

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
FEBRUARY 20, 2006 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
County Zoning Petition #5204-05 Spizzirri (Mobile One Lube Express)	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Motion <input type="checkbox"/> Discussion Only	David Fieldman Deputy Village Manager

SYNOPSIS

A Resolution has been prepared to object to a Conditional Use and Variation petition filed with DuPage County for the property located at the northeast corner of 75th Street and Main Street. The petitioner is proposing an automobile repair facility (express lube) with a car wash and is requesting a variation from the front yard setback requirements.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the February 14, 2006 Village Council Workshop. Approval of the Resolution objecting to the proposed conditional use and variation associated with County Zoning Petition #5204-05 Spizzirri (Mobile One Lube Express) is recommended on the February 20, 2006 active agenda.

BACKGROUND

The petitioner, Michael Spizzirri, is proposing an automobile repair facility with a car wash. The facility will include lube services as well as associated parking and landscaping. Staff believes that the proposed use is too intensive based on its proximity to single family residences.

The property is currently zoned B-2 General Business District under the County zoning ordinance. The proposed use is a listed conditional use according to the DuPage County Zoning Ordinance in this zoning district. Staff believes the proposed use is not consistent with the County's regulations based on the existing character of the neighborhood. Additionally, a variation is being sought by the petitioner. Staff believes that the variation is inappropriate because this is new construction and no hardship exists. The variation is also allowing for more development on the property, which is adding to the use's intensity.

The proposed site plan indicates that the building will be setback approximately eighty (80) feet from the southern (75th Street) property line and fifty-one (51) feet from the western (Main Street) property line. The parking lot will be setback twelve (12) feet from all property lines. The parking lot perimeter will be landscaped with new trees. The petitioner is proposing to access the site directly from Main Street.

Staff has concerns regarding the proposed land use due to the intensity of the use and the proximity of single family residences. The subject property is designated for Residential Uses (0-6 d.u. per acre) by the Village's Future Land Use Map. A letter has been sent to DuPage County outlining the issues.

Staff has made several recommendations for changes to the plans if the County grants its approval. The recommendations are as follows:

- a. Minimum landscaped buffers of twenty (20) feet should be provided along the north and east sides of the property.
- b. The proposed and existing six (6) foot “shadow box” fence should be modified to be an eight (8) foot opaque fence.
- c. Additional landscaping should be considered along the northern and eastern portions of the property.

The Village of Woodridge also sent comments to the County regarding this petition. Those comments are attached.

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Planning & Development **DATE:** February 20, 2006
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION IN OPPOSITION OF A CONDITIONAL USE AND VARIANCE PETITION FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF 75TH AND MAIN STREETS", as presented.

SUMMARY OF ITEM:

Adoption of the attached resolution shall oppose the issuance of a conditional use and variance for the property located at the northeast corner of 75th & Main Streets.

RECORD OF ACTION TAKEN:

**A RESOLUTION IN OPPOSITION OF
A CONDITIONAL USE AND VARIANCE PETITION FOR THE PROPERTY LOCATED
AT THE NORTHEAST CORNER OF 75TH AND MAIN STREETS**

WHEREAS, a Conditional Use and Variation petition have been filed with the DuPage County Department of Economic Development - Planning & Zoning Division for the property located at the northeast corner of 75th Street and Main Street; and

WHEREAS, the property is under the jurisdiction of and subject to the requirements of the DuPage County Zoning Ordinance; and

WHEREAS, the petitioner/owner Michael Spizziri is requesting a conditional use for the purpose of operating an automobile repair facility with a car wash within the DuPage County's B-2 zoning district; and

WHEREAS, the petitioner has requested a variation from the minimum front yard setback requirements under the DuPage County Zoning Ordinance; and

WHEREAS, the subject property is located within the Village's Comprehensive Planning Boundary; and

WHEREAS, annexation of this property to the Village of Downers Grove may be required in the future in the event the well located on the property is depleted; and

WHEREAS, the proposed conditional use and proposed variation are not consistent with the Village's plans for this area; and

WHEREAS, that granting the conditional use and the variation is not supported due to the intensity and proximity of the proposed facility to single family residences and may diminish the character of the surrounding residential neighborhood; and

NOW, THEREFORE, BE IT RESOLVED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF DOWNERS GROVE that the Village of Downers Grove is opposed to the granting of the conditional use and variation for Petition #5204-05 and requests that the DuPage County Board deny such petition and development. That the Village Clerk is hereby directed to immediately forward a certified copy of this resolution to Keya Willis, DuPage County Department of Economic Development - Planning & Zoning Division.

Mayor

Passed:

Attest: _____
Village Clerk



<http://www.downers.il.us>

**COMMUNITY
RESPONSE CENTER**
630.434.CALL (2255)

CIVIC CENTER
801 Burlington Ave.
Downers Grove
Illinois 60515-4776
630.434.5500
TDD 630.434.5511
FAX 630.434.5571

**FIRE DEPARTMENT
ADMINISTRATION**
6701 Main Street
Downers Grove
Illinois 60515-1506
630.434.5980
FAX 630.434.5998

POLICE DEPARTMENT
825 Burlington Ave.
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

**PUBLIC WORKS
DEPARTMENT**
5101 Walnut Ave.
Downers Grove
Illinois 60515-4074
630.434.5460
FAX 630.434.5495

**DEPARTMENT OF
SOCIAL & HEALTH
SERVICES**
842 Curtiss Street
Downers Grove
Illinois 60515-4761
630.434.5595
FAX 630.434.5599

January 31, 2006

Keya Willis
DuPage County Department of Economic Development –
Planning & Zoning Division
421 North County Farm Road
Wheaton, IL 60187

Re: Case #5204-05 Spizzirri (Mobile One Lube Express)

Dear Ms. Willis:

Staff has had an opportunity to review the proposed site plan for the Mobile One Lube Express proposed adjacent to the Village of Downers Grove. After reviewing the plans, staff has the following comments and concerns:

1. The Village of Downers Grove wishes to request a thirty (30) day extension in order to allow the Village Council to take an official position on this issue.
2. The Village's Future Land Use Map indicates that this property should be used for residential uses. The property is adjacent to single family residential uses on the north and the east. Staff is concerned the proposed conditional use is not consistent with and may diminish the character of the surrounding neighborhood.
3. If connection to the Village of Downers Grove water distribution system is requested and/or required at any time in the future, the property will need to be annexed by the Village. The Village may be reluctant to accept such annexation because the land use is not consistent with the Village's plans for the area.
4. If the proposal is approved, staff recommends the following revisions to the plans:
 - a. Minimum landscaped buffers of twenty (20) feet should be provided along the north and east sides of the property.
 - b. The proposed and existing six (6) foot "shadow box" fence should be modified to be an eight (8) foot opaque fence.
 - c. Additional landscaping should be considered along the northern and eastern portions of the property.

If you have any additional questions or comments, do not hesitate to contact me at 630-434-5520.

Sincerely,

Jeff O'Brien, AICP
Planner
Department of Planning & Community Development

VIA FACSIMILE and POST

Cc. Dave Fieldman, Deputy Village Manager
Michael Spizzirri, Petitioner ZP#5204-05





Village of Woodridge

Planning and Development Department • Five Plaza Drive • Woodridge, IL 60517-5014
(630) 719-4711 • TTY (630) 719-2497 • FAX (630) 719-4906

January 31, 2006

Keya Willis
DuPage County
Department of Economic Development & Planning – Zoning Division
421 N. County Farm Road
Wheaton, Illinois 60187

Re: Zoning Petition #5204-05 Spizzirri

Dear Ms. Willis:

Thank you for providing notice to the Village of Woodridge with respect to County ZBA Case No. 5204-05. The subject property, located at 19W570 75th Street, lies outside the Woodridge planning area based upon our boundary agreement with the Village of Downers Grove. Therefore, we have no comments on the proposed variation at this time.

However, we again respectfully request that the County provide evidence of hardship that would support the variation requests with future County ZBA notices to the Village. As we have requested with regard to prior ZBA cases, we request this information to assist the Village in better understanding the issues with each case.

We appreciate the notice and the opportunity to provide comment on this pending case.

Sincerely,

Emily Dannenberg
Planner
Planning and Development Department

C: John Perry, Village Administrator
Michael Mays, Director of Planning and Development

MEMORANDUM

TO: C. Pavlicek, Village Manager
FROM: D. Fieldman, Deputy Village Manager
DATE: February 16, 2006
RE: Response to Council Inquires about County Development at 75th & Main

At the February 14, 2006 Workshop meeting, the Council had questions about the proposed development of a car wash and lube express at 75th & Main. Specifically, the Council wanted to know why the foundation has been installed prior to the County approval of the Conditional Use and Variation and what public notice requirements are required under the County Ordinance. Staff has determined that the County issued a building permit in error and has allowed the installation of a foundation only. Notices of the County hearing were mailed to owners of property within 300 feet of the project.

Permit – Work was *not* started without a permit. The lube express is a permitted use under the County’s B-2 zoning. Originally, they received a permit due to the interpretation that the car wash was “ancillary” to the automobile service. The staff member who originally approved the permit left and another staff member took over the review and determined the car wash was not ancillary and the project required a conditional use permit. They allowed the applicant to move forward with a foundation permit after removing the car wash from the plans. The applicant is now moving through the conditional use process.

Notice – public hearing notices are mailed to owners within 300 feet of the project. In this case, there is a renter in one of the houses within 300 feet and the notice was sent to the owners address. The other objectors are outside of the notice boundary.

Please let me know if you have any questions or comments.