

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MARCH 4, 2014 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------|
| Special Use for an automobile dealership at 2100 Ogden Avenue | Resolution ✓ Ordinance Motion Discussion Only | Tom Dabareiner, AICP Community Development Director |

SYNOPSIS

A special use ordinance has been prepared for an automobile dealership at 2100 Ogden Avenue.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 include *Strong and Diverse Local Economy*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the March 11, 2014 active agenda. The Plan Commission found that the proposal is an appropriate use in the corridor, compatible with the Comprehensive Plan and meets all standards for approval of a Special Use found in Section 28.1902. The Plan Commission unanimously recommended approval.

BACKGROUND

The petitioner is requesting Special Use approval to reestablish an automobile dealership at 2100 Ogden Avenue. The property had historically been used as an automobile dealership until January 2012. When the dealership was originally established, it was permitted by-right. Subsequently, automobile dealerships were deemed to be a Special Use. Because the dealership has been discontinued for more than 18 months, the Zoning Ordinance (Section 28.1202(d)) requires the use to be approved in accordance with the current zoning regulations.

Location

The 4.58 acre property is located on the north side of Ogden Avenue at the intersection of Ogden and Wilson Avenues. The property is zoned B-3, General Services and Highway Business. An automobile dealership use is an allowable Special Use in the B-3 district per Section 28.609 of the Zoning Ordinance.

Development Plan

The property is improved with a 20,000 square foot principal building and a 2,300 square foot accessory building. The principal building includes a showroom, offices and a service shop. The petitioner is proposing to use the principal building in the same manner. The accessory building includes an office space and an open bay. The petitioner is proposing to repurpose this building as a vehicle photo studio.

The petitioner is not proposing any site improvements. The petitioner will undertake cosmetic improvements to the facades of both buildings while the interior of the principal building will also be modernized through cosmetic improvements.

Compliance with the Zoning Ordinance

The existing buildings comply with the bulk requirements of the Zoning Ordinance.

Engineering and Public Improvements

The petitioner is not proposing any changes to the site and all required infrastructure exists and adequately services the property.

Public Safety

The principal building is equipped with a fire alarm system, while the accessory building will be required to install a fire alarm system. Currently, neither building is equipped with a sprinkler system. The proposed cosmetic improvements will not trigger the requirement for the installation of a sprinkler system in either building.

Compliance with the Comprehensive Plan

The proposed automobile use is consistent with and meets the goals of the Comprehensive Plan as shown below:

| Comprehensive Plan Recommendations | How the Proposal is Consistent with the Comprehensive Plan |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Subject site is designated as Corridor Commercial with proposed uses that cater to the automobile | The proposed automobile dealership caters to automobile uses. |
| Corridor Commercial uses should function to serve local residents and provide commercial services to the larger region. | The proposed automobile dealership will serve both local and regional residents. |

Public Comment

There has been no public comment offered on this request.

ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated February 3, 2014

Draft Minutes of the Plan Commission Hearing dated February 3, 2014

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT
AN AUTOMOBILE DEALERSHIP
AT 2100 OGDEN AVENUE**

WHEREAS, the following described property, 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)

(hereinafter referred to as the "Property") is presently zoned "*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(c) of the Zoning Ordinance be granted to permit an automobile dealership at 2100 Ogden Avenue; and,

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove on February 3, 2014, 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 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 permit an automobile dealership at 2100 Ogden Avenue within the B-3 zoning district.

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

1. The Special Use shall substantially conform to the staff report, plans and documents attached to the Staff Report dated February 3, 2014 except as such plans may be modified to conform to the Village codes and ordinances.
2. All automobile detailing and repair work shall take place entirely within the existing building. No work shall take place outside of the building.
3. The accessory building shall be equipped with an automatic and manual fire alarm system.
4. The existing tollway monument sign shall be brought into conformance with the Sign Ordinance no later than May 5, 2014.

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.

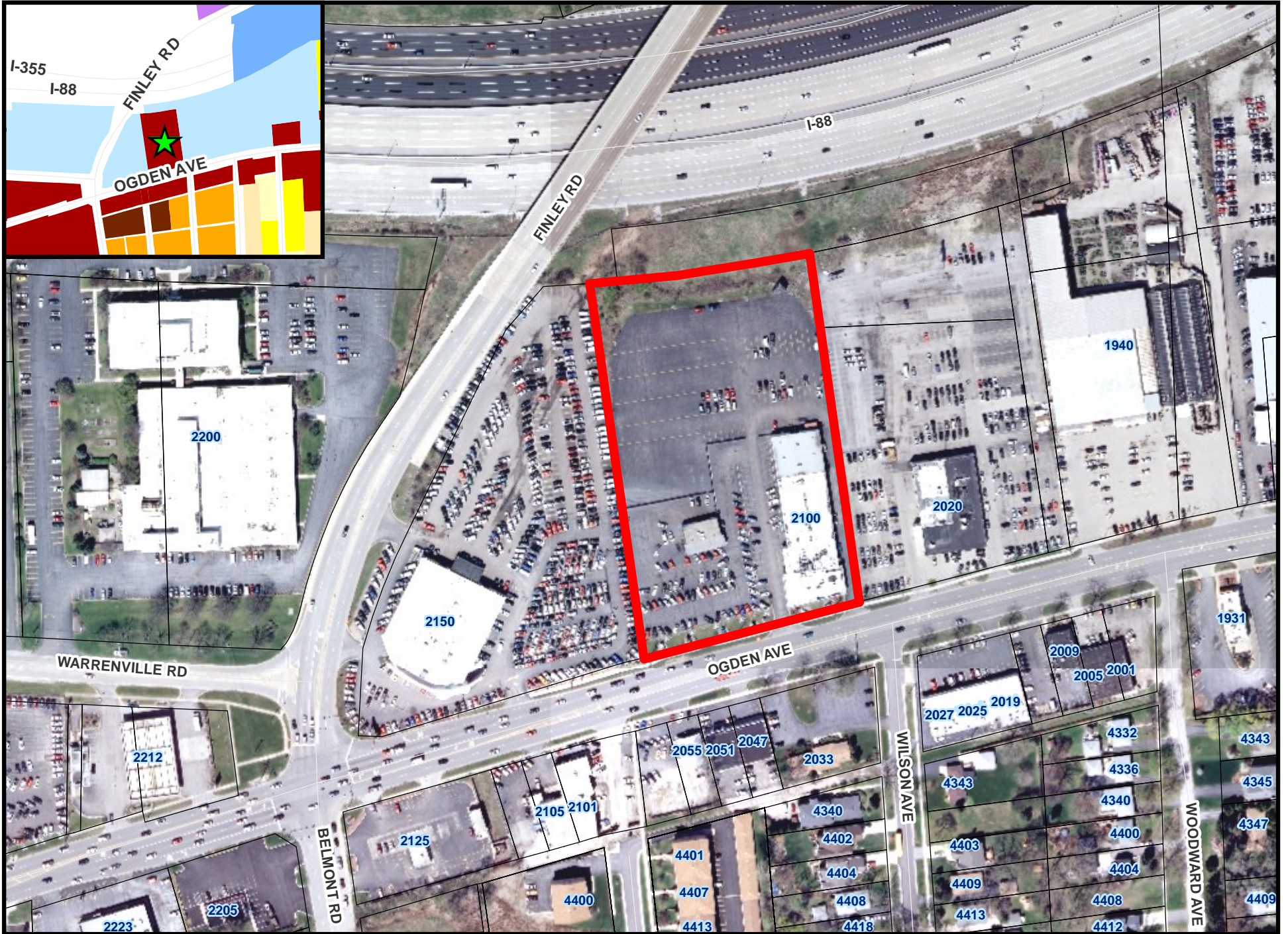
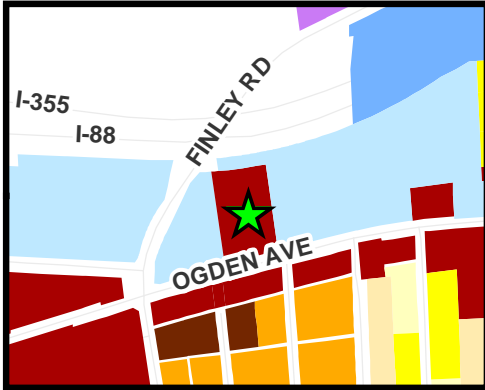
Mayor

Passed:

Published:

Attest: _____

Village Clerk



0 100 200 300 400 Feet

2100 Ogden Avenue Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
FEBRUARY 3, 2014 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|-------------------------------|------------------------------------------|---------------------------------------|
| PC-01-14 2100 Ogden Avenue | Special Use for an Automobile Dealership | Stan Popovich, AICP Senior Planner |

REQUEST

The petitioner is requesting approval of a special use to permit an automobile dealership in an existing building located at 2100 Ogden Avenue.

NOTICE

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

GENERAL INFORMATION

OWNER: WJK Family, LLC
601 Ogden Avenue
Lisle, IL 60532

APPLICANT: Bill Kay Suzuki
D.B.A. Bill Kay Classics
2100 Ogden Avenue
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: B-3, General Services and Highway Business
EXISTING LAND USE: Vacant Commercial
PROPERTY SIZE: 4.58 acres (199,505 square feet)
PINS: 08-01-401-003

SURROUNDING ZONING AND LAND USES

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

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. Project Summary
3. Plat of Survey

PROJECT DESCRIPTION

The petitioner is requesting Special Use approval to reestablish an automobile dealership at 2100 Ogden Avenue. The 4.58 acre property is zoned B-3, General Services and Highway Business and is located on the north side of Ogden Avenue at the intersection of Ogden and Wilson Avenues. The property includes a principal and accessory building and is primarily paved.

The property was historically used as an automobile dealership until the dealership closed in January 2012. The previous dealership was established when automobile dealerships were permitted by-right at this location. Subsequently, automobile dealership uses were deemed to be Special Uses that require additional scrutiny. Because the former dealership was lawfully established, the dealership was deemed to be a lawful non-conforming use. The Zoning Ordinance (Section 28.1202(d)) permits lawful non-conforming uses to remain active, but if they are discontinued for a period of at least 18 months the use must be approved in accordance with the current Zoning Ordinance regulations. In this case, the reestablishment of an automobile dealership requires Special Use approval.

Two buildings are located on the property. The larger principal building is approximately 20,000 square feet in size and is located on the east side of the property. This building includes vehicle display and office space in the front, a shop in the rear and offices on a second floor. The petitioner is proposing to reuse this building in the same fashion. The front of the building would be used to display vehicles and include offices to complete transactions. The rear of the larger building would be used for ancillary detailing and minor reconditioning of vehicles. These minor activities would include brake repair, tune-ups, and battery replacements; typical ancillary activities associated with an automobile dealership.

The smaller 2,300 square foot accessory building is located on the west half of the building. This building includes office space and an open bay. The smaller building would be repurposed as a vehicle photo studio.

The petitioner is not proposing any exterior building or site improvements as part of this petition. Minor cosmetic improvements will be made to the façades of both buildings. Interior improvements include cosmetic changes as well as some reconfiguration and modernizing of the office spaces as well as cosmetic improvements to the service department.

Two existing curb cuts onto Ogden Avenue are to remain. An existing sidewalk runs the width of the property and provides a pedestrian connection along Ogden Avenue. The majority of the site is currently paved and will be used for customer parking and vehicle display.

The site currently has 104 striped spaces for customer and staff parking. Based on the size of the building and the vehicle display area and the proposed use of the existing facility, 54 parking spaces are required.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposal is consistent with the Comprehensive Plan. The property is designated as Corridor Commercial in the Comprehensive Plan. Corridor Commercial uses include a blend of commercial retail, office, regional commercial retail, service and multi-family uses. The proposed automobile dealership use is consistent with the Corridor Commercial designation.

The Comprehensive Plan notes Ogden Avenue is an auto-oriented corridor. The proposed automobile dealership is consistent with the automobile orientation of the corridor and nearby automobile uses, including the automobile dealerships on either side of the subject property. The Comprehensive Plan also notes the Ogden Avenue corridor should continue to function in its dual role by serving the daily needs of local residents and providing commercial services to the larger region. The proposed automobile dealership provides a service to both local and surrounding residents who are looking to purchase a vehicle. The proposed use is consistent with the Comprehensive Plan.

COMPLIANCE WITH THE ZONING ORDINANCE

The 2100 Ogden Avenue property is zoned B-3, General Services and Highway Business. Per Section 28.609(c) of the Zoning Ordinance, an automobile dealership is permitted as a Special Use. The petitioner is not proposing any changes to the existing building or the site. The existing building complies with the bulk requirements of the Zoning Ordinance. The proposed use complies with the Zoning Ordinance.

ENGINEERING/PUBLIC IMPROVEMENTS

The petitioner is not proposing any changes to the site which would result in public improvements. All required infrastructure exists and adequately services the property.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division of the Fire Department has reviewed the application. The existing site access via the two curb cuts is sufficient should the Fire Department need to enter the site. The larger primary building is equipped with a fire alarm while the accessory smaller building is not. Based on the Village's Building Code, a fire alarm will have to be installed in the accessory building.

Currently, neither building is equipped with a sprinkler system. The Village's Building Code does not require a sprinkler system be installed unless significant improvements are undertaken which improve more than 35% of the building. As currently proposed, the cosmetic improvements to the buildings would not trigger the sprinkler requirement.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing a legal notice in the *Downers Grove Suburban Life* newspaper. Staff has received one general inquiry about the proposed use.

FINDINGS OF FACT

The applicant is requesting a Special Use to operate an automobile dealership in the B-3 zoning district. Staff believes the development meets the standards for granting a special use as outlined below:

Section 28.1902 Standards for Approval of Special Uses

The Village Council may authorize a special use by ordinance provided that the proposed Special Use is consistent and in substantial compliance with all Village Council policies and land use plans, including but not limited to the Comprehensive Plan, the Future Land Use Plan and Master Plans and the evidence presented is such as 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.*

The proposed automobile use will provide a desirable service to the community and will contribute to the general welfare of the neighborhood and the community. The proposal is consistent with the Corridor Commercial designation in the Comprehensive Plan and the goal of providing for both the daily needs of residents as well as providing commercial services to the larger region. This standard is met.

- (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.*

The proposed automobile dealership will not be detrimental to the health, safety, morals or general welfare of the community. The site was previously used as an automobile dealership and did not present any safety concerns. There is adequate access and queuing opportunities for vehicles exiting the site onto Ogden Avenue. The use will not create additional impacts on the existing traffic volume or flow of Ogden Avenue. This standard is met.

- (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.*

The petitioner is not requesting any zoning variations. The proposal will meet all requirements of the Village's Zoning Ordinance. This standard is met.

- (d) *That it is one of the special uses specifically listed for the district in which it is to be located.*

An automobile dealership is listed in Section 28.609(c) of the Zoning Ordinance as an allowable special use in the B-3 zoning district. This standard is met.

RECOMMENDATIONS

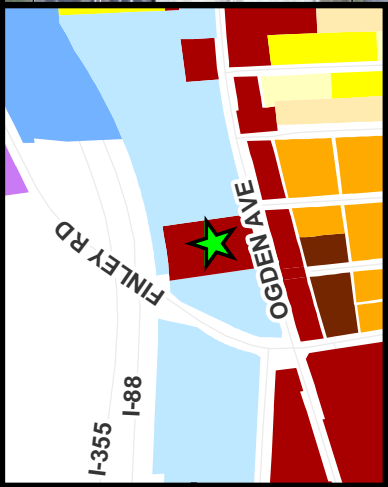
The proposal is consistent and compatible with the Comprehensive Plan, Zoning Ordinance and surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding PC-01-14 subject to the following condition:

1. The Special Use shall substantially conform to the staff report, plans and documents attached to this report except as such plans may be modified to conform to the Village codes and ordinances.
2. All automobile detailing and repair work shall take place entirely within the existing building. No work shall take place outside of the building.
3. The accessory building shall be equipped with an automatic and manual fire alarm system.
4. The existing tollway monument sign shall be brought into conformance with the Sign Ordinance no later than May 5, 2014.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:sjp
-att



2100 Ogden Avenue Location Map



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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

FEBRUARY 3, 2014, 7:00 P.M.

FILE PC 01-14: A petition for Special Use for an Automobile Dealership at 2100 Ogden Avenue; property is located on the north side of Ogden Avenue near Ogden and Wilson Avenues; Bill Kay Suzuki d/b/a/ Bill Kay Classics, petitioner; WJK Family LLC, Owner.

Mr. Popovich walked through the location of the site on the overhead screen, noting the site was zoned B-3 with a building and accessory building on the 4.58 acre site. Previously the site was established as a by-right automobile dealership that stopped operating in January 2012. Since the opening of the prior automobile dealership, a change to the zoning ordinance required auto dealerships to receive special use approval from the village council. Details of the main and accessory structures followed with Mr. Popovich stating that the petitioner intends to reuse the buildings in the same fashion as the previous auto dealership and to make some minor exterior and interior renovations. The smaller accessory building has an office and open bay area where the open bay area will be used as a vehicle photo studio for Internet car sales. The existing two curb cuts and sidewalk will remain. More than enough of the required parking spaces will be provided.

This proposal is consistent the village's Comprehensive Plan, the Ogden Avenue Corridor Plan, and the village's Zoning Ordinance. Fire Prevention reviewed the proposal and adequate access was on-site. The larger building does have an existing alarm system but no sprinkler system. The smaller building has neither. According to building code, sprinklers are not required in the building because the uses remain the same and the hazard is not changing. Staff is recommending the installation of an alarm system in the smaller building, however, as required by code. Because the buildings are being reused, there are no public or stormwater improvements.

Staff confirmed that proper public notice and signage was posted regarding this petition and, to date, no comments were received from the public except one general inquiry telephone call. Staff believes all Standards for Approval for the special use have been met. Mr. Popovich reviewed each of the standards and how the proposal met them. Staff asked that the Plan Commission forward a positive recommendation to the Village Council, including the four conditions listed in staff's report.

Asked what it would cost to install a sprinkler system for the existing building, Mr. Popovich could not estimate it, explaining it depended on the number of bays and there were different requirements for a showroom and office versus the larger service areas. Per Mrs. Rabatah's question on signage (Condition No. 4), Mr. Popovich clarified that the existing monument sign along Ogden Avenue is conforming. However, the petitioner and his representatives received a sign variation back in 2010 to reface the existing tollway monument sign. That sign variation was extended by Village Council to May 2014, which was the reason for Condition No. 4 and staff wanted to ensure that sign was brought into conformance.

Petitioner, Mr. William Kay, with Bill Kay Auto Group, stated he was in the process of revitalizing the site since his business was one that was affected by the Chrysler bankruptcy in 2008 and he lost

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the new car franchise. His goal is to open the business as a Classic Car dealership and to market and sell specialty-type vehicles such as cars from the 1960s through 1980s with some specialty in the Corvette area. He expects to have 10 employees, 50 classic and consignment vehicles and expects to generate about 30 to 50 car sales per month on an average of \$25,000 to \$30,000 per vehicle. Some minor reconditioning work will be done on-site, i.e., light mechanical and detailing work. The smaller building will be used as a photo studio for marketing purposes for magazines and on the Internet.

Per Mr. Cozzo's question regarding business hours, Mr. Kay envisioned being open six days per week (no Sundays) from 9:00 a.m. to 8:00 p.m.-9:00 p.m. Mr. Kay also added that he does host a car/Corvette show in Lisle once a year, but this facility would have to host more events in order to bring in more people to view the vehicles.

Chairwoman Urban invited the public to speak. Hearing none, the public comment was closed. A discussion and/or motion was entertained.

WITH RESPECT TO FILE PC 01-14, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSTIVE RECOMMENDATION TO THE VILLAGE COUNCIL, INCLUDING STAFF'S FOUR (4) CONDITIONS.

1. **THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT, PLANS AND DOCUMENTS ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
2. **ALL AUTOMOBILE DETAILING AND REPAIR WORK SHALL TAKE PLACE ENTIRELY WITHIN THE EXISTING BUILDING. NO WORK SHALL TAKE PLACE OUTSIDE OF THE BUILDING.**
3. **THE ACCESSORY BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.**
4. **THE EXISTING TOLLWAY MONUMENT SIGN SHALL BE BROUGHT INTO CONFORMANCE WITH THE SIGN ORDINANCE NO LATER THAN MAY 5, 2014.**

SECONDED BY MR. RICKARD. ROLL CALL:

**AYE: MR. QUIRK, MR. RICKARD, MR. BEGGS, MR. COZZO, MR. MATEJCZYK,
MRS. RABATAH, MR. WAECHTLER, CHAIRWOMAN URBAN**

NAY: NONE

MOTION CARRIED. VOTE: 8-0.

Mr. Popovich announced that the there is a Plan Commission meeting scheduled for February 24, 2014 for a subdivision on Dunham Road, and also meeting on March 3, 2014.

THE MEETING WAS ADJOURNED AT 9:42 P.M. ON MOTION BY MR. WAECHTLER, SECONDED BY MRS. RABATAH. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 8-0.

/s/ Celeste K. Weilandt
Celeste K. Weilandt

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(As transcribed by MP-3 audio)