winter and spring of 2000 and 2001 and was told that the problem was not known to him and no autos would be parking in the medical building parking lot. The problem continued to occur and in October of 2001, after advising Mr. Abbas, M&M sent a letter to Luxury Motors advising them that they must desist in the trespassing or legal action would be taken. On November 20th of 2001, a lawsuit was filed in the DuPage County Circuit Court, but the parking situation has continued.

Dr. Marquardt said Mr. Abbas and his attorneys have done everything they can to delay this matter in court. There is a preliminary hearing on an injunction to force them to stop moving cars into the M&M parking lot. He said as recently as February 1 and February 15 a large truck with about a dozen cars unloaded them all in the M&M parking lot. Mr. Abbas claims to know nothing about it. They will not agree to keep their cars out of the M&M lot.

Dr. Marquardt said he came to this meeting with a proposal that, if this zoning change were granted, the Village would impose a covenant or other restriction on Luxury Motors to limit them to parking on their own property at all times, and prohibit the parking of cars on other property. However, at this time after listening to the experiences and concerns of the neighbors, he no longer takes that position. He said he deals daily with the situation of cars also parking over the sidewalk on the alley behind the Shell station up to Fairview Avenue. People have to walk on the Fairview Avenue street pavement to get around the cars. He asked where are the Village Police enforcing the ordinances on the books. He said if the rezoning is granted the problems will only be compounded for the Village. Dr. Marquardt said he considers this a travesty that they would be allowed to bring trucks on Fairview Avenue and unload their cars on private property. Someone needs to get out there and look at the safety issue for pedestrians.

Chairman White explained again that this Board does not have enforcement jurisdiction, and Dr. Marquardt repeated that it would be a travesty to give a hearty endorsement to these people. The issue was much bigger than rezoning. Dr. Marquardt said the Village's extra sales tax is nothing compared to the other issues at hand and the problems the neighbors have endured because of the actions of Luxury Motors. He stated that his qualified position of support is no longer forthcoming, even with a covenant of restrictions.

Chairman White then gave Mr. Russ an opportunity for rebuttal. Mr. Russ said he is not involved in any of the other issues or violations with the Village. He has spoken with Luxury Motors' attorney on those issues, and their attorney said they have permission from one of the medical building property owners to use the property. Issues pending with the Village of Downers Grove are being negotiated. He then asked Mr. Graham Swidenbank of Luxury Motors to discuss accommodations that have been made with the Village and some of the residents.

Mr. Graham Swidenbank, General Manager of Luxury Motors, said when he last met with the Village regarding the issue having to do with loudspeakers on the east side of the building, he had the loudspeakers disconnected. They have informed truck drivers not to unload on Florence Avenue. He said he cannot, however, stop a truck driver who doesn't know he should not pull into Florence Avenue. He said the same is true for Fairview. He makes sure that any vehicles unloading are stopped and told they cannot unload at those locations.

Mr. Swidenbank said their vehicles are not parking in the prohibited areas. There is a grassed area where they once parked; however, when they found out they could not park on the grassed area they stopped that practice. Regarding the medical office building, Mr. Swidenbank said he put out a bulletin to all staff members last October that they were not allowed to park on that property. There have been no cars parked on that property since October of last year. When he is informed of a problem, he sees to it personally that the vehicles are removed. Regarding parking across the sidewalk on the east side of Fairview Avenue, he has never heard any complaint before about pedestrians having problems moving around the cars. He said they are trying as much as possible to accommodate all of the neighbors. He said they have complied with every request made by the Village and they will continue to do so. Their business is growing and they need the additional space.

Mr. Russ said that the petition before the Board is whether or not the property should be rezoned from a residential district use to a commercial district use. There are other departments within the Village regarding Code Enforcement or other regulating operations of the business. The Village Manager and Village Attorney have been involved with meetings with the owners of Luxury Motors to discuss many of the issues presented this evening by the public. Mr. Russ said the FLUP depicts this property being appropriate for commercial use. He commented that without further expansion of the commercial area, the problem that Luxury Motors has cannot be solved. If this petition is not granted the problem will not go away. Mr. Russ commented that the only way for some of the problems to go away is for them to acquire more property so that they can alleviate the problems. They have done this in the past when

they acquired the Somerset Motel and the motorcycle shop property. He commented that both the Lakota Plan and the FLUP anticipate the need to expand the commercial area along Ogden Avenue.

There being no additional comments from the public or the Board, Chairman White closed the opportunity for further public comment, and called for a brief recess.

Board's Deliberations:

Chairman White asked the Board members to discuss their feelings concerning the petition for rezoning.

Mr. Sleeter said they have to pull back from looking at the behavior of the property owner. He is still troubled by encroachment into the residential neighborhood. The purpose of zoning is to minimize friction between different types of uses of property in an effort to avoid problems such as this. To exacerbate the problem by moving this use further into a residential neighborhood is unacceptable in his opinion, and he would be against the request for rezoning.

Mr. Domijan said he thinks that the Lakota Plan and the FLUP have noble goals for deepening the commercial area for lots fronting along Ogden Avenue and toward the encouragement of creating additional greenspace. The purpose for the requested rezoning does not seem to fit into that plan. He said that transition has always been a difficult topic for zoning when you merge residential and business uses. In the strictest sense, with regard to the subject parcel, they could conduct a business use right up to the setback requirement. He said based upon those issues, he would tend to decline an additional encroachment in that area.

Chairman White asked if this same petition were presented for property a mile west of this site, would this then serve as a precedent that the Board would still decide not to follow the FLUP and permit the further encroachment. Mr. Domijan said he thinks they would need additional guidance in order to establish what transition is, particularly when they push back into what has traditionally been considered residential.

Mr. Rathje asked whether he could provide additional background information. He said that some Board members may not be aware of the amount of time and effort that the Plan Commission, as hearing body for the FLUP and as custodian for the FLUP, and the Village Council spent in considering such issues as possible expansion of business districts. He said that the FLUP takes

into account that there be adequate room for businesses to conduct themselves with enough depth and space to be successful. In this location the lots fronting on Ogden Avenue are typically around 200 feet deep. Mr. Rathje said they went lot-by-lot in reviewing the FLUP. The Village hired consultants in the 1970's and the Council said they knew how to do it better because they knew Downers Grove better than having someone come in from outside. Mr. Rathje said they spent several years, meeting after meeting, month after month which he was part of, and one of the things they considered was where to expand commercial areas on the FLUP. He pointed out the FLUP map displayed in the Council Chambers, noting that there are large sections along Ogden Avenue where there is no proposal for expansion of the commercial district because the lots are deep enough or because of the location of perimeter residential roadways. It was selectively chosen as to where expansion should take place. Mr. Rathje referred to the earlier comment of a Board member indicating a need for further direction. Mr. Rathje stated that hundreds of hours have gone into the development of the FLUP which is that direction. To say there is no direction is a disservice to all of the work by staff, the Plan Commission and the Village Council in the development of the FLUP.

Chairman White asked Mr. Domijan if it is his intention that they basically discard the Lakota Plan and FLUP for Ogden Avenue.

Mr. Domijan said he goes back to the remark made that the plan also calls for medical use. Mr. Rathje said that is wrong. The Lakota Plan shows medical use where the medical buildings are.

Mr. Sleeter said they are not there to vote on the Lakota Plan, but are there to vote on a particular recommendation, and he thinks that broadening the scope of this to encompass all of Ogden Avenue is improper.

Chairman White said his question is what is the basis of saying "no" to this petition, and then saying "yes" somewhere else. What is the basis to say "no" here and yet being able to reserve your right to say "yes" somewhere else.

Mr. Domijan said he cannot comment on what would or could happen in the future.

Mr. Sleeter said they have to stick with the evidence at hand rather than speculate on some other hypothetical situation.

Mr. Rathje asked if it is clearly understood that the FLUP does show this annexed property to the north as being appropriate for commercial. Mr. Sleeter said that was the testimony made during the public portion of the meeting.

Mr. Domijan asked if that means they can run business right up to the property line without proper setbacks. Mr. Rathje said when the Board considers zoning, they consider a change in a zoning category, and they must abide by the laws of the Zoning Ordinance pertaining to the zoning category under consideration. For example, fencing requirements go with the requirements of the Zoning Ordinance for that category, etc. People can do whatever the law says they can do. Mr. Domijan said there are indications that there are other violations to those laws, and those laws are not being applied.

Chairman White said it is his understanding that zoning decisions do not depend upon the conduct of the parties, and that favorable zoning is not a reward for being nice, and a negative zoning is not a punishment for being bad. The point is what is the appropriate use of this property. By saying "no" he believes the Board may be setting a precedent that where houses exist today, regardless of what the FLUP indicates, they don't want Ogden Avenue businesses to push further back.

Mr. Sleeter said that Mr. White is reading too much into that. If there were not objections from the neighbors, then it could very well be something that they would consider. He thinks some weight has to be given to the testimony of the neighbors.

Mr. Rathje said for the benefit of the Board, he understands that there have been past disputes, and he asked the Code Enforcement officers to visit the site in order to see if there were any current violations or breaches of the Ordinance. All past violations have been brought into order as of today, save for the fact that gravel was laid down without benefit of a permit. Concerning the gravel, it was decided by the Manager's Office that enforcement would be stayed until after a recommendation from the Zoning Board of Appeals was brought forward for Village Council consideration. He said that he has no doubt that what the Board heard at this meeting was truthful, but it is past history. The purpose of this hearing is a matter of consideration of the category of zoning.

Chairman White said he believes they would be setting a precedent by giving the impression that they are punishing Luxury Motors for being a bad neighbor. Other departments of the Village have to do their jobs, and the Zoning Board of Appeals has to do its job. Punishing or rewarding for conduct is not part of the dispute. He noted again that this is a recommendation by the Board and the Village Council may choose not to consider the recommendation made by the Board.

Mr. Rathje pointed out that the Village Council very much looks for its Boards and Commissions to make the decisions based on the charge of their Board and the nature of the petition coming forward.

Mr. Sleeter raised a Point of Order stating that they are getting new testimony, and he thought the public portion had been closed for comments. He thought the deliberations were limited to Board members.

Chairman White responded and asked if there were any other Board members who wanted to comment.

Mr. Lukas said it is unfortunate that they had to hear so much in negative input from the neighbors on this petition. As he sees this petition, it is a chance to give the property owner the additional room needed to work with and alleviate some of the problems raised by the audience. He said the Land Use Plan is a public document for everyone to see and the Village intended to go in a certain direction in this particular area. They have seen situations where businesses work along side residential areas very well. He commented that he is surprised that there was a problem with the PA system. He didn't think that many car dealers still used PA systems, as many now use walkie-talkies built into cell phones. Technology of a PA system is actually obsolete. Lighting is easy to correct once a problem has been established. He sympathized with the gentleman who is the General Manager of Luxury Motors with the problem regarding off-loading cars. Mr. Lukas said that truck drivers are independent and they are pressed for time and space. Car unloading happens in front of all car dealers on Ogden Avenue. He's seen it happen in many places. Car dealers will maximize their space for cars and it's an ongoing problem. He thinks letting Luxury Motors have the rezoning would give them a better chance at alleviating the problem at the site.

Mr. Gray said he has been listening to the opinions expressed. He said he hasn't heard any professional testimony as to what the change in value would be for property adjacent to the business.

Mr. Lukas gave the example of the Toyota dealership in Westmont. They were there first and all the townhomes that developed along side of them to the east and the north were developed afterwards. There is certainly a love/hate relationship there. There's no doubt about it. There have been problems there as well. There's always a problem with car alarms going off. In that situation, the dealership didn't rope off the place at night and encouraged people to drive onto the lot at night to look at cars even when they were closed. That resulted in a lot of alarms going off. He said perhaps with Luxury Motors they could close off the lot to prevent that from occurring. He does not think they are

increasing the noise problems by giving them more property with which to work.

Chairman White said that the neighbors may have legitimate concerns, but Luxury Motors does have a legal right to do some things. Denying the petition will not solve the problems. He is extremely concerned about using the zoning process as a forum to resolve other perceived injustices. Any recommendation that is made, he would hope that the appropriate departments of the Village would do their jobs. If this were a different kind of business, he asked whether they would be faced with the same opposition. The proper question is not whether they want a car dealer at that location. Good conduct does not give a right to rezoning and bad conduct does not warrant denial of the rezoning. He said he personally believes that unless they want to throw out the FLUP and Lakota Plan, the Board needs to grant the petition with a firm recommendation to the Village Council that they review the issues and require that the other ordinances of the Village be enforced.

Mr. Sleeter said he does not want to drive Luxury Motors out. He thinks they are trying to do the best they can in making the proper recommendation on zoning. They have seen here all sorts of conflict. Mr. White asked what conflict there was other than the conduct of Luxury Motors. Mr. Sleeter said they were encroaching into a residential area, and even if they were better neighbors, he would still feel that this is encroachment. They have to give some weight to the concerns of the neighbors and some weight to the property values.

Chairman White said that is why he asked if there was a home that currently existed elsewhere along Ogden Avenue that is within the commercial zone of the Future Land Use Plan, what would be recommended.

Mr. Sleeter responded that he would want to hear the testimony in that particular case. He doesn't think they should properly get into hypotheticals here.

Mr. White commented that it sounds as though the Zoning Board of Appeals may be trying to re-do the work of the people who created the Future Land Use Plan.

Mr. Sleeter responded that the Board is deciding on the basis of the evidence heard this evening.

Mr. Domijan said they were talking about deepening the lot to B-3 along Ogden Avenue in anticipation of closing curb cuts, beautifying the streets and adding greenspace. He does not see that in the petitioner's plan. They were trying to beautify Ogden Avenue in that plan. Chairman White said that they were

consolidating several properties into one. Mr. Domijan said he agreed that Luxury Motors improved the property, but if they are talking about using the Lakota Plan for deepening the lot, the reciprocal portion for being permitted to deepen the commercial zoning should be a requirement to generate a buffer of greenspace. That has to be part of the plan and, in his opinion, Luxury Motors is not there now.

Chairman White again commented about the time and effort devoted in the deliberation of the FLUP. Mr. Domijan responded that in the strictest sense, what the Board has been discussing is that the present use is fine. There are other points, however, and if Luxury Motors increases the depth of the commercial property, the Village is not going to get the benefit of adding to the appearance of the property as viewed from the curb.

Mr. Lukas asked Mr. Sleeter if he was at the meeting when the Board discussed the proposal to expand the commercial zoning south of Family Video.

Mr. Sleeter said he was not there, but he remembers the case of Family Video and the discussion of encroachment of commercial into a residential area. He said he believed the Zoning Board of Appeals voted down that petition. Mr. Lukas asked whether he saw any difference between the Family Video request and this particular request. Mr. Lukas said he sees it as Ogden Avenue being so commercially oriented for so long, and so established and driven towards business, that he is comfortable thinking this petition is appropriate. He thinks it will help to grow the business and it will help to alleviate some of the problems with growth.

Mr. Sleeter said it is obvious that Ogden Avenue is a business area, but the question of whether expanding it north and south of Ogden to a greater degree than it is at present is a completely different issue.

Chairman White said that thousands of hours have been spent to determine whether these lots should be incorporated into the business district, and the Plan Commission and the Village Council have said they should be. He commented that tonight, in less than two hours, the Board is saying that they want to reverse that decision.

Mr. Sleeter responded that they are just making a recommendation. If the only thing that matters is the Lakota Plan, we shouldn't have a Zoning Board of Appeals. We will just see if something is in accord with the Lakota Plan or not. The Village Council can overturn them if they choose to do so. The Board is there to hear the opinions of the residents and then to give their best opinion. That is all they are trying to do.

Chairman White again asked, setting aside the conduct of Luxury Motors, what is the zoning reason for not extending the commercial zoning district.

Mr. Sleeter responded that it diminishes property values and causes the sort of problems that zoning was established in the first place to avoid. He said the classical argument for zoning is you don't want to have a rendering plant in a residential neighborhood. He thinks everyone agrees with that. When you have classes of businesses that have the potential for generating noise, that's the same type of nuisance that diminishes property values and he doesn't see how they can approve this particular request. It is not reflecting on the alleged conduct of Luxury Motors. It's just that the type of business that generates a lot of noise should not be encroaching into residential houses regardless of their value.

Mr. Rathje noted that Mr. Domijan said earlier that his belief was that the expansion of commercial zoning should work toward furtherance of greenspace, etc. He asked Mr. Domijan if that was a fair statement, and Mr. Domijan responded that it was. Mr. Rathje then pointed out that when the Somerset Motel site was torn down, Luxury Motors did not keep the non-conformities that the Somerset Motel had. They had to put in greenspace in the parkway, and had to put in greenspace along Florence Avenue, as well as meeting the appropriate setback requirements along Ogden Avenue. They did not get to keep any of the non-conformities. They did that because they had to. That was the law. In front of some of the other portions of the property where the welding shop was, and where the motorcycle shop was, some of the things were cast in concrete and they did not have some of the flexibility to redo it in the same way you would in constructing something new.

Mr. Sleeter interjected that this was new testimony and he objected to it.

Chairman White said his objection was noted for the record.

Mr. Rathje responded that, in the past, he has always been allowed to provide staff expertise even during the Board's deliberations. For clarification, he said that Luxury Motors provided significant modifications to their site in order to be in compliance with the Ordinance requirements. He explained that the Zoning Ordinance had been amended to reduce the setback requirements of parking along side streets to 8 feet. Luxury Motors, during the reconstruction of the hotel property, provided an 8 foot wide front yard in greenspace. In addition, they reconstructed a portion of Florence Avenue, which resulted in the provision of approximately another 15 feet of greenspace, thereby furthering the intent of the Ordinance and the Lakota Plan.

Mr. White asked if there were any further comments from the Board, or were they ready for a Motion.

Mr. Gray said the Village has spent a lot of time planning for the revitalization of the Ogden Avenue corridor over a number of years. He thinks that he has seen it graphically illustrated, as well as being written up, for a number of years. He commented that he thinks it is a shame that people would come in and spend money in developing houses with this Plan in front of them. He thinks they have to go along with the Village's long range plan in redevelopment of Ogden Avenue.

Chairman White asked if there were any further comments. There being none, he called for a Motion.

Mr. Lukas moved that in case MC-4-02, that the Board recommend to the Village Council approval of the requested rezoning from Village R-1 to Village B-3. Mr. Gray seconded the Motion.

AYES: Mr. Lukas, Mr. Gray, Ch. White

NAYS: Mr. Domijan, Mr. Sleeter

Chairman White declared the Motion carried 3:2.

Mr. Rathje said that it would probably take three to four weeks before this item goes to a Village Workshop. Workshops are held on the 2nd and 4th Tuesdays of the month. He recommended that anyone interested call the Village Clerk's office, or his office, or they may also speak with Amanda Brown.

Chairman White reiterated that this decision by the Board is not binding on the Village Council.

There being no further discussion, Chairman White adjourned the meeting at 9:07 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary

PUBLIC HEARING:

MC-4-02 A petition seeking rezoning from R-1, Single Family Residential to B-3, General Services & Highway Business for property located on the West side of Florence Avenue, approximately 175 feet north of Ogden Avenue, commonly known as 4244 Florence Avenue, Downers Grove, IL (PIN 09-04-110-024); Joseph Abbas, Owner; James F. Russ, Jr., Attorney/Petitioner

FINDINGS:

1. The petitioner is seeking approval to rezone a parcel of land which is located on the west side of Florence Avenue 200 feet north of the north line of Ogden Avenue. The subject property is sited immediately to the north of Luxury Motors which is located at the northwest corner of Ogden Avenue and Florence Avenue. The petitioner is seeking approval to have the subject property rezoned from R-1, Single Family Residential to B-3, General Services and Highway Business District. It is the petitioner's desire to have the subject property re-zoned so that it may be combined with and be utilized as part of Luxury Motors' automobile sales business which also carries a B-3, General Services and Highway Business District zoning designation.

2. The subject property has a width of 45 feet, a depth of 267.35 feet and an area of 12,030.75 feet. Until October 2000, the property had been improved with a single family residence. The petitioner obtained a demolition permit from the Village and had the former residence razed.

The property is currently fenced (permit issued November 2000) and has been graveled, although the installation of gravel was undertaken without benefit of a Village permit. It has been determined that any action by the Village relative to the graveling of the subject property will be held in abeyance until after the Council considers the matter of the subject rezoning.

3. The subject property was annexed by the Village on April 29, 1974 under Ordinance No.1787. The subject property and many of the adjoining properties were brought into the Village under a force annexation. The property currently carries an R-1, Single Family Residential zoning based upon the application of the provisions of Section 28-402 of the Zoning Ordinance. This provision of the Zoning Ordinance provides upon annexation, property is automatically designated within the R-1, Single Family Residence district, unless there was either a pre-annexation zoning petition filed and heard or unless there is a subsequent request and approval for a rezoning.

The R-1, Single Family Residential zoning district has a minimum lot width requirement of 100 feet and has a minimum lot area requirement of 20,000 square feet. As the subject property has a lot width of only 45 feet in contrast to the R-1 zoning district's 100 foot minimum width standard, this lot currently is unable to

meet any of the criteria under Section 28-1203 which would permit it to be used as a legal non-conforming lot.

4. Zoning of the surrounding property includes B-3, General Services and Highway Business District to the south, southeast and southwest and R-1, Single Family Residential to the east and north. The property located to the west of the subject property appears on the Zoning Map as being zoned R-1, Single Family Residential; however, it is the subject of a Judgement Order which permitted that property to be improved with two medical office buildings, each with total floor areas of approximately 14,700 square feet and parking spaces to accommodate 178 cars.
5. The subject property is categorized on the Village's Future Land Use Plan with a land use designation of Commercial. The lot immediately to the north of the subject property and the property on the east side of Florence immediately to the north of the oil change business are also designated on the Future Land Use plan with a Commercial designation. It is the intent of the Future Land Use plan to provide for some expansion as to the depth of the commercial property which front on Ogden Avenue rather than to promote the expansion of independent commercial activities behind the businesses that front on Ogden Avenue.

CONCLUSION:

The petitioner is seeking approval of a rezoning of the subject property from R-1, Single Family Residential to B-3, General Service and Highway Business District. The subject property appears on the Village's Future Land Use Plan with a land use designation of Commercial which is consistent with the proposed rezoning.

KJR:amd
Attachments
02/21/02



VILLAGE OF DOWNERS GROVE, ILLINOIS
Petition for a Map Amendment to the Zoning Ordinance

To: The Zoning Board of Appeals
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515-4776

\$400.00 Fee for Individuals and
Non-Public Bodies
Application Number MC- 402
Date Filed 2-1-02

Application must be filed in TRIPLICATE. Two copies of a Registered Surveyor's Plat of Survey must accompany the application.

James F. Russ, Jr. for

1. Applicant Joseph Abbas Telephone 630/969-2300

Address 4915 Main Street, Downers Grove, IL 60515

2. Owner(s) Joseph Abbas Telephone 630/241-4848

Address 330 Ogden Avenue, Downers Grove, IL 60515

3. Applicant is (check one) [X] Attorney [] Agent [] Other (specify)

(NOTE: A letter of authorization from owner must be submitted)

4. Present owner acquired title to the property on (date) 10/01

5. Location of property 4244 Florence Avenue, Downers Grove, IL 60515; west side of Florence Avenue, north of Ogden Avenue.

Square foot area 12,059 approximately Acreage

6. Legal Description of property and P.I.N. # The South half of Lot 4 in Block 2 in Arthur T. McIntosh and Company's Third Ogden Avenue Subdivision of the South 9 chains of the Southwest Quarter of the Northwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 31, 1924 in Block 12 of Plats, page 28 as Document 186703, in DuPage County, Illinois.

7. Present zoning classification R-1

8. Proposed zoning classification B-3

9. Is this a pre-annexation zoning petition? [] Yes [X] No

10. Has applicant previously sought to rezone the property or any part of it? [] Yes [X] No

When? To what zoning classification

11. Is an improvement planned? [X] Yes [] No When? Immediately

12. What will be the actual use of the improvement? This property will be improved as a vehicle display parking lot.

13. A list of the names and addresses of all persons to whom the latest general real estate tax bills were sent for all property situated within 250 feet of the subject property: See attached.


(Attach list of names and addresses, if room provided is insufficient.)

I hereby certify that these statements and all accompanying statements and drawings are true and correct to the best of my knowledge.

Dated: 1/29 2002

Respectfully submitted,

Signature of Applicant:



Date forwarded to Plan Commission _____

Recommendation of Plan Commission _____

Date of Public Hearing _____

Action Taken by the Board _____

Signature of Chairman: _____

Date submitted to Village Council _____

Action Taken by the Council _____

Dated: _____ 19 _____

TAXPAYERS WITHIN 250 FEET OF SUBJECT PROPERTY

09-04-110-019	Robert and Joann Novak
09-04-110-020	4218 Florence Avenue
09-04-110-021	Downers Grove, IL 60515
09-04-110-022	Hamptom, Tim and Kathleen
	4227 Florence Avenue
	Downers Grove, IL 60515
09-04-110-023	Schalk, Timothy
	4236 Florence D.G.
	Downers Grove, IL 60515
09-04-110-024	Subject Property
	4244 Florence
	Downers Grove, IL 60515
09-04-110-025	Equilon Enterprises, LLC
	Marketing Property Tax
	P. O. Box 4369
	Houston, TX 77210
09-04-110-026	Joe Abbas, et al.
09-04-110-027	310 Ogden Avenue
09-04-110-028	Downers Grove, IL 60515
09-04-110-029	
09-04-110-030	Luxury Motors, Inc.
	310 Ogden Avenue
	Downers Grove, IL 60515
09-04-110-031	M & M Real Estate
09-04-110-007	Attn: Steven Mash
09-04-110-008	4115 Fairview Avenue
	Downers Grove, IL 60515
09-04-110-032	American National Bank and Trust Chicago
	Trust 117 393-07
	4121 Fairview Avenue
	Downers Grove, IL 60515

09-04-110-010 LaSalle National Bank of Chicago
Trust A7711739307
135 South LaSalle Street, #2500
Chicago, IL 60603

09-04-110-011 American National Bank and Trust
Trust 17393-07
4121 Faiview Avenue
Downers Grove, IL 60516

09-04-110-012 Joe Abbas
310 Ogden Avenue
Downers Grove, IL 60515

09-04-110-006 M & M Real Estate
Attn: Steven Mash
4115 Fairview
Downers Grove, IL 60515

09-04-300-004 Kathleen Pleet
3829 Glendenning
Downers Grove, IL 60615

09-04-300-005 Robert Kociecki
6309 Tustamena
McHenry, IL 60050

09-04-300-006 Eugene Kociecki
1496 Burberry
Schaumburg, IL 60173

09-04-300-007 Eugene Kociecki
311 West Ogden Avenue
Downers Grove, IL 60515

09-04-300-050 Cynthia Senicka
333 Ogden Avenue
Downers Grove, IL 60515

09-04-300-051 Robert and Therese Carter
2705 Hobson Road
Downers Grove, IL 60516

09-04-300-052	Domonic LaMantia 6316 Bradley Drive Woodridge, IL 60517
09-04-111-018	Quaker State Minit-Lube #1951 P. O. Box 2967 Houston, TX 77252
09-04-111-019	Browns Chicken and Pasta 1751 South Naperville Road, #200 Wheaton, IL 60187
09-04-111-027	GMR Construction
09-04-111-028	P. O. Box 9632
09-04-111-010	Downers Grove, IL 60515
09-04-111-011	Hampton, Timothy 4227 Florence Avenue Downers Grove, IL 60515
09-04-305-001	Ogden Avenue Associates c/o Sheffield Management 5500 Tennessee Avenue Clarendon Hills, IL 60514
09-04-305-002	McDonald's Corp. P. O. Box 66207 AMF O'Hare Chicago, IL 60666

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING

- Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals at 7:30 p.m. on Wednesday, February 27, 2002 in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois to consider a petition seeking rezoning from R-1, Single Family Residential to B-3, General Services & Highway Business. The property is located on the west side of Florence Avenue, approximately 175 feet north of Ogden Avenue, commonly known as 4244 Florence Avenue, Downers Grove, Illinois (PIN 09-04-110-024) and is legally described as follows:

The South Half of Lot 4 in Block 2 in Arthur T. McIntosh and Company's Third Ogden Avenue Subdivision of the South 9 chains of the Southwest Quarter of the Northwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 31, 1924 in Book 12 of Plats, Page 28 as Document 186703, in DuPage County, Illinois

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Information Officer (630) 434-5550 prior to the meeting. Wheelchair access may be gained through the side (South) entrance of Village Hall.

All interested persons should attend this hearing and will be given an opportunity to be heard. Please call (630) 434-5531 with questions regarding this rezoning petition. The hearing may be continued from time to time without prior public notice. Zoning Board of Appeals, William White, Chairman. Published in the Downers Grove Reporter Friday, February 8, 2002.

MC-4-02