

COUNCIL WORKSHOP ITEM

ITEM: C-6-02 A petition seeking approval of a special use for an automobile repair and service shop (but not including rebuilding or painting of automobiles). Such business is proposed to be conducted as part of an automobile dealership. This property is located at the southwest corner of Ogden Avenue and Cumnor Road, Downers Grove, IL 60515, commonly known as 205 and 217 Ogden Avenue (PIN 09-04-305-004, -005 and -006); Joseph & Kathy Dlugopolski, owners of 205 Ogden Avenue and Interstate Brands Corporation, owner of 217 Ogden Avenue; Clingen, Callow, Wolfe & McLean, LLC, Attorneys/Petitioners

DATE: January 6, 2003

PREPARED BY: Kenneth J. Rathje, Director Planning Services

PURPOSE: Obtain approval for a special use for an automobile repair and service shop, excluding rebuilding or painting of automobiles.

DISCUSSION:

At its December 18, 2002 meeting, the Zoning Board of Appeals made a unanimous recommendation in Case C-6-02 that the Village Council approve the special use permit for an automobile repair and service shop, excluding rebuilding or painting of automobiles which has been proposed accessory to an automobile sales business. The Board further recommended that the special use should be subject to being in conformance with the site plan and other plans and drawings which were submitted by the petitioner. The Board based its recommendation upon the evidence presented which showed that the proposed plan was in compliance with the requirements established by the Village's Zoning Ordinance with regard to the proposed special use.

ATTACHMENT:

1. Letter to Mayor and Council dated January 6, 2003
2. Draft Zoning Board of Appeals Minutes Dated December 18, 2002
3. Staff Findings, with attachments, dated December 11, 2002
4. Draft Ordinance to approve a special use for an automobile repair facility prepared by Legal Department

RECOMMENDATION:

Approval of a special use for automobile repair facility by adoption of an ordinance.



Village of
DOWNERS GROVE
ILLINOIS

Civic Center

801 Burlington Avenue
Downers Grove
Illinois 60515-4776
630.434.5500
TDD 630.434.5511
FAX 630.434.5571

CBD Redevelopment Office

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
FAX 630.434.5988

Police Department

825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
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Public Works Department

5101 Walnut Avenue
Downers Grove
Illinois 60515-4074
630.434.5460
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Department of

Social & Health Services

842 Curtiss Street
Downers Grove
Illinois 60515-4761
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Village of

Downers Grove Web site

<http://www.vil.downers-grove.il.us>

Info Line

630.434.6800

January 6, 2003

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

RE: C-6-02 A petition seeking approval of a special use for an automobile repair and service shop (but not including rebuilding or painting of automobiles). Such business is proposed to be conducted as part of an automobile dealership. This property is located at the southwest corner of Ogden Avenue and Cumnor Road, Downers Grove, IL 60515, commonly known as 205 and 217 Ogden Avenue (PIN 09-04-305-004, -005 and -006); Joseph & Kathy Dlugopolski, owners of 205 Ogden Avenue and Interstate Brands Corporation, owner of 217 Ogden Avenue; Clingen, Callow, Wolfe & McLean, LLC, Attorneys/Petitioners.

Dear Mayor Krajewski and Village Council:

At its December 18, 2002 meeting, the Zoning Board of Appeals made the following unanimous recommendation in case C-6-02:

Mr. Lukas moved that in case C-6-02 the Zoning Board of Appeals recommend that the Village Council approve this request for a special use for an automobile repair and service shop, not including rebuilding or painting of automobiles consistent with the drawings and plans submitted by the petitioner. Mr. Benes seconded the motion.

AYES: Mr. Lukas, Mr. Benes, Mr. Baker, Mr. Domijan, Mr. Gray, Mr. Sleeter, Chairman White

NAYS: None

Chairman White declared the Motion passed.

The Board based their finding upon the belief that the requested special use was appropriate to the site, and that the petitioner had met all of the requirements established by the Zoning Ordinance for the proposed special use permit.

Sincerely,

William White/se

William White,
Chairman

WW/tmh

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
DECEMBER 18, 2002**

Call to Order

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

Roll call

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

Absent: None

A quorum was established.

Meeting Procedures

Chairman White explained the procedures to be followed for the meeting, reviewing the petitions before the Board. He said that the Board will make a recommendation on the special use, and the final decision will be made by the Village Council. Chairman White then asked anyone in the audience who intended to testify in this public hearing to rise and be sworn in.

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

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C-6-02 A petition seeking approval of a special use for an automobile repair and service shop (but not including rebuilding or painting of automobiles). Such business is proposed to be conducted as part of an automobile dealership. This property is located at the southwest corner of Ogden Avenue and Cumnor Road, Downers Grove, IL 60515, commonly known as 205 and 217 Ogden Avenue (PIN 09-04-305-004, -005 and -006); Joseph & Kathy Dlugopolski, owners of 205 Ogden Avenue and Interstate Brands Corporation, owner of 217 Ogden Avenue; Clingen, Callow, Wolfe & McLean, LLC, Attorneys/Petitioners.

Mr. Rathje noted that the legal notice specified this as a special meeting. Normally the Zoning Board of Appeals meets on the 4th

Wednesday of the month which in this case would have been Christmas day. He thanked the Board members for taking the time to attend this special meeting.

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING - Notice is hereby given that a public hearing will be held at a Special Meeting of the Zoning Board of Appeals at 7:30 p.m. on Wednesday, December 18, 2002 in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, on a petition seeking approval of a special use for an automobile repair and service shop (but not including rebuilding or painting of automobiles). Such business is proposed to be conducted as part of an automobile dealership. The property is located at the southwest corner of Ogden Avenue and Cumnor Road, Downers Grove, IL 60515, commonly known as 205 and 217 Ogden Avenue (PIN 09-04-305-004,-005 and -006) and is legally described as follows:

Lots 1 through 6 inclusive in Block 3 in Arthur T. McIntosh & Company's Ogden Avenue Subdivision in the Southwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 12, 1923 as Document No. 172336 in DuPage County, Illinois, commonly known as 205 & 217 Ogden Avenue, Downers Grove, IL 60515 (PIN 09-04-305-004,-005, -006)

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Relations Department (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. The hearing may be continued from time to time without further public notice. Zoning Board of Appeals, William White, Chairman. Published in the Downers Grove Reporter, Friday, November 29, 2002.

Petitioner's Presentation:

Mr. Jeffrey Brown of 3115 N. Wilkie Road in Arlington Heights, Illinois, stated he represents the Saab Dealership that is requesting a special use in order to turn the existing Hostess Outlet facility at 217 Ogden Avenue into a retail automobile sales and service facility. Mr. Brown stated that the petitioner will be coming back to the Village again in the future seeking approval of a special use for an automobile service facility in a new building which the petitioner intends to

pursue utilizing both the 205 and 217 Ogden Avenue parcels of land. The two parcels are currently improved with the Downers Grove Motel and the Hostess Outlet. The petitioner intends for the near term future to convert the existing Hostess building into an automobile showroom and small service facility while they are planning the construction of the new building which will also involve the lot now occupied by the Downers Grove Motel. Once the new building is completed, the Hostess building will be demolished, and that portion of the site will be used as part of the future auto sales and service business.

Mr. Brown used an overhead to describe the site. The Hostess building will be improved with new Saab signage, restriping of the lot and new downlit exterior lighting. He showed the location of the customer parking spaces, the remaining spaces which would be used for automobile display and for the parking of cars in for service. He said they will keep the gravel parking area to the east of the Hostess building as is until the construction of the future new building is completed. With respect to the subject petition, Mr. Brown advised that the curb cuts onto Ogden Avenue will remain the same as they are at present.

As for the existing Hostess building, it already has an overhead door, which will enable them to utilize the building as a one-car showroom. There will be a new entrance installed as well as handicap accessible bathrooms. The rear area of the building will be transformed into a service area with a parts department, a service office and locker room facilities for employees.

Mr. Brown then showed the north elevation drawings, saying that Saab would remove existing signage and replace it with new Saab signage to the north and west facades of the building. The existing non-conforming freestanding sign now located at the northwestern corner of the site will be removed.

Mr. Sleeter asked about the 5 foot transitional yard line at the south side of the property, and the fact that the property borders a residential area. Mr. Brown responded that the area will remain fenced. The height of the existing fencing is 4 feet to 5 feet.

Mr. Gray asked about the setback. Mr. Rathje explained that the existing building has a legal nonconforming front yard setback which has a dimension of about 55.1 feet to 55.56 feet from centerline. If

this building were rebuilt under current regulations, it would require a setback of 75 feet from the center line of Ogden Avenue, while parking and auto display can be located 50 feet from centerline. The current building has a legal nonconforming setback.

Mr. Benes said he understood they were requesting a special use; however, they are not looking to change much on the Hostess Building other than identification. He asked what changes was the petitioner seeking relative to the motel site. Mr. Brown said that the motel building would be demolished. Mr. Rathje added that he would further address Mr. Benes' question in his Staff presentation.

Mr. Benes then noted that Ogden Avenue has gone through another car dealership change on the north side of the street near this property which has resulted in numerous complaints from the surrounding neighbors. Now that this Saab dealership is being proposed for the south side of the street, he said he wondered how many more complaints the Village will receive from the neighbors. He said that Cumnor Road is a residential street, and he asked if the petitioner intends to use any part of that street for its business, including parking for employees, parking of trucks, new cars, etc. Mr. Brown said that they had no intention to use Cumnor Road for any of those purposes.

Mr. Benes questioned where car delivery trucks would be unloaded, and Mr. Brown said they would enter the site from one of the access points on Ogden Avenue and leave the site from another Ogden Avenue access point. He said most of their cars will be driven from their Saab facility in Aurora. This location will not be a major storage facility.

Mr. Benes pointed out that one of the conditions of a special use is that the petitioner not create a safety problem that the Village cannot live with. He said that next door is a McDonald's with two driveways, and it is a busy type of food service. His concern is that this special use could create a terrible safety problem with the close proximity of the driveways. Mr. Brown said he did not think the traffic pattern would be a problem because they would not be removing or adding access cuts to Ogden Avenue and because it will be a smaller facility in terms of traffic.

Mr. Benes noted that there had been an auto dealership along Ogden Avenue parking cars on the side streets. Mr. Brown said they expect

to have a limited operation at first. There will not be a lot of inventory, and initially the dealership will be basically a service facility. He added that their next petition to the Village will provide more information on the overall development of the entire site.

Mr. Benes then asked about the wash bay mentioned in their petition which is to be located inside the building at the southwest corner. Mr. Brown said they went with the Code and Fire Department people yesterday to review the proposal. He said it is not a heavy-duty wash bay, and that it will function with a hose.

Chairman White said that it has to be understood that the Zoning Board of Appeals is only a small part of the entire process regarding this facility.

Mr. Domijan asked whether the Fire Department was comfortable with the 12 foot wide driveway along the east side of the Hostess building for access purposes if they had to get emergency vehicles into the back. Mr. Brown said the Fire Department had reviewed the plans and are comfortable with the amount of space provided.

Mr. Gray asked what the time frame is for the use of the existing facility as opposed to a future new facility which would include the motel site. Mr. Brown said they are looking at probably a window of about 18 months.

Mr. Baker questioned the proposed car wash. Mr. Brown said they have already met with the Building Department on how to arrange the various aspects of the proposed service area. They are in the process of investigating various options with the Village at this time.

Chairman White pointed out that in addition to the Village Code, the petitioner is governed by State law as well.

Mr. Baker said that Saab's so-called "master plan" has not been approved, and it is quite possible that a future petition for their plans will not be approved. Mr. Brown said that they understand that, but they must go through the motions step by step toward their end goal. He noted his client appreciates that it is an unusual situation to use an existing facility as a starting off point.

Mr. Domijan asked how many vehicles they thought they could sell on a monthly basis. Mr. Brown said their estimate is for about 15 cars a month from the temporary facility.

Mr. Gray asked if they would be using the facility primarily for delivery and service. Mr. Brown said there will be a small volume of activity initially. Their goal is to establish service in the area while the remainder of the site is under construction.

Mr. Lukas asked how much work will be done in the service area. Mr. Brown said neither facility will have body work or body painting. Otherwise it will be a normal automobile service facility.

There being no further questions from the Board at this time, Chairman White asked Mr. Rathje to present the staff's findings.

Staff's Presentation:

Mr. Rathje said that the petitioner, as contract purchaser, is seeking approval of a special use petition to operate an automobile repair and service shop in conjunction with a Saab automobile dealership proposed for the subject properties located at 205 and 217 Ogden Avenue. These properties are currently occupied by the Downers Grove Motel and by the Wonder Bread/Hostess facility respectively. More specifically, the petitioner has recently acquired the rights to open a Saab dealership within the general geographic area and desires specifically to bring that dealership to Downers Grove.

Mr. Rathje indicated that the closing of the Saab Dealership in Maywood has created an opportunity for the petitioner to open a dealership in Downers Grove; however, the closing has also created a problem for Saab owners in the general area to obtain factory authorized service at a convenient location, and Saab has stressed the need for service facilities to be opened in the relatively near future.

Mr. Rathje stated that the petitioner has determined that he would be able to utilize the existing 217 Ogden Avenue building, which is currently occupied by the Wonder Bread/Hostess facility, for a transitional dealership location in order to meet the near term requirements to have an operational Saab sales and service facility. He said the petitioner has indicated his intention to proceed with the design of plans for the ultimate development of the entire site encompassing both the 205 and the 217 Ogden Avenue sites. This design work will, according to what he has been told, proceed within

the near term future. The ultimate plans for the dealership with its auto service facilities will be required to be considered by the Board under a future Special Use petition.

Mr. Rathje stated the petitioner has indicated that the transitional Saab dealership facilities will be based upon the petition that has been filed restricted to the 217 Ogden Avenue building and property. The petitioner has advised that he will cause the demolition of the motel building on the 205 Ogden Avenue site also in the near future in anticipation of the future complete redevelopment of the combined 205 and 217 Ogden Avenue site.

Regarding the site description, Mr. Rathje said the over-all subject property has a depth as measured on the west of 200 feet, a width as measured on the south of 328 square feet and an area of approximately 65,514.16 square feet. The westerly 150 foot by 200 foot parcel, commonly known as 217 Ogden Avenue, is currently occupied by a 6,438.86 square foot one story commercial building occupied by Hostess. The easterly 178 foot by 200 foot parcel is currently occupied by a 9,663 square foot one story building currently occupied by the Downers Grove Motel.

The subject property is located within the B-3, General Service and Highway Business district. According to the provisions of Section 28-609 (c) of the Zoning Ordinance, Mr. Rathje said that automobile repair and service shops, including automobile laundries, repair and rebuilding and painting of automobiles, is listed as an authorized special use within the B-3 zoning district.

Mr. Rathje specified that the petitioner is seeking approval for the special use to operate an automobile repair and service shop, which according to the materials submitted as part of this petition does not include a request to be permitted to conduct painting of automobiles or body repair work. The service facility which the petitioner is proposing to conduct is, according to the proposed floor plan, to be located within the southerly 4,825 square feet +/- of the 6,438.86 square foot building sited on the 217 Ogden Avenue property. The floor plan indicates that there is to be an approximately 255 square foot parts room, a small office with an area of approximately 255 square feet for the service manager and the service writers, a locker room and washroom facilities with an area of approximately 176 square feet. Three service bays, a prep area and wash bay and space for service reception is to occupy the remaining 4,100 square feet of

the southerly portion of the building. The service area is to be located in the portion of the building which is currently used for delivery truck parking and which appears to originally have been built for an automobile dealership that occupied the site perhaps as long ago as the early 1960's. Access to the service facilities will be via three overhead doors; one door accessible by vehicles is located each on the north and south sides of the building, and there is an additional six foot wide overhead delivery door located on the east side of the building that is served by an approximately three foot tall loading dock.

Mr. Rathje advised that the northerly approximately 1,600 square feet of the building is proposed to be utilized for the showroom and sales area and will be updated with new handicap accessible washroom facilities.

Mr. Rathje explained that based upon a building floor area of 6,438 square feet, the petitioner is responsible to provide a minimum of 11 parking spaces for staff and customers according to the requirements of Section 28-1410(a) of the Zoning Ordinance which requires a minimum of one space per 600 gross square feet of floor area. The petitioner's site plan indicates that there are going to be spaces for a total of 30 vehicles on paved portions of the site. He noted that the petitioner's site plan is annotated to indicate that seven spaces on the west side of the site are to be set aside for customer's cars and eight spaces are to be set aside for display spaces. Along the south side of the site nine spaces are designated for parking of employees' cars and for the parking of vehicles waiting for service, plus one handicap space. Along the east side there are to be five spaces for the parking of vehicles waiting for service.

In addition to the paved parking, Mr. Rathje said the petitioner's site plan depicts the existing approximately 25 foot wide graveled area located on the east of the Wonder Bread/Hostess site will be utilized for automobile display area. The gravel area has capacity for between 14 and 16 automobiles.

Mr. Rathje stated that in addition to the proposed site plan and the proposed floor plan, the petitioner has submitted building elevations which depict the appearance of the building upon completion of the intended modifications. The primary emphasis of the facade work appears to be to shed the visual image of the 217 Ogden Avenue building being a Wonder Bread/Hostess facility so that it clearly

becomes a Saab dealership. Activities proposed include removal of existing Hostess signage and replacing it with Saab signage, removal of an existing overhang located on the westerly side of the building and the removal of some siding which was installed to mask the overhead door located on the north side of the building. A more detailed description of the proposed modifications was included in the petitioner's letter which was submitted as part of this petition. Mr. Rathje further pointed out the petitioner had provided a description as to how he believes the proposed petition satisfies the conditions which are required for the approval of a Special Use as provided for under Section 28-1902 of the Zoning Ordinance.

For the Board's benefit, Mr. Rathje described the provisions of Section 29-1902 of the Zoning Ordinance which reads as follows:

"The Village Council may authorize a special use by ordinance provided the evidence presented is such as to establish the following:

(i) That 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.

(ii) That such 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.

(iii) That 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.

(iv) That it is one of the special uses specifically listed for the district in which it is to be located."

Mr. Rathje informed the Board that the petitioner's request for a special use is one which is authorized within the underlying B-3 Zoning District as provided for under Section 28-609 (c) of the Zoning Ordinance. Although the petitioner has indicated that his intention is for this facility to be transitional until a new facility is approved and constructed, the proposed automobile repair and service shop has been designed to meet the zoning requirements, given the context of an existing building being converted for a new occupancy.

Mr. Rathje added that the petitioner has met with and has been fully apprised of the various building and life safety code requirements for the proposed new occupancy, and the petitioner has indicated his understanding of what steps must be considered and met in order to obtain an occupancy permit.

Mr. Rathje said, in answer to Mr. Benes' earlier question, that because of the nature of the site plan, and the annotations on the site plan, there is no special use activity associated with the easterly portion of the property. He indicated that the petitioners will have to stay consistent with the site plan as proposed or amended by the Zoning Board of Appeals or the Village Council.

Regarding traffic, Mr. Rathje added that this type of use will normally generate significantly less traffic than would a comparable retail facility during the peak traffic hours.

Mr. Gray asked about the outside lighting and whether it would be offensive to the neighborhood. Mr. Brown responded that they would mount a 400 watt down-lit lighting unit on the site which would not intrude into the residential area. He indicated that the proposed lighting meets the Village's requirements.

Mr. Gray asked if they would have an outside public address system, and Mr. Brown said they would not.

Mr. Lukas asked for clarification that they are going to be asked to vote on a special use permit for 217 Ogden Avenue on a temporary basis. Mr. Rathje interjected that there is not an "interim" provision per se for a special use. The special use will be permanent unless the petitioner seeks some type of modification to the special use in the future. He said that the special use has been published for the entire property, although it will be limited to the portion of the property commonly known as 217 Ogden Avenue based upon the petition and site plan presented by the petitioner. If this petition is approved, the proposed Ordinance will include the legal description of the entire parcel.

Chairman White said that the petitioner would have to work in conformance with the submitted site plan. Mr. Rathje said that was correct.

Chairman White noted that the site plan proposed for this special use provides for no driveway off of Cumnor Road. Mr. Rathje said that was also correct; however, the special use does not control driveway access onto Ogden Avenue. Access to a State highway is under the control of the State.

Mr. Baker questioned, even though the petitioner is going to demolish the motel, whether they could pave the motel site under this petition since that would not be consistent with the site plan. Mr. Rathje replied they can only do what is in accordance with the site plan submitted and approved by the Village. Paving of the motel site has not been proposed as part of this petition.

Mr. Benes said, since both properties are included in the special use, they could store cars there, and Mr. Rathje responded they could not because they did not propose that as part of their site plan.

Mr. Benes asked whether the motel could stay in operation under this conditional use. Mr. Rathje said it could, as the petitioner is not obligated to demolish the building. There is nothing owing to support the proposed use that they would have to take from the motel site. If they needed more parking and wanted to put it in the motel area, and the motel did not have adequate parking, then they would have to make a choice. Mr. Rathje said that the petitioner could have published this petition only for the 217 Ogden Avenue parcel and not include the 205 Ogden parcel. Due to the lead time for publication, and so as not to face unnecessary compromises as to the reasonable use of the property, they chose to publish the notice broadly to include both parcels in case their site planning determined the need for use of all or a portion of the 205 Ogden Avenue site.

Mr. Benes then asked whether 217 Ogden Avenue site is legal nonconforming. Mr. Rathje said its front yard setback is legal nonconforming. Mr. Benes asked about the freestanding sign located at the northwest corner of the lot, and Mr. Rathje said it would be removed according to the petition. Mr. Benes asked whether there is a location on the 217 Ogden Avenue site where they could erect a freestanding sign. Mr. Rathje noted that the special use does not control the location of signs. If they close on the purchase of the property and own both properties, they could locate a freestanding sign on the easterly portion of the 217 Ogden Avenue lot, as the combination of both parcels under a single ownership and a single use would change the side yard setback requirements. Mr. Rathje

said, however, that the petitioner did understand the situation. He indicated that this is a very different situation from the Liberty Chevrolet situation mentioned by Mr. Benes earlier which was considered by the Board in 1984. In this situation, where there has been a change of ownership, the amortization provisions of the Sign Ordinance did not allow the sign to be modified except to be brought into conformance. They would have to conform to the centerline setback as well as to the applicable side yard setback requirements.

Mr. Baker asked, if the Board approves the special use, will they be backing themselves into a corner when the petitioner comes back with its proposal which is to include the 205 Ogden Avenue parcel. Mr. Rathje said he hopes that the Board does not make any decisions where it feels it has backed itself into a corner. The Board is dealing with the application of law in a fair and rationale manner. Once the Board recommends, and the Council grants a special use, they have that position to defend. He does not think this is a "painted-into-a-corner" situation. Mr. Baker said knowing that the petitioner has a "master plan" coming up could be a problem. Mr. Rathje responded that if the Board and Council were in a position of having to grant a special use of a blanket nature, that could be a broad enough situation to give pause; however, he said this is a petition specifically proposed to meet specific site plans and floor plans as submitted. If the petitioner chooses to change it, they would have to come back before the Village and convince the Board and Council that the modification is acceptable according to the standards of the Zoning Ordinance.

Mr. Domijan asked if this redevelopment project is the result of the motel owners wanting to retire, or Hostess wanting to leave the Village. Mr. Rathje said he does not know the whole history behind the sellers wanting to sell. It appears to him to be a straightforward real estate deal. He believes that Hostess will be relocating but does not know where. With respect to the motel, the economics of a building of this type on Ogden Avenue at the time it was built were more favorable than they currently are, and the business could probably succeed quite well on a less valuable piece of real estate.

Mr. Rathje added that regarding the motel, he believes there has been a transition on the expectations of travelers and business people from the motel to the hotel. This is an older style of motel and may be used for a more permanent type of resident than what may be expected.

There being no further questions from the Board, Chairman White called upon anyone in the audience who wished to speak either in favor of or in opposition to the petitioner.

Ms. Ann Marie Pitra of 4334 Cumnor Road said she lived directly behind the property under consideration. She is concerned about potential noise, fumes, the delivery of cars, etc. She asked whether they will be coming down Cumnor Road. Ms. Pitra said that Luxury Motors parks their cars all over, and she does not see anyone stopping them. She would like to see Cumnor Road blocked some way as they did for Walgreen's and other developments. She and her family have lived there 27 years and are concerned about the flow of traffic down Cumnor Road.

Mr. Benes asked what the parking on Cumnor Road was presently in front of her house, and she said that there is no parking there, although it is not restricted.

Mr. Sleeter asked what she sees as the change in the amount of traffic, and whether it was bothersome currently. Ms. Pitra expressed concern with the delivery of cars, customers coming in and out, etc. She asked where the trucks will park to unload.

Mr. Sleeter asked whether the petitioner has spoken with her and other neighbors about their concerns, and Ms. Pitra said not really.

In response to Mr. Baker, Ms. Pitra said there are no trucks that park on Cumnor Road now. She said Cumnor Road is getting busy, and there are children on the street. The motel has always been very quiet. Once the petitioner's "master plan" is initiated, there will be traffic all the time.

Mr. Rathje said that petitioners are always encouraged to meet with surrounding neighbors to learn their concerns and attempt to find a way to allay those concerns. He asked Ms. Pitra to meet with the petitioner and Mr. Brown and discuss these matters.

Mr. Allen of 4404 Cumnor Road said that there is no semi truck that can make that turn for deliveries. He said that car dealerships can get away with unloading on Ogden Avenue all the way up and down Ogden Avenue or by parking on the side streets. Mr. Allen also expressed concern about the drainage as they have problems with standing water now. Mr. Allen also alluded to the petitioner

attempting to purchase property behind the subject site for business purposes. Mr. Allen then described the traffic pattern off Ogden Avenue, expressing his opinion that a traffic light will probably have to be installed at Cumnor once this facility is completed. He stated that he was strongly opposed to this project.

Mr. Waughop from 4400 Cumnor stated he has the same concerns as have already been expressed particularly regarding traffic. There have been barricades installed for other streets adjacent to Ogden Avenue, so when this construction is done, traffic will have to go down Cumnor Road. He asked whether there is an opportunity to barricade Cumnor Road.

Chairman White explained that this Board makes recommendations to the Village Council for their final approval. He said that the Council will also receive input from other Village departments concerning this development. He noted that there could be a large number of other businesses permitted by right in the B-3 zoning district that would generate many more cars.

Mr. Brown then spoke again on behalf of the petitioner saying they have met extensively with the different departments of the Village. They understand their obligations to comply with all regulations. They are also willing to meet with the homeowners to discuss their concerns. He said there are additional restrictions and obligations that have to be met as the project progresses.

Mr. Lukas asked the petitioner's architect, Mr. Brown, if, during their meetings, the issue of stormwater had come up, and Mr. Brown said not extensively. He said they are not altering the impervious nature of the site from how it presently exists. Right now it is essentially 55,000 square feet of paved surface, and hopefully they will reconfigure it. When they pursue their anticipated complete redevelopment, there will be new constraints for the site that did not exist when the parcels were developed with their current buildings. The petitioner will have to be sure that the water runoff is controlled according to the applicable laws.

Mr. Rathje noted that the significant point is that there is no real stormwater detention or management on the site now; however, there will have to be either above-ground or below-ground stormwater management provided with a future development. He described as an example the development of the CVS property and the extensive

number of underground pipes that were installed to store and direct stormwater flow and release.

Mr. Sleeter said to Mr. Rathje that he recalled the Lakota Plan showing that some areas of the business strip along Ogden Avenue might expand into the adjacent residential areas, and asked if this might be considered adjacent to the subject property. Mr. Rathje responded that the Lakota Plan followed the Village's Future Land Use Plan with respect to the area of the business land use and any extensions or expansions to it. The plans do not anticipate expansion beyond the boundaries of the B-3 zoning district adjacent to the subject site. Current plans are to constrain the limits to the current depth along this section of Ogden Avenue.

In response to Mr. Allen's question as to installation of additional stormwater management for the present petition, Chairman White explained that nothing discussed today will change the Ordinance obligations or anything concerning drainage. The vote by this Board does not relieve them from any required obligations. All this petition will allow them to do is wash cars and make repairs and provide service, excluding bodywork. He added that the petitioner will have to comply with other Ordinances that are not in the purview of this Board.

Mr. Rathje explained that under the existing drainage regulations the existing hotel is legal nonconforming as are the neighboring residential areas. None of the properties in that area were developed with what we currently recognize as stormwater management. All of the residents continue to use their properties even though they do not conform with the Stormwater Ordinance as it is currently written. Once the subject site is torn down and rebuilt, they will have to conform to the existing Ordinance and meet all the applicable criteria. Mr. Rathje said that in order to re-occupy the Hostess facility they do not have to tear the building down and start all over. They do not have to demolish the facility to use the existing building and existing site. Mr. Allen said he felt that was unfair to the residents. Mr. Rathje responded that the law protects legal non-conforming situations to a certain point. Once the buildings are demolished, the developers will then have to meet the applicable requirements of the existing ordinance.

There being no further discussion, Chairman White closed the opportunity for further public comment.

.....

Board's Deliberation:

Mr. Lukas said he thought the petitioner made a good case for the special use at the subject location. The letter from the petitioner outlined that they are in compliance with the proposed special use that they are requesting. Mr. Lukas noted that Ogden Avenue is well known for its car dealerships. He felt the petitioners are willing to work with the neighbors. Unfortunately, they are not far enough along in the process to answer some of the specific questions raised at this time regarding their future anticipated development. Mr. Lukas said the audience should know that this Board is only making a recommendation, and there will be further meetings with the Council as the development progresses. He said if they are successful in obtaining this special use, they will have to come back to the Village again specifying details of the future project. Mr. Lukas said he would be in favor of recommending to the Village Council to approve the special use permit for sales of automobiles and minor automotive work excluding painting and body work within the limits of the proposed petition.

Mr. Sleeter said he thought the neighbors had some valid concerns; however, in looking at the current proposal, the site is not all greenspace now. From that standpoint, the proposal will not reflect a deterioration to the situation. He said he would have liked to have seen estimates as to traffic generation compared to the bread store and the motel. Mr. Sleeter said for this limited request, he would be in favor of recommending approval, and urges the neighbors to keep track of the other Village boards and the Village Council which will be involved with this project. He noted that they can also express their concerns to the Village Council on this issue.

Mr. Benes said that in looking at the site, there are presently four curb cuts on Ogden Avenue which he thinks is a lot. Other dealerships do not have that many curb cuts, and that could reflect upon traffic improvement. He sees no reason not to make a positive recommendation to this petition, but he would like to see more details further down the line when the petitioner proceeds with their ultimate plans.

Chairman White said that although there has been no evidence presented, his opinion is that this type of facility will generate less traffic than many other uses permitted by the B-3 zoning district.

Traffic is a problem; however, turning the site into a park is not the answer either. The existing motel is low intensity as is the bread store. Regarding stormwater problems, the Village is very aware of the stormwater situation, and the fact is that in the past there was no stormwater detention provision requested to be built on the site.

There being no further discussion, Chairman White called for a Motion.

Mr. Lukas moved that in case C-6-02 the Zoning Board of Appeals recommend that the Village Council approve this request for a special use for an automobile repair and service shop, not including rebuilding or painting of automobiles consistent with the drawing and plans submitted by the petitioner. Mr. Benes seconded the motion.

**AYES: Mr. Lukas, Mr. Benes, Mr. Baker, Mr. Domijan,
Mr. Gray, Mr. Sleeter, Chairman White**

NAYS: None

Chairman White declared the Motion passed.

Chairman White wished everyone a Happy Holiday, and adjourned the meeting at 8:54 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary

PUBLIC HEARING:

C-6-02 A petition seeking approval of a special use for an automobile repair and service shop (but not including rebuilding or painting of automobiles). Such business is proposed to be conducted as part of an automobile dealership. This property is located at the southwest corner of Ogden Avenue and Cumnor Road, Downers Grove, IL 60515, commonly known as 205 and 217 Ogden Avenue (PIN 09-04-305-004, -005 and -006); Joseph & Kathy Dlugopolski, owners of 205 Ogden Avenue and Interstate Brands Corporation, owner of 217 Ogden Avenue; Clingen, Callow, Wolfe & McLean, LLC, Attorneys/Petitioners

FINDINGS:

1. The petitioner, as contract purchaser, is seeking approval of a special use petition to operate an automobile repair and service shop which is proposed to be utilized in support of a Saab automobile dealership proposed for the subject properties located at 205 and 217 Ogden Avenue. These properties are currently occupied by the Downers Grove Motel and by the Wonder Bread/Hostess facility respectively. More specifically, the petitioner has recently acquired the rights to open a Saab dealership within the general geographic area and desires specifically to bring that dealership to Downers Grove.

The closing of the Saab Dealership in Maywood has created the opportunity for the petitioner to open a dealership in Downers Grove; however, it has also created a problem for Saab owners to obtain factory authorized service at a convenient location to the general west suburban area, and Saab has stressed the need for service facilities to be opened in the relatively near future.

The petitioner has determined that he would be able to utilize the existing 217 Ogden Avenue building which is currently occupied by the Wonder Bread/Hostess facility for a transitional dealership location in order to meet the near term requirements to have an operational Saab sales and service facility. The petitioner has indicated it is his intention to then proceed with the design of plans for the ultimate development of the entire site encompassing both the 205 and the 217 Ogden Avenue sites. This work will proceed within the near term future. The ultimate plans for the dealership with its auto service facilities will be required to be considered by the Board under a future Special Use petition.

The petitioner has indicated that the transitional Saab dealership facilities will be restricted to the 217 Ogden Avenue building and property. The petitioner has advised that he will cause the demolition of the motel building on the 205 Ogden Avenue site also in the near future in anticipation of the future complete redevelopment of the site.

2. The subject property has a depth as measured on the west of 200 feet, a width as measured on the south of 328 square feet and an area of approximately 65,514.16 square feet. The westerly 150 foot by 200 foot parcel, commonly known as 217 Ogden Avenue, is currently occupied by a 6,438.86 square foot one story commercial building occupied by Hostess. The easterly 178 foot by 200 foot parcel is currently occupied by a 9,663 square foot one story building currently occupied by the Downers Grove Motel.
3. The subject property is located within the B-3 General Service and Highway Business district. According to the provisions of Section 28-609 (c) of the Zoning Ordinance, automobile repair and service shops, including automobile laundries, repair and rebuilding and painting of automobiles, is listed as an authorized special use within the B-3 zoning district.
4. Specifically, the petitioner is seeking approval for the special use to operate an automobile repair and service shop, which according to the materials submitted as part of this petition does not include a request to be permitted to conduct painting of automobiles or body repair work. The service facility which the petitioner is proposing to conduct is according to the proposed floor plan to be located within the southerly 4,825 square feet +/- of the 6,438.86 square foot building sited on the 217 Ogden Avenue property.

The floor plan indicates that there is to be an approximately 255 square foot parts room, a small office with an area of approximately 255 square feet for the service manager and the service writers, a locker room and washroom facilities with an area of approximately 176 square feet, three service bays, a prep area and wash bay and space for service reception will occupy the remaining 4,100 square feet of the southerly portion of the building. The service area is to be located in the portion of the building which is currently used for delivery truck parking, but which appears to originally have been built for an automobile dealership that occupied the site perhaps as long ago as the early 1960's. Access to the service facilities will be via three overhead doors; one door accessible by vehicles is located each on the north and south sides of the building, and there is an additional six foot wide overhead delivery door located on the east side of the building that is served by an approximately three foot tall loading dock.

The northerly approximately 1,600 square feet of the building is proposed to be utilized for the showroom and sales area and will be updated with new accessible washroom facilities.

5. Based upon a building floor area of 6,438 square feet, the petitioner is responsible to provide a minimum of 11 parking spaces for staff and customers according to the requirements of Section 28-1410(a) of the Zoning Ordinance which requires a minimum of one space per 600 gross square feet of floor area. The petitioner's site plan indicates that there are going to be spaces for a total of 30 vehicles on paved portions of the site. The petitioner's site plan is annotated to indicate that

seven spaces on the west side of the site are to be set aside for customer's cars and eight spaces are to be set aside for display spaces. Along the south side of the site nine spaces are designated for parking of employees' cars and for the parking of vehicles waiting for service, plus one handicap space. Along the east side there are to be five spaces for the parking of vehicles waiting for service.

In addition to the paved parking, the petitioner's site plan depicts the existing approximately 25 foot wide graveled area located on the east of the Wonder Bread/Hostess site will be utilized for automobile display area. The gravel area has capacity for between 14 and 16 automobiles.

6. In addition to the proposed site plan and the proposed floor plan, the petitioner has submitted building elevations which depict the appearance of the building upon completion of the intended modifications. The primary emphasis of the facade work appears to be to shed the visual image of the 217 Ogden Avenue building being a Wonder Bread/Hostess facility so that it clearly becomes a Saab dealership. Activities proposed include removal of existing Hostess signage and replacing it with Saab signage, removal of an existing overhang located on the westerly side of the building and the removal of siding. A more detailed description of the proposed modifications is included in the petitioner's letter which was submitted as part of this petition.
7. As noted, the petitioner has submitted a detailed letter as part of his petition describing the circumstances of the proposed petition. Within the letter, the petitioner has also provided a description as to how he believes that the proposed petition satisfies the conditions which are required for approval of a Special Use as provided for under Section 28-1902 of the Zoning Ordinance.

For reference purposes, Section 29-1902 of the Zoning Ordinance reads as follows:

"The Village Council may authorize a special use by ordinance provided the evidence presented is such as to establish the following:

- (i) That 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.
- (ii) That such 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.

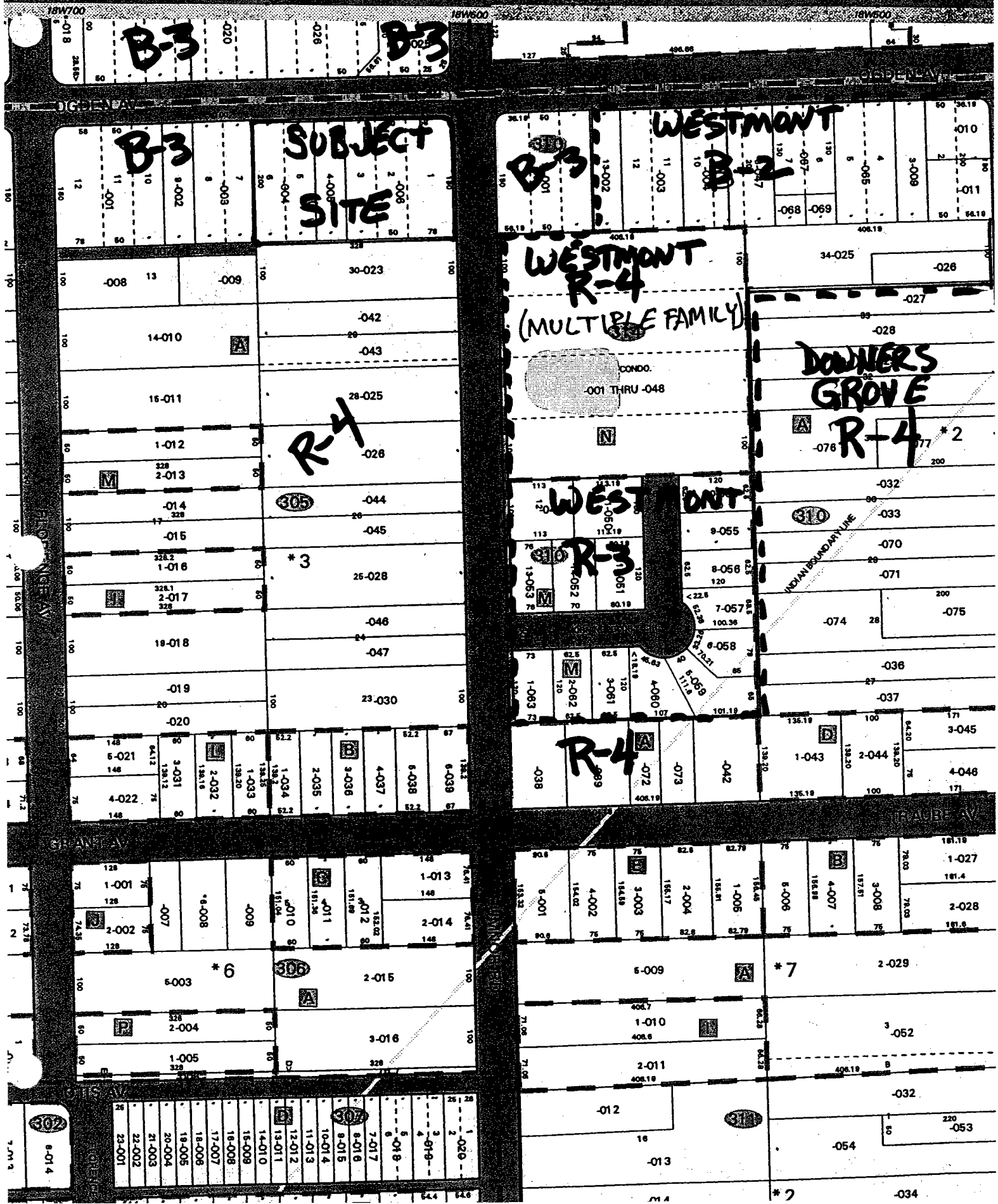
- (iii) That the proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
- (iv) That it is one of the special uses specifically listed for the district in which it is to be located.”

CONCLUSION:

The petitioner's request for a special use is one which is authorized within the underlying B-3 Zoning District as provided under Section 28-609 (c) of the Zoning Ordinance. Although the petitioner has indicated that his intention is for this facility to be transitional until a new facility is approved and constructed, the proposed automobile repair and service shop has been designed to meet the zoning requirements given the context of an existing building being converted for a new occupancy.

Although not within the realm of zoning, it should be noted that the petitioner has met with and has been fully apprised of the various building and life safety code requirements for the proposed new occupancy, and the petitioner has indicated his understanding of what steps must be considered and met in order to obtain an occupancy permit.

KJR:amd
Attachments
12-11-02



B-3

SUBJECT SITE

B-3

WESTMONT

B-2

WESTMONT R-4

(MULTIPLE FAMILY)

CONDO.
001 THRU 048

DOWNERS GROVE

R-4 *2

R-4

WESTMONT

R-3

R-4

302
8-014

1-020
 2-019
 3-018
 4-017
 5-016
 6-015
 7-014
 8-013
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 15-006
 16-005
 17-004
 18-003
 19-002
 20-001

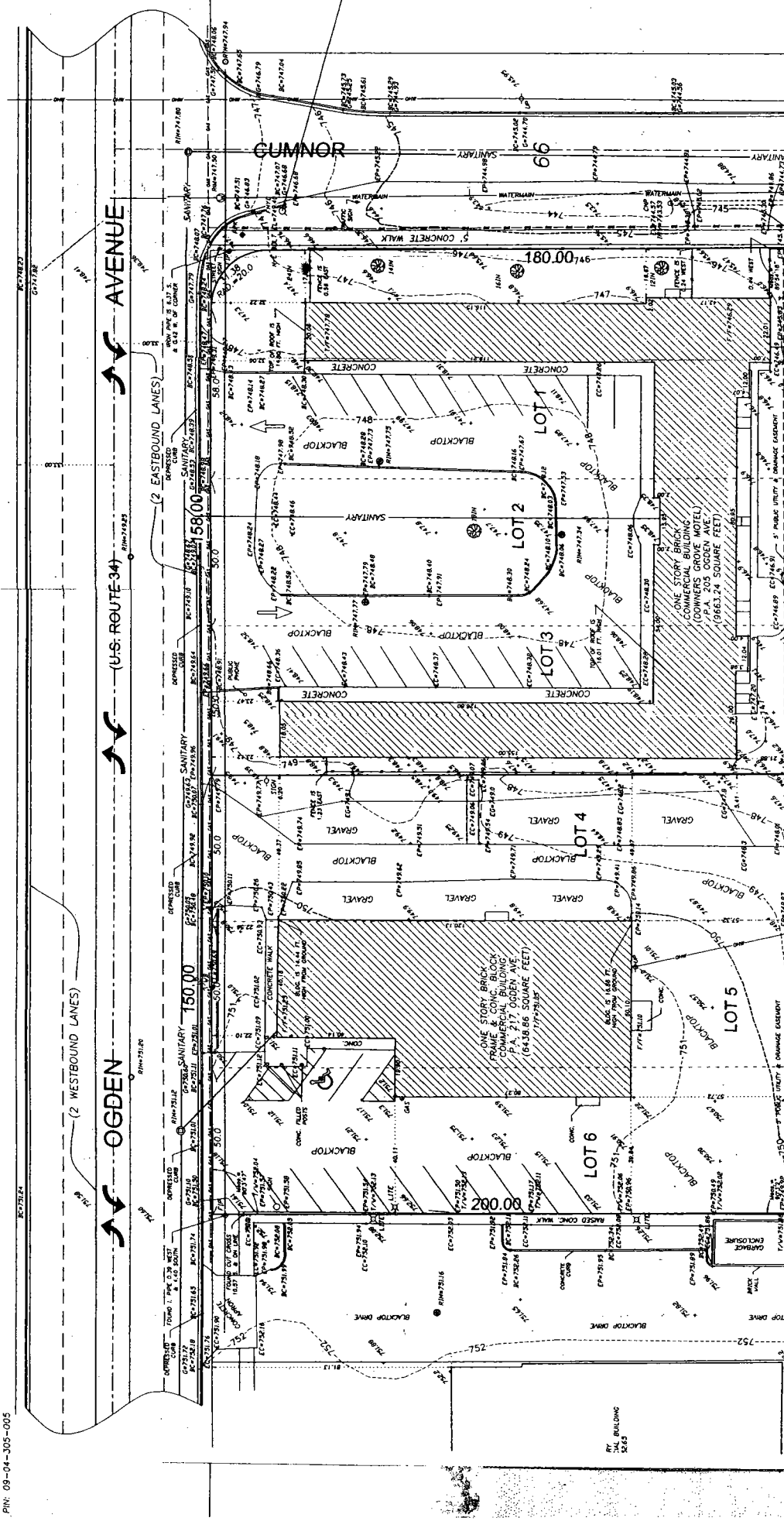
220
 -053

-034

ALTA/C/S/M LAND TITLE SURVEY

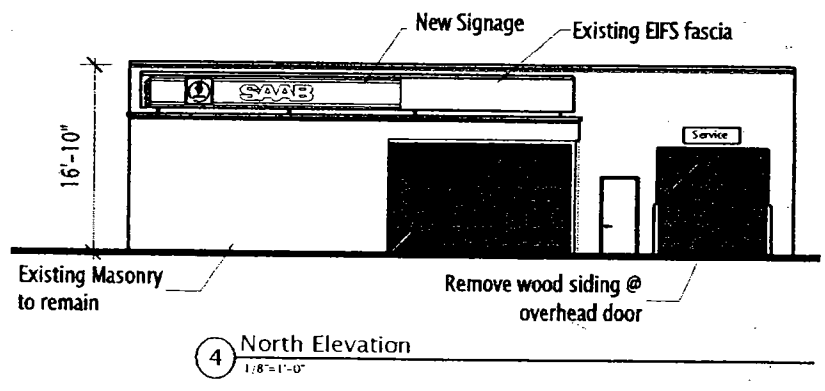
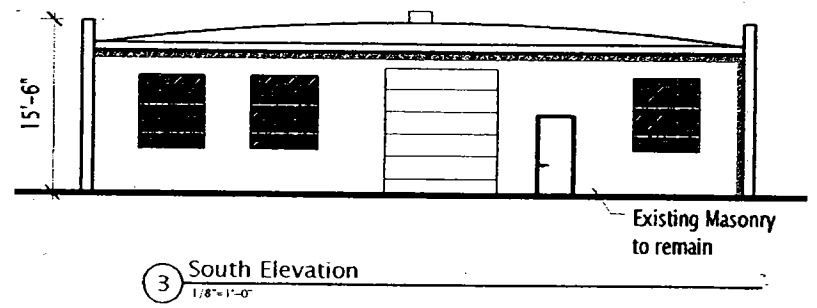
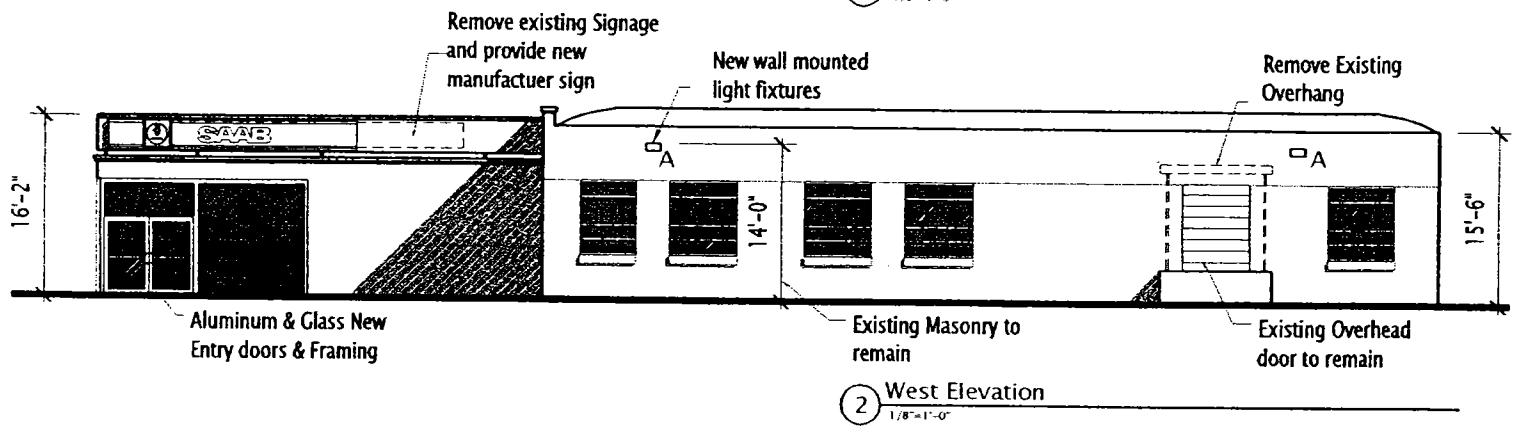
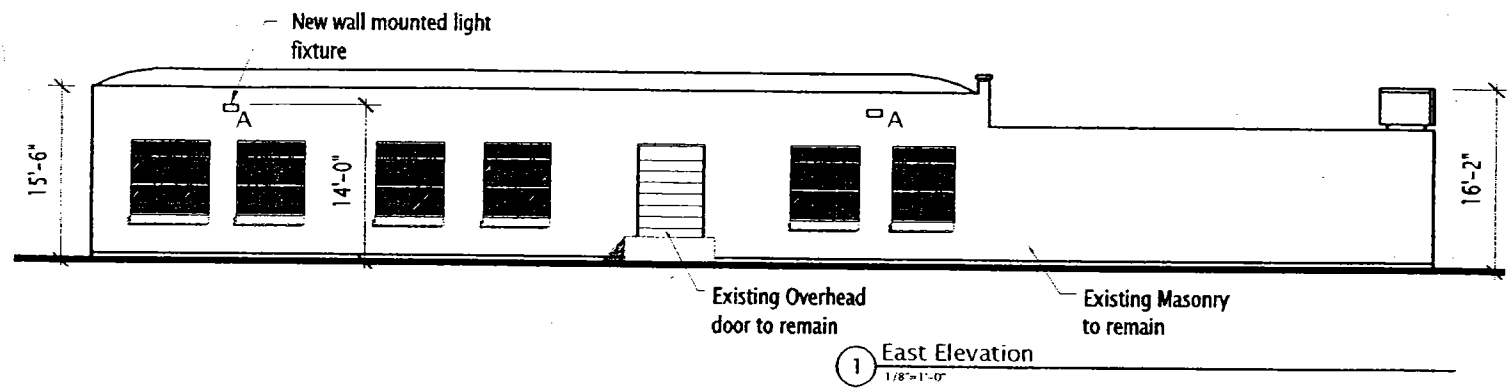
OF LOTS 1, 2, AND 3 IN BLOCK 3 IN ARTHUR T. MCINTOSH AND COMPANY'S OGDEN AVENUE SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 7, 1923 AS DOCUMENT 172336, IN DUPAGE COUNTY, ILLINOIS.
 PIN: 09-04-305-005

AND:
 OF LOTS 4, 5 AND 6 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.
 PIN: 09-04-305-004
 PIN: 09-04-305-005

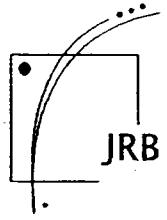


C-6-02

C-6-02

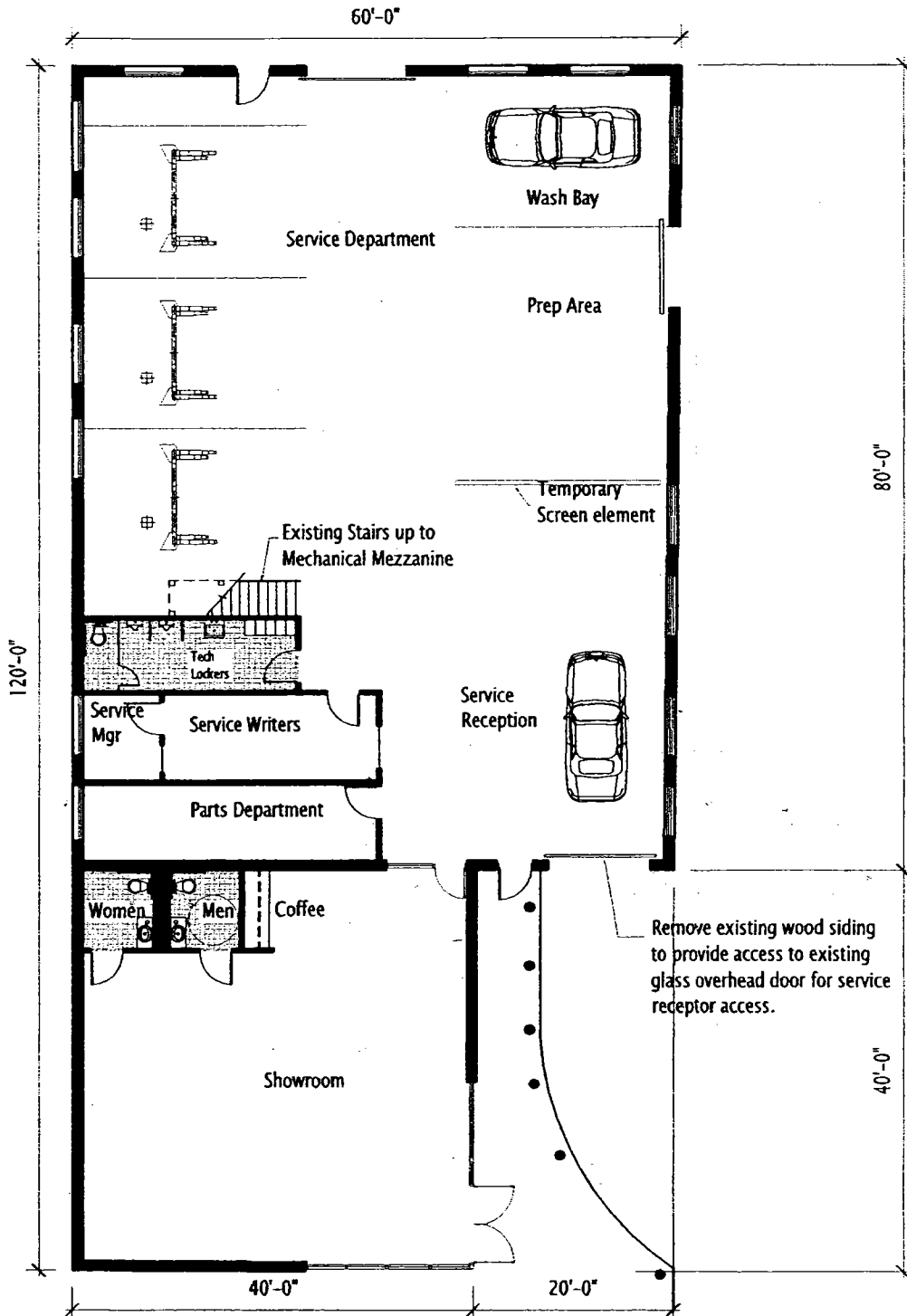


C-6-02



The JRB Group Architects

3115 N. Wilke Road Arlington Heights, Illinois 60004
Phone 847.506.0123 Fax 847.506.0145



No.	Date	Comments
Revisions		
Commission No.		02007
Drawn By		MBR
Checked By		JRB
Approved By		JRB
Issued for Review		
Issued for Permits		
Issued for Pricing		
Issued for Construction		

Project Title

GARTNER SAAB



Temporary Sales and Service Facility
Ogden Ave.
Downers Grove, Illinois

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Scope Document

This preliminary drawing indicates the general scope of the project in terms of the architectural design concept, the dimensions of the building, the type of structural system, and an outline of the major elements of construction. As a "scope" document this drawing does not necessarily indicate or describe all work required for the full performance and completion of the work. These documents shall not be used for construction. They were prepared for the purpose of construction pricing only with the understanding that the Contractor, Subcontractor and quality men are to furnish all the work of sound and quality construction and that the Contractor, Subcontractor and materials men shall be solely responsible for the inclusion of adequate amounts to cover the installation of all items indicated, described, or implied.

Sheet Title

Floor Plan

Sheet No.

12

5 Floor Plan
1/8"=1'-0"





VILLAGE OF DOWNERS GROVE, ILLINOIS
PETITION FOR
SPECIAL USE PERMIT

To: The Zoning Board of Appeals
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 80515-4776

\$400.00 Fee Residential
\$550.00 Commercial
Application # C-6-32
Date Filed 11-26-02

Application must be filed in TRIPLICATE. Two copies of a Registered Surveyor's Plat of Survey and a statement in writing by the applicant showing that the proposed conditional use will conform to the requirements set forth in the Zoning Ordinance must accompany the application.

- 1. Applicant CLINGEN, CALLOW & McLEAN, LLC Telephone (630) 871-2600
Address 2100 Manchester Road, Suite 1750, Wheaton, Illinois 60187
2. Owner(s) See attached Telephone
Address
3. Applicant is (check one) [X] Attorney [] Agent [] Other (specify)
4. Present owner acquired title to the property on (date)
5. Location of property 217 Ogden Avenue, Downers Grove, Illinois
205 Ogden Avenue, Downers Grove, Illinois
6. Legal Description of property See attached
P.I.N. # 09-04-305-004, 005 and 006
7. Present Zoning District B-3
8. Zoning Ordinance reference Article 6, Section 28-609 (c) Automobile Repair and Service Shop
(Article, Section, Paragraph, Sub-paragraph)
9. Applicant requests approval of above-described property for the following use Automotive repair
and/or detailing, excluding body repair and painting.
10. Brief Description of the improvement proposed, together with architect's rendering of building
See attached.

11. A list of the names, addresses and Property Identification Number (PIN) 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 the above statements and all accompanying statements and drawings are true and correct to the best of my knowledge.

Signature of Applicant 

Date of Public Hearing _____

Action taken by the Board _____

Chair: _____

Submitted to Village Council (date) _____

Actions Taken by the Council _____

Date: _____

2. Owners:

205 Ogden: Joseph Dlugopolski
Kathy Dlugopolski
205 W. Ogden Avenue
Downers Grove, Illinois 60515
(630) 969-7110

217 Ogden: Interstate Brands Corporation
12 East Armour Boulevard
Kansas City, Missouri 64111
(800) 777-8067

6. Legal Descriptions

Lots 4, 5 and 6 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 3rd Principal Meridian, according to the recorded plat thereof, recorded December 7, 1923, as document 172336 in Du Page County, Illinois.

PIN: 09-04-305-004 and 005

c/k/a 217 Ogden Avenue, Downers Grove, Illinois

Lots 1, 2 and 3 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 3rd Principal Meridian, according to the recorded plat thereof, recorded December 7, 1923, as document 172336 in Du Page County, Illinois.

PIN: 09-04-305-006

c/k/a 205 Ogden Avenue, Downers Grove, Illinois



Mr. William White, Chairman
Zoning Board of Appeals
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

Members
Zoning Board of Appeals
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

Re: 205 and 217 W. Ogden Avenue, Downers Grove, Illinois

Dear Chairman White and Zoning Board of Appeals Members:

I am the owner of Gartner Buick Hyundai Saab in Aurora, Illinois and am trying to open a new Saab dealership on the combined lots of 205 and 217 W. Ogden Avenue, Downers Grove, Illinois. In connection with the opening of that dealership, I am seeking a special use permit to allow the servicing and repair of automobiles (excluding painting and body repair) at those properties. The proposed special use is a permitted use under Section 28-609 (c) of the Downers Grove Municipal Code and is necessary for the proposed development of the properties. I eventually intend to replace the two older commercial buildings currently existing at these sites with a modern luxury car dealership with a state of the art sales center, designed and constructed to fully comply with both the Municipal Code of the Village of Downers Grove Municipal Code and the design standards of Saab USA.

My current facility is located in a six-year-old, 40,000 square foot building and its sales volume ranks the dealership in the top twenty in new car sales in the State of Illinois. I have over thirty years of experience in the redevelopment and ongoing professional operation of upscale automobile dealerships and believe the addition of a new Saab dealership to the Ogden Avenue commercial corridor will contribute to the overall welfare of the community. In fact, the property located at 205 W. Ogden Avenue has been specifically targeted for redevelopment on the Ogden Avenue Commercial Corridor Master Plan.

With the approval of Saab Cars USA, I recently purchased the Maywood, Illinois Saab franchise and intend to merge it into the local territory by locating the dealership on the combined lots of 205 West Ogden (currently the Downers Grove Motel) and 217 Ogden Avenue (currently the Wonder Bread/Hostess facility). The dealership will sell and service new Saabs and select pre-driven vehicles. Operations commonly identified with paint and body shops will not be performed on the site.

GARTNER
BUICK - HYUNDAI - SAAB

Gartner Buick, Inc. 4006 Ogden Avenue, Aurora, IL 60504 800-851-2600
www.gartnerbuick.com

The properties will be developed in two phases, and will require the approval of the Zoning Board of Appeals for both phases. The first phase is the modification of the existing building at 217 W. Ogden Avenue for use as a transitional sales and service facility, and the second phase is the construction of a permanent sales and service facility, which will fully utilize both properties. The purpose of this petition is to obtain a special use permit for the transitional facility and to begin the process of obtaining a special use permit for the permanent facility.

In order to comply with the time requirements of Saab Cars USA, and my own desire to offer convenient service to the area's current Saab owners and those desirous of purchasing new Saabs, I am seeking approval to use the current Wonder Bread/ Hostess building and site as a transitional sales and service facility until the plans for the permanent dealership are approved by the Village of Downers Grove and the permanent facility is constructed.

Service operations at the transitional facility will include mechanical services traditionally offered by new car dealers, but will exclude paint and body repair operations. When the new facility is complete, the transitional facility will be demolished and the entire site will be incorporated into the operation of a new car dealership in accordance with the approved plans.

The current Wonder Bread/Hostess building and site will more than adequately serve its intended purpose with minor modifications. In fact, it appears that this building was once an auto dealership many years ago. The 6,400 square foot building sits on a lot with 150 feet of frontage on Ogden Avenue and 200 feet of depth to the south. The front area of the building, 1,600 square feet, currently housing the store's grocery sales operation will be used for display of new vehicles and sales desks. Additional vehicles may be displayed outdoors, on the westerly side of the lot. The rear of the building, currently used for housing trucks, is well suited to receive service customers and also provide sufficient space to install the tools and equipment necessary to service vehicles.

Proposed Modifications

1. Remove the cedar board covering the overhead door on the northwest wall of the of the service area. Customers will drive into the service area through this door.
2. Remove an existing rest room and replace with two ADA compliant restrooms with access from the showroom/sales area.
3. Current signage on the building fascia will be removed and replaced with same size Saab signage.
4. The current lighting fixtures on the exterior of the building will be replaced with modern fixtures to provide proper safety and security for customers, employees and inventory.

It is anticipated that upon completion of the proposed modifications, the transitional facility will adequately accommodate customer needs until the permanent facility is

completed. Gartner Saab looks forward to providing its current and future customers with an excellent solution to the problem of providing an immediate sales and service facility while a world class facility is built next door.

In conclusion, my intended use of the property is permitted via the issuance of a special use permit pursuant to Section 28-609 (c) of the Downers Grove Municipal Code and complies with the requirements of Section 28-1902 (i) through (iv), as the issuance of a special use permit is necessary for my intended use, which is to provide residents of the near and western suburbs with a conveniently located and modern facility for the sale and service of Saab vehicles. This facility will fill a consumer need as there are currently no Saab dealerships in the area bounded by Route 59 to the west, I-94 to the east, I-90 to the North and Route 6 to the South. The new facility will contribute to the general welfare of the community and the adjacent residential properties by bringing a sound, reputable business to the Ogden Avenue commercial corridor. The existence of a Gartner Saab dealership will not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or other improvements in the area as the size, location and layout of the transitional facility and site, with the proposed modifications, will allow me to conduct my business operations in a safe and courteous manner within an enclosed building. In fact, it is my hope that the proposed use will increase the value of surrounding properties as it provides for the modification of an older commercial building for transitional use as an upscale car dealership and the eventual replacement of two older commercial buildings with a state of the art luxury car dealership.

Thank you for your consideration, and thank you very much for allowing and attending this special meeting.

Respectfully,

A handwritten signature in black ink, appearing to read "Roland H. Gartner". The signature is fluid and cursive, with a large initial "R" and "G".

Roland H. Gartner

Gartner – Property Owner List

<u>PIN</u>	<u>Owner & Address</u>
09-04-305-001	Ogden Avenue Association c/o Sheffield Management 5500 Tennessee Avenue Clarendon Hills, Illinois 60514
09-04-305-002	McDonald's Corp.
09-04-305-003	P.O. Box 66207 AMF O'Hare Chicago, Illinois 60666
09-04-305-004	Interstate Brands Corp.
09-04-305-005	Attn: Tax Dept. P.O. Box 419627 Kansas City, MO 64141
09-04-305-006	Kathy & Joe Dlugopolski 205 W. Ogden Avenue Downers Grove, Illinois 60515
09-04-305-007	Village of Downers Grove 801 Burlington Avenue Downers Grove, Illinois 60515
09-04-305-008	Ruth D. Bumblauskas 4319 Florence Avenue Downers Grove, Illinois 60515
09-04-305-009	McDonald's Corp. P.O. Box 66207 AMF O'Hare Chicago, Illinois 60666
09-04-305-010	Ruth D. Bumblauskas 4319 Florence Avenue Downers Grove, Illinois 60515
09-04-305-011	Bernice Matalis 4500 Florence Avenue Downers Grove, Illinois 60515
09-04-305-023	George Surdich
09-04-305-042	4328 Cumnor Road
09-04-305-043	Downers Grove, Illinois 60515

<u>PIN</u>	<u>Owner & Address</u>
09-04-305-025	Ann Marie & Guy Pitra 4334 Cumnor Road Downers Grove, Illinois 60515
09-04-112-037 09-04-112-038	Samer Fakhoury 146-A Ogden Avenue Downers Grove, Illinois 60515
09-04-111-024 09-04-111-025	Michael H. Eiserman 5333 Birchwood Avenue Skokie, Illinois 60077
09-04-111-026	DGY LLC 216 Ogden Avenue Downers Grove, Illinois 60515
09-04-111-018	Quaker State Minit-Lube #1951 P.O. Box 2967 Houston, Texas 77252
09-04-111-019	Brown's Chicken & Pasta 1751 S. Naperville Road, No. 200 Wheaton, Illinois 60187
09-04-111-020	Fred Iozzo, Jr. P.O. Box 354 Wayne, Illinois 60184
09-04-310-001	Sorrel Rosin 6223 W. Cermak Road Berwyn, Illinois 60402
09-04-310-002	Western Springs National Bank Trust 3582 4456 Wolf Road Western Springs, Illinois 60558
09-04-314-001	Kamilis Dimitrios 525 Cumnor Road, #101 Westmont, Illinois 60559
09-04-314-002	Shirley L. Clark 525 Cumnor Road, #102E Westmont, Illinois 60559
09-04-314-003	Wilma J. Iwema 525 Cumnor Road, #103 Westmont, Illinois 60559

<u>PIN</u>	<u>Owner & Address</u>
09-04-314-004	Stella Lutynski 525 Cumnor Road, #104-E Westmont, Illinois 60559
09-04-314-005	Elenore Keizer 525 Cumnor Road, #105E Westmont, Illinois 60559
09-04-314-006	Joyce A. Cunningham 525 Cumnor Road, #106E Westmont, Illinois 60559
09-04-314-007	Geraldine Richter 525 Cumnor Road, #107E Westmont, Illinois 60559
09-04-314-008	Audrey Buzinor 525 Cumnor Road, #108 Westmont, Illinois 60559
09-04-314-009	John Bortak 525 Cumnor Road, #201-E Westmont, Illinois 60559
09-04-314-010	Robert Frey 525 Cumnor Road, #202-E Westmont, Illinois 60559
09-04-314-011	Marian Boersema 525 Cumnor Road, #203-E Westmont, Illinois 60559
09-04-314-012	Wendover Funding, Inc. RE 116047-97 P.O. Box 26903 Greensboro, North Carolina 27419
09-04-314-013	Clarence & Jennie Laning 525 Cumnor Road, #205-E Westmont, Illinois 60559
09-04-314-014	Wendy L. Pe 525 Cumnor Road, #206-E Westmont, Illinois 60559
09-04-314-015	George Schleitwiler 525 Cumnor Road, #207-E Westmont, Illinois 60559

PIN

Owner & Address

09-04-314-016 Dale A. Klass
525 Cumnor Road, #208-E
Westmont, Illinois 60559

09-04-314-017 Richard Herple
525 Cumnor Road, #301-E
Westmont, Illinois 60559

09-04-314-018 Craig Vroom & C. Carlson
525 Cumnor Road, #302
Westmont, Illinois 60559

09-04-314-019 Brian Lutz
525 Cumnor Road, #303-E
Westmont, Illinois 60559

09-04-314-020 Helene Kody
525 Cumnor Road, #304
Westmont, Illinois 60559

09-04-314-021 Karen Ostendorf
525 Cumnor Road, #305-E
Westmont, Illinois 60559

09-04-314-022 Gwendolyn Harris
525 Cumnor Road, #306-E
Westmont, Illinois 60559

09-04-314-023 Marilyn Maiers
525 Cumnor Road, #307
Westmont, Illinois 60559

09-04-314-024 Scott Vlcek & David C. Vlcek
509 W. 59th Street, No. 7
Hinsdale, Illinois 60521

09-04-314-025 George Martinek
527 Cumnor Road, #101
Westmont, Illinois 60559

09-04-314-026 Karen Halm
527 Cumnor Road, #102W
Westmont, Illinois 60559

09-04-314-027 Ruth Dunca
527 Cumnor Road, #103W
Westmont, Illinois 60559

undeliverable

<u>PIN</u>	<u>Owner & Address</u>
09-04-314-028	Lucille & Susan Balla 527 Cumnor Road, #104W Westmont, Illinois 60559
09-04-314-029	Sophie Baritz 527 Cumnor Road, #105W Westmont, Illinois 60559
09-04-314-030	Lynette W. Cooper 527 Cumnor Road, #106-W Westmont, Illinois 60559
09-04-314-031	Kevin G. Casey 527 Cumnor Road, #107W Westmont, Illinois 60559
09-04-314-032	Philip & Russell Nickle 10833 Robinhood Street Westchester, Illinois 60154
09-04-314-033	Dhun K. Battivala Trust 527 Cumnor Road, #201 Westmont, Illinois 60559
09-04-314-034	Arthur Marczyk 527 Cumnor Road, #202 Westmont, Illinois 60559
09-04-314-035	Sally A. Williams 527 Cumnor Road, #203W Westmont, Illinois 60559
09-04-314-036	Donald & Karen Thompson 527 Cumnor Road, #204W Westmont, Illinois 60559
09-04-314-037	William & Barbara Saad 527 Cumnor Road, #205 Westmont, Illinois 60559
09-04-314-038	Irene Bojan 527 Cumnor Road, #206 Westmont, Illinois 60559
09-04-314-039	Pauline Baran 527 Cumnor Road, #207W Westmont, Illinois 60559

<u>PIN</u>	<u>Owner & Address</u>
09-04-314-040	Suzanne Sellers 527 Cumnor Road, #208W Westmont, Illinois 60559
09-04-314-041	Klas & M. Wallis Brunskog 527 Cumnor Road, #301W Westmont, Illinois 60559
09-04-314-042	Blanca Hopman 527 Cumnor Road, #302W Westmont, Illinois 60559
09-04-314-043	Kenneth Forkin 527 Cumnor Road, #303 Westmont, Illinois 60559
09-04-314-044	Christopher Wodka 527 Cumnor Road, #304 Westmont, Illinois 60559
09-04-314-045	Terry Marchese 527 Cumnor Road, #305 Westmont, Illinois 60559
09-04-314-046	Robert Prohaska 527 Cumnor Road, #306 Westmont, Illinois 60559
09-04-314-047	Carol Lieggi 527 Cumnor Road, #307W Westmont, Illinois 60559
09-04-314-048	Kathleen Spinato 4776 S. Johnson Western Springs, IL 60558

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING

- Notice is hereby given that a public hearing will be held at a Special Meeting of the Zoning Board of Appeals at 7:30 p.m. on Wednesday, December 18, 2002 in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, on a petition seeking approval of a special use for an automobile repair and service shop (but not including rebuilding or painting of automobiles). Such business is proposed to be conducted as part of an automobile dealership. The property is located at the southwest corner of Ogden Avenue and Cumnor Road, Downers Grove, IL 60515, commonly known as 205 and 217 Ogden Avenue (PIN 09-04-305-004, -005 and -006) and is legally described as follows:

Lots 1 through 6 inclusive in Block 3 in Arthur T. McIntosh & Company's Ogden Avenue Subdivision in the Southwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 12, 1923 as Document No. 172336 in DuPage County, Illinois, commonly known as 205 & 217 Ogden Avenue, Downers Grove, IL 60515 (PIN 09-04-305-004, -005, -006)

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Relations Department (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. The hearing may be continued from time to time without further public notice. Zoning Board of Appeals, William White, Chairman. Published in the Downers Grove Reporter, Friday, November 29, 2002.

C-6-02

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING SPECIAL
USE AT AUTOMOTIVE SERVICES, 205 AND 217 OGDEN AVENUE, TO PERMIT
AN ADDITION TO THE EXISTING STRUCTURE**

WHEREAS, the following described property, to wit:

Lots 1 through 6 inclusive in Block 3 in Arthur T. McIntosh & Company's Ogden Avenue Subdivision in the Southwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 12, 1923 as Document No. 172336 in DuPage County, Illinois, commonly known as 205 & 217 Ogden Avenue, Downers Grove, IL 60515 (PIN 09-04-305-004, -005 and -006)

(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 Zoning Board of Appeals, 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 conducted as part of an automobile dealership and excluding rebuilding and painting of automobiles; and,

WHEREAS, such petition was referred to the Zoning Board of Appeals of the Village of Downers Grove, and said Zoning Board has given the required public notice, has conducted a public hearing 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 Zoning Board has recommended approval of the amended special use; 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 Zoning Board of Appeals, 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 amended to permit an automobile repair and service shop conducted as part of an automobile dealership and excluding rebuilding and painting of automobiles.

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

1. The conditions and recommendations of the Zoning Board of Appeals as set forth in their findings as outlined in correspondence dated January 6, 2002, is attached hereto and incorporated herein by reference as Exhibit A.

2. Substantial compliance with the plans submitted to the Zoning Board of Appeals, a reduced copy of which are attached hereto and incorporated herein by reference as Group Exhibit B.

3. Substantial compliance with the Staff report dated December 11, 2002, a copy of which is attached hereto and incorporated herein by reference as Exhibit C.

SECTION 3. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this ordinance be and are hereby repealed.

SECTION 4. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk