

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
4/11/2017

SUBJECT:	SUBMITTED BY:
216 Ogden Avenue - Special Use with a variation	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The petitioner is requesting a Special Use with a street yard parking setback variation to permit an automobile dealership at 216 Ogden Avenue.

STRATEGIC PLAN ALIGNMENT

The goals for 2015-2017 include *Strong and Diverse Local Economy*.

FISCAL IMPACT

See Redevelopment Agreement.

RECOMMENDATION

Approval on the April 18, 2017 active agenda per the Plan Commission's unanimous 6:0 positive recommendation. The Plan Commission found that the proposal is an appropriate use in the district, compatible with the Comprehensive Plan and meets all standards for approval of a Special Use per Section 28.12.050 and a Variation per Section 28.12.090.

BACKGROUND

Property Information & Zoning Request

The applicant is proposing to renovate the existing 15,813 square foot commercial building commonly known as 216 Ogden Avenue to house an automobile dealership. The subject property is improved with a vacant, one-story commercial building and a surface parking lot on the northern, western and southern sides of the building.

Building improvements include façade improvements to the south and west elevations with an interior renovation resulting in two primary spaces, a showroom and service area. Access to the inside of the building will be provided by a combination of existing and proposed overhead doors. Site improvements will include the addition of landscaping and open space to a property that currently does not have any. The drive aisle in the street yard is proposed to be one-way eastbound in order to allow for open space and maintain some customer parking in front of the building.

The proposed automobile display is in the parking row closest to Ogden Avenue, but will be setback 39 feet from the centerline of the Ogden Avenue right-of-way where 50 feet is required. Therefore, the applicant is requesting a variance from the 50' required setback for the first parking row.

Compliance with the Comprehensive Plan

The current and draft updated Comprehensive Plan identifies the Ogden Avenue corridor as an auto-oriented corridor. The petitioner is proposing aesthetic improvements with the addition of landscaping and modernizing the building including new façades. Pedestrian connectivity is enhanced with the extension of the Ogden Avenue sidewalk in front of the property.

The proposed draft updated Comprehensive Plan identifies this property as part of Catalyst Site #10 in the Ogden Avenue corridor. The site could be redeveloped into a commercial center and should provide cross-access agreements. The proposed development will provide increased commercial activity at this property and provides an external connection to the property immediately to the east.

Compliance with the Zoning Ordinance

The property is zoned B-3, General Services and Highway Business. An automobile dealership use is an allowable Special Use in the B-3 zoning district. Due to the street yard open space and landscaping screening improvements, the footprint of the parking lot is changing but the existing building precludes complying with the street setback for parking. The applicant is proposing a one-way drive aisle in the street yard to accommodate open space requirements while still providing parking space and not have the cars directly adjacent to the street property line and the proposed sidewalk.

Engineering\Public Improvements

The petitioner is providing a five-foot sidewalk along the entire width of the property. There are no other public improvements proposed. An internal pedestrian connection will lead from the sidewalk to the entrance of the dealership and will be differentiated through the use of material. The proposal will reduce the overall impervious area on the site and thus no new stormwater improvements are required.

Public Comment

Two members of the public expressed concern with noise, light glare, run-off, and landscaping. Another resident stated he supported the redevelopment of a vacant site.

The photometric plan demonstrates that with the new light fixtures, the average foot-candles would be zero relative to the residential properties. The landscaping plan shows an increase in landscaping which augments the existing two fences and landscaping at the rear of the property. The amount of permeable surface area is being increased. No pager systems would be used to communicate with employees outside of the building.

ATTACHMENTS

Ordinances

Aerial Map

Staff Report with attachments dated February 27, 2017

Draft Minutes of the Plan Commission Hearing dated February 27, 2017

Resident letter dated February 23, 2017

ORDINANCE NO. _____**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 216 OGDEN AVENUE
TO PERMIT AN AUTOMOBILE DEALERSHIP
WITH A VARIATION**

WHEREAS, the following described property, to wit:

PARCEL 1:

THAT PART OF LOTS 7 AND 8 IN BLOCK 1, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT 7, AFORESAID, AND A LINE 115 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF LOT 5 IN BLOCK 1, AFORESAID; THENCE SOUTH ALONG SAID PARALLEL LINE 160 FEET TO A POINT 40 FEET NORTH OF THE SOUTH LINE OF LOT 7, AFORESAID; THENCE SOUTHWESTERLY 56.61 FEET TO A POINT IN THE SOUTH LINE OF LOT 8, AFORESAID, 155 FEET WEST OF THE EAST LINE OF LOT 5 IN BLOCK 1, AFORESAID, EXTENDED SOUTH; THENCE WEST 45 FEET TO THE SOUTHWEST CORNER OF LOT 8, AFORESAID; THENCE NORTH ALONG THE WEST LINE OF LOT 8, AFORESAID, 200 FEET TO THE NORTHWEST CORNER THEREOF; THENCE EAST ALONG THE NORTH LINE OF SAID LOTS 84.20 FEET TO THE PLACE OF BEGINNING, ALL IN ARTHUR T. MCINTOSH AND COMPANY'S THIRD OGDEN AVENUE SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 31, 1924 AS DOCUMENT 186703, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT OF 15 FEET IN WIDTH FOR THE BENEFIT OF PARCEL 1 FOR THE PURPOSE OF INGRESS AND EGRESS, TOGETHER WITH THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPLACE AND REMOVE A DRIVEWAY ON THE EASEMENT PREMISES AS CREATED BY WARRANTY DEED MADE BY MARTIN OIL SERVICE, INC., A CORPORATION OF ILLINOIS TO CHESTER J. CROSS, DATED JULY 20, 1970 AND RECORDED SEPTEMBER 11, 1970 AS DOCUMENT R70-32706 ALONG THE NORTH BOUNDARY OF THE FOLLOWING DESCRIBED PROPERTY: THAT PART OF LOTS 5, 6, AND 7 IN BLOCK 1, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF LOT 5, AFORESAID, 100.00 FEET SOUTH OF THE NORTHEAST CORNER THEREOF: THENCE WEST PARALLEL WITH THE NORTH LINES OF LOTS 5, 6 AND 7, A DISTANCE OF 115.00 FEET: THENCE NORTH PARALLEL WITH THE EAST LINE OF LOT 5, AFORESAID, 100.00 FEET TO THE NORTH LINE OF LOT 7, AFORESAID; THENCE EAST ALONG THE NORTH LINE OF LOTS 7, 6 AND 5 AFORESAID, 115.00 FEET TO THE NORTHEAST CORNER OF LOT 5, AFORESAID, THENCE SOUTH ALONG THE EAST LINE OF LOT 5, AFORESAID, 100.00 FEET TO THE PLACE OF BEGINNING, ALL IN ARTHUR T. MCINTOSH AND COMPANY'S THIRD OGDEN AVENUE SUBDIVISION, OF THE SOUTH 9 CHAINS OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE

SECTION 4, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

LOTS 9 AND 10 IN BLOCK 1 IN ARTHUR T. MCINTOSH AND COMPANY'S THIRD OGDEN AVENUE SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 31, 1924 AS DOCUMENT 186703, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 216 Ogden Avenue, Downers Grove, IL 60515

PINs: 09-04-111-026

(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 28.12.050 of the Zoning Ordinance be granted to permit an automobile dealership including the following Variation:

1. Variation per Section 28.3.040; *Special Street Setback Requirements (Ogden Avenue)*, to decrease the required parking setback from fifty (50) feet to thirty-nine (39) feet.

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 for the petition on February 27, 2017 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 Special Use and Variation, 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. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;
2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
3. That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

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 standards for granting a variation per Section 28.12.090.G have been met; and,

1. No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner.
2. The consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:
 - a. the subject property cannot yield a reasonable return if required to comply with the regulations that apply to it;
 - b. the plight of the owner is due to unique circumstances; and
 - c. the variation, if granted, will not alter the essential character of the locality.
3. In addition, the hearing body must also take into consideration the extent to which the following facts, favorable to the property owner, have been established by the evidence presented:
 - a. that the physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. that the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification;
 - c. that the alleged difficulty or hardship was not created by the current property owner;
 - d. that the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - e. that the proposed variation will not alter the essential character of the area; and
 - f. that the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.

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 allow construction of an automobile dealership with a setback variation.

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

1. The special use shall substantially conform to the staff report dated February 27, 2017; architectural and landscaping drawings prepared by DM+S Architects, P.C. dated February 15, 2017 except as such plans may be modified to conform to the Village codes and ordinances.
2. Prior to issuing a building permit, an administrative lot consolidation shall be completed.
3. The building shall be equipped with an automatic fire suppression system and a fire alarm system.

4. A cross access easement with the property to the west shall be recorded prior to building permit issuance.
5. All vehicle deliveries via car/truck transport must occur off-site.

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. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

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Feet

216 Ogden Avenue-Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
FEBRUARY 27, 2017 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
17-PLC-0002 216 Ogden Avenue	Special Use for an Automobile Dealership with a Variation	Scott Williams Planner

REQUEST

The petitioner is requesting approval for a Special Use and a Variation in the Street Setback for an Automobile Dealership at 216 Ogden Avenue which is located in the B-3, General Services and Highway Business zoning district.

NOTICE

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

GENERAL INFORMATION

OWNER:	Sydney LLC PO Box 354 Wayne, IL 60184
APPLICANT:	Westmont Lincoln LLC 100 W. Ogden Avenue Westmont, IL 60559

PROPERTY INFORMATION

EXISTING ZONING:	B-3, General Services and Highway Business
EXISTING LAND USE:	Vacant Commercial Site
PROPERTY SIZE:	36,187 sq. ft. (0.83 acres)
PINS:	09-04-111-026

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-5A, Residential Attached House 5A	Corridor Commercial
SOUTH:	B-3, General Services and Highway Business	Corridor Commercial
EAST:	B-3, General Services and Highway Business	Corridor Commercial
WEST:	B-3, General Services and Highway Business	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. Location Map
3. Project Narrative
4. Plat of Survey
5. Operations Plan
6. Architectural Plans
7. Landscape Plan
8. Elevation Rendering
9. Easement Exhibits

PROJECT DESCRIPTION

The applicant is proposing to renovate the 15,813 square foot commercial building approximately 175 feet west of Cumnor Road, commonly known as 216 Ogden Avenue. This B-3, General Services and Highway Business zoned property is currently unoccupied. The applicant is proposing an automobile dealership with outdoor automobile display and an indoor showroom. An automobile dealership is an allowable Special Use in the B-3 zoning district per Section 5.010 of the Zoning Ordinance. The petitioner is also requesting a variation from the required 50' parking setback from the centerline of Ogden Avenue to allow for the street yard automobile display.

Currently, the subject property is improved with a vacant, one-story commercial building and a surface parking lot on the northern, western and southern sides of the building. The previous tenant used the area to the north of the building for outdoor storage. The site contains one curb cut off of Ogden Avenue. A second curb cut is located on the property to the east with an existing easement providing access. The petitioner also owns the property immediately to the west and will grant a cross-access easement to create a 24' wide drive aisle for both properties along their shared property line. The subject property contains multiple lots of record which will require the applicant to administratively consolidate the lots if the project is approved.

Proposed Development

The petitioner is proposing to renovate the exterior and interior of the building. These renovations will be carried out under Lincoln Design Program criteria. The building footprint will not change. The floor plans indicate a 9,245 square foot showroom and a 4,431 square foot service area in the rear of the building. Access to the inside of the building will be provided by a combination of existing and proposed overhead doors. Site changes will include the addition of landscaping and open space to a property that currently does not have any. The drive aisle in the street yard is proposed to be one-way eastbound in order to allow for open space and maintain some customer parking in front of the building.

The proposed automobile display is in the parking row closest to Ogden Avenue, but will be setback 39' from the centerline of the Ogden Avenue right-of-way where 50 feet is required per Section 3.040 of the Zoning Ordinance. Therefore, the applicant is requesting a variance from the 50' required setback for the first parking row.

Landscaping is proposed for all parking lot islands on the property. This includes the rear, side, and front parking rows. A total of six trees are included on the islands. Street yard landscape screening is also placed along the parking frontage. Foundation landscaping is shown around the front of the building. In total, the applicant is proposing 3,810 square feet of open space where there is currently none. This still allows for enough parking, 23 spaces, to account for the indoor showroom, service bays, and outdoor display areas.

Additional screening includes the existing rows of fencing separating the property from the residential zoning located to the rear. The submitted photometric plan indicates there will be no adverse impact of light and glare trespass.

The petitioner has indicated in their narrative letter that all vehicle deliveries will take place off-site. The proposed site cannot accommodate deliveries via car trailers as there is not an opportunity for trailers to turn around on-site.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The current and draft updated Comprehensive Plan identifies the Ogden Avenue corridor as an auto-oriented corridor. It also calls for functional and aesthetic improvements. The petitioner is proposing aesthetic improvements with the addition of landscaping and modernizing the building including new façades. Pedestrian connectivity is enhanced with the extending of the sidewalk from the property to the east.

The proposed draft updated Comprehensive Plan identifies this property as part of Catalyst Site #10 in the Ogden Avenue corridor. The site could be redeveloped into a commercial center and should provide cross-access agreements. The proposed development will provide increased commercial activity at this property within the overall Catalyst Site and provides an internal connection to the property immediately to the east.

The proposed project is consistent with the current and draft updated Comprehensive Plan.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned B-3, General Services and Highway Business. The bulk requirements of the proposed development in the B-3 zoning district are summarized in the following table:

216 Ogden Avenue	Required	Proposed
South Parking Setback (Street Yard)	50 ft. ^[1]	39 ft.*
Building Height	60 ft (max)	20 feet
North Setback (Rear Yard)	20 ft.	25.08 ft. ^[2]
East Setback (Side Yard)	0 ft.	0.70 ft. ^[2]
West Setback (Side Yard)	0 ft.	33.91 ft. ^[2]
South Setback (Street Yard)	75 ft. ^[1]	93 ft. ^[2]
Landscaped Open Space	10% (3,619 sq. ft.)	10.5% (3,810.)
Street Yard Landscaped Open Space	50% (1,810 sq. ft.)	60% (2,186 sq. ft.)
Parking Spaces	23	23

^[1] Setback measured from the centerline of Ogden Avenue

^[2] Existing building setbacks

*Indicates a variance from the Zoning Ordinance

The building's setbacks are an existing condition, and the building height reflects the proposed exterior renovations. Due to the street yard open space and landscaping screening improvements, the footprint of the parking lot is changing but the existing building precludes complying with the street setback for parking. All future signage will comply with the Sign Ordinance.

The applicant's proposal is consistent with the bulk requirements of the Village's Zoning Ordinance.

ENGINEERING/PUBLIC IMPROVEMENTS

The petitioner will be required to extend a public sidewalk across the property. Furthermore, a pedestrian

internal connection will lead from the sidewalk to the entrance of the dealership and will be differentiated through the use of material. The proposal will reduce the overall impervious area on the site and thus no new stormwater improvements are required. The property does not require any other utility upgrades.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division has reviewed the proposed plans and will require the building include a fire alarm and sprinkler system that meet the Village's code requirements.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property in addition to posting the public hearing notice sign and publishing the legal notice in the *Downers Grove Suburban Life*. There has been one informational inquiry received by Staff.

FINDINGS OF FACT

The petitioner is requesting a Special Use with a Variation to operate an automobile dealership. Staff finds that the proposal meets the standards for granting a Special Use and a Variation as outlined below:

Section 28.12.050.H Approval Criteria

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

- 1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located; The zoning of this property is B-3, General Services and Highway Business. Under Section 5.010 of the Zoning Ordinance, Automobile Dealerships are listed as an allowable Special Use in the B-3 zoning district. This standard has been met.*
- 2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.*

The proposed automobile dealership is a desirable service to the community and will contribute to the general welfare of the Village. The proposed development will repurpose a vacant building. The development will cater to both local and regional customers as desired in the Comprehensive Plan and will meet multiple goals and objectives outlined in the Comprehensive Plan. This standard has been met.

- 3. That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.*

The proposed use does not present a detriment to the health, safety or general welfare of the surrounding properties. Automobile unloading will not occur at the subject property. The one-way drive aisle at the front of the building meets all village requirements and will have accompanying directional signage. A photometric plan demonstrates that lighting from the site will not negatively impact adjacent properties. This standard has been met.

Section 28.12.090.G Approval Criteria

Variations require evaluation per Section 28.12.090 of the Municipal Code, *Standards and Review Criteria*: "No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical

difficulties or particular hardships for the subject property owner. The consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:”

(1) *The subject property cannot yield a reasonable return if required to comply with the regulations that apply to it.*

The property is currently yielding a reasonable return. However, if the project has to comply with the 50’ setback requirement for the street parking, then this may reduce the yield of this property as the vacant commercial site would not be suitable for any auto-oriented business. In order to comply with all parking setbacks, the parking lot would need to be reduced in size, eliminating areas for vehicle display and customer parking. This standard has been met.

(2) *The plight of the owner is due to unique circumstances.*

The existing site is entirely impermeable surface area with no open space. The applicant had to meet open space requirements at the same provide parking spaces. This includes handicap accessible spaces with updated striping in a parking lot that lacks visible or very faded striping. The property limits the petitioner’s ability to provide vehicle display parking, customer parking and landscaped green space in front of the building while meeting parking setback standards. This standard has been met.

(3) *The variation, if granted, will not alter the essential character of the locality.*

The proposed variation will not alter the essential character of the locality. The area contains many automobile dealerships. Some of the older, lawful nonconforming dealerships have outdoor display in the street parking setback whereas newer developments do not. The proposed project will enhance the character of the locality by redeveloping a vacant building and providing a greater separation between the parking lot and Ogden Avenue than what currently exists. This standard has been met.

(4) *That the particular physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*

The property presents a physical hardship to meet the parking and open space requirements while conforming to the street parking setback. Physical conditions of the property do not allow for the proposed project to meet the setback, parking and open space requirements. The proposed site plan allows for both pedestrians and motorists to utilize the site while only having the petitioner request one variation from the Zoning Ordinance. The variation request meets the spirit and intent of the Zoning Ordinance. This standard has been met.

(5) *That the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification.*

The conditions leading to the requested variation are very specific to this property in that there is no existing open space. This has prompted the site redesign in attempt to conform to as many requirements of the Zoning Ordinance as possible. As such, the variation request is only applicable to this property. The proposed site design will meet all other safety and design regulations. This standard has been met.

(6) *That the alleged difficulty or hardship was not created by the current property owner.*

There is no particular difficulty or physical hardship associated with the property that has resulted from the actions of the owner. The building’s footprint and parking lot were present before the applicant sought Special Use approval. The petitioner is requesting a setback variation for the street yard parking in order to meet the open space and parking requirements of Zoning Ordinance and to meet the goals of the Village’s Comprehensive Plan. This standard had been met.

- (7) *That the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The approval of the proposed variation will not diminish or impair the property values of similar properties within the neighborhood. Adequate landscaping, screening and buffering will be provided so as to not endanger the public health, safety or welfare. Site circulation has been modified to one-way in the street yard to accommodate open space and increase the setback compared to the existing layout. Granting of the requested variation will not negatively impact the desirability of adjacent properties. This standard has been met.

- (8) *That the proposed variation will not alter the essential character of the area.*

The granting of a variation will not alter the essential character of the area as it brings the property closer into compliance with the Zoning Ordinance. The proposed development is consistent with surrounding automobile-oriented commercial uses along Ogden Avenue. This standard has been met.

- (9) *That the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.*

If this request is granted it will not confer a special privilege to the subject property owner as there are physical hardships and unique circumstances associated with this property that are not common with the properties found in the same zoning district. All properties located in the B-3 zoning district can apply for a special use for an automobile dealership; however, there are setbacks and safety regulations that each site has to comply with as found in the Zoning Ordinance. The proposed design allows for the property to meet open space requirements and enhances vehicle and pedestrian circulation and safety. This property could not accommodate automobile display and meet parking requirements without the variation. This standard has been met.

RECOMMENDATIONS

The proposed Special Use and Variation request is consistent with the Comprehensive Plan, the Zoning Ordinance and surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission recommend the Village Council **approve** the requested petition as requested in case 17-PLC-0002 subject to the following conditions:

1. The special use shall substantially conform to the staff report; architectural and landscaping drawings prepared by DM+S Architects, P.C. dated February 15, 2017 except as such plans may be modified to conform to the Village codes and ordinances.
2. Prior to issuing a building permit, an administrative lot consolidation shall be completed.
3. The building shall be equipped with an automatic suppression system and a fire alarm system.
4. A cross access easement with the property to the west is recorded.
5. All vehicle deliveries via car/truck transport must occur off-site.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development

17-PLC-0002; 216 Ogden Avenue
February 27, 2017

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216 Ogden Avenue-Location Map



Project Narrative

Westmont Lincoln, LLC d/b/a Ogden Lincoln of Westmont (hereafter, the "Applicant") is proposing a specific site improvement and redevelopment plan for the property commonly known as 216 Ogden Avenue. Formerly occupied by DG Yamaha, the property has been vacant since 2014. As part of this proposed site improvement and redevelopment plan (hereafter, the "Project"), the Applicant would tenant the refurbished space and, among other beneficial uses, open and operate a "Certified Pre-Owned" (CPO) luxury showroom. The Applicant is seeking a Special Use Permit to operate an automobile dealership at the location and a variance for relief from the parking set-back rule that requires a 50 foot distance from the center line of Ogden Avenue.

Background:

One of the Economic Development Commission's longstanding strategic priorities has been to "[i]mplement a strategy for the attraction of tenants, and the redevelopment of catalyst sites, on Ogden Avenue." The subject property is currently a vacant eyesore and, as situated on the border of the municipality, should almost certainly qualify as a "catalyst site".

According to the recently commissioned AECOM Competitive Retail Alignment Study summarized in the March, 2016, Economic Development Plan to Enhance the Sales Tax Base, "The Village and EDC should identify opportunities for auto dealers to work collectively to enhance Ogden Avenue as a destination for dealerships."

The Applicant is a stand-alone Lincoln franchise operating at 100 W. Ogden Ave in Westmont. In the last 12 months, the Applicant has generated over \$40 million in taxable sales. The possibility of operating a CPO showroom with the potential to generate a projected \$18 million in local sales, coupled with the opportunity to positively address a currently non-welcoming, dilapidated structure presents a potential win-win situation for both the Village and the Applicant.



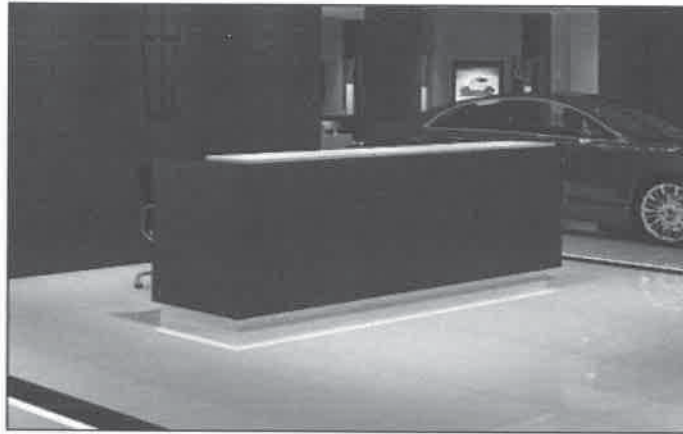
Lincoln's Design, as it relates to indoor showrooms, requires dealers to maintain certain brand elements that include specific flooring, carpet and other structural indoor treatments (example photos):



The Lincoln Design also contains requirements for all bathrooms and customer greeter stations (example photos):



RESTROOM



GREETER DESK

With input and cooperation from Lincoln, the Project's goal would be to incorporate as many of the Lincoln Design elements as can be justified when balanced against the future projected financial benefits of the "satellite" location.

Currently zoned B-3, the 36,187 total sf Property is improved with a 15,813 square foot building, has outdoor parking for +/- 37 vehicles, and is equipped with an existing overhead door. The total indoor space would be subdivided into 3 main areas: (1) a 9,245 sf indoor showroom area for approximately 40 cars; (2) a 2,716 sf service area with car detailing and new car prep stations; and (3) the balance of approximately 3,852 sf dedicated to both new bathrooms and administrative offices for finance, accounting, and two sales persons.

The current Project costs are summarized in the following table:

Responses to Special Use Standards (Section 28.12.050.H Approval Criteria)

1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located.

The zoning of the Property is B-3, General Services and Highway Business. Under Section 5.010 of the Zoning Ordinance, Automobile Dealerships are listed as an allowable Special Use in the B-3 zoning district.

2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

The proposed automobile dealership is a desirable service to the community and will contribute to the general welfare of the Village. The proposed development will repurpose a vacant building. The development will cater to both local and regional customers as desired in the Comprehensive Plan and will meet multiple goals and objectives outlined in the Comprehensive Plan.

3. That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

The proposed use does not present a detriment to the health, safety or general welfare of the surrounding properties. Automobile unloading will occur on-site. A photometric plan demonstrates that lighting from the site will not negatively impact adjacent properties.

Responses to Variation Standards (Section 28.12.090.G Approval Criteria):

(1) The subject property cannot yield a reasonable return if required to comply with the regulations that apply to it.

The property has in the past yielded a reasonable return, but not as an automobile dealership. If the project must comply with the 50' parking/greenspace setback requirement from the center line of Ogden Ave., then this currently vacant commercial site would not be suitable for an auto dealership facility because every dealer needs some display space for inventory. In order to also provide for handicap and customer parking, the variance is necessary. The proposed design provides for adequate site circulation for both vehicles and pedestrians while maintaining compliance with overall total site green space requirements.

(2) The plight of the owner is due to unique circumstances.

The property contains a very large building on a relatively small piece of land—the opposite of the typical or common automobile dealership property. This unique situation requires the proposed site to provide dealer inventory display space along the south property line in order to maximize exposure to motorists and pedestrians. This layout allows for optimal circulation patterns for both vehicles and pedestrians.

(3) The variation, if granted, will not alter the essential character of the locality.

The proposed variation will not alter the essential character of the locality. The area contains a combination of both large and small retail establishments with numerous auto-related facilities. The

proposed project will enhance the character of the locality by redeveloping a vacant building into a vibrant revenue producing commercial establishment that serves both pedestrians and motorists in a safe manner.

(4) That the particular physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

The property presents a physical hardship to serve as an automobile dealership of any kind while meeting the required parking / greenspace setback. Physical conditions of the property do not allow for the proposed project to meet the setback requirement and create a situation where the public would even consider the site to be an automobile dealership facility. The proposed site plan allows for both pedestrians and motorists to utilize the site while only having the petitioner request one variation from the Zoning Ordinance. All other bulk regulations have been met, including satisfying all green space requirements, and the variation request meets the spirit and intent of the Zoning Ordinance.

(5) That the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification.

The conditions leading to the requested variation are very specific to this property and are not generally found with other properties within the B-3 district or the Village. The subject property is a very large building on a small parcel. No other buildings in the area have the potential to be a pre-owned Lincoln dealership. As such, the variation request is only applicable to this property. The proposed site design will meet all other safety and design regulations.

(6) That the alleged difficulty or hardship was not created by the current property owner.

There is no particular difficulty or physical hardship associated with the property that has resulted from the actions of the owner. The petitioner is requesting a setback variation for the parking in order to qualify as a potential Lincoln Pre-Owned Sales Facility and to meet the goals of the Village's Comprehensive Plan.

Conclusion:

As previously stated, the Applicant, Ogden Lincoln of Westmont, will be undergoing its own sizeable renovation project at its Westmont location—all dictated by the Lincoln Motor Company. Accordingly, dealership space and financial resources will certainly be stretched to the limit. The ability to gain some physical space relief by taking over the 216 Ogden location has its advantages over the very near term, but substantial refurbishment and redevelopment investment in the property can only be rationalized with a long term commitment to the location.

If approved and completed, the attractive building, along with the Applicant's long term commitment to the location, will transform it into a dealer "destination"—the very type of "win-win" result the DG Comprehensive Plan is seeking.

216 Ogden Avenue Ogden Lincoln of Westmont Operations Plan

Role as a Satellite Certified Pre-Owned Sales Center

A certified pre-owned car or “CPO” is a type of used car. Most often late-model (must be within 6 most recent model years), they differ from other used cars by having been inspected, refurbished, and certified by either the manufacturer, or the dealer’s service technicians, utilizing a comprehensive 200-point inspection process. CPO vehicles also include an extended warranty and additional benefits such as roadside assistance, special maintenance programs, and three-month free trial of SiriusXM satellite radio, to name but a few.

By moving our CPO business to a stand-alone location, Ogden Lincoln of Westmont will gain an additional showroom area that will hold as many as 40 vehicles, all clean, warm, and indoors, which will help enhance and facilitate sales, especially during periods of inclement weather.

Basic Daily Operations

In addition to the CPO Showroom activities, vehicle service and car washing/detailing will be performed in the northern section of the building. Three administrative offices in the northeast corner of the building will be utilized primarily for state licensing and back-office accounting functions.

Vehicle Navigation Patterns

Vehicles will enter the western driveway/curb cut and have the option to turn right (heading east) in a one-way fashion to access available parking. Alternatively, vehicles entering the property can continue north to access west side parking and/or gain access to the interior of the building via the two (2) overhead service drive doors on the west and north facades, respectively.

Accessible by employees only, two (2) new drive-in glass doors will be installed on the south façade providing additional ingress/egress routes for showroom vehicles. Access to the car washing/detailing services will occur on the north side of the building through the overhead service door located on the north wall. Access to the service area will primarily occur via the overhead door on the west side of the structure. The west overhead door can also serve as an ingress/egress point for showroom vehicles.

Any vehicle attempting to access the premises via the eastern Ogden Ave curb cut will encounter a standard “DO NOT ENTER / WRONG WAY” traffic sign.

Hours of Operation

Hours of Operation will be the same as the Westmont location:

Monday -Thursday: 7:30AM–8PM

Friday – Saturday: 7:30AM–6PM

Sundays: CLOSED

Employee Parking

Employees will park their personal vehicles in available parking locations in the northwestern section of the property thereby ceding priority to both customers and display vehicles.

Vehicle Delivery Times and Methods

No vehicles will be delivered to the site by carrier. All dealer vehicles will be delivered to the Westmont location and then be brought over to the site by professional porters. In certain cases, a customer looking to purchase a CPO Lincoln will trade in their own personal vehicle at the DG CPO facility, but that would not be a “delivery”, per se.



DM+S ARCHITECTS, P.C.
 117 HEATH PLACE
 WESTMONT, ILLINOIS
 830-983-8408
 830-983-8418 FAX

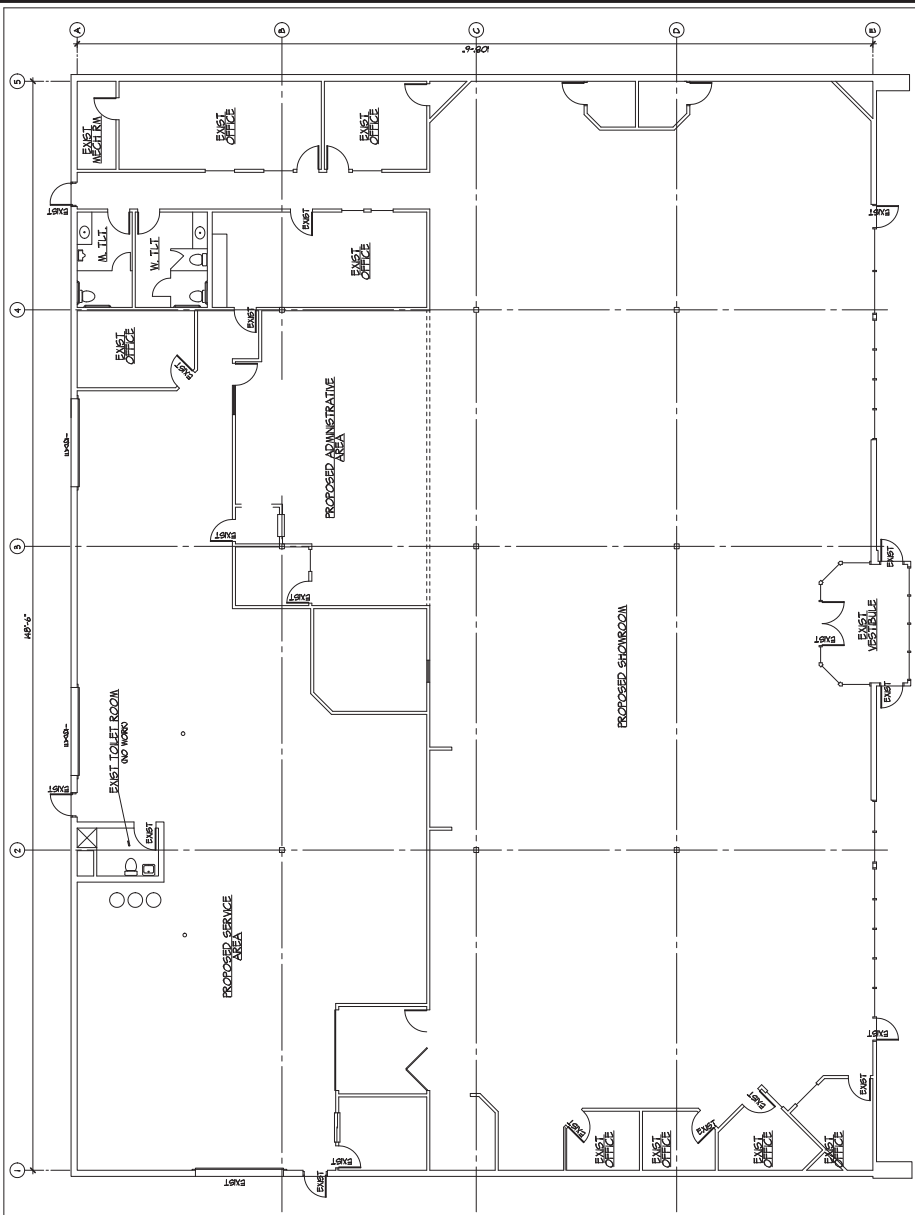
OGDEN LINCOLN
 INTERIOR RENOVATIONS FOR
 216 OGDEN AVENUE
 DOWNERS GROVE, ILLINOIS
 830-983-8408

PRELIMINARY DRAWING 20-14-
 RE-SUBMITTED FOR PLAN COMMISSION REVIEW 1-8-17

DRAWING HISTORY:
 20-14-14-01-01-01
 20-14-14-01-01-01

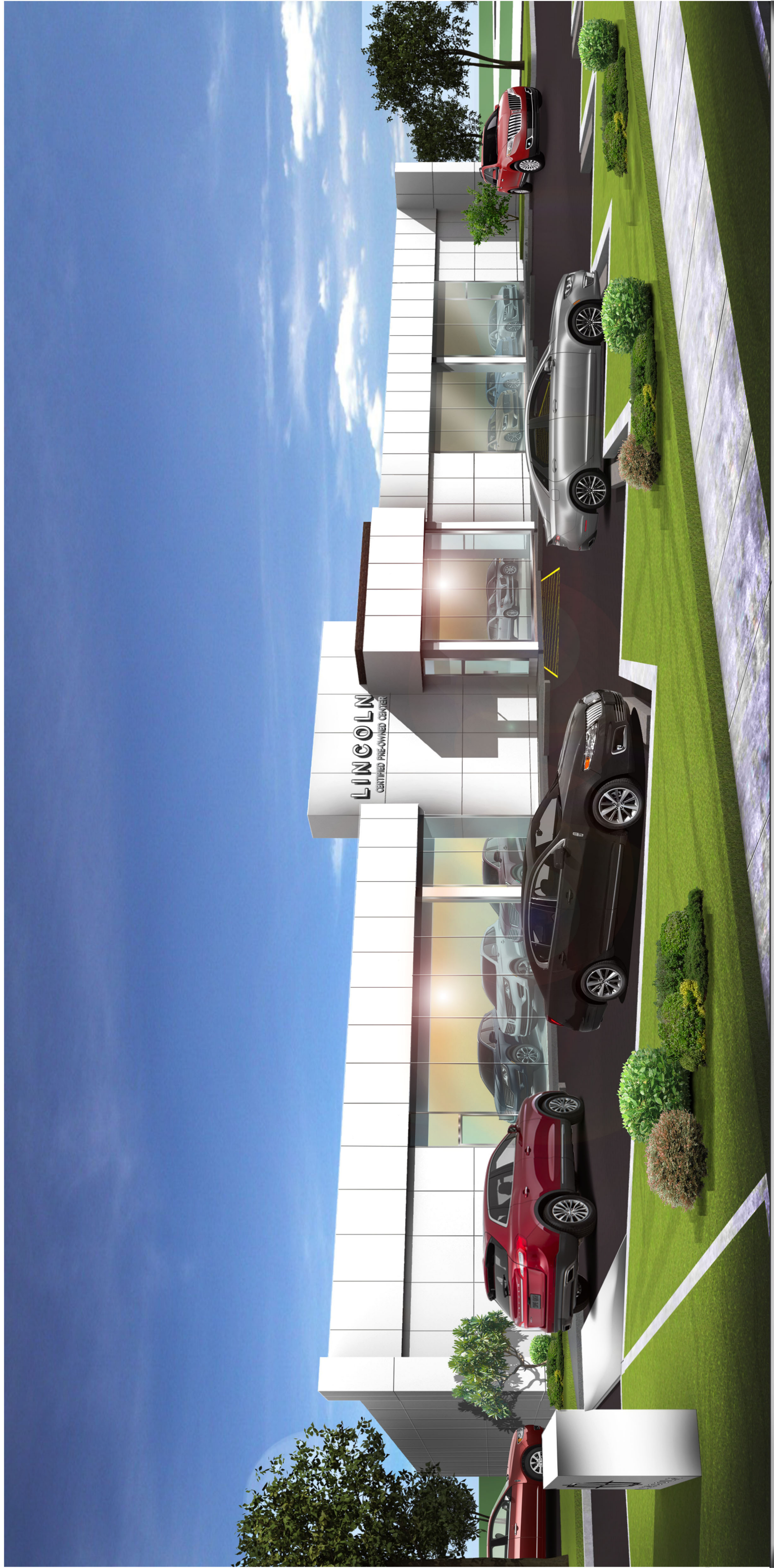
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A-3
 SHEET NO



FLOOR PLAN
 SCALE: 1/8"=1'-0"

KEY
 - - - - - EXIST. CONSTRUCTION TO REMAIN
 = = = = = EXIST. CONSTRUCTION TO BE REMOVED



LINCOLN

LINCOLN CERTIFIED PRE-OWNED CENTER
 OGDEN LINCOLN

216 OGDEN AVENUE
 DOWNERS GROVE ILLINOIS
 FEBRUARY 20, 2017

COA
 CHIPMAN
 DESIGN
 ARCHITECTURE

Prepared by, and Mail to:

**Kuhn, Heap & Monson
552 S. Washington, Ste. #100
Naperville, IL 60540**

ABOVE SPACE FOR RECORDER'S USE ONLY

**CROSS EASEMENT AND COST
SHARING AGREEMENT**

FOR LOT N-16 IN THE AUTOBAHN COUNTRY CLUB

This Cross Easement and Cost Sharing Agreement (the "Agreement") is made by and between Alexander Stillwagon LLC, and Sydney Group, LLC, both Illinois limited liability companies (collectively the "Parties").

RECITALS

Alexander Stillwagon LLC, as legally the owner of 220-224 Ogden Avenue in Downers Grove Il. described on attached Exhibit "A". Sydney Group LLC as legally the owner of 216 Ogden Avenue in Downers Grove, IL

The parties desire to establish reciprocal easements for the benefit of Alexander Stillwagon LLC. and Sydney Group LLC., respectively, over and across portions of the Shared Areas, for the purpose of communal use of such shared Areas by Alexander Stillwagon LLC and Sydney Group LLC and their invitees. The parties also desire to establish a procedure for providing the Maintenance (defined in Paragraph 3 below) of the Shared Areas.

Accordingly, the parties agree as follows:

1. Alexander Stillwagon LLC and Sydney Group LLC, together with their respective guests, agents and invitees, a perpetual, non-exclusive right and easement to reasonably access, use and enjoy the portion of the Shared Areas which are located on Parcel 1 and Parcel 2 as shown on Exhibit C attached hereto. Such Easement shall be reasonably used for purposes consistent with the automotive uses of retail access , and subject to the terms of this Agreement, said use to not unreasonably interfere with each other's quiet enjoyment of their property.

3. Each Party shall be responsible for providing Maintenance on their respective parcels. The Parties shall equally share the costs and obligations of the Maintenance. For purposes hereof, the term "Maintenance" shall mean all customary and reasonable maintenance, repair and replacement of the Shared Areas and associated improvements. Such Maintenance shall be performed in accordance with generally accepted maintenance standards; Maintenance efforts shall not unreasonably impede access or use of the Shared Areas.

4. The Parties, from time to time, may cooperate to share certain expenses in connection with the Maintenance of the Shared Areas. Either Party may request to undertake a Maintenance project of the Shared areas on both Parcels with reasonable written notice provided to the other Party, together with any and all contracts and other agreements showing the cost of same and proposed sharing of said cost. No such shared Maintenance project may be undertaken without the specific approval of the non-requesting Party.

5. In the event of a dispute between the parties regarding the easements applicable to the Shared Areas, the scope of the Maintenance and/or the allocation between the Parties of the cost of providing Maintenance, upon the written request of either party to the other, the matter shall be submitted to arbitration in DuPage County, Illinois, in accordance with the rules of the American Arbitration Association before an arbitrator agreed upon by the parties or selected as provided in the American Arbitration Association rules. The cost of such arbitration shall be allocated between the parties by the arbitrator. The decision of the arbitrator shall be final and binding and shall be enforceable in any court of competent jurisdiction.

6. The terms hereof shall be binding upon such owners from time to time of the Alexander Stillwagon LLC, and the Sydney Group LLC Property and shall run with and bind the land. The parties hereto acknowledge and agree that this Agreement shall be recorded against the Properties.

7. The Parties shall maintain reasonably satisfactory general liability insurance coverage, naming each other as an "additional insured", and provide reasonably satisfactory evidence of the same, in the form of a certificate of insurance, upon request.

8. This Cross Easement and Cost Sharing Agreement may be amended by Alexander Stillwagon LLC, and Sydney Group LLC by an instrument executed by the Parties, or their successors in interest, as applicable. An amendment hereto shall only become effective when it is recorded with the Recorder of Deeds for DuPage County, Illinois.

9. In the event that any provision in this Agreement is found to be unenforceable, it shall, to the greatest extent possible, be construed in a manner consistent with the intent of the Parties hereto. By way of example, to the extent any easement created herein is found to be unenforceable, it shall be construed as a license for the applicable party to access and use the subject parcel as otherwise contemplated herein.

EXHIBIT ALEGAL DESCRIPTION (after division)

PARCEL 1: LEGAL DESCRIPTION FOR 220-224 W. OGDEN, DOWNERS GROVE,
ILLINOIS

LOTS 11, 12 AND THE 25 FEET OF LOT 13 IN BLOCK 1 IN ARTHUR T. MCINTOSH AND
COMPANY'S THIRD OGDEN AVENUE SUBDIVISION IN THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11,
EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED DECEMBER 31, 1924, AS DOCUMENT 186703, IN DUPAGE COUNTY,
ILLINOIS

PIN: 09-04-111-020

EXHIBIT B

CITY: DOWNERS GROVE COUNTY: DUPAGE

TAX NUMBER: 09-04-111-026-0000

LEGAL DESCRIPTION: PARCEL 1:

THAT PART OF LOTS 7 AND 8 IN BLOCK 1, DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT 7, AFORESAID,
AND A LINE 115 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF LOT 5 IN
BLOCK 1, AFORESAID; THENCE SOUTH ALONG SAID PARALLEL LINE 160 FEET TO
A POINT 40 FEET NORTH OF THE SOUTH LINE OF LOT 7, AFORESAID; THENCE
SOUTHWESTERLY 56.61 FEET TO A POINT IN THE SOUTH LINE OF LOT 8,
AFORESAID, 155 FEET WEST OF THE EAST LINE OF LOT 5 IN BLOCK 1, AFORESAID,
EXTENDED SOUTH; THENCE WEST 45 FEET TO THE SOUTHWEST CORNER OF LOT
8, AFORESAID; THENCE NORTH ALONG THE WEST LINE OF LOT 8, AFORESAID, 200
FEET TO THE NORTHWEST CORNER THEREOF; THENCE EAST ALONG THE NORTH
LINE OF SAID LOTS 84.20 FEET TO THE PLACE OF BEGINNING, ALL IN ARTHUR T.
MCINTOSH AND COMPANY'S THIRD AGDEN AVENUE SUBDIVISION, BEING A
SUBDIVISION IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4,
TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,
ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 31, 1924 AS
DOCUMENT 186703, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT OF 15 FEET IN WIDTH FOR THE BENEFIT OF PARCEL 1 FOR THE
PURPOSES OF INGRESS AND EGRESS, TOGETHER WITH THE RIGHT TO CONSTRUCT,
MAINTAIN, AND REPLACE AND REMOVE A DRIVEWAY ON THE EASEMENT
PREMISES AS CREATED BY WARRANTY DEED MADE BY MARTIN OIL SERVICE,
INC., A CORPORATION OF ILLINOIS TO CHESTER J. CROSS, BATED JULY 20, 1970
AND RECORDED SEPTEMBER 11, 1970 AS DOCUMENT R70-32706 ALONG THE
NORTH BOUNDARY OF THE FOLLOWING DESCRIBED PROPERTY:
THAT PART OF LOTS 5, 6, 7 IN BLOCK 1, DESCRIBED AS FOLLOWS: BEGINNING AT
A POINT IN THE EAST LINE OF LOT 5, AFORESAID, 100.00 FEET SOUTH OF THE
NORTHEAST CORNER THEREOF; THENCE WEST PARALLEL WITH THE NORTH
LINE OF LOTS 5, 6 AND 7, A DISTANCE OF 115.0 FEET; THENCE NORTH PARALLEL
WITH THE EAST LINE OF LOT 5, AFORESAID, 100.00 FEET TO THE NORTH LINE OF

LOT 7, AFORESAID; THENCE EAST ALONG THE NORTH LIEN OF LOTS 7, 6 AND 5 AFORESAID, 115.0 FEET TO THE NORTHEAST CORNER OF LOT 5, AFORESAID, THENCE SOUTH ALONG THE EAST LINE OF LOT 5, AFORESAID, 100.00 FEET TO THE PLACE OF BEGINNING, ALL IN ARTHUR T. MCINTOSH AND COMPANY'S THIRD OGDEN AVENUE SUBDIVISION, OF THE SOUTH 9 CHAINS OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

LOTS 9 AND 10 IN BLOCK 1 IN ARTHUR T. MCINTOSH AND COMPANY'S THIRD OGDEN AVENUE SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 31, 1924 AS DOCUMENT 186703
PLAT OF SURVEY / SITE PLAN

[See attached]

EXHIBIT C TO

DEPICTION OF SHARED AREAS

[See attached]

DRAFT

FILE 17-PLC-0002: A petition seeking approval of a Special Use to allow an automobile dealership with a street yard setback variation. The property is zoned B-3, General Services and Highway Business District. The property is located on the north side of Ogden Avenue approximately 175 feet west of Cumnor Road, commonly known as 216 Ogden Avenue, Downers Grove, IL (PIN 09-04-111-026). Westmont Lincoln LLC, Petitioner; Sydney LLC, Owner.

Village Planner, Scott Williams provided an aerial photo of the 36,000 sq. feet property located at 216 Ogden Avenue. Similar zoning was noted in the surrounding areas with R-5A zoning to the north (townhomes/ multi-family). Mr. Williams referenced a letter he received from a resident and the informational inquiry he received from a resident in the same area. The petitioner was proposing a renovation of the existing vacant 15,000 sq. foot building (commercial) in order to bring in a Lincoln certified, pre-owned dealership with much of the display to be indoors.

Property lines were noted with Mr. Williams confirming the petitioner had its drive access to Ogden Avenue from the adjacent property and vehicles could drive between the properties. A photo of the existing building's façade and surrounding site followed. Reviewing the site plan, Mr. Williams confirmed there was no existing landscaping or open space on the property. Proposed architectural elevations and renderings were depicted.

Tonight's request was before the commission for review of the following: 1) the street setback relative to the center line of Ogden Avenue's right-of-way; 2) the landscaping requirement; and 3) the parking space requirement. Setbacks were also referenced. Reviewing the site plan again, Mr. Williams pointed out the proposed access easement, which doubled the drive aisle, was a development strategy cited within the village's comprehensive plan. He further explained where the vehicles would be displayed, i.e., adjacent to the Ogden Avenue right-of-way, but pointed out the setback was 39 feet from the center line, wherein the village required 50 feet. Access details followed.

Mr. Williams discussed that the applicant was proposing to add internal and external pedestrian connections to the site. Sidewalks would be extended from east to west and a sidewalk would lead to the building's front door. A landscape exhibit was referenced, noting the applicant would come into code compliance and create 4,000 sq. feet of landscaping/open space where none existed currently. Details were shared. Mr. Williams further addressed the parking requirements for the building's showroom, the service area, and the front parking row (the auto display area). A photometric plan was referenced as well as a resident's letter expressing their concern about lighting spillage. LED lighting was proposed. Employee parking would be located in the rear and side of the building.

Staff stated the proposal met the village's comprehensive plan as it relates to Catalyst Site No. 10, meeting pedestrian connections and providing landscaping where none exists, and making improvements to the building's façade. Staff also believed the proposal met the criteria for a special use. However, in reviewing the variation criteria, Mr. Williams stated that to make the proposal work, the applicant needed a variation. He proceeded to explain how the applicant did have physical hardships with what existed in the street yard and the variation was needed to meet the parking requirements of the zoning. Staff believed the variation would not alter the characteristics of the Ogden Avenue Corridor. Lastly, Mr. Williams stated the variation allowed for the implementation of the village's comprehensive plan.

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Regarding the 0-foot candle reading on the north side of the building, Chairman Rickard confirmed with staff that the calculation was based as if the fence was not present; staff believed so. As to staff's recommendation No. 5 in its report, Mr. Rickard confirmed that truck deliveries would not be made in the center median of Ogden Avenue; Mr. Williams concurred. Lastly, as to the lighting on the rear of the building, Mr. Williams confirmed it was shielded LED lighting and angled down and would not be seen from second floor buildings.

Applicant, Mr. Mike Iozzo, Westmont Lincoln LLC and Sydney LLC, briefly discussed the background of his company, noting it wishes to expand with its Pre-owned Certified program and the current building was vacant for 3 years which was a good fit. Mr. Iozzo stated he intends to comply with staff's recommendations and staff has worked well with them regarding the design of the building, landscaping and parking.

Ms. Rollins asked about noise as it relates to the rear parking area, wherein Mr. Iozzo stated the six rear parking spaces would be for employees only and no outside work on cars would take place outside the building. The only cars washed would be the front row display cars, using a service. As for unloading vehicles, Mr. Iozzo stated there is a location in Westmont where vehicles are unloaded on Plaza Drive.

Chairman Rickard opened up the meeting to public comment.

Mr. Michael Cassa, President of the Downers Grove Economic Development Corp. 5159 Mochel, Downers Grove, discussed the many times he is asked why certain building are vacant, commenting that there usually is a story behind them, which means they cannot either meet their business goals, financing, etc. which was the case for this site. He explained how the applicant came to him to figure out how the site could work and meet the village's requirements, their partners' requirements, and to meet the needs of Lincoln's corporate office. With staff's assistance, a solution was found and it was a win for all parties. He and the DGEDC supported the proposal.

Mr. Mark Lekas, 219 Foxfire Court, resides directly behind the building. He asked Mr. Iozzo to consider the following: planting trees in between the three-foot gap of the two rear fences along the north perimeter; consider the level of noise from the PA system; and to have no additional run-off to his area.

Mr. Scott Richards, 1130 Warren Avenue, supported the proposal since the site was an eyesore. He asked how far back the cars would be located from Ogden Avenue, wherein Mr. Williams stated the businesses he was referencing were legal non-conforming and pre-dated the current zoning code. Mr. Richards added that many of the dealers believe they can park their cars anyway they want. He stated he has called the village on occasion regarding these types of issues. He wanted assurance that the applicant would not be using the sodded areas as extensions of the sales floor; otherwise he would be contacting enforcement again.

Hearing no further comments, Chairman Rickard invited Mr. Iozzo to provide a closing statement.

Mr. Iozzo responded that the area between the grass and cars was curbed off for separation and there were no plans to display the vehicles on the grass. There was no outdoor paging system. As for the trees in the rear, Mr. Iozzo stated he was adding significant greenspace currently and was not sure planted trees would grow below the tall existing trees, but he would look into the matter. He

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further closed by stating he was excited to be coming to the village and begin the project. He noted the business was a good source of tax generation.

Chairman Rickard closed the public hearing.

Commissioners shared positive on the design of the building and the fact that it was being renovated. The chairman appreciated the applicant coming to Downers Grove. Ms. Gassen stated the application met all of the approval criteria, citing it will be a change from what currently exists.

WITH RESPECT TO FILE 17-PLC-0002, MS. GASSEN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE SPECIAL USE REQUEST AND STREET YARD SETBACK VARIATION, SUBJECT TO STAFF'S CONDITIONS LISTED IN ITS REPORT.

SECONDED BY MS. HOGSTROM. ROLL CALL:

AYE: MS. GASSEN, MS. HOGSTROM, MR. KULOVANY, MR. MAURER, MS. ROLLINS, CHAIRPERSON RICKARD

NAY: NONE

MOTION PASSED. VOTE: 6-0

/s/ Celeste K. Weilandt
(As transcribed by MP-3 audio)

Attn: Scott Williams

2-23-17

Downers Grove Plan Commission
Public Hearing - February 27, 1017
FILE 17-plc-0002
Special Use for 216 Ogden Avenue

There are 6 homes on the south side of Foxfire Court which are directly behind the subject property (207, 209, 211, 213, 215 and 217) which could be significantly impacted by use of the subject property.

Rear lights: The building on the subject property is about 20 feet from the rear property line. There are high intensity lights on the rear wall of building which point north and illuminate the rear of the referenced homes. The brightness is an annoyance. The homes have bedrooms and decks on south side which are adversely impacted by these lights. Relocating the lights to posts on the property line and aimed twrd the rear of the subject building or shielding the lights to prevent the light from shining on the adjacent property was suggested to the previous occupant (motorcycle/ATV store). Their solution was simply not to use the lights. The request is that something be done to address this issue.

Noise: The area behind the subject building is paved. The previous owner periodically ran vehicles in this area which made quite a racket. It wasn't an everyday thing so it was only a periodic annoyance. Cars are usually quieter than motorcycles and ATVs but because of the proximity of the rear paved area to the homes, the potential noise issue should be considered.

Runoff: The area behind the homes is a detention area. Some runoff from the subject property runs under into the detention area and causes erosion. The erosion is not significant so the drainage itself is not significant. However, if vehicles are parked in an area which drains into the detention area then there is a potential of hazardous material contaminating the adjacent property (including but possibly not limited to motor oil, transaxle fluid, brake fluid, antifreeze and battery acid)

Public sidewalk: This may not be something that can be addressed at this time, but this property is one of several along Ogden Ave. which do not have a public sidewalk along Ogden. One of the benefits of Foxfire is being within walking distance of many businesses. Reserving part of the pavement along Ogden for a sidewalk is requested.

Trees: Both properties have a fence along the rear property line. There is about two or three feet between the fences which includes an easement power poles. Volunteer trees are growing out of control in this area. Locating the property line is critical to identifying responsibility for these trees. If a survey is available



Geoffrey J. Stozek, owner
215 Foxfire Court
PO Box 222 Downers Grove , IL 60515
