

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
12/12/2017

SUBJECT:	SUBMITTED BY:
1401 – 1445 Ogden Avenue - Special Use Extension	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared granting a six-month extension to Special Use Ordinance #5565 to permit the redevelopment of a fueling station and car wash at 1401-1445 Ogden Avenue (Delta Sonic).

STRATEGIC PLAN ALIGNMENT

The goals for 2017 – 2019 include *Strong and Diverse Local Economy*

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the December 5, 2017 Village Council meeting. Staff recommends approval on the December 12, 2017 active agenda.

BACKGROUND

On September 20, 2016, the Village Council approved a proposal to redevelop an existing fueling station and carwash through a Planned Unit Development, Rezoning, Special Use and an Alley Vacation.

On November 17, 2017, the petitioner requested that the Village Council grant a six-month extension of the Special Use approval. Per Section 12.050.I of the Zoning Ordinance, a Special Use approval will lapse after one year if a building permit has not been issued. The other entitlements approved by Village Council do not expire, as the rezoning takes effect immediately, and a PUD site plan was submitted within a year of the ordinance adoption. The Village Council is authorized to extend the expiration period for good cause on up to two separate occasions, by up to six months each.

The petitioner has met with Village representatives many times over the past year regarding construction of the building, and submitted a building permit in June of 2017 to begin construction. At this time, the petitioner is addressing Village comments and anticipates starting construction in the spring of 2018.

ATTACHMENTS

Ordinances

Petitioner's request letter dated November 17, 2017

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** December 12, 2017
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** 16-PLC-0008
(Board or Department)

NATURE OF ACTION:

- ☒ Ordinance
☐ Resolution
☐ Motion
☐ Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AUTHORIZING THE EXTENSION OF A SPECIAL USE TO PERMIT CONSTRUCTION AND REDEVELOPMENT OF A FUELING STATION AND CAR WASH AT 1401-1445 OGDEN AVENUE TO MARCH 20, 2018", as presented.

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SUMMARY OF ITEM:

Adoption of the attached ordinance will authorize the extension of a special use to permit construction and redevelopment of a fueling station and car wash at 1401-1445 Ogden Avenue to March 20, 2018.

RECORD OF ACTION TAKEN:

Special Use Extension
1401-1445 Ogden
16-PLC-0008

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE EXTENSION
OF A SPECIAL USE TO PERMIT CONSTRUCTION AND REDEVELOPMENT OF A
FUELING STATION AND CAR WASH AT
1401-1445 OGDEN AVENUE TO MARCH 20, 2018**

WHEREAS, on September 20, 2016, the Village of Downers Grove has previously approved Ordinance No. 5565 entitled "AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 1401-1445 OGDEN AVENUE TO PERMIT THE REDEVELOPMENT OF A FUELING STATION AND CAR WASH"; and

WHEREAS, pursuant to the Downers Grove Zoning Ordinance, Section 28.12.050(I), "The Village Council is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 6 months each. Requests for extensions must be submitted to the Community Development Director and forwarded to the Village Council for a final decision";

WHEREAS, the owner of the Property has made a request for an extension of the improvements authorized under Ordinance No. 5565; and

WHEREAS, the Village Council has considered such request and has determined that it is in the best interest of the Village of Downers Grove to extend the Special Use approval as requested.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Downers Grove as follows:

SECTION 1. That the Special Use approval as set forth in Ordinance No. 5565, permitting the redevelopment of a fueling station and car wash at 1401-1445 Ogden Avenue, is hereby extended to March 20, 2018.

SECTION 2. That this ordinance shall be in full force an effect from and after its adoption in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk



DELTA SONIC CARWASH SYSTEMS, INC

•570 Delaware Avenue, Buffalo, NY 14202•Phone (716)886-0931•Fax (716) 886-1026

November 17, 2017

Attn: Stan Popovich
Community Development Director
Community Development Department
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Re: Delta Sonic Car Wash
1401 - 1445 Ogden Avenue
Downers Grove, IL
DSCS Property No. 1820
PUD Ref #: 56 / Ordinance #: 5564

Dear Mr. Popovich;

I am writing to request a six (6) month extension to the Special Use granted September 20, 2016 for the proposed Delta Sonic Carwash at 1401 - 1445 Ogden Ave.

As you are aware the project has been in the process of Permit review with the Village of Downers Grove since June 2017. We are currently working with the Permit Office to resolve all comments to be able to start construction in the Spring of 2018.

For this reason we respectfully request the extension to the Special Use.

If you have any queries please do not hesitate to contact me at 716-878-9626 or via email at jmb@benderson.com.

I look forward to hearing from you.

Sincerely,
DELTA SONIC CAR WASH SYSTEMS, INC.

A handwritten signature in blue ink, appearing to read "James A. Boglioli", is written over a horizontal line.

James A Boglioli.
Director, Right to Build – North East US
Encl.

1401-1445 Ogden
Special Use - 16-PLC-0008

ORDINANCE NO. 5565

**AN ORDINANCE AUTHORIZING A SPECIAL USE
FOR 1401-1445 OGDEN AVENUE TO PERMIT
THE REDEVELOPMENT OF A FUELING STATION AND CAR WASH**

WHEREAS, the following described property, to wit:

LOTS 1 THROUGH 12, INCLUSIVE, IN BLOCK 2 IN ARTHUR T. MCINTOSH AND COMPANY'S ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION OF LOT 2 OF THE TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ARTHUR T. MCINTOSH AND COMPANY'S ADDITION TO DOWNERS GROVE, RECORDED JUNE 26, 1924 AS DOCUMENT 179462, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1401-1445 Ogden Avenue, Downers Grove, IL 60515
PINs 09-06-405-001; 09-06-405-007; 09-06-405-008; 09-06-405-009; 09-06-405-010 & 09-06-405-026

(hereinafter referred to as the "Property") is presently zoned "*B-3/PUD, General Services and Highway District Planned Unit Development 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 28.5.010.A of the Zoning Ordinance be granted to permit redevelopment of a fueling station and car wash; and,

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 public hearings respecting said petition on July 11, 2016 and August 1, 2016 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, 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 this 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.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. That Special Use of the Property is hereby granted to permit redevelopment of a fueling station and car wash.

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

1. The Planned Unit Development, Rezoning, Special Use and alley vacation shall substantially conform to the staff report; engineering, architectural and landscape drawings prepared by Intech Consultants, Inc. dated January 28, 2015 and last revised on June 7, 2016, except as such plans may be modified to conform to the Village codes and ordinances.
2. The proposed fence along the south property line should be a maximum of eight feet in height per the Zoning Code. The fence along the west property line should be a solid fence, six feet in height for the most southern 100 feet. The remaining portion along the west property line should have a four foot open design fence.
3. The applicant shall pay the Village \$270,000 prior to the execution of the plat alley vacation.
4. The fence along the west property line should be placed along the driveway curb and allow landscape materials to be planted along the streetside of the fence.
5. The building shall be equipped with an automatic fire suppression system and an automatic and manual fire alarm system.
6. The applicant shall maintain all sidewalks and plaza areas that are on and immediately adjacent to the subject property.
7. Stormwater and utility easements shall be granted to the Village over the detention area in the parking lot.
8. The applicant shall administratively consolidate all lots into one lot of record prior to the issuance of a building permit.
9. The applicant shall reduce light levels to security level no later than 30 minutes after the close of business.
10. Public drainage, utility and access easement is to be retained as noted on the Plat of Vacation.

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: September 20, 2016

Published: September 21, 2016

Attest: 
Village Clerk

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