

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
NOVEMBER 4, 2008 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Special Uses for a drive-through and car wash at 2125 Ogden	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

A Special Use Ordinance has been prepared to permit the following items: 1) a drive-through convenience store in the B-3 zoning district and 2) a car wash in the B-3 zoning district at 2125 Ogden Avenue for a period of 24 months after the approval of the petition.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2007-2012 identified *Vibrant Major Commercial Corridors*. Supporting these goals are the objectives *More Attractive Commercial Developments* and *More Contribution to Local Economy*.

**FISCAL IMPACT**

N/A.

**UPDATE & RECOMMENDATION**

This item was discussed at the October 28, 2008 Workshop. During that discussion, the Village Council inquired as to the Village’s ability to control the content of the development’s sign. Per the sign ordinance, the Village may only control the size and quantity of signage, though businesses are not permitted to advertise services/goods they do not provide on the premises.

Staff recommends approval on the November 4, 2008 active agenda.

**BACKGROUND**

The petitioner, Power Mart Corporation, is proposing to redevelop the former Mobil gas station at the southeast corner of Belmont Road and Ogden Avenue. The development will be a two-phase comprehensive redevelopment. At this time, the petitioner is seeking Special Use approval for Phase 1 only.

During Phase 1, the petitioner is proposing to rehabilitate the existing vacant mini-mart building and convert it into Power Mart’s corporate office with a drive-through convenience store. The petitioner is also proposing to re-establish the existing vacant car wash as a self-service car wash. The drive-through and car wash require Special Use approval. The site will be used in the Phase 1 configuration for no more than 24 months. The Phase 1 Special Use Ordinances provide a “sunset” provision. The provision states that should the petitioner not submit Phase 2 comprehensive redevelopment plans within 12 months of the passage of the Phase 1 Special Use Ordinances and receive approval of Phase 2 within 24 months. If approval of Phase 2 is not obtained within 24 months, the Special Use for Phase 1 shall be deemed null and

void and the petitioner would be required to make several upgrades to the property that are in harmony with the Ogden Avenue Master Plan.

The second phase of the development is a comprehensive redevelopment of the entire site into a multi-use facility that includes a drive-through convenience store with fuel distribution, restaurant with a drive-through, office and car wash. Phase 2 will require Plan Commission and Village Council review and approval.

#### *Existing Site*

There are currently three structures on the site, a vacant 1,188 square foot minimart building, a vacant 636 square foot car wash and a canopy. Underground fuel storage tanks and service lines associated with the previous tenant have been removed from the site.

#### *Proposed Phase 1 Development*

The existing stand-alone canopy will be removed from the site. The existing minimart building will be converted to house Power Mart's corporate offices and include a drive-through convenience store offering food and tobacco products. The existing car wash building will be rehabilitated to operate as a self-service car wash. The petitioner is proposing to clean and paint the existing buildings but will not undertake significant exterior improvements to this building. The existing buildings meet the setback, height, and floor area ratio requirements in the B-3 zoning district.

The proposal will provide 19 parking spaces where six are required. Nine stacking spaces for the drive-through and 16 stacking spaces for the car wash are provided where three for the drive-through and four for the car wash are required.

There is approximately 3,548 square feet of open green space on the site with 2,388 square feet being located in the front yard. While the amount of overall green space does not comply with the Zoning Ordinance, the green space is considered to be legal non-conforming and is allowed to remain as such because no site changes are proposed at this time. However, if the petitioner does not receive approval of Phase 2 plans within 24 months of the Council's approval of Phase 1, the petitioner will be required to remove curb cuts and replace them with open green space.

#### *Engineering / Public Improvements*

The petitioner is proposing to maintain the existing curb cuts onto both Belmont Road and Ogden Avenue. The existing gravel associated with the underground storage tank removal will be replaced with new asphalt. The existing stormwater detention facility along the east property line will be cleared of debris so that it becomes fully functional.

#### *Ogden Avenue Master Plan*

As designed, the Phase 1 development does not propose to increase green space or close curb cuts along Ogden Avenue, two major components of the Ogden Avenue Master Plan. Based on the petitioner's preliminary Phase 2 submittal, site improvements made during Phase 1 may require modifications during Phase 2. Due to the interim nature of the Phase 1 development, staff does not believe the petitioner should be required to make those improvements at this time.

To ensure that improvements are made to the site in compliance with the Ogden Avenue Master Plan, the Special Use Ordinances require the petitioner to receive approval of Phase 2 comprehensive redevelopment plans for this site within 24 months of the passage of the Special Use Ordinances or the approval for Phase 1

will become null and void. If Phase 2 plans are not approved within two years, the petitioner will be required to close curb cuts and install the required green space. To ensure compliance, the petitioner is required to submit an engineer's cost estimate and security (bond or letter of credit) in that amount to ensure the necessary improvements are completed to meet the requirements of the Ogden Avenue Master Plan. The cost estimate and security shall be provided prior to the issuance of a building permit for the drive-through window and car wash. The security will only be used should the petitioner not proceed with the comprehensive redevelopment in Phase 2.

*Analysis*

The proposal complies with the Zoning Ordinance as outlined in the table below:

Zoning Requirements	Required	Provided
North Setback (Front)	75'	137' mm / 100' cw
East Setback (Rear)	None	132' mm / 30' cw
South Setback (Transition)	7'	38' mm / 62' cw
West Setback (Front)	25'	102' mm / 209' cw
Building Height	60'	11'
Parking Spaces	6	19
Stacking Spaces	3 mm / 4 cw	9 mm / 6 cw
Open Space (Total / Front Yard)	3,720 s.f. / 1860 s.f.	3,548 s.f. / 2,388 s.f
FAR	0.75	0.05
mm = minimart, cw = car wash		

The Future Land Use Plan designates the site as Commercial. The proposed Special Uses are consistent with the intent of the Future Land Use Plan.

Staff believes the standards for approval of the Special Uses have been met. The proposed Phase 1 temporary Special Uses are desirable while a permanent comprehensive redevelopment is undertaken. The Special Uses will not be detrimental to the general welfare and will not impair property values. The proposed Special Uses are allowed in the B-3 zoning district and will comply with the regulations of the B-3 zoning district as identified in the Zoning Ordinance.

*Plan Commission*

The Plan Commission considered the petition at their September 8, 2008 meeting. The Plan Commission found that the requests met the standards for approval and recommended approval of the Special Uses by a vote of 6:1. The dissenting Plan Commission member was concerned that Phase 2 would not be completed and therefore the improvements to the site, as required by the Ogden Avenue Master Plan, would not be undertaken. Staff concurs with the Plan Commission recommendation.

**ATTACHMENTS**

Ordinance

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Village Attorney **DATE:** November 4, 2008  
(Name)

**RECOMMENDATION FROM:** Plan Commission **FILE REF:** PC-24-08  
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE AUTHORIZING SPECIAL USES FOR 2125 OGDEN AVENUE TO PERMIT A CONVENIENCE STORE WITH DRIVE-THROUGH WINDOW AND CAR WASH", as presented.

**SUMMARY OF ITEM:**

Adoption of the attached ordinance will authorize a special use for 2125 Ogden Avenue to permit a convenience store with drive through window and car wash.

**RECORD OF ACTION TAKEN:**

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

**AN ORDINANCE AUTHORIZING SPECIAL USES FOR 2125 OGDEN AVENUE  
TO PERMIT A CONVENIENCE STORE WITH DRIVE-THROUGH WINDOW AND CAR WASH**

WHEREAS, the following described property, to wit:

Lots 4, 5, 6, 7 and 8 in Block 3 in Arthur T. McIntosh and Company's Belmont Country Club Addition, being a subdivision of parts of Section 1, Township 38 North, Range 10 East of the Third Principal Meridian, and Section 6, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded May 18, 1927 as Document 235837, in DuPage County, Illinois.

Commonly known as 2125 Ogden Avenue, Downers Grove, IL 60515 (PIN 08-01-405-042)

(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 a convenience store with drive-through and a Special Use per Section 28-609 of the Zoning Ordinance be granted to allow a car wash; and,

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove on September 8, 2008, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission has recommended approval of the two requested Special Uses, 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 Special Use of the Property is hereby granted to permit a convenience store with drive-through and that Special Use of the Property is hereby granted to permit a car wash.

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

1. The Phase 1 Special Uses shall substantially conform to the site and building drawings submitted by Nick Scarlatis & Associates, Ltd. dated August 1, 2008, except as such plans may be modified to conform to Village Codes and Ordinances.
2. The applicant shall 1) submit Phase 2 comprehensive redevelopment plans for this site to the Village of Downers Grove within one (1) year from the date of the passage of this Special Use Ordinance; and, 2) shall receive approval for Phase 2 within two (2) years of the passage of this Special Use Ordinance. The Village shall not be bound to approve the Phase 2 redevelopment plans; however, the Village shall cause the plans to be reviewed promptly in accordance with the procedures and standards set forth in Section 28.1900 of the Downers Grove Zoning Ordinance.
3. The proposed redevelopment plans shall meet the standards of the Zoning Ordinance and Ogden Avenue Master Plan.
4. If Phase 2 comprehensive redevelopment plans are not approved within two (2) years of the passage of this Special Use Ordinance, this Special Use Ordinance shall become null and void, and the petitioner shall:
  - a. Close the westernmost Ogden Avenue curb cut per IDOT standards.
  - b. Close the northernmost Belmont Road curb cut per IDOT standards.
  - c. Close the alley access per Village standards.
  - d. Convert all the closed access points to green space to meet the Village's green space requirements.
5. Prior to the issuance of building permits for the drive-through and car wash, the petitioner shall submit to the Village an engineer's cost estimate detailing the costs associated with items 4a through 4d above. Additionally, the petitioner shall submit to the Village a monetary security in an amount equal to the cost of these improvements. The security shall grant the Village the right to make the aforementioned improvements to the property in the event the petitioner is unable to complete the required improvements.
6. All proposed signs shall comply with the Village's Sign Ordinance.
7. The existing stormwater detention basin shall be cleared of debris and the overgrowth shall be cut back so that the detention pond is fully functional, and the entire detention volume is accessible.
8. The existing mini-mart building shall be equipped with a NFPA 72 fire alarm system installed by an U.L. Certified Fire Alarm contractor.
9. Abandoned equipment associated with the previous tenant shall be removed from the site.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use for a convenience store with drive-through and Special Use for a car wash are 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 two Special Uses granted herein.

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

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk