

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** December 17, 2003
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** 2007
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AUTHORIZING SPECIAL USE AT 205-217 OGDEN AVENUE AND 4320 CUMNOR ROAD", as presented.



SUMMARY OF ITEM:

At their meeting of November 4, 2003, the Plan Commission unanimously recommended that a Special Use be granted for the property located at 205- 217 Ogden Avenue and 4230 Cumnor Road, for an automobile repair and service shop, excluding rebuilding and painting of automobiles.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING SPECIAL
USE AT 205-217 OGDEN AVENUE AND 4320 CUMNOR ROAD**

WHEREAS, there has been previously lawfully established a Special Use on the property for an automobile repair and service shop conducted as part of an automobile dealership (excluding rebuilding and painting of automobiles) as authorized by Ordinance No. 4474, dated January 21, 2003; and,

WHEREAS, it is recommended that Ordinance No. 4474 be repealed and rescinded to permit a Special Use for the property located at 205-217 Ogden Avenue and 4320 Cumnor Road; and,

WHEREAS, the following described property, to wit:

Lots 1, 2, 3, 4, 5, 6 and Lot 30, except the south 15 feet thereof, in Block 3 in Arthur T. McIntosh and Company's Ogden Avenue Subdivision, being a subdivision in the Southwest Quarter of Section 4, Township 38 North, Range 11, East of the Third Principal Meridian, according to the recorded plat thereof, recorded December 7, 1923, as Document 172336 in DuPage County, Illinois, commonly known as 205-217 Ogden Avenue and 4320 Cumnor Road, Downers Grove, Illinois (PIN Nos. 09-04-305-004,-005,-006 & -048)

(hereinafter referred to as the "Property") is presently zoned in the "B-3, General Services & 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 Secretary of the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a special use be granted for the Property to allow an automobile repair and service shop (excluding rebuilding and painting of automobiles) conducted in conjunction with an automobile sales facility, including the following variations:

1. Variation from Chapter 28, Section 28-1110, *Front Yards*, to allow a 42'-10" setback as measured from the centerline of Ogden Avenue versus the minimum requirement of 50 feet to allow for site lighting and parking;
2. Variation from Chapter 28, Section 28-1110, *Front Yards*, to allow a 3 foot setback as measured from the front lot line along Cumnor Road versus the minimum requirement of 25 feet to allow for site lighting; and
3. Variation from Chapter 28, Section 28-1406, *Design of Off-Street Parking Spaces*, to allow a 3 foot setback as measured from the front property line along Cumnor Road for required screening of a parking lot fronting a residentially zoned lot versus the minimum requirement of 25 feet; 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 on November 4, 2003 respecting said petition 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 requested special use and variations, 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. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

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

SECTION 1. That the Special Use of the Property is hereby granted to permit an automobile repair and service shop (excluding rebuilding and painting of automobiles) conducted in conjunction with an automobile sales facility .

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

1. At no time shall parking or display of vehicles be located closer than 12'-10" to the Ogden Avenue property line;
2. The sidewalk located on private property shall remain available to the public at all times;
3. All loading/unloading of vehicles shall occur exclusively on site;

4. Compliance with all public works/engineering requirements/conditions outlined in their memorandum dated October 28, 2003, including the recommended conditions of approval from the traffic division;
5. Compliance with all code services requirements/conditions as outlined in the memorandum dated October 16, 2003 regarding the submitted lighting/photometric plan prior to the issuance of a certificate of occupancy;
6. The proposed freestanding sign shall be reviewed by staff to ensure it's compliance with the Zoning Ordinance and the Ogden Avenue Master Plan;
7. The Village Council should consider requiring the placement of 'No Parking' signs on Cumnor Road adjacent to the subject property;
8. Car-carriers shall exit the site onto Cumnor Road but shall not be allowed to turn right onto Cumnor Road;
9. Repeal previously approved Special Use Ordinance No. 4474.
10. Substantial compliance with the plans submitted to the Plan Commission, a reduced copy of which are attached hereto and incorporated herein by reference as Group Exhibit B.
11. Substantial compliance with the Staff report dated October 31, 2003, a copy of which is attached hereto and incorporated herein by reference as Exhibit C.
12. Compliance with all applicable Federal, State, and Village laws, ordinances, regulations and policies.

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. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk