

COUNCIL WORKSHOP ITEM

ITEM: PLAN COMMISSION FILE NO. 1097 – Rezoning from R-1, Single Family Residential to B-3, General Services and Highway Business for property located on the west side of Florence Avenue north of Ogden Avenue (commonly known as 4236 Florence 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: To consider approval of an Ordinance rezoning the subject property from R-1 to B-3 as requested by the petitioner.

DISCUSSION:

Luxury Motors is seeking approval of the proposed rezoning in order to utilize the subject property in conjunction with their automobile sales and service facility which is located to the south of the subject property and is zoned B-3, General Services and Highway Business. A companion petition to amend Luxury Motor's previously approved Special Use for their automobile service facility has also been filed under File 1098 and was considered jointly with this petition by the Plan Commission.

At their August 5, 2003 meeting, the Plan Commission considered the request. The Plan Commission concurred that the proposed rezoning is consistent with the Future Land Use Plan and unanimously recommended approval of the requested rezoning subject to the following conditions:

1. Compliance with the conditions of approval of the proposed amendment of the existing Special Use under Plan Commission File 1098, and under the original Special Use under Zoning Board of Appeals Case C-2-99.
2. Compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.

ATTACHMENTS:

1. Draft Ordinance
2. Staff Report dated August 1, 2003
3. Plan Commission Minutes dated August 5, 2003

RECOMMENDATION:

That the Village Council place an Ordinance for the requested rezoning on an active agenda, subject to the conditions as recommended by the Plan Commission.

Approved By Village Manager

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE
OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS
CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED
TO REZONE PROPERTY LOCATED AT 4236 FLORENCE AVENUE**

WHEREAS, the real estate located on the west side of Florence Avenue, approximately 250 feet north of the north line of Ogden Avenue and hereinafter described has been classified as R-1 Single Family Residence under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and,

WHEREAS, the owner or owners of said real estate have requested that such property be rezoned as hereinafter provided; and

WHEREAS, it appears that the Plan Commission of the Village of Downers Grove has given the required public notice, and has conducted a public hearing respecting said requested rezoning in accordance with applicable law; and

WHEREAS, making due allowance for existing conditions, the conservation of property values, the development of the property in conformance to the official Future Land Use Plan and Map of the Village of Downers Grove, and the current uses of the property affected, the Council has determined that the proposed rezoning is for the public good.

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

SECTION 1. The Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code (which ordinance as heretofore amended, is hereinafter referred to as the "Zoning Ordinance"), is hereby further amended by changing to "B-3, General Services & Highway Business" the zoning classification of the following described real estate, to wit:

The north 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 156703, in DuPage County, Illinois.

Commonly known as 4236 Florence Avenue, Downers Grove, Illinois (PIN No. 09-04-110-023)

SECTION 2. The official zoning map shall be amended to reflect the change in zoning classification effected by Section 1 of this ordinance, subject to the following conditions:

1. Compliance with the conditions of approval of the proposed amendment of the existing special use under Plan Commission File #1098, and under the original special use under Zoning Board of Appeals Case #C-2-99.
2. Compliance with all Federal, State and Village laws, ordinances, regulations and policies.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

1\wp8\ord.03\4236FlorenceRzn

PUBLIC HEARING: FILE NO. 1097 - Petition seeking rezoning from R-1, Single Family Residential to B-3, General Services and Highway Business for property located on the west side of Florence Avenue, approximately 250 feet north of the north line of Ogden Avenue, commonly known as 4236 Florence Avenue, Downers Grove, Illinois (PIN No. 09-04-110-023); Joseph Abbas, Owner; James F. Russ, Jr., Petitioner

FINDINGS:

1. The petitioner, Luxury Motors, whose property is located generally to the northwest of the corner of Florence and Ogden Avenues, is seeking approval to rezone a parcel of land that they now own which is located on the west side of Florence Avenue, 245 feet north of the north line of Ogden Avenue. The subject property is sited immediately to the north of the parcel of land that Luxury Motors requested rezoning of under Zoning Board of Appeals Case MC-4-02 and which was subsequently approved by the Village Council with the adoption of Ordinance # 4397 dated April 16, 2002.

Luxury Motors acquired ownership of the subject property in July of 2002 and is presently seeking approval to have it rezoned from R-1, Single Family Residential to B-3, General Services and Highway Business District. It is Luxury's desire to have the subject property re-zoned so that it may be combined with and utilized as part of their automobile sales and service business. The underlying zoning of Luxury's current site is B-3, General Service and Highway Business. This proposed rezoning case is being pursued in conjunction with File #1098 which proposes certain modifications to Luxury Motors' special use petition.

2. The subject property has a width of 45 feet, a depth of 267.20 feet and an area of 12,024 square feet. The property is currently improved with a single family residence which the petitioner intends to raze in order to construct the stormwater detention facilities and the landscape screening elements which are more completely described in the Findings of Special Use File No.1098.
3. The subject property and several of the adjoining properties were annexed via a forced annexation by the Village on April 29, 1974 under Ordinance #1787. The property currently carries an R-1 zoning based upon the application of the provisions of Section 28-402 of the Zoning Ordinance. This section of the Zoning Ordinance provides that upon annexation, property is automatically designated within the R-1 single family residence district, unless there was either a pre-annexation zoning petition filed and heard or unless there is a subsequent request and approval for a rezoning petition.

The R-1 zoning district has a minimum lot width requirement of 100 feet and has a minimum lot area requirement of 20,000 square feet. Although the subject property has a lot width of only 45 feet in contrast to the R-1 district's minimum width requirement of 100 feet, it is improved with a single family residential

structure and is therefore permitted to be utilized for single family residential purposes subject to the provisions of Section 28-1203(c) of the Zoning Ordinance regarding nonconforming lots of record. This section allows for the continued use of a lot which is nonconforming as to its area and/or width, so long as no new nonconformities are created.

4. Zoning surrounding the subject property includes B-3 to the south, southeast and southwest, and R-1 to the east and north. The property located to the west of the subject property and fronting on Fairview Avenue is zoned R-1, Single Family Residential, however, it is the subject of a Judgement Order which permitted its development with two medical office buildings, each with total floor areas of approximately 14,700 square feet and parking spaces to accommodate 178 cars.
5. The subject property is categorized on the Village's Future Land Use Plan with a land use designation of Commercial [red]. The subject lot and the property on the east side of Florence immediately to the north of the oil change business are also designated on the Future Land Use Plan with a Commercial land use designation. Where the Future Land Use Plan has designated the possibility to provide for some expansion of the commercial areas, it is the intent of the Plan to permit such expansion as a means to increase the depth of certain commercial properties which front on Ogden Avenue rather than to promote the expansion of independent commercial activities behind the businesses that front on Ogden Avenue. Further, the site is identified as a redevelopment opportunity in the Ogden Avenue Master Plan, and the petition is considered consistent with its goals, as well as with the discussions of the joint Plan Commission and Economic Development commission strategic land use planning workshops.

RECOMMENDATION:

The subject property appears on the Village's Future Land Use Plan with a land use designation of Commercial which is consistent with the proposed rezoning, and as the rezoning of the subject property will add to and be utilized along with the adjoining property owned by Luxury Motors in order to improve and enhance their automobile sales and services operations. Consequently, Planning and Community Development Staff would recommend the petitioner's request for a rezoning of the subject property from R-1, Single Family Residence to B-3, General Service and Highway Business District be granted as requested, subject to consideration of the following conditions:

1. Compliance with the conditions of approval of the proposed amendment of the existing Special Use under Plan Commission File 1098, and under the original Special Use under Zoning Board of Appeals Case C-2-99.

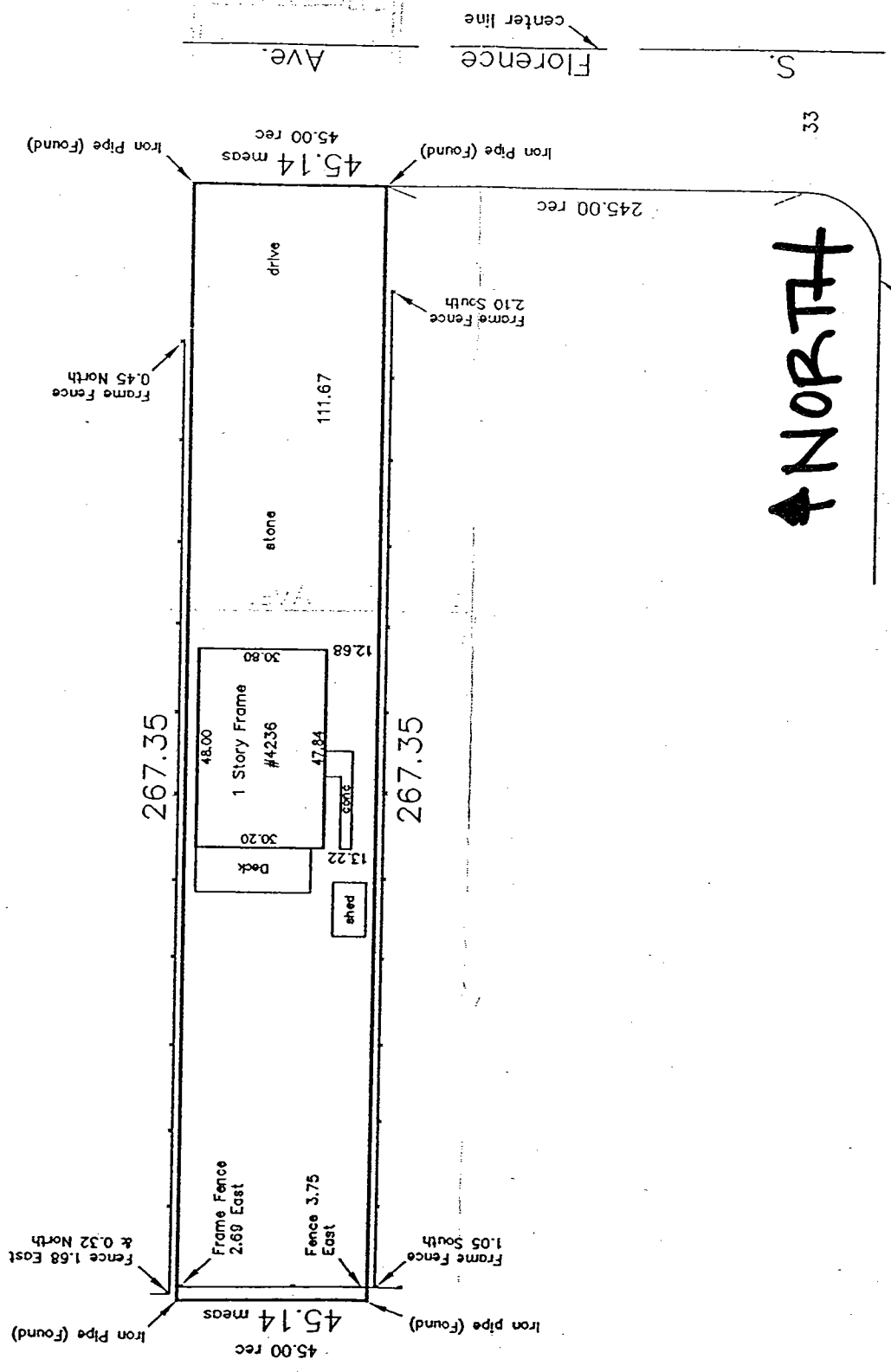
2. Compliance with all applicable Federal, State and Village codes, ordinances, regulations and policies.

AGB:amd
08/01/03
Attachments

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
1097

The North 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.



FILE
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WIEDEL, HUDZIK, RUSS & PHILIPP

A Partnership of Professional Corporations
Attorneys & Counselors
4915 Main Street
P.O. Box 578
Downers Grove, Illinois 60515

Michael C. Wiedel, P.C.
Richard F. Hudzik, P.C.
James F. Russ, Jr., P.C.†
Michael G. Philipp, P.C.

July 14, 2003

Telephone 630/969-2300
Fax 630/969-1342

†Also Licensed in Wisconsin
*Also Licensed in California

Beth A. Indelicato*

Village of Downers Grove Planning Commission
Attn: Alan Jirik, Chairman
801 Burlington Avenue
Downers Grove, IL 60515

Dear Mr. Jirik:

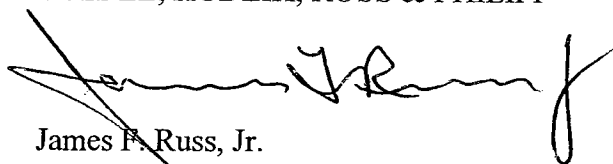
Luxury Motors is seeking the rezoning of a 45'-by-267.35' parcel of property on the west side of Florence Avenue, north of Ogden Avenue from Village of Downers Grove R-1 zoning to Village of Downers Grove B-3. This subject parcel is shown on the Village's future land use map as a commercial use. The property immediately south of this parcel was also shown on the Village's future land use plan as a commercial use and was rezoned from Village R-1 to Village B-3 in 2002.

The Village Council, along with EDC, have identified several residential parcels adjoining the Ogden Avenue corridor as potential expansion parcels for commercial zoning. Only those parcels adjacent to a current commercial use and incorporated into the adjacent commercial use are eligible for rezoning from residential to commercial.

Our Petition meets these criteria as Luxury Motors already exists along Ogden Avenue and will continue its operation, if the rezoning is approved, on the parcel which is the subject of this rezoning Petition. We believe this Petition meets the criteria of the future land use plan as well as the Council's intent for commercial expansion.

Sincerely,

WIEDEL, HUDZIK, RUSS & PHILIPP



James F. Russ, Jr.

JFR/brd



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

FILE 1097

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

\$400.00 Fee for Individuals and
Non-Public Bodies
Application Number MS 1097
Date Filed 7-22-03

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

1. Applicant Joseph Abbas by James F. Russ, Jr. Telephone 630/969-2300
Address 4915 Main Street, Downers Grove, IL 60515

2. Owner(s) Joseph Abbas Telephone
Address 310 Ogden Avenue, Downers Grove, IL 60515

3. Applicant is (check one) [X] Attorney [] Agent [] Other (specify)
(NOTE: A letter of authorization from owner must be submitted)

4. Present owner acquired title to the property on (date) July, 2002

5. Location of property 4236 Florence Avenue, Downers Grove, IL 60515; west side of Florence
Avenue, north of Ogden Avenue

Square foot area approximately 10,680 sq. ft. Acreage

6. Legal Description of property and P.I.N. # The North 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
156703, in DuPage County, Illinois.

P.I.N. 09-04-110-023

7. Present zoning classification Village R-1

8. Proposed zoning classification Village B3

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

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

When? To what zoning classification

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

12. What will be the actual use of the improvement? Property will be used for additional automobile
parking.

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

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

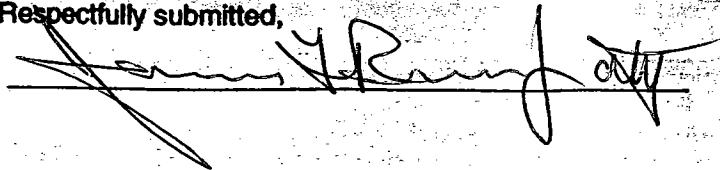
I hereby certify that these statements and all accompanying statements and drawings are true and correct to the best of my knowledge.

FILE
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Dated: 7/1/13

Respectfully submitted,

Signature of Applicant:



Date forwarded to Plan Commission _____

Recommendation of Plan Commission _____

Date of Public Hearing _____

Action Taken by the Board _____

Signature of Chairman: _____

Date submitted to Village Council _____

Action Taken by the Council _____

Dated: _____ 19 _____

1097
1098

TAXPAYERS WITHIN 250 FEET OF SUBJECT PROPERTY

| | |
|---------------|---|
| 09-04-110-019 | Robert and Joann Novak |
| 09-04-110-020 | 4218 Florence Avenue Downers Grove, IL 60515 |
| 09-04-110-021 | Novak Properties LLC 4218 Florence Avenue Downers Grove, IL 60515 |
| 09-04-110-022 | McDonald, Kevin P. 4228 Florence Avenue Downers Grove, IL 60515 |
| 09-04-110-023 | Subject Property |
| 09-04-110-024 | Subject Property |
| 09-04-110-025 | Equilon Enterprises, LLC Marketing Property Tax P. O. Box 4369 Houston, TX 77210 |
| 09-04-110-026 | Subject Property |
| 09-04-110-027 | |
| 09-04-110-028 | |
| 09-04-110-029 | |
| 09-04-110-030 | |
| 09-04-110-031 | M & M Real Estate |
| 09-04-110-007 | Attn: Steven Mash |
| 09-04-110-008 | 4115 Fairview Avenue Downers Grove, IL 60515 |
| 09-04-110-032 | Arains, Dr. Ash |
| 09-04-110-010 | 4121 Fairview Avenue, No. L-1 |
| 09-04-110-011 | Downers Grove, IL 60515 |
| 09-04-110-012 | Subject Property |
| 09-04-110-006 | M & M Real Estate Attn: Steven Mash 4115 Fairview Downers Grove, IL 60515 |

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09-04-300-004 Abbas, Joseph
310 Ogden Avenue
Downers Grove, IL 60615

09-04-300-005 Property Investment Partners
6309 Tustamena
McHenry, IL 60050

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

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

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

09-04-300-051 Carter Trust, Robert C.
4309 Fairview Avenue
Downers Grove, IL 60515

09-04-300-052 Domonic LaMantia
6316 Bradley Drive
Woodridge, IL 60517

09-04-111-009 Ladislav Palecek
4219 Florence
Downers Grove, IL 60515

09-04-111-018 Quaker State Minit-Lube #1951
P. O. Box 2967
Houston, TX 77252

09-04-111-019 Browns Chicken and Pasta
1751 South Naperville Road, #200
Wheaton, IL 60187

09-04-111-027 GMR Construction
09-04-111-028 P. O. Box 9632
09-04-111-010 Downers Grove, IL 60515

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09-04-111-011

Hampton, Timothy
4227 Florence Avenue
Downers Grove, IL 60515

09-04-305-001

Ogden Avenue Associates
c/o Sheffield Management
5500 Tennessee Avenue
Clarendon Hills, IL 60514

09-04-305-002

McDonald's Corp.
P. O. Box 66207
AMF O'Hare
Chicago, IL 60666

FILE
1097

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 seeking rezoning from R-1, single family residential to B-3, General Services & Highway Business. The property is located on the west side of Florence Avenue, approximately 250 feet north of the north line of Ogden Avenue, commonly known as 4236 Florence Avenue, Downers Grove, Illinois (PIN No. 09-04-110-023). The property is legally described as follows:

The north 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 156703, in DuPage County, Illinois, commonly known as 4236 Florence Avenue, Downers Grove, Illinois (PIN No. 09-04-110-023)

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

1097

Chairman Pro Tem Griesbaum called the August 5, 2003 meeting of the Plan Commission to order at 7:30 p.m.

ROLL CALL

PRESENT: Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk (arrived at 8:10 p.m.), Mr. McCormick, Mr. Nicholaou, Mrs. Reynolds, Mr. Stark, Mr. Waechtler

ABSENT: Chairman Jirik

STAFF

PRESENT Joseph Skach, Director Planning & Community Development
Amanda Browne, Planner
Lori Skotterud, Redevelopment Planner
Alice Dornan, Recording Secretary

Chairman ProTem Griesbaum stated the draft minutes of the July 1, 2003 meeting need to be reviewed and approved. He asked if there were any additions, deletions or corrections to the minutes. **MRS. REYNOLDS MOVED TO ACCEPT THE MINUTES OF JULY 1, 2003 AS PRESENTED, AND MR. NICHOLAOU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

Chairman ProTem Griesbaum explained there are three items on this evening's agenda; two public hearings concerning Luxury Motors located at the northwest corner of Florence and Ogden Avenues and one agenda item regarding a proposed three lot subdivision for the property located at 6420 Fairview Avenue. Chairman Pro Tem Griesbaum stated because the two public hearings regarding Luxury Motors are linked together, both of the public hearings would be conducted at the same time. At the conclusion of the public participation phase of the hearing, the Plan Commission will make separate recommendations regarding each petition.

Chairman Pro Tem Griesbaum noted with respect to all three petitions on this evening's agenda, the Plan Commission would be forwarding recommendations to the Village Council for their consideration. Chairman Pro Tem Griesbaum explained the recommendations could take one of three different forms; recommend approval as presented, recommend approval with changes or recommend denial.

Chairman Pro Tem Griesbaum called to order the public hearing for File Nos. 1097 and 1098.

PUBLIC HEARING: FILE NO. 1097 - Petition seeking rezoning from R-1, Single Family Residential to B-3, General Services and Highway Business for property located on the west side of Florence Avenue, approximately 250 feet north of the north line of Ogden Avenue, commonly known as 4236 Florence Avenue, Downers Grove, Illinois (PIN No. 09-04-110-023); Joseph Abbas, Owner; James F. Russ, Jr., Petitioner

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

Chairman Pro Tem Griesbaum asked if there was a representative of the petitioner present.

Richard Hudzik, Weidel, Hudzik and Russ, 4915 Main Street, Downers Grove, stated he is a partner with Mr. Russ who is not able to be present this evening. Mr. Hudzik explained that Bill Mourad, who is the service director at Luxury Motors and Ron Kotecki, who is the designer and builder of the proposed addition, are present this evening.

Mr. Hudzik stated Luxury Motors is looking to rezone 4236 Florence Avenue, which is immediately north of another lot on Florence Avenue already owned by Luxury Motors. Mr. Hudzik indicated the rezoning is from R-1, Single Family Residential to B-3, General Services and Highway Business. Mr. Hudzik noted when the property was annexed to the Village it came in as R-1. Mr. Hudzik advised the property has 45 feet of frontage on Florence Avenue, a depth of 267 feet, with an area of approximately 12,000 square feet.

Mr. Hudzik stated the second petition is to seek an amendment to Luxury's previously granted special use in order to add both of the Florence Avenue properties to the special use area and also to receive approval for construction of a 3,587 square foot addition to one of the existing buildings on Ogden Avenue.

With respect to the rezoning petition, Mr. Hudzik stated the petitioner is seeking the Plan Commission's recommendation for approval. Mr. Hudzik indicated he has been advised that the Future Land Use Plan envisions this parcel as being commercial, and it would be appropriate to permit the extension of the commercial use here because it is proposed to be used by and contiguous to the existing commercial use fronting on Ogden Avenue. Mr. Hudzik advised the southerly of the two lots on Florence Avenue was rezoned to B-3 by action of the Village Council in February of 2002. Mr. Hudzik noted they are now seeking similar zoning for the northerly lot.

Mr. Hudzik commented the property to the west is a Shell gas station; also to the west there is a medical facility on Fairview, which is zoned R-1, although that property was subject to a court order and has a commercial use on it; across Ogden to the south is B-3; across Ogden to the southeast is B-3; due east is B-3 and straight north and northeast is R-1.

Mr. Hudzik stated both of these lots on Florence would be exclusively devoted to either detention to bring the property into compliance with the stormwater regulations or customer and employee parking.

Mr. Hudzik stated there would also be a six-foot solid design wood fence on the northernmost boundary. There will also be a double row of trees on the north side of the property; one row will be on the north side of the detention area, and the other row will be on the south side of the detention area. This will create a double screen with respect to the neighbors to the north.

Mr. Hudzik acknowledged that the Staff report included a recommendation from the Village Traffic Engineer that the new lot should be used exclusively for customer and employee parking only. Mr. Hudzik indicated that is a reasonable expectation. Mr. Hudzik noted there would also be two handicap spaces adjacent to the building included in the design. Mr. Hudzik explained the parking area is intended to alleviate the crunch of current parking issues. He noted as of August 1, 2003, Luxury Motors has rented additional office space in Westmont, and there are 15 employees of Luxury Motors who are being relocated from their Downers Grove facility to the new office space in Westmont. Those 15 employees will no longer be parking at this particular site. Mr. Hudzik acknowledged that the Ordinance calls for 29 parking spaces given the square footage of the addition at one parking space per 600 square feet. Luxury is proposing 48 parking spaces that are well over the minimum required by the Ordinance.

With regard to the special use, Mr. Hudzik explained the two parcels on Florence Avenue needed to be added into the special use area. Luxury Motors is also proposing a 3,600-foot building expansion to one of the existing buildings on Ogden Avenue. The addition to the building on Ogden Avenue will be used for five new service bays and two small offices for customers.

With regard to the building exterior, Mr. Hudzik stated the new construction would match what is currently there. The addition will be to the west of the building, and the aesthetic intent from Luxury Motors' viewpoint is to tie everything in so that it looks like one integrated whole. Masonry and "Dryvit" will be the building materials, similar to the existing building.

Mr. Hudzik concluded that the petitioner is looking for the Plan Commission's recommendation of approval for the amendment to the current special use to include the two lots on Florence Avenue, to permit the expansion of the existing building and to rezone the two lots on Florence Avenue from R-1 to B-3 zoning.

Chairman Pro Tem Griesbaum asked Staff to make its presentation.

Mr. Skach clarified that there are two separate petitions which were brought forward before the reorganization of the Land Use Body. In the future, these types of petitions will be forwarded as a single petition.

Ms. Browne stated the petitioner has submitted two separate petitions; File No.1097 for the rezoning of the property at 4236 Florence Avenue, the northerly-most property, from R-1, Single Family Residential to B-3, General Services and Highway Business; and File No. 1098 is a special use amendment for the expansion of automobile service facility operated in conjunction with the petitioner's automobile sales facility which is located at the northwest corner of Ogden and Florence Avenues.

Ms. Browne explained that the Staff report provided a detailing of the current Luxury Motors site and that a separate packet of materials that outlined the history of the previous zoning cases related to their property was also provided.

Ms. Browne advised that she would be happy to answer any questions regarding this background information.

With respect to the proposed rezoning, Ms. Browne stated the property, which is 45 feet wide by 267 feet deep, is located to the north of the existing Luxury motors facility. She indicated Staff is of the opinion that the proposal is consistent with the Future Land Use Plan designation of Commercial and is also consistent with the goals of the Future Land Use Plan in that the rezoning would increase the depth of an existing commercial facility fronting on Ogden Avenue as opposed to creating a new commercial entity fronting on an intersecting street. Also as noted in the Staff report, the proposed rezoning is consistent with the goals of the Ogden Avenue Master Plan as well as the Ogden Avenue discussions between this body and the Strategic Planning Subcommittee of the Economic Development Commission.

With respect to the proposed special use amendment, Ms. Browne advised that there are four main aspects of this petition. First, two new properties are proposed to be included in the special use area, namely 4244 Florence which was previously rezoned in 2002 and 4236 Florence which is the subject of the aforementioned rezoning request. Second, the petitioner is proposing a 3,587 square foot addition to the west side of the existing 330 Ogden Avenue property, which is the westerly building on the site. Third, the petitioner is proposing to construct a new 48 space parking area. Fourth, the petitioner is proposing to construct a new stormwater detention facility to serve the entire Luxury Motors site.

With respect to the proposed inclusion of the two new parcels into the special use area, Ms. Browne stated they encompass 24,030 square feet of land area, just over a half an acre. The addition of these two properties would increase the total land area to just over 100,300 square feet, or approximately 2.3026 acres.

With respect to the proposed building addition, Mr. Browne explained it is proposed to be 34 feet in width by 105.5 feet in depth, or 3,587 square feet in area, located on the west side of the 330 Ogden Avenue building. The floor area of the existing 330 Ogden Avenue property would increase from 9,916 square feet to 13,503 square feet and coupled with the 310 Ogden Avenue building, which has a floor area of 3,801 square feet, the total floor area of the entire Luxury Motors site upon completion of the proposed addition would be 17,304 square feet.

With respect to yards and setbacks, Ms. Browne stated the minimum front yard requirement along Ogden Avenue is measured from the centerline of the Ogden Avenue right-of-way and must be no less than 75 feet. The setback of the addition is to be 97.88 feet from the centerline of the right-of-way, which exceeds the 75-foot minimum requirement. There are no side yard requirements in the underlying B-3 District, and the petitioner is proposing the addition to have a westerly side yard ranging between 0.59 feet and 0.65 feet adjacent to the Shell gas station.

The proposed addition is to have a height of 17 feet that will match the height of the existing facility at 330 Ogden Avenue. The finished surface of the addition will also match the existing building and will have a masonry and 'Dryvit' surface with a glass and aluminum overhead door.

With respect to use, the existing 330 Ogden Avenue building was authorized for four service bays, one detailing bay and a small parts room. The proposed addition is to provide two offices of 100 square feet each as well as five additional service bays, each with an electric car lift.

Moving on to the third aspect of the petition, which is the new 48 space parking area to be located in the northeasterly portion of the site, Ms. Browne advised that the parking area has been designed to meet the Ordinance's parking stall and aisle width requirements. In addition to this new parking area, there are two proposed handicap accessible parking spaces to be installed near the 310 Ogden Avenue building.

With respect to the required number of parking spaces for an automobile dealership, Ms. Browne explained one parking space is required for every 600 square feet of gross floor area. Based upon a total floor area of 17,304 square feet upon completion of the addition, the minimum number of required parking spaces is 28.84 or 29 spaces, which the petitioner's plan exceeds.

Ms. Browne noted the Village's Traffic Engineer, Mr. Dorin Fera, reviewed the petitioner's plans, especially with respect to the proposed new parking lot, and he prepared a memorandum, which was included in the Staff report. Mr. Fera concluded while the proposed building expansion itself will not produce a significant traffic impact as compared to the present facility, he did recommend 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 as opposed to the storage/display of vehicles for sale.

With respect to the fourth aspect of the petition, the proposed stormwater detention facility, Ms. Browne indicated the proposed stormwater detention facility has been designed in an L-shape located to the north and east of the proposed new parking area and has been designed to accommodate the entire Luxury Motor's site. The detention area is to have a turf base with a maximum depth of five feet. Masonry walls are proposed to be constructed along its northerly, southerly and southeasterly face, and the extreme northwesterly and southeasterly ends will be open and will match the adjacent

grade. The facility has been designed with a capacity of .639 acre feet of stormwater which is proposed to drain southward within new and existing storm sewers on site and also into a storm sewer within the Ogden Avenue right of way.

Mr. Browne explained the Village's Engineering Department reviewed the proposed stormwater detention plans and concluded that the plans are in substantial compliance with the Village's Stormwater and Flood Plain Ordinance, and subject to minor revisions, the stormwater permit will be able to be issued if the special use amendment is approved.

With respect to the screening of the facility from the adjacent residential uses, Ms. Browne stated at the time of the approval of the rezoning of the 4244 Florence Ave property in the spring of 2002, the originally intended landscape screen was to consist of six foot tall fir trees planted every six feet with a double row of fir trees at the northerly most property line. Due to the site requirements for the proposed detention area, the landscaping plan has changed and now calls for four foot tall Techny Arborvitae, which are a rather dense evergreen. Ms. Browne noted the Village's Forester, Kerstin von der Heide, reviewed the landscape plan and concluded that the Techny Arborvitae would be a good candidate for screening in this particular location. Ms. von der Heide stated that species prefers drier soils such as those found adjacent to the proposed retaining walls, and they acclimate well when they are densely planted.

In addition to the landscape screening, Ms. Browne advised that the petitioner is also proposing a six foot tall solid stockade fence sited at the north property line, stopping 25 feet west of the easterly property line adjacent to Florence Avenue so as to satisfy the minimum front setback requirement. 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 four foot tall, open-design wrought iron fence that Luxury previously installed along both the Ogden Avenue and the Florence Avenue frontages of their site thus satisfying the condition of an open design fence in the required front yard.

With respect to landscaped greenspace, Ms. Browne advised upon construction of the proposed improvements the total amount of landscaped greenspace would be 19,663 square feet, or 19.6%, which exceeds the minimum Ordinance requirement of 10% of the site in a B-3 zoning district.

With respect to issues concerning the adjacency of this commercial activity to a neighboring residential use, Ms. Browne advised it is Staff's opinion that the petitioner should make tangible efforts to mitigate any and all potential negative impacts on the adjacent residential uses whether visual, acoustic, lighting, parking/traffic, etc.

Ms. Browne noted, as outlined in Staff's report, in its determination regarding the petitioner's request for both the rezoning and more importantly to amend the special use, Section 28-1902 of the Zoning Ordinance establishes the conditions, which are necessary for the granting of a special use.

In conclusion, Ms. Browne stated that the petitioner has presented each petition in a form consistent with the general requirements of the Zoning Ordinance and more specifically with the requirements of the underlying B-3 Zoning District. Staff recommends that the Plan Commission forward a positive recommendation to the Village Council regarding the proposed rezoning and the proposed special use, subject to the conditions as outlined in the Staff report for each case.

Chairman Pro Tem Griesbaum and several Plan Commission members thanked Ms. Browne for her excellent summarization of these two petitions.

Chairman Pro Tem Griesbaum asked if there was any member of the public who wished to speak for or against the petitions. Hearing no further response, Chairman Pro Tem Griesbaum closed the public participation portion of the public hearing on the two petitions.

Chairman Pro Tem Griesbaum next asked if there were any questions from the Plan Commission members.

Mr. Stark recalled that the Staff report included an opinion that the petitioner should make a tangible effort to mitigate potential negative visual impacts. He asked Ms. Browne if there is any specific outline or is Staff just making a recommendation or a suggestion. Ms. Browne responded that it was a general suggestion. Mr. Skach added that the petitioner has certainly taken certain tangible steps at this point. Mr. Stark emphasized that given the close proximity to residential uses, that mindfulness will be a continuing concern and a continuing issue that should be looked at by the petitioner over the course of the life of their business. Mr. Stark asked if there are any specific requirements for auto dealerships as to how long the lights can be on or how their intercom paging system operates. Ms. Browne indicated for automobile sales and repair the Zoning Ordinance does not contain any such requirements. She advised there are a number of criteria with respect to automobile service/gas stations, which is a different use than a sales facility.

Mr. Skach commented there certainly has been a history of recognizing those particular issues. Staff oftentimes looks at photometrics and related issues for specific sites so Staff can convey to petitioners the need to be sensitive to those issues.

Chairman Pro Tem Griesbaum asked the petitioner if the 48-space parking lot was for storing cars or for employee vehicles. Mr. Hudzik indicated it would be for customers and employees. Mr. Hudzik noted Staff has made that quite clear. Chairman Pro Tem Griesbaum asked if the intention was to make sure that Florence Avenue is kept clear of any inventory and employee cars. Mr. Hudzik agreed.

Chairman Pro Tem Griesbaum asked if the proposed addition would be to the Bentley building. Mr. Hudzik and Ms. Browne agreed.

Mr. Nicholaou stated he visited the site on three different days. He advised he does not have a problem with the petitions. He noted in joint sessions that the Economic Development Commission and the Plan Commission are trying to create an Ogden Avenue atmosphere that is conducive to multi businesses supported by and even anchored by automobile usage. Mr. Nicholaou noted during his visits it appeared as though the property was busting at the seams with cars all over the place. Mr. Nicholaou distributed pictures he took during his visits. Photograph No.1 is a view from north on Florence. Mr. Nicholaou stated Tuesday afternoon he saw six cars there, and on Monday morning he saw ten Luxury Motors unlicensed cars parked there. Photograph No.2 is 4236 Florence Avenue and shows a row of cars running adjacent to the parkway. Mr. Nicholaou indicated he understood that was a temporary storage area. Photograph No. 3 is right in front of the Bentley showroom. Photograph Nos. 4, 5, 6 and 7 are views from the south side of Ogden Avenue. Photograph No. 8 shows LaMantia's parking lot with 48 cars in it. An unidentified person in the audience representing Luxury Motors advised that is Luxury's parking lot. Mr. Nicholaou continued Photograph No. 9, the karate lot, has eight cars in it today, and the tattoo parlor lot has six cars in it. Mr. Mourad of Luxury Motors responded that they lease parking spaces in the Karate parking lot from the owner of the building. Mr. Nicholaou said Photograph No. 11 was shot from Fairview looking eastward.

Mr. Nicholaou asked the Luxury Motors representatives how many show car spaces will be lost if they are going to build a 3,587 square foot addition. Mr. Mourad indicated that currently ten to twelve cars could be parked in the area where the building addition is proposed. He stated, if you look at the west side of the Bentley building, that area is used for service customer parking. Mr. Mourad advised that they also lease some parking spaces from the Shell gas station. He stated all of this is why they are requesting the rezoning of the Florence Avenue property so that it can be used for customer and employee parking. Mr. Mourad stated they are in the process of moving 75 to 100 cars to their warehouse in Westmont, which will make things even better. Mr. Mourad noted Luxury Motors made a commitment to Bentley to improve service when they brought them into Downers Grove. Mr. Nicholaou reiterated he did not have a problem with the rezoning or the amendment to the existing special use, but he has a concern relative to what the Plan Commission and the Economic Development Commission have been discussing pertaining to Ogden Avenue. It is important not only to be a good neighbor to the residential area but also to be a good neighbor to the commercial area. Mr. Nicholaou stated he is going to concentrate his efforts to make sure Luxury Motors is a good entity in the community but also maintains its posture as a good neighbor in order that what we are trying to do as a community in terms of bringing more business into the area is successful.

Mr. Kahlke asked if the property to the north is going to only be used for parking why is the rezoning to B-3 and not B-2. Ms. Browne responded B-2 zoning by its nature is intended more for an area like our downtown. B-3 is intended for Ogden Avenue and higher intensity commercial areas. She also noted the condition pertaining to parking is being placed on the amendment to the special use and not on the rezoning.

With reference to the stormwater detention area, Mr. McCormick asked if it would have any impact on the surrounding neighborhood. Ms. Browne stated she was not certain if it was designed to accommodate any offsite drainage. Mr. Hudzik indicated all the information he has seen indicates that the stormwater detention area is serving only this site. Mr. Kotecki of Luxury Motors' engineering company stated Luxury is playing catch-up, as there currently is no detention on the site. Mr. McCormick asked if part of this system would be underground. Mr. Kotecki stated there are three large reservoir pipes under the parking lot along with the open area to the north.

Mr. Stark asked the petitioners to point out where the lights are going to be in the proposed parking lot. Mr. Kotecki indicated they did not currently have a drawing showing the location of the lights in the parking lot, but they would be installed along the landscaping area pointing toward the parking lot and away from the neighbors. Mr. Stark asked if the parking lot lights would be on 24 hours a day. Mr. Mourad and Mr. Kotecki indicated the lights would be on a timer and would be lit from dusk to dawn. Mr. Stark noted the service department at the rear of the property and asked if there were any outdoor speakers. Mr. Mourad stated they did have some paging equipment, and the neighbors complained so the equipment was disconnected. Mr. Stark again asked if there will be an outdoor paging system, and Mr. Mourad indicated there would not be an outdoor paging system.

Mr. Matejczyk indicated that as of this afternoon the paging system was not disconnected. Mr. Mourad reiterated that the paging system that the neighbors complained about was disconnected and stated he would follow up on Mr. Matejczyk's observation. Mr. Matejczyk asked if it was even necessary to have outdoor paging with today's modern technology of two-way radios. Mr. Mourad stated because they are a high volume dealership they have as many as 30 sales personnel on the site, and at times it is necessary to page them. Mr. Waechtler stated he was on the site today, and there were people talking on cell phones and two-way radios. He suggested that paging detracts from Luxury's high-class operation. He highly recommended that Luxury utilize today's technology rather than an old-fashioned noisy paging system.

Mr. Stark asked if the service bays would face the rear of the lot and the residential area to the north. Mr. Mourad indicated the service bays would face west. Mr. Kotecki explained the service area would be located next to the gas station because of the similarity of uses. Mr. Mourad noted currently the service department neighbors are the medical building and the Shell station.

Mr. Stark asked what the hours of operation would be for the service area. Mr. Mourad stated the service hours are from 8:00 a.m. to 6:00 p.m. Mr. Mourad noted that most of the service work will have no impact whatsoever on the neighbors. Mr. Stark referred to his own personal experience of hearing pneumatic tools at various times of the night. Mr. Stark commented the Plan Commission is charting a territory that he believes will have other dealerships on Ogden Avenue asking for similar petitions. He suggested Luxury Motors' representatives might want to attend the joint meetings of the Plan Commission and the Economic Development Commission as they explore

recommendations as to what should be done with Ogden Avenue. He noted at previous meetings it was suggested that more boutique dealerships like Luxury Motors will be coming to the Village, and they will be landlocked similar to Luxury Motors. The joint Commissions are concerned whether or not neighbors can live next door to an auto dealership in peace and harmony.

Mr. Waechtler advised the petitioner that the Plan Commission is not singling them out. He noted that he spent some time at the site today. The people are very professional and do a good job. He agreed with Mr. Stark's point that more of these types of petitions will be coming before the Plan Commission. He believes the Plan Commission will want to be on record as talking about what Ogden Avenue should look like in the future.

With regard to the lighting, Mr. Waechtler suggested that it would help the Plan Commission if the petitioner would provide a lighting diagram. Mr. Waechtler also suggested to Staff that in the future such petitions should include a color rendering of the proposed building. He recalled when Portillos came before the Plan Commission the Commission did not know what the building was going to look like in terms of color or design.

With regard to handicap accessible parking, Mr. Waechtler asked Staff how many handicap accessible spaces are required. Ms. Browne stated under the Illinois Accessibility Code, the number of handicap parking spaces is based on the number of parking spaces being provided. She indicated she believes that for up to 25 spaces, one handicap accessible space must be provided, and from 25 to 50 spaces, two must be provided. Mr. Waechtler suggested Luxury Motors might want to consider providing handicap parking toward the front of the building even if it is not required.

Mr. Waechtler stated he walked the residential portion of Florence Avenue. He asked if the petitioner has talked to those neighbors. He noted the possibility that the east side of Florence Avenue will be redeveloped in the future.

Mr. Mourad recalled ten years ago there was a motel, a motorcycle dealership and a welding shop on what is now their property. Now there is a Bentley dealer with a beautiful building.

Mr. Nicholaou advised a tremendous amount of time has been spent discussing the Ogden and Fairview intersection. The Plan Commission and the Economic Development Commission view that intersection as an opportunity to gateway other areas.

With regard to outdoor paging systems, Mrs. Reynolds noted, where she plays golf, the neighboring automobile dealer's paging system can be heard on the golf course.

Chairman Pro Tem Griesbaum asked if there were any further questions or comments. Mr. Waechtler stated these petitions still have to come before the Village Council, and he strongly urged that a lighting diagram and a colored rendering be provided for their consideration.

Chairman Pro Tem Griesbaum reminded the Plan Commission members that any motion made should be in the form of a recommendation and that each petition will be considered separately. He then asked for a motion with respect to the proposed rezoning.

MOTION: WITH RESPECT TO FILE NO. 1097, A PETITION SEEKING REZONING OF 4236 FLORENCE AVENUE FROM R-1, SINGLE FAMILY RESIDENTIAL TO B-3, GENERAL SERVICES AND HIGHWAY BUSINESS, MRS REYNOLDS STATED THE SUBJECT PROPERTY APPEARS ON THE VILLAGE LAND USE PLAN WITH A LAND USE DESIGNATION OF COMMERCIAL WHICH IS CONSISTENT WITH THE PROPOSED REZONING. THE SUBJECT PROPERTY WILL ADD TO AND BE UTILIZED WITH THE ADJOINING PROPERTY OWNED BY LUXURY MOTORS IN ORDER TO IMPROVE AND ENHANCE THEIR AUTOMOBILE SALES AND SERVICES. MRS. REYNOLDS MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE REZONING OF THE SUBJECT PROPERTY FROM R-1, SINGLE FAMILY RESIDENTIAL TO B-3, GENERAL SERVICE AND HIGHWAY BUSINESS DISTRICT, SUBJECT TO CONSIDERATION OF THE FOLLOWING CONDITIONS: 1. COMPLIANCE WITH THE CONDITIONS OF APPROVAL OF THE PROPOSED AMENDMENT TO THE EXISTING SPECIAL USE UNDER PLAN COMMISSION FILE NO. 1098 AND THE ORIGINAL SPECIAL USE UNDER ZONING BOARD OF APPEALS CASE C-2-99, AND 2. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES. MR NICHOLAOU SECONDED THE MOTION.

Chairman Pro Tem Griesbaum asked if there was any discussion regarding the motion or any question regarding its intent. There was no response.

ROLL CALL:

AYE: Mrs. Reynolds, Mr. Nicholaou, Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mr. Stark, Mr. Waechtler, Chairman Pro Tem Griesbaum

NAY None

The motion passed unanimously.

MOTION: WITH RESPECT TO FILE NO. 1098, A PETITION SEEKING APPROVAL OF AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE TO EXPAND THE AUTOMOBILE REPAIR AND SERVICE FACILITY THAT IS ACCESSORY TO THE AUTOMOBILE SALES FACILITY, MRS. REYNOLDS MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO CONSIDERATION OF THE FOLLOWING CONDITIONS: 1. COMPLIANCE

WITH CONDITIONS OF APPROVAL OF THE PROPOSED REZONING OF THE PROPERTY UNDER PLAN COMMISSION FILE NO. 1097 AND THE ORIGINAL SPECIAL USE UNDER ZONING BOARD OF APPEALS CASE C-2-99; 2. 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; AND 3. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES. MR. WAECHTLER SECONDED THE MOTION.

Chairman Pro Tem Griesbaum asked if there was any discussion regarding the motion or any question regarding its intent. There was no response.

ROLL CALL:

AYE: Mrs. Reynolds, Mr. Waechtler, Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mr. Stark, Chairman Pro Tem Griesbaum

NAY: None

The motion passed unanimously.

Chairman Pro Tem Griesbaum stated these recommendations would be forwarded to the Village Council for further action.

Chairman Pro Tem Griesbaum closed the Public Hearing on File No. 1097 and File No. 1098.

FILE NO. 1099 FINAL PLAT APPROVAL – FAIRVIEW OAKS SUBDIVISION; Property located on the west side of Fairview Avenue, approximately 905 feet south of 63rd Street, Downers Grove, IL (PIN 09-20-209-026); Wei & Chung Wu, Owners; Oakwood Development, Applicant/Agent

Chairman Pro Tem Griesbaum asked if there was a representative of the petitioner present.

Scott Krafthefer, President of Oakwood Development, 1557 Warren Avenue, Downers Grove stated he is representing the owners of the subject property. Mr. Krafthefer advised the property is approximately 75,000 square feet in total area. The property was annexed into the Village in March of this year and was rezoned to R-3, single-family residence. They are now seeking approval of a three-lot subdivision. Each lot would be approximately 82 feet wide and 250 feet deep. Mr. Krafthefer noted this subdivision fits well with the character of the surrounding neighborhood. To the west is Village R-3,