



## MANAGER'S MEMO ITEM

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**ITEM:** PLAN COMMISSION FILE NO. 13-05; 946 Ogden, A-Len Radiator Special Use  
**WORKSHOP DATE:** June 14, 2005  
**PREPARED BY:** Keith R. Sbiral, AICP; Director of Planning  
**PURPOSE:** To consider the Plan Commission's recommendation to approve the Special Use for the proposed relocation of A-Len Radiator Shop to 946 Ogden Avenue, east of Highland Avenue.

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### **BACKGROUND:**

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#### *Requested Action*

The petitioner is seeking approval of a Special Use for an Automobile Repair Facility for the relocation of the A-Len Radiator Shop. No Variations are being requested as part of this petition.

At their May 2, 2005 meeting, the Plan Commission unanimously recommended approval of the proposed Special Use subject to certain conditions as outlined in the attached Staff Report, meeting minutes and Draft Ordinance.

### **ATTACHMENTS:**

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1. Draft Ordinance Authorizing a Special Use for an Automobile Repair Shop
2. Staff Report, with attachments, dated April 29, 2005
3. Minutes of Plan Commission Public Hearing, dated May 2, 2005

### **STAFF RECOMMENDATION:**

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Staff recommends approval of the Petitioner's Requested Action subject to the recommended conditions outlined in the attached Draft Ordinance.

### **REQUESTED COURSE OF ACTION:**

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That the Village Council place consideration of the Ordinance approving the proposed Rezoning and Special Use on the June 21, 2005 Council Meeting agenda.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING A SPECIAL  
USE FOR A-LEN RADIATOR TO PERMIT  
CONSTRUCTION OF AN AUTOMOBILE REPAIR SHOP**

WHEREAS, the following described property, to wit:

Lots 18, 19, 20, 21 and 26 in Block 10 in Lyman Park being a subdivision of part of Section 5, Township 38 North, Range 11 East of the Third Principal Meridian according to the plat thereof recorded May 15, 1928 as Document No. 213564 in DuPage County, Illinois

Commonly known as 946 Ogden Avenue, Downers Grove, IL (PIN 09-05-118-025, 09-05-118-012)

(hereinafter referred to as the "Property") is presently zoned in the "*B-3, General Services and 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 Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28-609 of the Zoning Ordinance be granted to allow an automobile repair shop, not including automobile sales.

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 on May 2, 2005, and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission has recommended approval of the requested special use, subject to certain conditions; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

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

**SECTION 1.** That a Special Use of the Property is hereby granted to the operation of an automobile repair shop, not including automobile sales.

**PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT**

**To:** Plan Commission  
**Prepared By:** Keith R. Sbiral, AICP, Director of Planning  
**Date Prepared:** April 29, 2005  
**Meeting Date:** May 2, 2005

**Project Title:** PC 13-05; 946 Ogden Avenue, A-Len Radiator – Special Use

**BACKGROUND INFORMATION:**

**Petitioner:** Anthony Zangler, (Owner)  
 James F. Russ, Jr. (Attorney)  
**Property Address:** 946 Ogden Avenue  
**Existing Zoning:** B-3 General Services and Highway Business District  
**Application/Notice:** The application has been filed in conformance with applicable procedural and public notice requirements.

**Requested Action:**

1. Approval of a proposed Special Use for Automobile Repair per Chapter 28, Section 28.609, *B-3 District – Special Uses*.

**BACKGROUND****General Description**

The .27 acre subject property is located on the north side of Ogden Avenue approximately 100 feet east of Highland Avenue. The proposed use will occupy approximately the east 3,700 square feet of the two-tenant building. The tenant in the west side of the building is an automobile interior business. The Petitioner is seeking approval of a Special Use for an Automobile Repair business for the vacant portion of the building. The building currently has access from both Ogden Avenue and an alley in the rear and is equipped with overhead garage doors for an automobile repair use. No physical change will occur to the either the building or the site.

The site currently has parking off-site at 4249 Highland Avenue (north of the subject property) pursuant to a Conditional Use (C-6-69, approved June 6, 1969, attached).

**ANALYSIS****Zoning and Future Land Use Plan***Surrounding Land Use and Zoning***Table 1: Surrounding Land Uses and Zoning**

	Existing Zoning	Existing Use	Future Land Use Plan
<b>North</b>	R-4, Single Family Residential	Undeveloped	Commercial (Red)
<b>South</b>	B-3, General Services and Highway Business	Commercial	Commercial (Red)
<b>East</b>	B-3, General Services and Highway Business	Commercial	Commercial (Red)
<b>West</b>	B-3, General Services and Highway Business	Commercial	Commercial (Red)

The existing zoning is B-3, *General Services and Highway Business District* zoning.

Automobile Repair is defined by the Zoning Ordinance as, “Incidental repairs, replacement of parts and motor service, minor painting and upholstery of automobiles, engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, and painting of vehicles; not including automobile sales.” A recent Zoning Ordinance amendment, PC 21-04, requires any Automobile Repair to obtain Special Use approval in the B-3 zoning district, which requires consideration by the Plan Commission and final approval by the Village Council.

## **Site**

### Site Characteristics

The subject site is approximately 11,675 square feet (.27 acres) in area, with approximately 99 feet of frontage along Ogden Avenue. Additionally, the 8,750 square foot lot to the north of the subject property is utilized for 20 parking spaces. Though no exterior modifications are proposed, sidewalk is currently located along Ogden Avenue.

### Proposed Site Plan

No exterior modifications are proposed for the subject property. The modifications to the interior of the building will be for the conversion for use as a radiator repair business. The Petitioner is proposing two lift bays and two flat bays for radiator repair. An accessory office area of 144 square feet will also be utilized.

### Openspace/Landscaped Green Space

Limited green space exists on the site. Pursuant to the 1969 Conditional Use for parking, the parking spaces are screened from adjacent residential uses.

### Parking

Per Code, required parking for Automobile Repair is at a rate of one parking space for each 600 square feet of gross floor area. At 3,700 square feet in gross floor area for this use, the proposed facility requires 7 Code compliant parking spaces. The proposed plan indicates 20 parking spaces previously approved by Conditional Use. The Petitioner has not submitted a parking and traffic analysis as part of the petition.

### Loading

Per Code, a designated loading/unloading area is required for an Automobile Repair use less than 25,000 square feet in gross floor area. Though no loading area is available on site, a nonconforming condition which is permitted to remain, the Petitioner is proposing all deliveries will be made at the north side of the building adjacent to the existing parking spaces.

### Site Lighting

With respect to exterior site lighting, the Code does not provide a site lighting requirement for commercial uses, with the exception of automobile service stations (gas stations) which may not exceed lighting levels of 0.1 foot-candles at the property line of an adjacent residential use. The Petitioner has not submitted photometric site plans; however, the property is not subject to these regulations. No modifications to site lighting are proposed.

### Operations

The Petitioner has submitted the attached Project Summary detailing certain operational aspects of the proposed facility. The Petitioner has indicated hours of operation will be Monday through Friday 8 a.m. to 6 p.m. The Petitioner has indicated the garage doors will remain closed and will only be open to move automobiles in and out of the service area.

## **Public Works/Engineering**

### Stormwater Management

No exterior modifications are being proposed; therefore, stormwater management review is not applicable.

### Traffic

The Traffic Division notes the proposed development will not require a formal traffic study as existing traffic conditions will not be substantially altered.

## **Fire Department**

All Code requirements must be met at the time of Building Permit review.

## **Other**

### Proposed Signage

The Village has enacted a sign moratorium that currently limits wall signs to one square foot of signage per lineal foot of tenant frontage, and limits freestanding (ground) signs to one per zoning lot frontage, a maximum of 10 feet in height

and a maximum of 50 square feet. These requirements may be modified in the future as discussions regarding potential amendments to the Zoning Ordinance progress. No sign approval is considered to be part of this petition, all signage permits must be obtained separate from the Special Use process.

#### **Standards for Approval of a Special Use**

Section 28-1902 of the Zoning Ordinance establishes the Standards for Approval of a Special Use. The Petitioner has responded to these standards in the attached Project Summary and will address these issues to the Plan Commission at the Public Hearing regarding this petition. The Village Council may authorize a Special Use provided evidence is presented to establish the following:

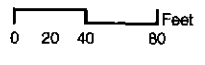
- (a) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
- (b) That such use will not, under the circumstances 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.
- (c) 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 or will comply with any variation(s) authorized pursuant to Section 28-1802.
- (d) That it is one of the Special Uses specifically listed for the district in which it is to be located.

#### **RECOMMENDATION:**

Staff believes the Standards for Approval for a Special Use are met with respect to the Automobile Repair use. Staff recommends the Plan Commission forward a favorable recommendation and Finding of Fact to the Village Council with respect to the Petitioner's Requested Action, subject to the following conditions:

1. All signage must comply with required regulations at the time of permit application.
2. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. Changes may require additional review of the Special Use or Variations; and
3. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

Attachments



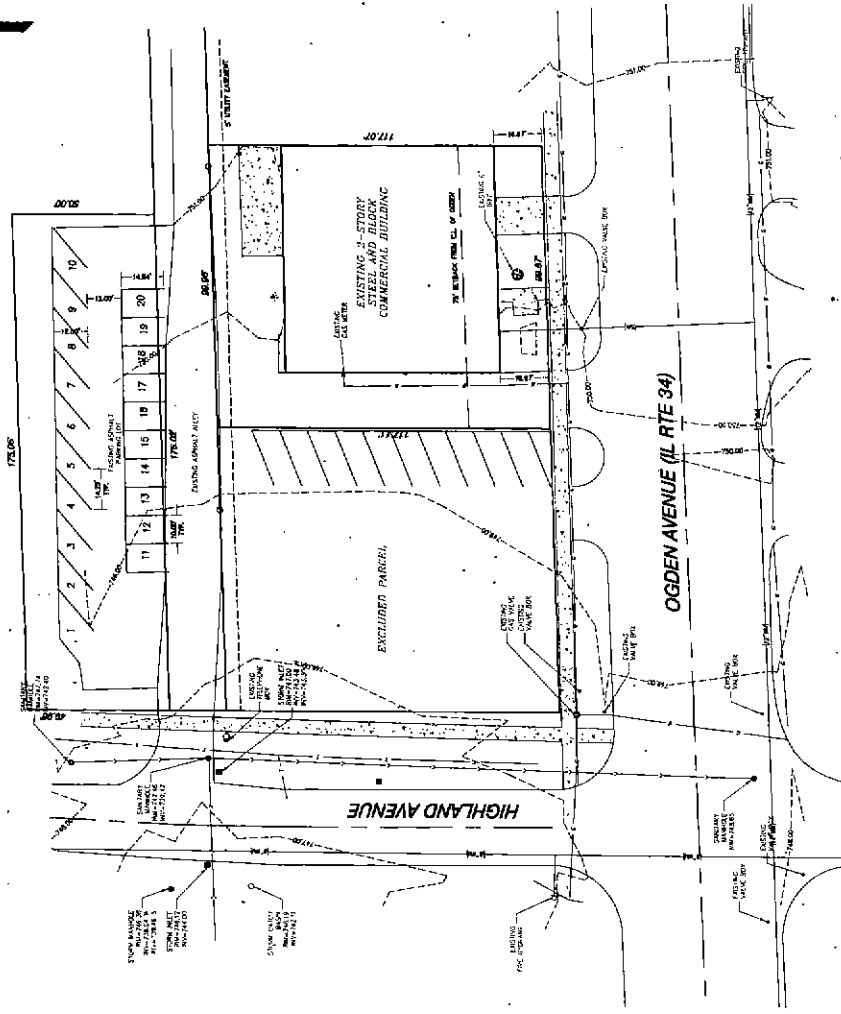
PC-13-05; 09-05-118-025

Planning & Community Development

Legend  
 Selected Property

# SITEPLAN

LOTS 18, 19, 20, 21 AND 26 IN BLOCK 10 IN LINDEN PARK BEING A SUBDIVISION OF PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED MAY 15, 1958 AS DOCUMENT NO. 213584 IN DU PAGE COUNTY, ILLINOIS, COMMONLY KNOWN AS: 648 E. OGDEN AVENUE, DOWNERS GROVE, ILLINOIS.



- LEGEND**
- EXISTING UTILITY MANHOLE
  - EXISTING UTILITY
  - EXISTING FIRE HYDRANT
  - EXISTING GAS MAIN
  - EXISTING CATCH BASIN
  - EXISTING SANITARY SEWER
  - EXISTING WATER MAIN
  - EXISTING VALVE BOX
  - EXISTING VALVE BOX
  - EXISTING VALVE BOX
  - EXISTING VALVE BOX
  - EXISTING UTILITY POLES

**BENCHMARK**

1. THIS BENCH MARK IS THE POINT OF INTERSECTION OF THE CENTERLINE OF OGDEN AVENUE AND THE CENTERLINE OF THE NORTHWEST CORNER OF OGDEN AVENUE AND HIGHLAND STREET. REFERENCE TO DOWNERS GROUND SURVEY NO. 172-005.



CALL JULIE  
 630-581-8800  
 630-581-8800

J. BRAD HARTZEL, A REGISTERED PROFESSIONAL ENGINEER OF ILLINOIS, HEREBY CERTIFIES THAT THESE PLANS HAVE BEEN PREPARED BY C.K. LANGE AND ASSOCIATES, P.C. UNDER MY PERSONAL DIRECTION.

ILLINOIS PROFESSIONAL ENGINEER NO. 008-048274  
 Expires: 1/1/2010

**SITE STATISTICS TABLE**

CURRENTLY ZONED B-3

PARKING = 1 SPACE PER 600 SF  
 INCLUDING = 20 SPACES

PARKING REQUIRED = 17 SPACES  
 PARKING AVAILABLE = 20 SPACES

GREEN SPACE REQUIRED = 10% OF LOT TOTAL IS GREEN SPACE  
 50% OF REQUIRED MUST BE IN FRONT YARD

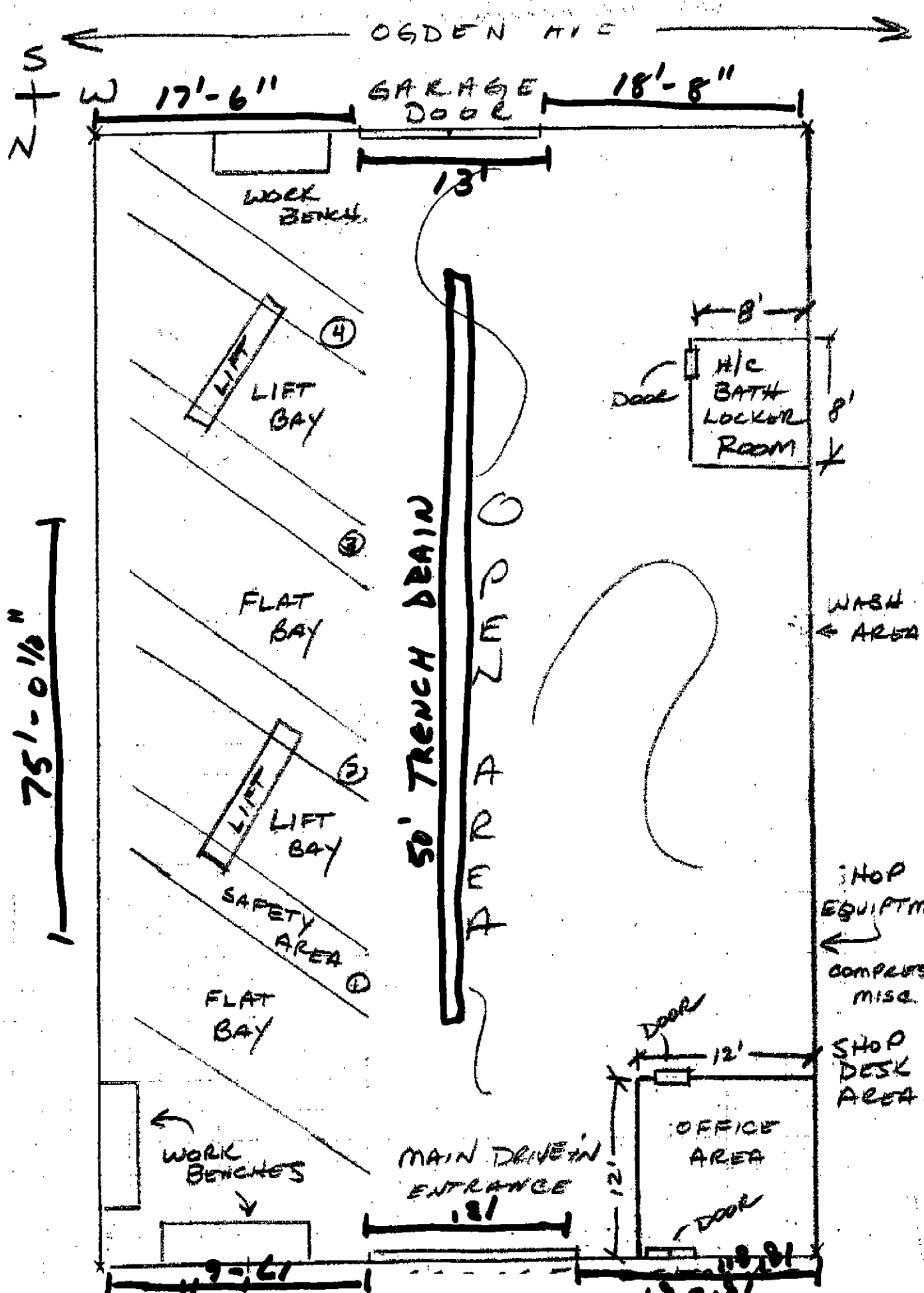
TOTAL SITE AREA = 20,447 SF

GREEN SPACE REQUIRED = 2,045 SF  
 GREEN SPACE PROVIDED = 3,784 SF  
 GREEN SPACE IN FRONT YARD = 1,021 SF

DATE: 07-24-09	CHECKED BY: JLB
SCALE: 1/8" = 1'-0"	DATE: 07-24-09
JOB NUMBER: 09-107	SHEET: 1 OF 1
CLIENT: C.K. LANGE AND ASSOCIATES, P.C.	PROJECT: 648 E. OGDEN AVENUE
DESIGNER: J. BRAD HARTZEL	DATE: 07-24-09
DRAWN BY: J. BRAD HARTZEL	DATE: 07-24-09
CHECKED BY: J. BRAD HARTZEL	DATE: 07-24-09
DATE: 07-24-09	DATE: 07-24-09

**TZR, INC.**  
 220 EAST PEARSON AVENUE  
 DOWNERS GROVE, IL 60515  
 TEL: 630-581-8800  
 FAX: 630-581-8800

**C.M. LAYTON**  
 1000 W. 117th St.  
 Downers Grove, Illinois 60515  
 Tel: 630-581-8800  
 Fax: 630-581-8800



OGDEN AVE

N  
+  
S

W 17'-6"

GARAGE DOOR

18'-8"

WORK BENCH

13'

LIFT  
LIFT BAY (4)

8'  
H/C BATH LOCKER ROOM 8'

75'-0 1/8"

FLAT BAY (3)

50' TRENCH DRAIN  
AREA

LIFT  
LIFT BAY (2)

WASH AREA

SAFETY AREA (1)

SHOP EQUIPMENT

FLAT BAY

← COMPRESSOR MISC

← WORK BENCHES

MAIN DRIVE IN ENTRANCE 18'

DOOR 12' SHOP DESK AREA

OFFICE AREA

DOOR

9'-6"

18'

# WIEDEL, HUDZIK, RUSS & PHILIPP

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Telephone 630/969-2300  
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April 19, 2005

†Also Licensed in Wisconsin  
\*Also Licensed in California

Mr. Alan Jirek, Chairman  
Village of Downers Grove Plan Commission  
801 Burlington  
Downers Grove, IL 60515-4776

Re: 946 Ogden Avenue, Downers Grove, IL 60515

Dear Chairman Jirek:

Attached, please find a Petition for Special Use to allow for an automotive repair business for property at 946 Ogden Avenue, Downers Grove, IL. The property is located on the north side of Ogden Avenue, east of Highland Avenue and west of Washington Street. The property is currently improved with a two-story steel and block commercial building, which is currently used for automotive sound installation. This Petition for Special Use is to allow for radiator repair at this location.

The proposed tenant for this location is A-Len Radiator which is currently located at the southeast corner of Fairview and Ogden Avenues. A-Len Radiator has been an ongoing business concern for more than 20 years and has served the Village of Downers Grove and surrounding communities. As a result of expansion of businesses surrounding the current location of A-Len Radiator, the company has been forced to seek a new location to continue the ongoing service business. A-Len Radiator seeks special use approval for 946 Ogden Avenue to relocate their ongoing business concern and continue to serve Downers Grove and surrounding areas. Pursuant to Chapter 28-1902, the Village Council may authorize a special use subject evidence being presented with regard to the following items:

1. That the proposed use requested at the particular location 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. As previously stated, A-Len Radiator is an ongoing business concern and has been in business since 1978 and has provided a service to the community since that time. A-Len Radiator has been very successful and wishes to continue to service the community as well as the surrounding communities.

2. 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. A-Len Radiator has been very successful at its current location and remains successful at the proposed new location. There have been no incidents of detrimental health, safety, morals or general welfare at their current location, nor do we anticipate any issues at the proposed location. The work has not been injurious to the property values of the surrounding current location and we do not believe there would be any injurious impact to the properties at the proposed location. Ogden Avenue is a commercial corridor with several different automobile repair and related businesses and this commercial corridor is appropriate for this type of business.

3. The proposed use would comply with the regulations specified in the zoning ordinance for the district in which the proposed use is to be located or will comply with any variations authorized pursuant to Section 28-1802. This petition complies with all requirements of the B-3 zoning district. No variances are requested.

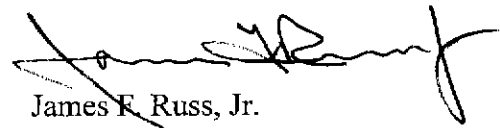
4. That this is one of the special uses specifically listed for the district in which it is to be located. Automobile repair is specifically listed as a special use within the B-3 zoning district.

The proposed special use will meet all of the requirements for the B-3 zoning district.

This petition seeks to relocate an existing ongoing business which has served the community for 20 years and has been proven to be a benefit to the community. We would ask for a positive recommendation with regard to this special use at this location.

Sincerely,

WIEDEL, HUDZIK, RUSS & PHILIPP



James F. Russ, Jr.

JFR/brd

ORDINANCE NO. 1455

AN ORDINANCE AUTHORIZING CONDITIONAL USE  
OF CERTAIN PREMISES FOR PARKING SPACES  
AS AN ACCESSORY USE IN A RESIDENTIAL DISTRICT

WHEREAS, the following described property, to-wit:

Lot 26 in Block 10 in Lyman Park, being a subdivision of part of Section 5, Township 38 North, Range 11 East of the Third Principal Meridian according to the plat thereof recorded May 15, 1926 as Document No. 213564,

(hereinafter referred to as the "Property"), is presently zoned as "R-4 SINGLE FAMILY RESIDENCE DISTRICT" under the Comprehensive Zoning Ordinance of the Village of Downers Grove, passed and approved April 19, 1965, as heretofore amended (hereinafter referred to as the "Zoning Ordinance"); and

WHEREAS, the owner of the Property has filed with the Village Clerk a written petition, conforming to the requirements of the Zoning Ordinance and requesting that a conditional use be granted to permit the Property to be used for off-street parking spaces accessory to the premises directly south of and across the existing public alley from the Property; and

WHEREAS, such request was referred to the Zoning Board of Appeals of the Village of Downers Grove, and

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Zoning Board of Appeals, is such as to establish the following:

ORD. 1455 4249 Highland  
PARKING SPACES IN A RESIDENTIAL DISTRICT 1455

1. That the requested conditional use of the Property is authorized as a conditional use in the zoning district in which the Property is located; and

2. That the requested conditional use of the Property is desirable to provide a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood in which the Property is located; and

3. That the requested conditional use of the Property will not, under the existing circumstances, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity of the Property or injurious to property values or improvements in the vicinity of the Property; and

4. That the requested conditional use of the Property will comply with the regulations specified in the Zoning Ordinance for the zoning district in which the Property is located,

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

SECTION 1. That the Property may hereafter be used for parking spaces as a use accessory to the present business use of the premises immediately south of and across the existing public alley from the Property, as a conditional use under the applicable provisions of the Zoning Ordinance, subject at all times to compliance by the owner of the Property with the following conditions and provisions:

(a) The number of parking spaces provided for on the Property shall not exceed 35.

(b) No access to the Property for vehicles shall be provided other than by means of the public alley located adjacent to the Property.

(c) No direct or indirect lighting facilities for the Property shall be provided in addition to present or future lighting facilities on the premises immediately to the south of the Property, without the prior written consent of Village Manager.

(d) The Property shall not be used for the parking or storage of any motor vehicle except temporary parking of passenger automobiles.

(e) Prior to any use of the Property for parking purposes, the owner of the Property shall improve the Property and that portion of the public alley immediately adjacent to the Property with a surfacing material and an opaque fence or other suitable screening along the west, north and east sides of the Property, not less than 6 feet in height, all such improvements to be completed in accordance with plans and specifications submitted to and approved by the Village Manager of the Village prior to the commencement of construction thereon.

(f) The owner of the Property will at all times maintain the Property in a neat and clean condition, free of all accumulation of debris.

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

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

William H. Frankel  
Mayor

Passed: August 25, 1969

Approved: August 25, 1969

Attest: Mary O. Fisher  
Village Clerk

72% over the required lot area of 10,500 square feet. Additionally, the lot depth of 301.75 feet was 115% over the required lot depth requirements.

Mr. Matejczyk voted in favor because the proposal was positive and enhanced the neighborhood, and the neighbors have come forward.

Mr. Nicholaou concurred with the above comments and although he initially had concerns about the 60 feet width, this proposal would fall within what is being constructed.

Mr. Quandt concurred with the above comments and believed the proposal did not alter the character of the neighborhood and was consistent with what was occurring in the area.

Mrs. Rabatah initially had concerns but voted in favor because of the adjacent neighbors supporting the proposal.

Mr. Waechtler stated he would not reiterate his above comments on why he did not support the proposal and disagreed with fellow Commissioners. He noted only two out of 25 neighbors appeared. Eighty percent (80%) of the lots on the west side of Lyman Avenue were 70 feet wide and above, and he reiterated that the Village Council struggled with the 60 foot lot width and the proliferation of the 60 foot wide lots in the village. Therefore, he felt the character of this neighborhood might be the first place to draw the line. Regarding point No. 4 in the Petitioner's letter, Mr. Waechtler clarified the Plan Commission does not make judgments on whether or not "real estate taxes generated for the subject property will substantially increase as well." Chairman Jirik voted in favor because he analyzed the petition in two ways. First, it was highly consistent with the neighborhood. Secondly, the neighbors that spoke were fine with the proposal.

(A five-minute break followed at 9:10 p.m.; the meeting reconvened at 9:20 p.m.)

**FILE NO. PC-13-05** Petition seeking a Special Use for an Automobile Repair Shop with certain variations from the Code. Property located on the north side of Ogden Avenue, approximately 100 feet east of Highland Avenue, commonly known as 946 Ogden Avenue, Downers Grove, Illinois. James Russ, Attorney/Petitioner. Anthony Zangler, Senior Owner.

Mr. Sbiral briefly reviewed his Staff report, stating the petition was for an automobile repair business. The building and adjacent buildings currently exist and will continue to exist. Nothing on the exterior of the building will change. The parking lot to the north was included in a Special Use granted in 1969 for the business's parking. Per Staff, nothing has changed nor will be changed by this Commission's discussion. The interior of the building will include an auto repair shop with four service bays added to the building, as well as a small office/reception area for the A-Len Radiator shop, which is moving into the building. Access includes a back alley adjacent to the property as well as access on to Ogden Avenue. Commissioners were reminded the subject use of automobile repair language was modified in the Ordinance last year and would require one parking space for 600 square feet of building, which the Petitioner meets. The stormwater was not being altered. The Traffic Division conveyed the use of the property did not differ from what already existed, and a traffic study was not required. All fire /safety codes will be met by the time for permitting for the interior work. Signage was subject to the Sign

Ordinance. Standards for approval for the Special Use were included in the Ordinance and standards for recommendations were included in Staff's report.

Staff believes the Standards for Special Use approval are met, and Staff recommends the Commission forward a favorable recommendation and Finding of Fact to the Village Council.

No questions followed from the Commissioners to Staff; the Petitioner's presentation followed.

Mr. James Russ, Attorney, 4915 Main Street, Downers Grove, stated he was present on behalf of the Petitioner, Mr. Anthony Zangler and on behalf of Mrs. Cynthia Seneca, owner of A-Len Radiator, who would be relocating the radiator business to the subject property should the Special Use be granted. Mr. Russ discussed the location of the site, noting that B-3 zoning surrounds the site on the east, west and south sides. R-4 zoning is located to the north. Located on the west side of the building is a car trim shop business. His client is seeking a Special Use for an auto repair pursuant to Chapter 28-1902 of the Village's Zoning Ordinance. Mr. Russ explained further the A-Len Radiator has been in business since 1978 at the southeast corner of Fairview and Ogden Avenues and are relocating their radiator repair business to the proposed site. Hours of operation are proposed for Monday through Friday from 8:00 a.m. to 6:00 p.m. only. At the new location, no outdoor repairs will take place, and the overhead garage doors will remain closed except to allow for vehicle access in and out of the business. Any cars left overnight would be stored inside the building. Employee parking and vehicles waiting to be serviced will be parked in the north lot.

Mr. Russ reviewed the interior floor plan, noting four bays would be created with two automatic lifts constructed to Village Code and OSHA requirements.

In addressing Standard No. 1 for a Special Use, Mr. Russ indicated the A-Len Radiator shop has been in business for 27 years serving the Village of Downers Grove and other communities. The business is located further down on Ogden Avenue.

Addressing Standard No. 2 for a Special Use, Mr. Russ explained his clients have been very successful in their current location and have worked harmoniously with the surrounding area, which includes a residential area. Ogden Avenue is a commercial corridor, and this business is the type one would expect to find at this site. The operation will have a minimal effect on the neighborhood since the work will be contained inside the building and should have little or no effect on the surrounding properties.

Addressing Standard No. 3 for a Special Use, Mr. Russ clarified his client was not seeking any variations, and the parking was provided for by a Special Use in 1969 and was not being altered nor was the building's exterior being altered.

Addressing Standard No. 4 of the Special Use, Mr. Russ pointed out the use is listed as a Special Use in a B-3 zoning district.

Mr. Russ stated the green space for this site would be met. The Petitioner is providing 3,784 square feet of green space, of which 1,023 square feet are located in the front yard. The parking will include 20 spaces rather than the required 17 spaces. Mr. Russ did not foresee any issues with the business and was seeking a positive recommendation from this Commission.

Addressing some issues previously raised by a neighbor, Mr. Russ stated the rear light from the building has been adjusted so as not to shine in the neighboring properties. No drainage will be provided since no changes would be made. Mr. Russ confirmed the issues raised to Village Staff by a resident, who could not be at the meeting, have been addressed.

Chairman Jirik opened the meeting up to Commissioner comments/questions.

Mr. Nicholaou confirmed with Mr. Russ that his client was aware of the Signage Ordinance being revised. Mr. Russ indicated his client would comply with whatever was passed. Other questions and discussion followed that the proposed site was similar to the old site, but it was not a shared building. The interior bays were similar.

Ms. Cynthia Seneca, 333 Ogden Avenue, Downers Grove, owner of the A-Len business, stated she currently has six working bays and she is proposing four bays at this site. The relocation of her business is by choice.

Mrs. Rabatah inquired about the 20 parking spaces to the north, wherein Staff clarified that the business parks on the entire lot. Mr. Russ clarified the total number of required spaces for the entire building is 17, but 20 are being provided by the Petitioner, and the 20 spaces would be shared between the two businesses. Staff noted the spaces do not necessarily comply with the current Code but were approved in 1969 and are existing non-conforming spaces.

Mr. Waechtler expressed concern about the deterioration of the rear fence and suggested the Petitioner replace it with a higher screening fence. He was pleased A-Len could stay in the Village.

Since there was no public comment, Chairman Jirik closed the public comments portion of the Public Hearing. Mr. Russ had no closing statement.

Commissioners proceeded to discuss the petition. Mr. Matejczyk and Mr. Nicholaou believed there would be no negative impact from the Petitioner's request. Per Mr. Waechtler's concern, Mrs. Seneca confirmed her business did not tow in wrecked vehicles. Only disabled cars would be towed in but nothing wrecked or abandoned. No further comments followed.

**MOTION: WITH RESPECT TO FILE NO. PC-13-05, PETITION SEEKING A SPECIAL USE FOR AN AUTOMOBILE REPAIR SHOP, MR. NICHOLAOU MOVED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL WITH THE FOLLOWING PROVISIONS: 1) ALL SIGNAGE MUST COMPLY WITH REQUIRED REGULATIONS AT THE TIME OF PERMIT APPLICATION; 2) ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW OF THE SPECIAL USE OR VARIATIONS; AND 3) IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES. SECONDED BY MR. WAECHTLER.**

**ROLL CALL:**

**AYE: MR. NICHOLAOU, MR. WAECHTLER, MR. MATEJCZYK, MR. MCCORMICK, MR. QUANDT, MRS. RABATAH, CHAIRMAN JIRIK**

**NAY: NONE**

**MOTION PASSED. VOTE: 7-0**

Commissioners were polled on their vote:

Mr. Nicholaou voted in favor and had nothing to add; Mr. Waechtler voted in favor because the business was in the village for many years; Mr. Matejczyk voted in favor and had no further comments; Mr. McCormick voted in favor because the Petitioner satisfied all four standards for the approval of a Special Use at the proposed site. Mr. Quandt and Mrs. Rabatah voted in favor because the Petitioner met all the standards for Special Use at the location, and it was nice for the business to remain in the village. Chairman Jirik voted in favor and agreed with the Commissioners' comments.

**FILE NO. PC-14-05** Petition seeking an amendment to Chapter 28 *Zoning Ordinance*, Section 28.1902, *Standards for Approval* of the Municipal Code. The purpose of the amendment is to add an additional standard requiring the consideration of all Village Planning documents for the approval of the Special Use. Petitioner: Village of Downers Grove.

Mr. Sbiral indicated the proposal was a Zoning text amendment to add Standard (e), which states, "that the proposed Special Use is consistent with the objectives of the Village's Planning Documents, including but not limited to the Future Land Use Plan, the Ogden Avenue Master Plan, and this Zoning Ordinance." Per Staff, this issue was raised by the Village Council from the Plan Commission's discussion of recent cases. Because the Ogden Avenue Master Plan was referenced in discussions, the Village Council felt it might be necessary to formalize it in the Code text. Staff recommended a favorable recommendation.

Asked whether the Village's Legal Department reviewed the proposed amendment, Mr. Sbiral confirmed legal Staff did review it and suggested the proposed language in order to provide Staff and the Village Council with some flexibility. Mr. Sbiral explained in further detail how the language in the Code would provide flexibility of its intent but was not necessarily a required checklist.

Mr. McCormick believed the added language was consistent with the objectives.

**MOTION: WITH RESPECT TO FILE NO. PC-14-05, MR. WAECHTLER MOVED TO RECOMMEND THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION AND FINDING OF FACT TO THE VILLAGE COUNCIL WITH RESPECT TO THE PROPOSED TEXT AMENDMENT. SECONDED BY MR. MATEJCZYK.**