

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** June 21, 2005
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** PC-13-05
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE FOR A-LEN RADIATOR TO PERMIT CONSTRUCTION OF AN AUTOMOBILE REPAIR SHOP", as presented.



SUMMARY OF ITEM:

At their meeting of May 2, 2005, the Plan Commission unanimously recommended that a Special Use be granted for the property located at the 946 Ogden Avenue for a automotive repair shop.

RECORD OF ACTION TAKEN:

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.

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

1. Substantial compliance with the plans as follows: Site Plan dated April 19, 2005; Interior Plan dated April 19, 2005, as recommended by the Plan Commission, reduced copies of which are attached hereto and incorporated herein by reference as Group Exhibit A; and
2. Substantial compliance with the Staff Report dated April 29, 2005, a copy of which is attached hereto and incorporated herein by reference as Group Exhibit A; and
3. All signage must comply with required regulations at time of permit application; and
4. 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
5. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, and Village laws, ordinances, regulations, and policies.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use is granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and or revocation of the Special Use granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That 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

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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 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
North	R-4, Single Family Residential	Undeveloped	Commercial (Red)
South	B-3, General Services and Highway Business	Commercial	Commercial (Red)
East	B-3, General Services and Highway Business	Commercial	Commercial (Red)
West	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.

SiteSite 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/EngineeringStormwater 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.

OtherProposed 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

