

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MARCH 9, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Map Amendment - 2100 Ogden Avenue	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared to permit a zoning ordinance map amendment to rezone 2100 Ogden Avenue, from M1- Light Manufacturing to B-3 General Services and Highway Business district.

STRATEGIC PLAN ALIGNMENT

The Goals 2014 identified *Strong, Diverse Local Economy*. Supporting this goal are the objectives *More Attractive Commercial Corridors and More Contribution from Corridors to Local Economy and More Reliable Revenues to the Village*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the March 16, 2010 active agenda.

BACKGROUND

The petitioner has submitted a petition to rezone the subject property from M1-Light Manufacturing to B-3 General Services and Highway Business district. The 4.78 acre property, commonly known as 2100 Ogden Avenue, is currently occupied by Bill Kay Suzuki automobile dealership. The petitioner is requesting to rezone the property to B-3 General Services Highway Business.

The petitioner is not proposing any redevelopment or changes to the existing building, use or the layout of the site at this time. The existing use on the property will remain in compliance with the Code, as the automobile dealership is a special use in both B-3 and M-1 zoning districts.

The proposed rezoning would make the property subject to the same regulations of the B-3 district shared by other B-3 properties along Ogden Avenue, such as smaller side and rear setbacks, greater height allowance and relaxed lot coverage restrictions. The outdoor sales and storage requirements for the B-3 district are more appropriate for commercial corridors. The storage of materials is allowed only in fully enclosed buildings. Most outdoor display of merchandise is only allowed as with a temporary use permit. For uses that have a permanent outdoor display component, such as an automobile dealer, a special use permit is required. The rezoning of the property will also subject the property to the recently adopted amendment to the Sign Ordinance. The petitioner would remove the existing nonconforming 20-foot high pole sign and install a smaller 15-foot high Code-compliant monument sign.

The Future Land Use Plan designates the property as Office Research and Manufacturing. Staff believes the standards for approval of the rezoning (Section 28.1702 of the Zoning Ordinance) have been met and the proposed commercial B-3 zoning of this property would be consistent with the existing use on the property and the existing trend of commercial development along Ogden Avenue. The proposal is also consistent with the Ogden Avenue Master Plan which contemplates commercial redevelopment within the corridor.

The Plan Commission considered the petition at their February 1, 2010 meeting and found that the request met the standards for approval. The Board recommended unanimous approval of the rezoning request. Staff concurs with the Plan Commission's recommendation

ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated February 1, 2010

Minutes of the Plan Commission Hearing dated February 1, 2010



FINLEY RD

I-88

2100

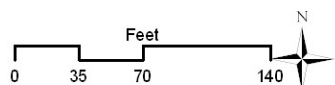
2020

OGDEN AVE

WILSON AVE

2027

2047



2100 Ogden Avenue

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 2100 OGDEN AVENUE**

WHEREAS, the real estate located on the north side of Ogden Avenue approximately 460 feet east of Finley Road, hereinafter described has been classified as "M-1 Light Manufacturing District" 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, the Plan Commission of the Village of Downers Grove has given the required public notice, and has conducted a public hearing on February 1, 2010 and 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 and Highway Business District" the zoning classification of the following described real estate, to wit:

Lot 1 in Owner's Ogden Avenue Subdivision of the East 1/2 of Section 1, Township 38 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded February 1, 1966 as document R66-3609, in DuPage County, Illinois

Commonly known as 2100 Ogden Avenue, Downers Grove, IL 60515 (PIN 08-01-401-003)

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. 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. The Village reserves the right to re-open its review process upon receipt of such information; and
2. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County 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



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
FEBRUARY 1, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-02-10 2100 Ogden Avenue	Zoning Ordinance Map Amendment	Damir Latinovic, AICP Planner

REQUEST

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from M-1, Light Manufacturing to B-3, General Services and Highway Business district.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

APPLICANT: WJK 2100 Associates Ltd P by James F. Russ, Jr.
4915 Main Street
Downers Grove, IL 60515

OWNER: WJK 2100 Associates Ltd P
1550 West Ogden Avenue
Naperville, IL 60540

PROPERTY INFORMATION

EXISTING ZONING: M-1, Light Manufacturing
EXISTING LAND USE: Commercial (Automobile Dealership)
PROPERTY SIZE: 4.78 acres
PINS: 08-01-401-003

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	M-1, Light Manufacturing	Office, Research and Manufacturing
SOUTH:	B-3 General Services and Highway Business	Commercial
EAST:	M-1, Light Manufacturing	Office, Research and Manufacturing
WEST:	M-1, Light Manufacturing	Office, Research and Manufacturing

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Zoning Ordinance
3. Proposal Narrative
4. Plat of Survey

DESCRIPTION

The 4.78 acre property, commonly known as 2100 Ogden Avenue, is located on the north side of Ogden Avenue east of Finley Road. The property is zoned M-1 Light Manufacturing and is currently occupied by Bill Kay Suzuki automobile dealership. The petitioner is requesting to rezone the property to B-3 General Services and Highway Business to be consistent with the existing use on the property and the commercial trend of development along Ogden Avenue.

The petitioner is not proposing any new development or changes to the existing building, use or the layout of the site at this time.

COMPLIANCE WITH THE FUTURE LAND USE PLAN

The Future Land Use Plan designates the property as Office Research and Manufacturing. Staff believes the proposed commercial B-3 zoning of this property would be consistent with the existing use on the property and the existing trend of commercial development along Ogden Avenue. The proposal is also consistent with the Ogden Avenue Master Plan.

COMPLIANCE WITH THE ZONING ORDINANCE

The petitioner is proposing to rezone the property from M-1, Light Manufacturing to B-3 General Services and Highway Business District. The properties east, west and north of the subject property are zoned M-1, Light Manufacturing. The properties to the south of the subject property are zoned B-3. Per Zoning Ordinance, the minimum area for a B-3 zoning district is four acres. The 4.78 acre subject property meets this requirement. Staff believes the proposed B-3 General Service and Highway Business district is appropriate for this property and is consistent with the commercial uses in the area and the goals of the Ogden Avenue Master Plan.

At this time, the petitioner has not proposed any development on the site. Any future development on the site will be required to fully comply with all requirements of the Zoning Ordinance and the Ogden Avenue Master Plan.

COMPLIANCE WITH THE OGDEN AVENUE MASTER PLAN

The Ogden Avenue Master Plan contemplates commercial redevelopment within the corridor. The current light manufacturing zoning is not consistent with the trend of commercial development along Ogden Avenue. The proposed rezoning of the subject property to B-3 General Services and Highway Business is consistent with the Ogden Avenue Master Plan and the commercial uses surrounding the property.

NEIGHBORHOOD COMMENT

Staff has not received any written neighborhood comment regarding the proposal at this time.

FINDINGS OF FACT

Section 28.1702 Standards for Approval of Amendments to the Zoning Ordinance

Village Council and Plan Commission consideration and approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making

its decisions and recommendations regarding map amendments, the Village Council and Plan Commission shall consider the following factors:

- (1) The existing uses and zoning of nearby property;*
- (2) The extent to which the particular zoning restrictions affect property values;*
- (3) The extent to which any determination in property value is offset by an increase in the public health, safety and welfare;*
- (4) The suitability of the subject property for the zoned purposes;*
- (5) The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;*
- (6) The value to the community of the proposed use, and;*
- (7) The standard of care with which the community has undertaken to plan its land use development.*

The subject property, currently zoned M-1 Light Manufacturing is occupied by a commercial use. The property abuts M-1 zoning districts to the east, west and north, while the B-3 General Services and Highway Business district is located south of the subject property. The existing use and the location of the property are compatible with the existing trend of commercial development along Ogden Avenue. The Ogden Avenue Master Plan also contemplates commercial redevelopment along the corridor.

Staff believes the proposal is compatible with the surrounding area and will not have an adverse impact on the existing uses or the trend of development in the area. Staff believes the proposal meets the standards for approval of an amendment to the Zoning Ordinance.

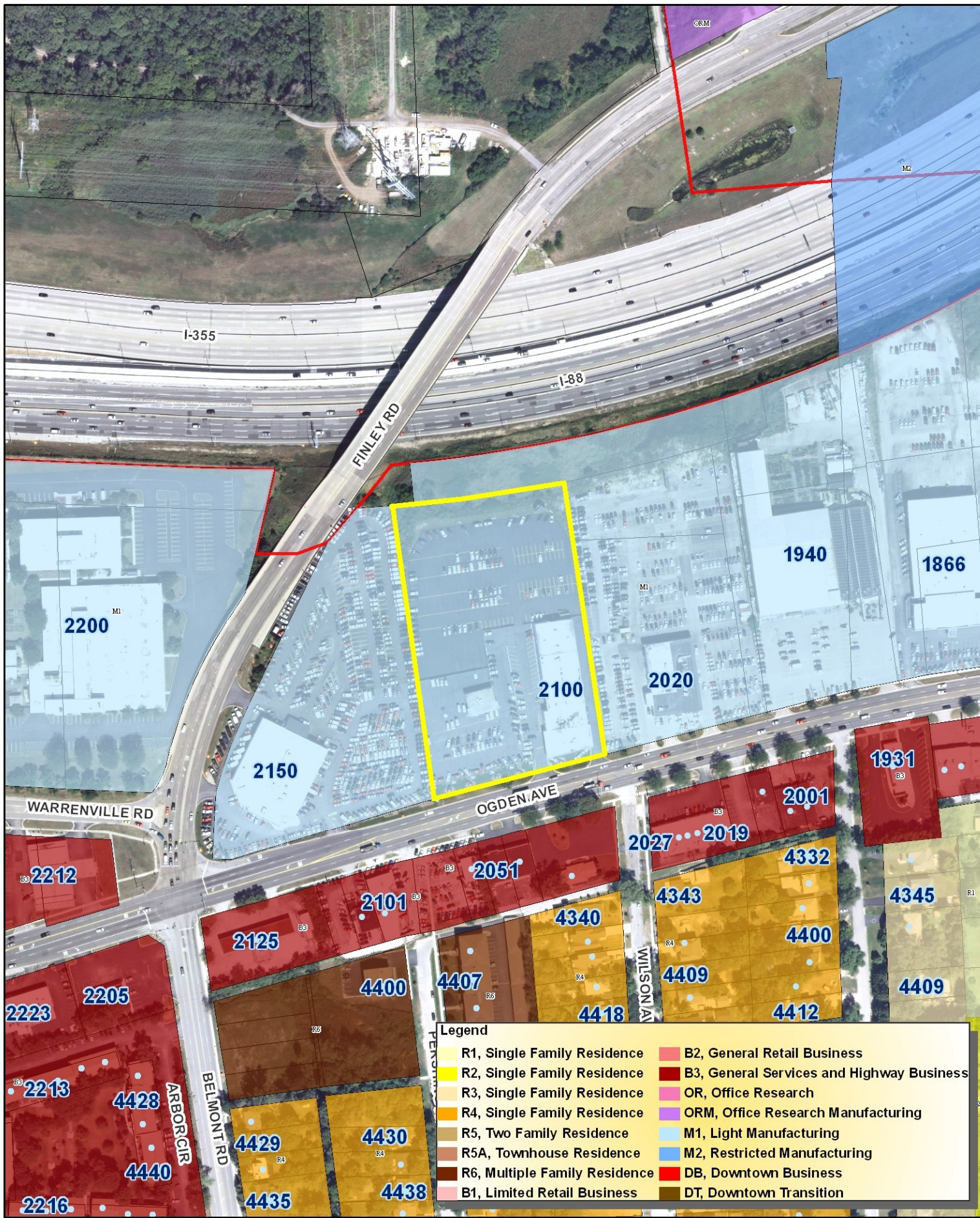
RECOMMENDATIONS

The proposed rezoning of the property is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition.

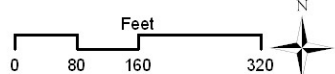
Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:dl
-att



Legend	
 R1, Single Family Residence	 B2, General Retail Business
 R2, Single Family Residence	 B3, General Services and Highway Business
 R3, Single Family Residence	 OR, Office Research
 R4, Single Family Residence	 ORM, Office Research Manufacturing
 R5, Two Family Residence	 M1, Light Manufacturing
 R5A, Townhouse Residence	 M2, Restricted Manufacturing
 R6, Multiple Family Residence	 DB, Downtown Business
 B1, Limited Retail Business	 DT, Downtown Transition



2100 Ogden Avenue Zoning Map

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

January 5, 2010

Telephone 630/969-2300

Fax 630/969-1342

Beth A. Indelicato*

†Also Licensed in Wisconsin

*Also Licensed in California

Of Counsel

Richard F. Hudzik, P.C.

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

Re: Petition for Map Amendment

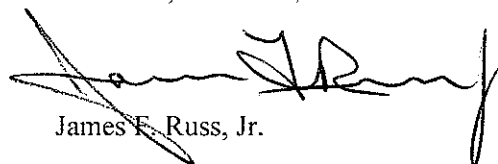
Dear Chairman Jirik:

Please be advised that I represent WJK 2100 Associates Ltd P with regard to their property located at 2100 Ogden Avenue, Downers Grove, IL 60515. This is the Bill Kay Suzuki dealership, formerly Bill Kay Chrysler dealership, in Downers Grove. As you and the Plan Commission are aware, many of the properties along Ogden Avenue are zoned M1. As you are also aware, Ogden Avenue did not develop into any type of a manufacturing format, but has become a retail corridor. As a result, the Petitioner is seeking to rezone this property from Village of Downers Grove M1 zoning to Village of Downers Grove B3 zoning. The Village B3 zoning is consistent with the majority of the zoning along Ogden Avenue through Downers Grove as well as the use that currently exists on the property.

The majority of zoning classification along Ogden Avenue is B3 general retail and an automobile dealership is a permitted use within the B3 zoning district. We look forward to presenting this Zoning Ordinance Map Amendment Petition to the Plan Commission at your February, 2010 meeting and look forward to answering any questions you may have with regard to this Petition.

Sincerely,

WIEDEL, HUDZIK, RUSS & PHILIPP

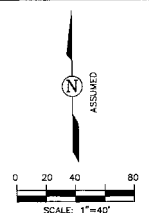


James F. Russ, Jr.

JFR/brd

TOPOGRAPHIC SURVEY

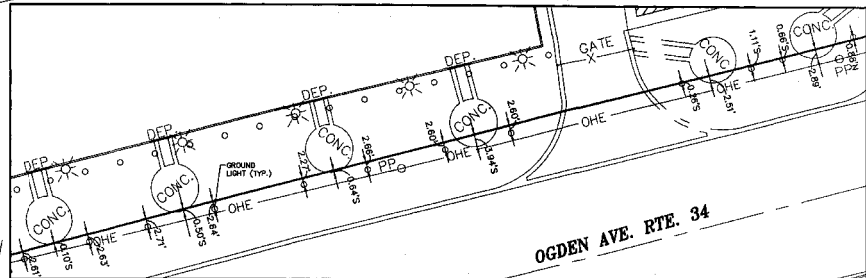
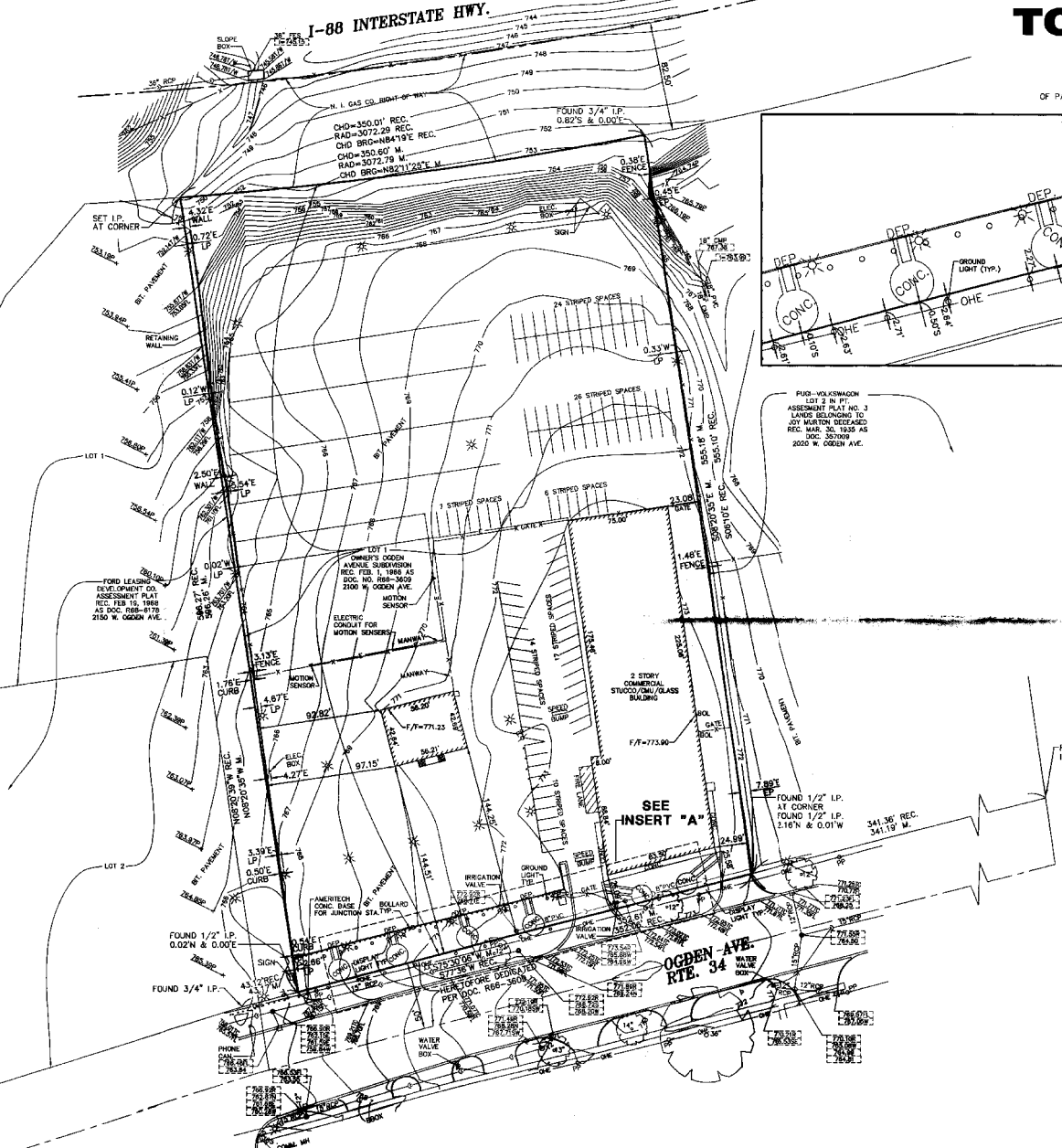
OF PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.



LEGEND

- | SYMBOL | DESCRIPTION |
|--------|---------------------------|
| ⊙ | MANHOLE |
| ○ | CATCH BASIN |
| □ | INLET |
| ● | VALVE & VALV |
| ⊕ | VALVE & BOX |
| ⊙ | FIRE HYDRANT |
| □ | CLEANOUT |
| ⊙ | BUFFALO BOX |
| ✱ | STREET LIGHT |
| ⊙ | LIGHT STANDARD |
| ⊙ | POWER POLE |
| ⊙ | GAS VALVE |
| ⊙ | TELEPHONE PEDESTAL |
| ⊙ | ELECTRIC PEDESTAL |
| ⊙ | ELECTRIC HAND HOLE |
| ⊙ | CABLE TELEVISION PEDESTAL |
| ⊙ | ROADWAY/HANDICAP SIGN |
| ⊙ | STORM SEWER |
| ⊙ | SANITARY SEWER |
| ⊙ | WATERMAIN |
| ⊙ | FORCEMAIN |
| ⊙ | HEADWALL |
| ⊙ | END SECTION |
| ⊙ | CORRUGATED METAL PIPE |
| —E— | ELECTRIC LINE |
| —G— | GAS LINE |
| —T— | TELEPHONE LINE |
| —FO— | FIBER OPTIC CABLE |
| —OHE— | OVERHEAD POWER LINES |
| —TV— | CABLE TELEVISION |
| —680— | CONTOURS |
| —X— | FENCE LINE |
| —G— | QUADRANT |
| —ELEV— | ELEVATIONS |
| — | SIDEWALK |
| — | CURB |
| — | STRUCTURE GULLOUT |
| — | DECDUOUS TREE |
| — | SUBDIVISION BOUNDARY |
| — | EXISTING LOT LINE |
| — | CENTER LINE |

- ### ABBREVIATIONS
- REC: RECORD DATA
 - M: MEASURED DATA
 - R: RADIOS
 - A: ARC DATA
 - ROW: RIGHT OF WAY
 - F/F: FINISH FLOOR ELEVATION
 - LP: IRON PIPE
 - PP: POWER POLE
 - TC: TOP OF CURB
 - FL: FLOWLINE
 - LP: LIGHT POLE
 - EP: EDGE OF PAVEMENT
 - DEP: DEPRESSION CURB
 - BOL: BOLLARD



INSERT "A"
SCALE: 1"=20'

LEGAL DESCRIPTION:

LOT 1 IN OWNER'S OGDEN AVENUE SUBDIVISION OF THE EAST 1/2 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 1, 1966 AS DOCUMENT R66-3609, IN DUPAGE COUNTY, ILLINOIS.

BENCH MARKS:

DOWNERS GROVE (1988 DATUM) BENCH MARK #85 "S" CUT ON NORTHWEST BONNET BOLT OF FIRE HYDRANT ON THE SOUTHWEST CORNER OF OGDEN AVE. AND WOODWARD AVE. ELEVATION=788.68
DOWNERS GROVE (1988 DATUM) BENCH MARK #86 "S" CUT ON NORTH BONNET BOLT OF FIRE HYDRANT ON THE S/W CORNER OF OGDEN AVE. AND WILSON AVE. ELEVATION=771.21

NOTE:

UTILITIES SHOWN ARE LOCATED FROM FIELD OBSERVATIONS ONLY.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } SS

I HEREBY CERTIFY THAT THIS TOPOGRAPHIC SURVEY HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION. ALL DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
THIS SURVEY HAS BEEN PREPARED BY ROAKE AND ASSOCIATES, INC., ILLINOIS LICENSED PROFESSIONAL DESIGN FIRM NO. 807, LICENSE EXPIRES APRIL 30, 2009, UNDER MY PERSONAL DIRECTION FOR THE EXCLUSIVE USE OF THE CLIENT NOTED BELOW. REPRODUCTION OR USE BY THIRD PARTIES IS STRICTLY PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE UNDERSIGNED. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 14TH DAY OF SEPTEMBER, 2007.

Charles A. Hase
ILLINOIS LICENSED PROFESSIONAL LAND SURVEYOR NO. 2955
LICENSE VALID THROUGH NOVEMBER 30, 2008



ROAKE AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND SURVEYORS • PLANNERS
1887 HIGH GROVE LN • NAPERVILLE, IL 60540
(630) 366-3292 • FAX (630) 366-9287

PREPARED FOR:
BILL KAY - DOWNERS GROVE
2100 OGDEN AVENUE
NAPERVILLE, ILLINOIS 60540
PH. (630) 355-7500

REVISIONS		REVISIONS			
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION

BILL KAY - DOWNERS GROVE - 2100 W. OGDEN AVENUE
TOPOGRAPHIC SURVEY
JRM/CDR BY: PRS/MEH FILE: 489272 FLD. BK./PL: 206/39 SHEET NO. 1 OF 1
SCALE: 1"=40' DATE: 09/14/08 JOB NO.: 489.002

PC-02-10 A petition seeking a Zoning Ordinance Map Amendment to rezone a property from M-1, Light Manufacturing to B-3, General Services and Highway Business district. The property is located on the North side of Ogden Avenue approximately 460 feet East of Finley Road and is commonly known as 2100 Ogden Avenue, Downers Grove, IL (PIN 08-01-401-003); James F. Russ, Jr. on behalf of WJK 2100 Associates Ltd P, Petitioner; WJK 2100 Associates Ltd P, Owner

Chairman Jirik swore in those individuals who would be speaking on behalf of PC-02-10.

Mr. Damir Latinovic reported the petition is for a map amendment to rezone a 4.78 acre property from M-1 Light Manufacturing to B-3 General Services and Highway Business District. Currently, a Suzuki dealership is on the site, improved with two buildings. The Future Land Use Plan designates the property for Office Research and Manufacturing; however, a B-3 commercial zoning would be better suited for the property to be consistent with the existing use on the property and the trend that is occurring along the Ogden Avenue Corridor. The request would also be consistent with the Ogden Avenue Master Plan. Mr. Latinovic proceeded to explain the surrounding zoning.

Staff believes the request is better suited for the property for future uses and more compatible with the uses in the area. Staff recommended a positive recommendation to the Village Council.

A question was asked on how the property was originally zoned M-1, wherein Mr. Latinovic explained the properties long ago were zoned for more intense uses, i.e., manufacturing. The zoning is being requested for future uses. Per Mrs. Rabatah's question, the properties east and west of the site were of similar size to the subject property, approximately three to four acres in size.

Mr. James Russ, 4915 Main Street, Downers Grove, Attorney and on behalf of the petitioner, discussed that the main purpose of the request was to prevent what could be allowed in the M-1 District. Examples followed. Under Section 28.1702, Mr. Russ reviewed, in greater detail, the seven standards to be met.

Per Mrs. Hamernik's question, Mr. Latinovic explained that both B-3 and M-1 zoning districts require a Special Use for any automobile-related business. Mr. Latinovic added that the M-1 district allows all those uses that are allowed in the B-3 district but not in B-1 or B-2. Examples followed. Asked if there was a special use already on the property for automobile use, Mr. Latinovic stated there was not and the site is continued as legal non-conforming site. However, he stated future changes to the property would require a special use approval. Mr. Beggs queried staff why Packey Webb would want a similar request, wherein Mr. Latinovic pointed out the changes in setbacks between M-1 and B-3 districts and a recent change to the sign ordinance could be a reason.

Chairman Jirik opened up the matter to public comment. No comment received. Public comment was closed. Mr. Russ had no closing statement.

Commissioners concurred that the comments made in regards to the request complying with the Ogden Avenue Master Plan were appropriate. Overall, commissioners were in support of the request.

WITH RESPECT TO PC-02-10, MRS. HAMERNIK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO REZONE THE PROPERTY AT 2100 OGDEN AVENUE FROM M-1, LIGHT MANUFACTURING TO B-3, GENERAL SERVICES AND HIGHWAY BUSINESS DISTRICT.

SECONDED BY MR. WAECHTLER.

ROLL CALL:

AYE: MRS. HAMERNIK, MR. WAECHTLER, MR. BEGGS, MR. COZZO, MR. MATEJCZYK, MRS. RABATAH, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 8-0