

**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 then 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