

COUNCIL WORKSHOP ITEM

ITEM: **PLAN COMMISSION FILE NO. 1098** – Amendment of a previously approved Special Use to include additional land and to expand the existing automobile repair/service shop accessory to automobile sales located at the northwest corner of Ogden and Florence Avenues (310-330 Ogden Avenue; Joseph Abbas, Owner; James F. Russ, Jr. Petitioner).

DATE: September 16, 2003

PREPARED BY: Amanda G. Browne, Planner
Department of Planning and Community Development

PURPOSE: Consideration of Plan Commission recommendation to approve an Ordinance amending the previously approved Special Use as requested by the petitioner and subject to recommended conditions of approval.

DISCUSSION:

Luxury Motors is seeking to amend their previously approved Special Use. The current petition consists of 1) Adding additional land into the area of the Special Use; 2) Constructing a 3,587 square foot addition to the west side of the existing 330 Ogden Avenue building; 3) Constructing a new 48 space parking area; and 4) Constructing a new stormwater detention facility for their entire site. A companion petition to rezone one of the properties proposed to be included in the Special Use has also been filed under File 1097 and was considered jointly by the Plan Commission.

At their August 5, 2003 meeting, the Plan Commission considered the request, and unanimously recommended approval of the requested amendment to the previously approved Special Use subject to the following conditions:

1. Compliance with the conditions of approval of the proposed rezoning under Plan Commission File 1097, and under the original Special Use under Zoning Board of Appeals Case C-2-99.
2. Compliance with recommended conditions of the Village Traffic Engineer that the approved parking area situated on Lot 4 of the subject property be limited strictly to customer and employee parking only.
3. Compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.

In addition, the Plan Commission directed the petitioner to provide a color rendering of the facility and a site lighting and photometric plan of proposed lighting conditions. The photometric plan has been reviewed and found acceptable by the Code Services Department who noted that indicated lighting levels will be less than or equal to the standard of 0.1-footcandle or less at the property line adjacent to a residential district.

ATTACHMENTS:

1. Draft Ordinance
2. Staff Report dated August 1, 2003
3. Photometric Plan dated August 25, 2003
4. Memorandum dated September 12, 2003 from Code Services regarding photometric plan
5. Color Rendering of proposed building addition dated August 25, 2003

(Note: Please see Council Workshop Item Packet for File 1097 for Plan Commission hearing minutes)

RECOMMENDATION:

That the Village Council place an Ordinance for the requested amendment to the previously approved Special Use on an active agenda, subject to the conditions as recommended by the Plan Commission.

Approved By Village Manager

C: Joseph Skach, Director Planning & Community Development
Donald Rosenthal, Director Code Services

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN EXISTING
SPECIAL USE AT 310-330 OGDEN AVENUE**

WHEREAS, the following described property, to wit:

Lots 5, 6, 7 and 8 in Block 2 in Arthur T. McIntosh and Company's Third Ogden Avenue Subdivision, being a subdivision in the Southwest Quarter of the Northwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 31, 1924 as Document 186703, in DuPage County, Illinois

Together with:

Lots 9, 10 and 11 (except that portion of the west 25 feet of Lot 11 which lies south of the northern 25 feet of Lot 11, which northern 25 feet is part of the property), and the Northern 25 feet of Lots 12, 13 and 14, all in Block 2 of Arthur T. McIntosh and Company's Ogden Avenue Subdivision, being a subdivision of the South 9 chains of the Southwest Quarter of the Northwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois

Together with:

The North Half and the South Half of Lot 4 in Block 2 in Arthur T. McIntosh and Company's Third Ogden Avenue Subdivision, being a Subdivision in the Southwest Quarter of the Northwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 31, 1924 as Document 186703, in DuPage County, Illinois, commonly known as 310-330 Ogden Avenue, Downers Grove, Illinois (PIN Nos. 09-04-110-012, 09-04-110-023, -024, 09-04-110-026, -027, -028, -029, -030)

(hereinafter referred to as the "Property") is presently zoned in the "B-3, General Services & Highway Business" District under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Secretary of the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that an amendment to an existing special use be granted for the Property to allow an expansion to an existing automobile repair and service shop that is accessory to a motor vehicle sales business and include additional land to be utilized for accessory parking to serve the automobile sales business; and,

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and

WHEREAS, the Plan Commission has recommended approval of the amendment to the 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 Plan Commission, is such as to establish the following:

1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

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

SECTION 1. That the Special Use of the Property is hereby amended to permit an expansion to the automobile repair and service shop that is accessory to a motor vehicle sales business and to include additional land to be utilized for accessory parking to serve the automobile sales business.

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

1. Compliance with the conditions and approval of the rezoning of the property under Plan Commission File #1097, and the original special use under Zoning Board of Appeals Case #C-2-99.
2. Compliance with the recommended conditions of the Village Traffic Engineer that the approved parking area situated on Lot 4 of the subject property be limited strictly to customer and employee parking only.
3. Compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.
4. Substantial compliance with the plans submitted to the Plan Commission, reduced copies of which are attached hereto and incorporated herein by reference as Group Exhibit A.
5. Substantial compliance with the Staff report dated August 1, 2003, a copy of which is attached hereto and incorporated herein by reference as Exhibit B.

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

PUBLIC HEARING: FILE NO. 1098 - Petition seeking to amend a previously approved special use. The proposed amendment concerns a request to expand the automobile repair and service shop that is accessory to the motor vehicle sales business. The petition also proposes to include additional land not previously included within the special use, which is to be utilized for accessory parking to serve the automobile sales business. Property is located at the northwest corner of Ogden and Florence Avenues, commonly known as 310-330 Ogden Avenue, Downers Grove, Illinois (PIN Nos. 09-04-110-012, 09-04-110-023,-024, 09-04-110-026,-027,-028,-029,-030); Joseph Abbas, Owner; James F. Russ, Jr. Petitioner

1. Luxury Motors, through its attorney, is requesting approval of an amendment to its special use petition to expand the automobile service and repair facilities for their automobile dealership which is located on the northwest corner of Ogden and Florence Avenues. The petitioner is proposing a 3,587 square foot addition to the west side of the 330 Ogden Avenue building in order to accommodate the proposed expansion. In addition, the petitioner is proposing to construct a new 48 space parking lot along with a stormwater detention facility to serve Luxury's site.
2. The current Luxury Motors site, which includes new properties that were not included in the petitioner's original automobile service special use petition, has the following dimension and area characteristics: the main body of the property has a frontage along Ogden Avenue of 359.34 feet and a depth as measured along the west line of Florence Avenue of 200.03 feet. In addition, there is a 25 foot wide by approximately 174.90 foot long appendage of land which projects westward from the northwesterly corner of the property. This appendage of land is located immediately to the north of the Shell Gas Station property, and provides direct access for Luxury's site to Fairview Avenue. Finally, there are two more recently acquired parcels of land located to the north of the main body of the property. These parcels are located on the west side of Florence Avenue and have overall dimensions of 90 feet by 267.20 feet. The northerly of these two parcels is the subject of Plan Commission File #1097 which requests that this parcel be rezoned from R-1, Single Family Residence to B-3, General Services and Highway Business, which is the current zoning designation for the remainder of Luxury's property. All inclusive, Luxury Motors' total land area is approximately 100,302 square feet or 2.3026 acres.
3. The site is currently improved with two buildings. The easterly building, which is commonly known as 310 Ogden Avenue, has a floor area of 3,801 square feet and is utilized for offices and display. The westerly building, which is commonly known as 330 Ogden Avenue, has a floor area of 9,916 square feet and is utilized for showrooms, offices and automobile service facilities.

The remainder of the site is occupied by either paved areas principally utilized for automobile display and parking, or by landscaped greenspace areas. According to the petitioner's site plan prepared by their engineer, excluding the two parcels of land located on the west side of Florence commonly known as 4244 Florence and 4236

Florence (located north of the main body of Luxury's property) there is currently 9,961 square feet of the site devoted to greenspace. The majority of the existing greenspace was established when the petitioner purchased and redeveloped the former Somerset Motel site at the northwest corner of Ogden and Florence Avenues, which is now utilized for automobile display purposes.

4. When the petitioner was before the Village in March of 1999 under ZBA Case #C-2-99, they requested approval of a special use petition to utilize 5,433 square feet of the 330 Ogden Avenue building for four automobile service bays, one auto detailing bay, and a small parts room. The ZBA forwarded a positive recommendation for that petition to the Village Council who approved the special use with the adoption of Ordinance Number 4130.

The petitioner has also been before the Village with a petition seeking rezoning of the 45 foot by 267.35 foot property commonly known as 4244 Florence Avenue. That parcel is located on the west side of Florence Avenue, 200 feet north of the north line of Ogden Avenue. The rezoning petition was heard under ZBA Case #MC-4-02, which was granted by the Village Council and rezoned the property from R-1, Single Family Residence to B-3, General Services and Highway Business in April of 2002 with the adoption of Ordinance Number 4397.

Additionally, the petitioner has previously requested approval of a variation pertaining to the location of a portion of the decorative metal fencing along their Ogden Avenue frontage. This petition was granted by the Zoning Board of Appeals under Case V-1-02 on April 24, 2002.

5. The proposed expansion of the automobile service facility is to be accommodated within a one-story, 34 foot by 105.5 foot addition to the west side of the 330 Ogden Avenue building. The addition is to be located 97.88 feet north of the centerline of Ogden Avenue, which exceeds the applicable building setback requirement of 75 feet from the centerline. The building is to be sited a distance of 0.65 feet east of the west property line at the addition's southwesterly corner and 0.59 feet east of the west property line at the addition's northwesterly corner. There is no side yard requirement in the underlying B-3 zoning district.

According to the petitioner's submitted building elevation drawings, the proposed addition is to have a height of 17.0 feet, which will match the height of the existing structure. The finished surface of the addition will also match the existing building. The addition will have a masonry and 'Dryvit' surface with a glass and aluminum overhead door.

The floor area of the proposed addition is to provide for a service intake and write-up area which is to be accommodated in two, 10 foot by 10 foot 7 inch offices. There are to be five additional auto service bays, each of which is to be outfitted with electric car lifts. The proposed addition will increase the number of service bays from four to nine. In addition to the service bays, there is also an existing wash bay

located within the previously approved service area which will continue to be utilized.

6. The petitioner's site plan also depicts the new parking lot modification which is to be located on the northerly 90 feet of the easterly 267 foot portion of Luxury's property. The new parking lot area will have capacity for 48 parking spaces, which have been designed to meet the Village's parking stall dimension requirements of 9 feet by 18.5 feet, as well as the aisle width requirement of 24 feet. In addition to the 48 spaces in the new parking area, the petitioner's site plan also depicts that there are going to be two appropriately sized handicap parking spaces located on the west side of the 310 Ogden Avenue building. Handicap spaces are required by the State accessibility requirements to be no less than 16 feet in width.

Regarding the required number of parking spaces for an automobile dealership, the provisions of Section 28-1410 of the Zoning Ordinance specifies Motor Vehicle Sales are to provide parking at the rate of one space per 600 square feet of gross floor area. Based upon a total building floor area including the 310 Ogden Avenue building, the 330 Ogden Avenue building, and the proposed 3,587 square foot addition, the total building area on Luxury's property is 17,304 square feet. At the rate of one space per 600 square feet, the minimum number of required parking spaces is 28.84 or 29 spaces. The petitioner's proposed plan exceeds this minimum requirement.

7. The Planning Staff requested Mr. Dorin Fera, the Village's Traffic Engineer, to review the petitioner's plans, especially with respect to the proposed new parking lot. Mr. Fera has concluded that the number of parking spaces, which exceeds the Village's requirements, will be beneficial. He further noted that the location of the proposed parking area with its primary access via Florence Avenue is a preferred condition. With respect to the new service facility, Mr. Fera is of the opinion that the 60 feet of queue space between Ogden Avenue and the front of the overhead door is adequate. Mr. Fera concluded that the traffic impacts resulting from the proposed expansion are insignificant over the present condition, however, he has recommended that this Special Use be conditioned in such a manner so that the new parking lot is to be utilized strictly for the parking of customer and employee vehicles only as opposed to the storage/display of vehicles for sale. A memorandum from Mr. Fera is attached for the Commission's consideration.
8. When representatives of Luxury Motors appeared before the Village Council concerning the rezoning petition for the 4244 Florence Avenue parcel (Case MC-4-02), they indicated that upon the development of that parcel and the acquisition of the next parcel to the north, (4236 Florence Avenue and the subject of File No. 1097), Luxury Motors would undertake the design and construction of the necessary stormwater detention system to compensate for the development of the new parcels of land that have been added to Luxury Motors' property. Additionally, Luxury's representatives indicated that they would provide landscaped screening along the northerly boundary of their property between themselves and the adjacent residential property to the north.

With respect to stormwater management, the petitioner has retained the engineering firm Intech Consultants to design a stormwater detention system for their property. An "L" shaped detention area has been designed and sited to the north and immediate east of the proposed new parking lot. The proposed detention area is to be an excavated walled structure, with masonry retaining walls running along the northerly and southerly sides of the detention area. The detention area is to have a turf base, and will match the adjacent grade at its extreme westerly and southeasterly ends. The detention area will have a maximum depth of 5 feet, and will have a design capacity of .639 acre feet of stormwater. Based upon the engineering plans designed by Intech, the stormwater collected within the proposed detention area will drain southward within new and existing storm sewer to a storm sewer within Ogden Avenue.

The petitioner's proposed stormwater detention plans have been reviewed by the Village's Engineering Department. Attached is a memorandum from Mr. Jon Hall, the Village's Stormwater Administrator, which indicates that the proposed plans are in substantial compliance with the Village's Stormwater and Flood Plain Ordinance. Mr. Hall has indicated that a stormwater permit will be able to be issued after minor revisions to the plans are made by the petitioner's engineer.

9. With respect to the screening, the petitioner's representatives told the Village Council at the April 9, 2002 Workshop Meeting regarding the proposed rezoning of the 4244 Florence Avenue property that Luxury Motors had "...been in discussion with Mr. Novak [the property owner to the north] concerning planting six foot high fir trees every six feet, and a double row of fir trees at the north line of the property if the additional lot is acquired." The 'additional lot' referred to is the lot commonly known as 4236 Florence Avenue, which is the subject of Plan Commission File 1097.

The landscaping plan proposed by the petitioner calls for two rows of four foot tall Techny Arborvitae, which are a rather dense evergreen. Due to the site requirements for the proposed stormwater detention area, the double row of trees promised by Luxury Motors is being proposed as one row each on the north and south sides of the detention basin.

The Village's Forester, Kerstin von der Heide, has reviewed the petitioner's landscape plans and has determined that the plant materials which were specified are acceptable for the site, and specifically that arborvitae is a good species for screening purposes. She noted that arborvitae like drier soils, which will most likely be the case as they are to be planted adjacent to the retaining walls. Additionally, arborvitae are appropriate for screening purposes, as they can accommodate to being planted in a densely manner.

In addition to the landscape screening, there will also be a six foot tall solid stockade fence sited at the north property line to satisfy the requirements of Section 28-607(d) of the Zoning Ordinance. The stockade fence runs to a point 25 feet west of the easterly property line, as solid fences are not a permitted obstruction within a required

front yard. The petitioner's plan indicates that the remainder of the north lot line as well as the easterly lot line along Florence Avenue will be fenced with the same style of wrought iron fence that Luxury has previously installed along both the Ogden Avenue and Florence Avenue frontages of their site.

The petitioner should make tangible efforts to mitigate visual, acoustic, lighting, parking/traffic and other similar impacts upon the adjacent residential uses.

10. In its determination regarding the petitioner's request to amend the conditional use, the Plan Commission may wish to review and consider the conditions which are necessary for the granting of a special use as enumerated under Section 28-1902 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 the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the 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 conditional uses specifically listed for the district in which it is to be located."

As part of the petitioner's "Business Plan for Special Use", a copy of which is attached, the petitioner has explained how this petition satisfies the criteria for a special use.

RECOMMENDATION:

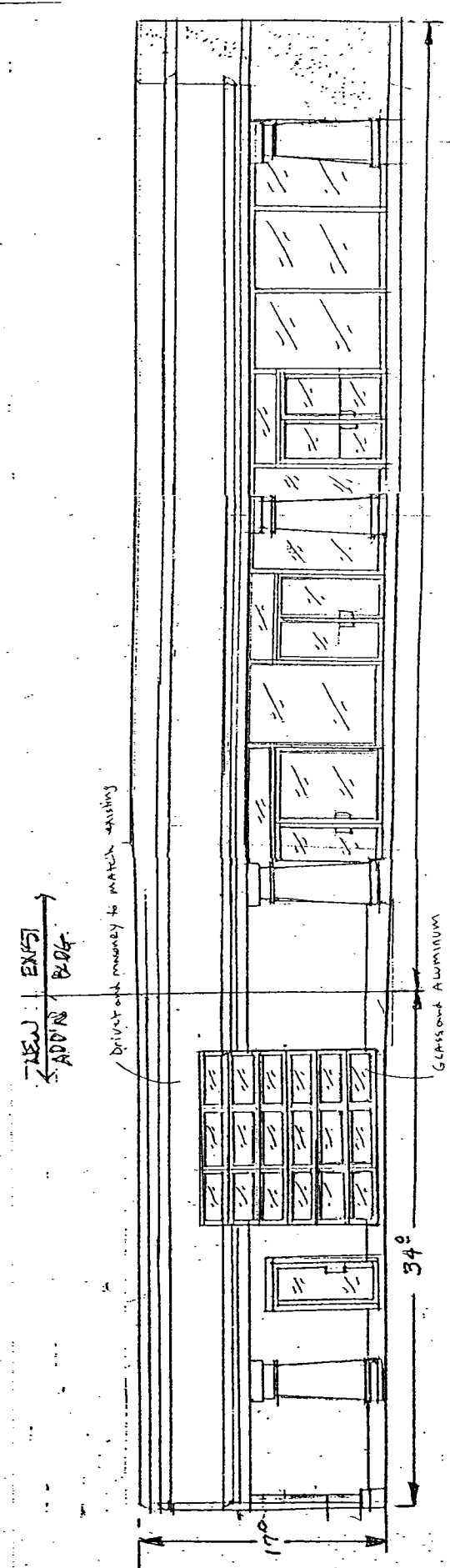
The petitioner has presented a petition which has been prepared in a manner consistent with the requirements of the Zoning Ordinance in general and more specifically of the underlying B-3 zoning district. Consequently, Planning and Community Development Staff would recommend that the Plan Commission forward a positive recommendation to the Village Council for the proposed amendment to the petitioner's previously approved Special Use to allow the petitioner to make certain modifications to the automobile dealership, and consideration of the following:

1. Compliance with conditions of approval of the proposed rezoning of the property under Plan Commission File 1097, and the original Special Use under Zoning Board of Appeals Case C-2-99.
2. Recommended conditions of the Village Traffic Engineer.
3. Compliance with all applicable Federal, State and Village codes, ordinances, regulations and policies.

AGB:amd
Attachments
08/01/03

C: Zoning Board of Appeals
Riccardo Ginex, Village Manager
Enza Petrarca, Village Attorney
Joseph Skach, Director of Planning and Community Development
Don Rosenthal, Director of Code Services
File


**FILE
1098**
**PROPOSED
SOUTHERLY
ELEVATION
(OGDEN AVENUE)**



Contractor (and any subcontractor) who submits the design is hereby deemed to warrant the design, liability for all personal injury claims suffered by its own employees, including without limitation claims under the Illinois Workmen's Compensation Act, court interpretations of said Act or otherwise, and agree to indemnify and defend upon such claim, except to the extent that Illinois law prohibits indemnity for the indemnitee's own negligence. The architect does not warrant or guarantee the accuracy and completeness of this work product beyond a reasonable diligence. If any materials, conditions, or discrepancies are found to exist in the work product, the architect shall promptly notify the architect of such and shall have the opportunity to take whatever steps necessary to resolve them. Failure to promptly notify the architect of such and shall constitute a waiver of the architect's right to be reimbursed for claims without knowledge and control of the architect, or to contribute to the work product or the recommendation of the architect, shall become the responsibility of the party taking such action.

SOUTH ELEVATION

The architect, by its acceptance of this contract, shall be deemed to warrant the design, liability for all personal injury claims suffered by its own employees, including without limitation claims under the Illinois Workmen's Compensation Act, court interpretations of said Act or otherwise, and agree to indemnify and defend upon such claim, except to the extent that Illinois law prohibits indemnity for the indemnitee's own negligence. The architect does not warrant or guarantee the accuracy and completeness of this work product beyond a reasonable diligence. If any materials, conditions, or discrepancies are found to exist in the work product, the architect shall promptly notify the architect of such and shall have the opportunity to take whatever steps necessary to resolve them. Failure to promptly notify the architect of such and shall constitute a waiver of the architect's right to be reimbursed for claims without knowledge and control of the architect, or to contribute to the work product or the recommendation of the architect, shall become the responsibility of the party taking such action.

 <p>Incorporated Building Systems, Inc. DESIGN • ENGINEER • BUILD • GENERAL CONTRACTORS</p>	<p>EXTERIOR RENOVATIONS #2</p>	<p>DATE NOV 11, 1978</p>
	<p>LUXURY INTERIORS</p> <p>OWNER: JAMES G. GREGG, ILLINOIS</p>	<p>REVISED</p>
<p>m.j. root & associates 324 S. W. 1st St. Franklin, Illinois 61840</p>		<p>DRAWING</p>

BUSINESS PLAN FOR CONDITIONAL USE

Luxury Motors, Inc., through its principal, Joe Abbas, has operated an automobile dealership selling pre-driven and reconditioned luxury automobiles consisting of Porsche, BMW, Mercedes and Lexus at 310-330 Ogden Avenue since 1993. Within the past several years, new car sales of Rolls Royce and Bentley, as well as Hummers have been added to the operation. Since Luxury Motors opened its doors to the public, it has grown from a ten (10) car inventory operating out of what used to be a welding shop, to an upscale, beautifully designed and aesthetically pleasing dealership with over \$18 million in sales last year. Luxury's staff has also grown to its current level of sixty (60) employees, many of whom are from Downers Grove and surrounding communities.

Joe Abbas, the owner of Luxury Motors, has a proven track record of positive and reputable business operation, which is delivered through his own personal effort and that of his knowledgeable and professional sales personnel. This is borne out by their steady growth and ever increasing customer base which is comprised of 40% to 50% repeat customers.

In addition to offering the public excellent prices on quality automobiles, Joe takes great pride in maintaining a sleek, clean and tastefully decorated facility. Since he began leasing from the owner of the property in 1993, he has progressed into full ownership of the property and invested a great deal of time and expense to steadily upgrade this formerly dismal and rundown location to a high standard not readily found in car dealerships and other businesses on Ogden Avenue. In addition, Joe has been very interested in acquiring surrounding properties to accommodate the ever growing needs of his business. Within the last four (4) years, Joe has acquired two properties to the north of the original dealership location along Florence Avenue, as well as obtaining several properties on the south side of Ogden Avenue immediately across from the dealership, which he intends to work on with the Village in the future.

In order to continue his growth and further develop the services his customers have grown to expect, Joe has seized an opportunity to develop the property immediately north of his existing property along Florence Avenue, as well as the opportunity to create additional service area expanding the existing building commonly known as 330 Ogden Avenue. This will round out the Luxury Motors business plan as the next logical step in maintaining a full service automobile dealership.

Luxury is proposing a 3,587 sq. ft. addition to the current one-story stucco and stone building at 330 Ogden Avenue. The additional space will consist of five (5) service stalls and two (2) offices of approximately 10 ft.-by-10 ft. 7 in. each. This office space will be used for completing service customer paperwork and overall supervision of the service area. There currently are six (6) existing auto service stalls in the 330 Ogden Avenue building.

In addition, Luxury is proposing to expand the current special use to include two (2) 45-foot parcels of property immediately north of the existing property on Florence Avenue. The use of these parcels will include the development of new storm water management to bring the existing facilities up to current standards. Additional parking for employees will also be

provided. These two (2) parcels have been designed with a sensitivity to the residential area to the north and east of these parcels. As a result, the parking will be located on the southerly portion of these properties and meet all required setbacks. The northerly parcel will consist mainly of a detention area, which will act as a buffer between the commercial and residential uses. In addition, a solid wood fence will be constructed in the area between the residential and commercial use and substantial landscaping will be installed on both the north portion and the southerly portion of the detention area to act as a double landscape barrier.

Including the addition proposed, there will be a total building area for the combined parcels of 17,304 sq. ft. Pursuant to the Village of Downers Grove Parking Ordinance, there will be required twenty-nine (29) parking spaces for customers and employees. Luxury will provide a total of forty-eight (48) parking spaces in the new parking area alone. This will alleviate some of the congestion and shortage of parking which currently exists. In addition, Luxury has leased off-site space which will be used to relocate approximately fifteen (15) office staff and provide additional off-site storage of vehicles, which will also alleviate many of the current issues in the area.

The proposed amendment to this special use may be authorized by the Village Council under Section 28-1902 of the Village of Downers Grove Zoning Ordinance provided certain factors are established. We believe the factors in this case are met:

(i) The use proposed at this location is necessary and desirable and provides a service which is in the interest of the public convenience and greatly contributes to the general welfare of the community. Luxury Motors has provided a great economic boost to the Village of Downers Grove not only through sales tax revenue, but through exposure of Downers Grove to Luxury's national and international clientele. We believe Luxury provides a necessary service to the Village and contributes greatly to the general welfare of our Village.

(ii) This use is not detrimental to the health safety or welfare of the community. The additional property being added to this special use, as well as the additional building square footage will complement the current operation of Luxury Motors. This facility will continue to be a full service automobile dealership, including new and used car sales, full service to all automobiles and detailing of vehicles as is being done at this time.

(iii) This building expansion and land expansion will comply with all regulations of the B-3 Zoning District.

(iv) Automobile car sales and service are specifically listed as a special use of the B-3 Zoning District.

Luxury Motors has been a great asset to the community and has brought people from all across the country to Downers Grove specifically to purchase the vehicles that are being sold. Luxury will continue to be sensitive to the needs and desires of their neighbors and community, and will continue to strike a balance between the needs of all parties involved. Luxury Motors appreciates the support the Village of Downers Grove has provided in the past and wishes to continue to be a viable and important force in the economic development of Downers Grove.

FILE
1098

**VILLAGE OF DOWNERS GROVE
INTEROFFICE MEMORANDUM**

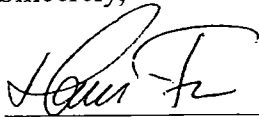
TO: Kenneth Rathje, Director of Planning Services
FROM: Dorin Fera, Manager Traffic Division
DATE: July 10, 2003
RE: Traffic Review – Luxury Motors Facility
Ogden Avenue at Florence Avenue

I have reviewed the proposed building and parking expansion plans for the subject improvement.

The traffic impacts resulting from the proposed 3,600 building expansion to provide additional service bays are negligible. Also, the provision of 50 new parking spaces (includes 2 HC spaces) far exceeds the Code requirement of 29 and would be very beneficial. Based on recent parking history in the area, I strongly recommend the use of that new lot be strictly for customer and employee parking only, and not for display of vehicles. Additionally, the 60' or so of vehicular storage in front of the garage door entrance appears to be adequate. The location of the proposed parking lot is acceptable, as primary access would occur via Florence Avenue. This is a preferred condition.

In summation, the traffic impacts resulting from the proposed expansion of the Luxury Motors' facility are insignificant over the present condition. I have no requests of the petitioner nor any further comments.

Sincerely,



Date: 7/10/03

Dorin Fera, AICP
Village Traffic Engineer/Traffic Division Manager
Department of Public Works

c: John J. Bajor, Jr., Director of Public Works
Robert Schiller, Assistant Director of Public Works Operations
Enza Petrarca, Village Attorney

FILE
1098

Memo

To: Ken Rathje, Director of Planning Services

From: Jonathan Hall, P.E., Development Engineering Manager

Date: May 2, 2003

Re: Stormwater review
Zoning Board of Appeals Case – Amendment to Special Use
Luxury Motors
306-330 Ogden Avenue
Parking and building expansion

The Public Works Department, Stormwater Division, has completed a review of the site plans and stormwater permit application for the proposed parking and building expansion to the Luxury Motors complex on Ogden Avenue.

The site design includes a stormwater detention basin with a volume of 0.667 acre-feet, which will be constructed in conjunction with the parking and building expansion project. The stormwater ordinance requires just 0.56 acre-feet of storage. This proposed basin is located on the northern edge of the site, and consists of both above-ground and underground storage. The above-ground portion will be designed as a zero normal depth facility with native wetland plantings, which should contribute to filtering of runoff.

The project plan and application are substantially in compliance with the Stormwater and Flood Plain Ordinance. We anticipate that a stormwater permit will be issued soon, upon receipt of final minor revisions. Said revisions should not affect general site configuration.

Due to existing site constraints, the basin serves significant off-site area to the north in lieu of providing detention for future on-site development and recent redevelopment. Any future development or redevelopment of the complex will likely result in a detention requirement for the entire site. Runoff rates from the existing portions of the complex will not be altered significantly by the proposed parking and building expansion project.

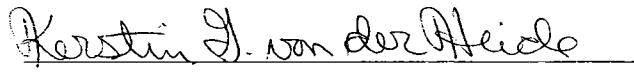
Cc: John J. Bajor, Jr., Director of Public Works
Mike Millette, Asst. Director of Public Works – Engineering
Alicia Hightower, Stormwater Management Engineer
Don Rosenthal, Director of Code Services
Bob Sandmann, Inspector

FILE
1098

VILLAGE OF DOWNERS GROVE
FORESTRY DIVISION MEMORANDUM

DATE: February 11, 2003
TO: Kenneth J. Rathje, Director of Planning Services
FROM: Kerstin G. von der Heide, Village Forester
SUBJECT: Landscape Plan – Luxury Motors

I have reviewed the landscape plan sheet LP-1 dated January 28, 2003, for the development. All the plant material is acceptable to the site. For the screening along the detention area, the arborvitae will screen well. Arborvitae like drier soils and can handle close planting spaces. To ensure survival, the arborvitae plants will need to be kept moist during the first year as well as they will need to be thoroughly watered before winter. Given the location setting, all plant materials indicated on the plan are suitable to the area and should enhance the appearance of the site once construction is completed. If I can provide any additional information, please let me know.


Kerstin G. von der Heide

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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 60515-4776

\$400.00 Fee Residential
\$550.00 Commercial
Application # 65 1098
Date Filed 7/2/03

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 Joe Abbas by James F. Russ, Jr. Telephone 630/969-2300
Address 4915 Main Street, Downers Grove, IL 60515
2. Owner Joe Abbas Telephone _____
Address 310 Ogden Avenue, Downers Grove, IL 60515
3. Applicant is (check one) Attorney Agent Other (specify) _____
(Submit Letter of Authorization from Owner)
4. The present owner acquired title to the property on (date) 1993
5. Location of property 310-330 Ogden Avenue, Downers Grove, IL 60515; north side of Ogden Avenue, east of Fairview Avenue, west of Florence Avenue.
6. Legal Description of property and P.I.N. # See attached.
7. Present Zoning District B-3
8. Zoning Ordinance reference _____
(Article, Section, Paragraph, Sub-paragraph)
9. Applicant requests approval of above-described property for the following use Automobile sales and service
conducted wholly within an enclosed building.
10. Brief description of the improvement proposed, together with architect's rendering of building Petitioner seeks to add additional land to the site in the amount of 24,047 sq. ft., as well as an addition and a 3,587 sq. ft. addition to the main building of the property.
11. A list of the names and addresses of all persons to whom the latest general real estate tax bills were sent for all property situated within 250 feet of the subject property
See attached.

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

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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 [Handwritten Signature]

APPLICATIONS FOR SPECIAL USE PERMITS TO ALLOW INCREASED DENSITY SHOULD INCLUDE THE FOLLOWING

- A. Percentage of lot area to be covered by building or buildings _____
- B. Number of proposed one-bed units _____ x 750 sq. ft. _____
 two-bed units _____ x 1250 sq. ft. _____
 three-bed units _____ x 3000 sq. ft. _____
- C. Number of parking spaces provided _____
 Under cover _____ Outdoor _____ TOTAL _____

Applications for Conditional Use Permits to permit uses conditionally authorized in the M-1 and M-2 Manufacturing Districts should include proof of compliance with performance standards as prescribed in Article IX, Section 28-903 and Section 28-906.

Date of Public Hearing _____

Action taken by the Board _____

Chair _____

Submitted to Village Council (date) _____

Action Taken by the Council _____

Date _____

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING - Notice is hereby given that a public hearing will be held by the Plan Commission at 7:30 p.m. on Tuesday August 5, 2003 at the Village of Downers Grove Public Works Building, 5101 Walnut Avenue, Downers Grove, Illinois, to consider a petition which requests approval to amend a previously approved special use. The proposed amendment concerns a request to expand the automobile repair and service shop that is accessory to the motor vehicle sales business. The petition also proposes to include additional land not previously included within the special use which is to be utilized for accessory parking to serve the automobile sales business. The property is located at the northwest corner of Ogden and Florence Avenues, commonly known as 310-330 Ogden Avenue, Downers Grove, IL (PIN Nos. 09-04-110-012, 09-04-110-023, -024, 09-04-110-026, -027, -028, -029, -030). The property is legally described as follows:

Lots 5, 6, 7 and 8 in Block 2 in Arthur T. McIntosh and Company's Third Ogden Avenue Subdivision, being a subdivision in the Southwest Quarter of the Northwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 31, 1924 as Document 186703, in DuPage County, Illinois

Together with:

Lots 9, 10 and 11 (except that portion of the west 25 feet of Lot 11 which lies south of the northern 25 feet of Lot 11, which northern 25 feet is part of the property), and the Northern 25 feet of Lots 12, 13 and 14, all in Block 2 of Arthur T. McIntosh and Company's Ogden Avenue Subdivision, being a subdivision of the South 9 chains of the Southwest Quarter of the Northwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois

Together with:

The North Half and the South Half of Lot 4 in Block 2 in Arthur T. McIntosh and Company's Third Ogden Avenue Subdivision, being a Subdivision in the Southwest Quarter of the Northwest Quarter of Section 4, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 31, 1924 as Document 186703, in DuPage County, Illinois, commonly known as 310-330 Ogden Avenue, Downers Grove, Illinois (PIN Nos. 09-04-110-012, 09-04-110-023, -024, 09-04-110-026, -027, -028, -029, -030)

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting

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should contact the Public Response Center (630)434-CALL(2755) prior to the meeting. Wheelchair access may be gained through the main entrance of the Public Works Building. All interested parties 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. Plan Commission, Alan Jirik, Chairman. Published in the Downers Grove Reporter, Friday, July 18, 2003.

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MEMO

TO: Joseph Skach, Director, Planning and Community Development

FROM: Donald Scheidler, Chief Building Inspector

SUBJECT: Photometric Drawings – Luxury Motors

DATE: September 12, 2003

Joe,

I have looked at the photometric drawing for Luxury Motors. It has always been policy to accept lighting calculation when the numbers drop to 0.1-foot candle or less at the lot lines adjacent to neighboring residential properties. The photometric drawing Luxury Motors provided has numbers of less than 0.1-foot candle at the lot lines adjacent to the residential lots to the north, so this plan would be accepted. The plan further indicated that the lighting standards will be equipped with side shields that will be required in order to minimize light shining onto neighboring residential properties.



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8-25-03