

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**3/1/2022**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Special Use - 1000-1010 75th Street	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

The petitioner is requesting approval of a Special Use to operate personal vehicle repair and maintenance businesses on the entire property at 1000-1010 75th Street.

**STRATEGIC PLAN ALIGNMENT**

The goals for the 2021-2023 include a *Strong and Diverse Local Economy*.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the March 8, 2022 active agenda per the Plan Commission's 7:0 positive recommendation. The Plan Commission found that the proposal is compatible with the Comprehensive Plan and meets the standards for a Special Use found in Section 28.12.050.H.

**BACKGROUND**Property Information & Zoning Request

The petitioner is requesting approval of a Special Use to operate Personal Vehicle Repair and Maintenance businesses at 1000-1010 75<sup>th</sup> Street. The property is zoned B-2, General Retail Business and consists of a one-story, two-unit, 8,733 square foot building. Multiple businesses under the use category of personal vehicle repair and maintenance have secured occupancy permits from the Village since 1989. The west portion of the building has been vacant since 2014.

Compliance with the Comprehensive Plan

The Comprehensive Plan designates the land use of the property as Corridor Commercial. This land use primarily includes smaller regional commercial retailers that provide services and retail opportunities to the nearby neighborhoods and the surrounding region. The Comprehensive Plan specifically mentions that commercial uses that front the 75<sup>th</sup> Street corridor should be adequately landscaped and beautified.

Compliance with the Zoning Ordinance

The property is zoned B-2, General Retail Business. Per Section 28.5.010 of the Zoning Ordinance, personal vehicle maintenance and repair is an allowable Special Use. The existing building and site are legal non-conforming regarding several setback requirements as identified in the staff report. The applicant is proposing

landscaping improvements in the street yard, adding five new trees, adding an accessible parking stall, and adding a screened trash enclosure.

Public Comment

Prior to and during the Plan Commission meeting, staff did not receive any inquiries regarding this proposal.

**ATTACHMENTS**

Ordinance

Aerial Map

Staff Report with attachments dated February 7, 2022

Draft Minutes of the Plan Commission Hearing dated February 7, 2022

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE AUTHORIZING A SPECIAL USE FOR  
1000-1010 75<sup>th</sup> STREET TO PERMIT A  
PERSONAL VEHICLE REPAIR AND MAINTENANCE BUSINESS**

WHEREAS, the following described property, to wit:

PARCEL 1: THE EAST 224 FEET OF THE WEST 424 FEET, AS MEASURED ALONG THE NORTHERLY LINE OF LOT 7 IN PINE HILLS UNIT NUMBER 2, A SUBDIVISION OF THE SOUTH WEST 1/4 OF THE NORTH WEST ¼ OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPT THAT PART DEDICATED FOR HIGHWAY PURPOSES, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1949, AS DOCUMENT 569749, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE VACATED PUBLIC STREET LYING SOUTHEASTERLY AND ADJOINING PARCEL 1 AS SHOWN IN ORDINANCE VACATING A CERTAIN PORTION OF A PUBLIC STREET IN THE VILLAGE OF DOWNERS GROVE RECORDED AS DOCUMENT NUMBER R85-11248.

Commonly known as: 1000-1010 75<sup>th</sup> Street, Downers Grove, IL 60516  
PINs: 09-29-110-011

(hereinafter referred to as the "Property") is presently zoned in the "*B-2, General Retail 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 a personal vehicle repair and maintenance business; 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 a public hearing for the petition on February 7, 2022 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 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.

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

SECTION 1. That Special Use of the Property is hereby granted to permit a personal vehicle repair and maintenance business.

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

1. The Special Use shall substantially conform to the staff report dated February 7, 2022, plans and documents attached to the report except as such plans may be modified to conform to the Village codes and ordinances.
2. No vehicles may be test driven on residential streets near the subject property. All test drives are limited to arterial streets as defined in the Comprehensive Plan. These streets include 75th Street, Lemont Road, Fairview Avenue and others.
3. The use is allowed a maximum of fifteen (15) total service bays.

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

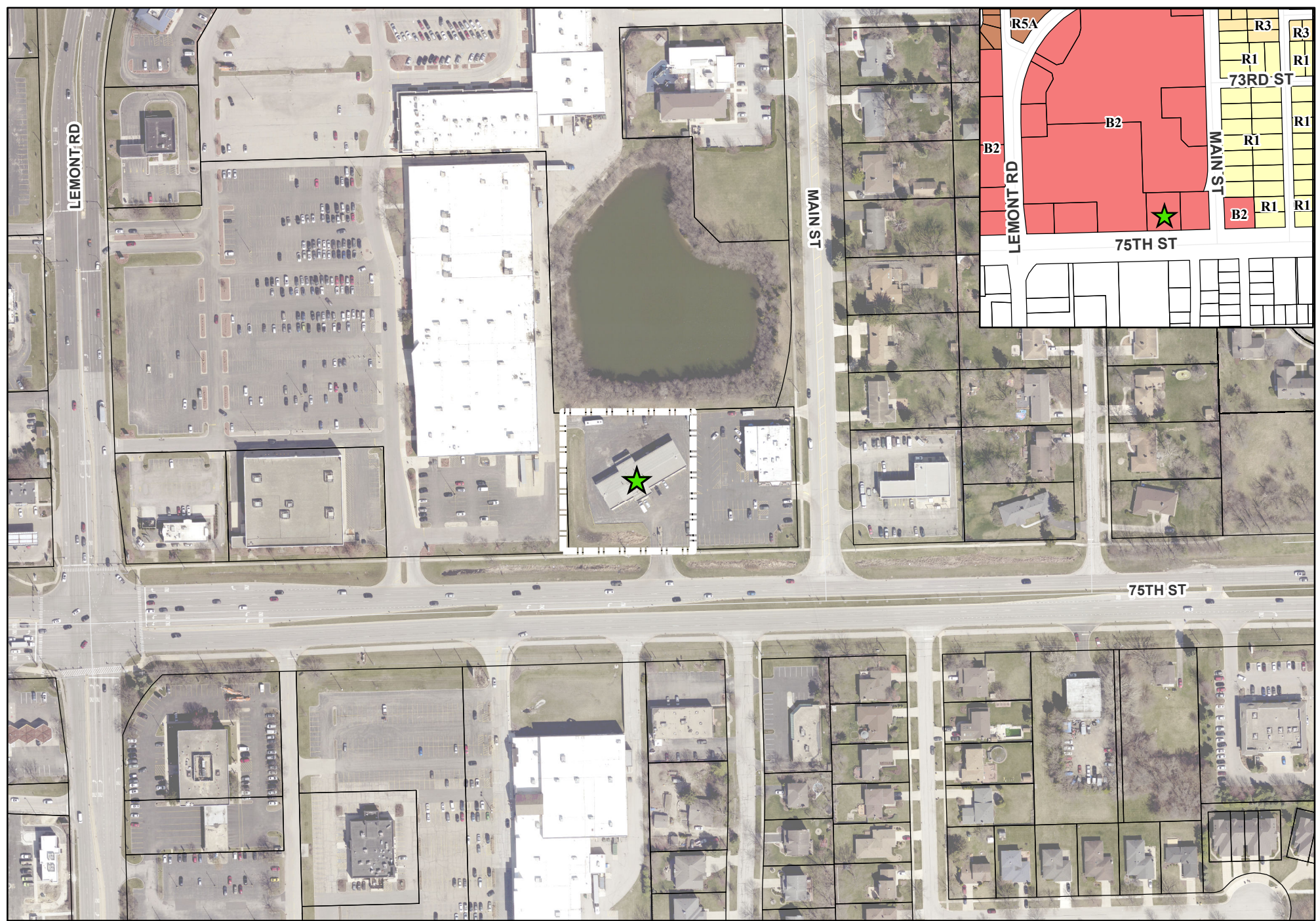
Passed:


Published:

Attest: \_\_\_\_\_

Village Clerk







0



125

250

500

Feet

**1000-1010 75th Street - Location Map**



Subject Property  
Project Location



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
FEBRUARY 7, 2022 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
22-PLC-0004 1000-1010 75 <sup>th</sup> Street	Special Use for Personal Vehicle Repair and Maintenance	Flora Ramirez, AICP Senior Planner

### REQUEST

The petitioner is requesting approval of a Special Use to operate a personal vehicle repair and maintenance business for the entire property at 1000-1010 75<sup>th</sup> Street.

### NOTICE

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

### GENERAL INFORMATION

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**OWNER:** IDF Properties, LLC  
414 Plaza Drive  
Westmont, IL 60559

**APPLICANT:** Mark W. Daniel  
17W733 Butterfield Road, Suite F  
Oakbrook Terrace, IL 60181

### PROPERTY INFORMATION

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**EXISTING ZONING:** B-2, General Retail Business  
**EXISTING LAND USE:** Vacant Commercial Property  
**PROPERTY SIZE:** 56,464 square feet (1.3 acres)  
**PINS:** 09-29-110-011

### SURROUNDING ZONING AND LAND USES

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	B-2/P.D. # 18, General Retail Business/ Planned Unit Development #18	Corridor Commercial
<b>SOUTH:</b>	B-3, General Business District (Darien)	N/A
<b>EAST:</b>	B-2, General Retail Business	Corridor Commercial
<b>WEST:</b>	B-2/P.D. # 18, General Retail Business/ Planned Unit Development #18	Corridor Commercial

### ANALYSIS

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#### 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 Narrative
3. Project Narrative Supplement
4. Special Use Criteria
5. Plat of Survey
6. Proposed Site Plan
7. Proposed Landscape Plan

### **PROJECT DESCRIPTION**

The petitioner is requesting approval of a Special Use to operate a personal vehicle repair and maintenance business for the entire property at 1000-1010 75<sup>th</sup> Street. The property is zoned B-2, General Retail Business. The proposed use is an allowable Special Use in the B-2 district. The property consists of a one-story 8,732.75 square foot building. The two-unit building includes a total of fifteen service bays and eleven off-street surface parking spaces. Multiple businesses under the use category of personal vehicle repair and maintenance have secured occupancy permits from the Village since 1989. Currently the west portion of the building is vacant (since 2014).

The original request by the petitioner included a minor or major special use amendment for: commercial vehicle repair and maintenance, personal vehicle repair and maintenance, and the sale of related parts (*original narrative*). Further review determined that the request fell under the category of a new special use permit. Additionally, commercial vehicle repair and maintenance is not permitted in the B-2 zoning district. As such, the updated petition (*supplement to narrative*) reflects a Special Use limited to personal vehicle repair and maintenance. The petitioner has identified a prospective tenant that plans to work on vehicles indoors only. Future services provided at this location will include exterior washing, interior maintenance, partial and full detailing. Services will not include vehicle body or paint finishing.

Personal vehicle maintenance and repair services must adhere to specific operational regulations under Section 6.100 of the Downers Grove Zoning Ordinance. The proposal meets all of these regulations that are listed below:

- All repairs and service activities must be conducted within a completely enclosed building
- No outside storage is allowed, except for customer vehicles waiting to be repaired or waiting for pick up.
- All repair and maintenance activities must be screened with a solid fence or wall with a minimum height of six feet and a maximum height of eight feet.

### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan designates the land use of the property as Corridor Commercial. This land use primarily includes smaller regional commercial retailers that provide services and retail opportunities to the nearby neighborhoods and the surrounding region. The Comprehensive Plan specifically mentions that commercial uses that front the 75<sup>th</sup> Street corridor should be adequately landscaped and beautified.

### **COMPLIANCE WITH THE ZONING ORDINANCE**

The property is zoned B-2, General Retail Business. Per Section 28.5.010 of the Zoning Ordinance, personal vehicle maintenance and repair is an allowable Special Use. The existing building and site are legal-non conforming regarding several setback requirements as identified below. However, the applicant is proposing landscaping improvements, to bring certain elements of the site closer to conformance with the Village Code.

22-PLC-0004, 1000-1010 75<sup>th</sup> St.  
February 7<sup>th</sup>, 2022

Page 3

One new accessible parking stall and standard parking stall will be added in front of the building. Toward the rear of the building a total of twelve parking stalls are proposed. Immediately north of the building a new screened trash enclosure is also proposed. Due to the existing location of a detention basin along the southwest corner of the site, landscaping will be limited to the highest elevations along the street yard. A total of five new trees are proposed on the site along with plant groupings consisting of shrubs and ornamental grasses. As required by the Zoning Ordinance a pedestrian connection will be provided to 75<sup>th</sup> Street.

#### **ENGINEERING/PUBLIC IMPROVEMENTS**

The building footprint will not be altered. Post Construction Best Management Practices are not required because there will be no change in impervious area. There is an existing detention basin along the southwest corner of the site that will be beautified with additional landscaping.

#### **PUBLIC SAFETY REQUIREMENTS**

The Fire Prevention Division of the Fire Department has reviewed the application and has no concerns.

#### **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 *Daily Herald*. Staff did not receive any questions regarding the petition.

#### **STANDARDS OF APPROVAL**

The petitioner is requesting a Special Use approval for a personal vehicle repair and maintenance facility. The review and approval criteria is listed below.

The petitioner has submitted a narrative that attempts to address all the standards of approval. The Plan Commission should consider the petitioner's documentation, the staff report and the discussion at the Plan Commission meeting in determining whether the standards for approval have been met.

#### ***Section 28.12.050.H Standards for Approval of Special Uses***

*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 petitioner 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.*
- (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.*

#### **DRAFT MOTION**

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Staff will provide a recommendation at the February 7<sup>th</sup>, 2022 meeting. Should the Plan Commission find that the request meets the standards of approval for a Special Use, staff has prepared a draft motion that the Plan Commission may make for the recommended approval of 22-PLC-0004:

Based on the petitioner's submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for a Special Use as required by the Village of Downers Grove Zoning

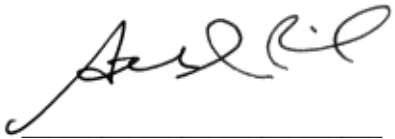
22-PLC-0004, 1000-1010 75<sup>th</sup> St.  
February 7<sup>th</sup>, 2022

Page 4

Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 22-PLC-0004, subject to the following 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. No vehicles may be test driven on the subject property. All test drive are limited to arterial streets as defined in the Comprehensive Plan. These streets include 75<sup>th</sup> Street, Lemont Road, Fairview Avenue and others; and
3. The use is allowed a maximum of fifteen total service bays.

Staff Report Approved By:

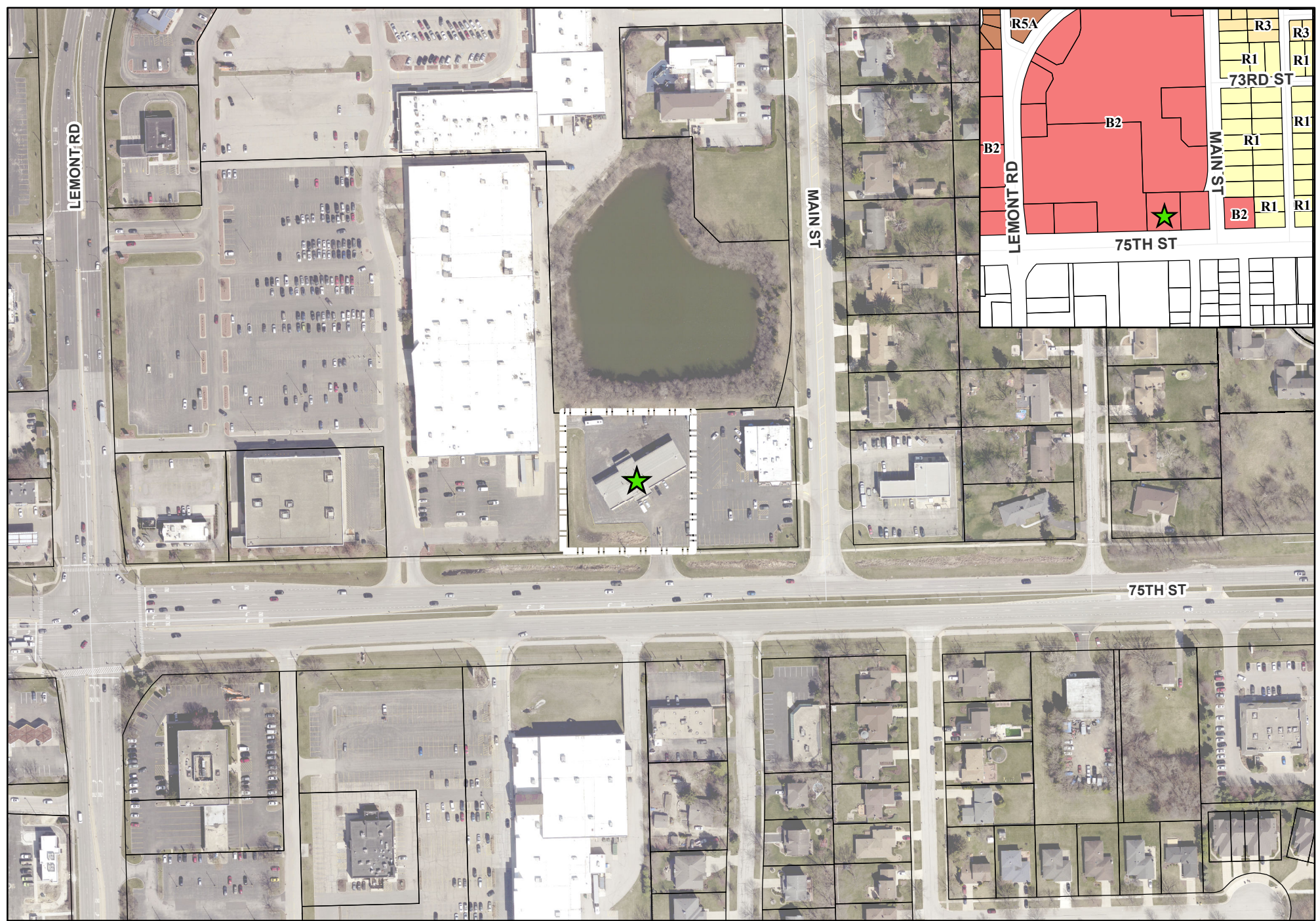



Stanley J. Popovich, AICP  
Community Development Director

SP:fr  
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2022 PC Petition Files\22-PLC-0004 - 1000-1010 75th Street - Personal Vehicle\22-PLC-0022\_Staff Report.doc







0



125

250

500

Feet

**1000-1010 75th Street - Location Map**

 Subject Property  
 Project Location



# ALTA/NSPS LAND TITLE SURVEY

OF

## LEGEND

- EXISTING BOUNDARY

- - -

EXISTING EASEMENT

- - -

EXISTING SETBACK

x x x

EXISTING CHAIN LINK FENCE

—○—

EXISTING WOOD FENCE

—○—

EXISTING METAL FENCE

—○—

EXISTING VINYL FENCE

—

EXISTING BUILDING

—

CENTER LINE

■

ASPHALT SURFACE

▨

BUILDING/STRUCTURE

▨

CONCRETE SURFACE

(C)

CALCULATED

(R/M)

RECORD/MEASURED

SF

SQUARE FEET
- MANHOLE
- EXIST. CATCH BASIN
- x-

STORM SEWER
- x-

SANITARY SEWER
- ⊗

WATER VALVE
- ⊗

BUFFALO BOX (B-BOX)
- ⊗

WATER VALVE & VAULT
- ⊗

FIRE HYDRANT
- ⊗

GAS METER
- UG-

GAS LINE
- ⊗

ELECTRIC METER
- ⊗

ELECTRIC PEDESTAL
- ⊗

HANDHOLE
- ⊗

OVERHEAD WIRES
- ⊗

UTILITY POLE
- ⊗

PHONE PEDESTAL
- ⊗

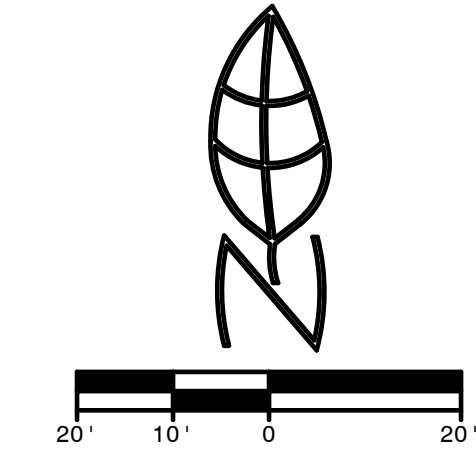
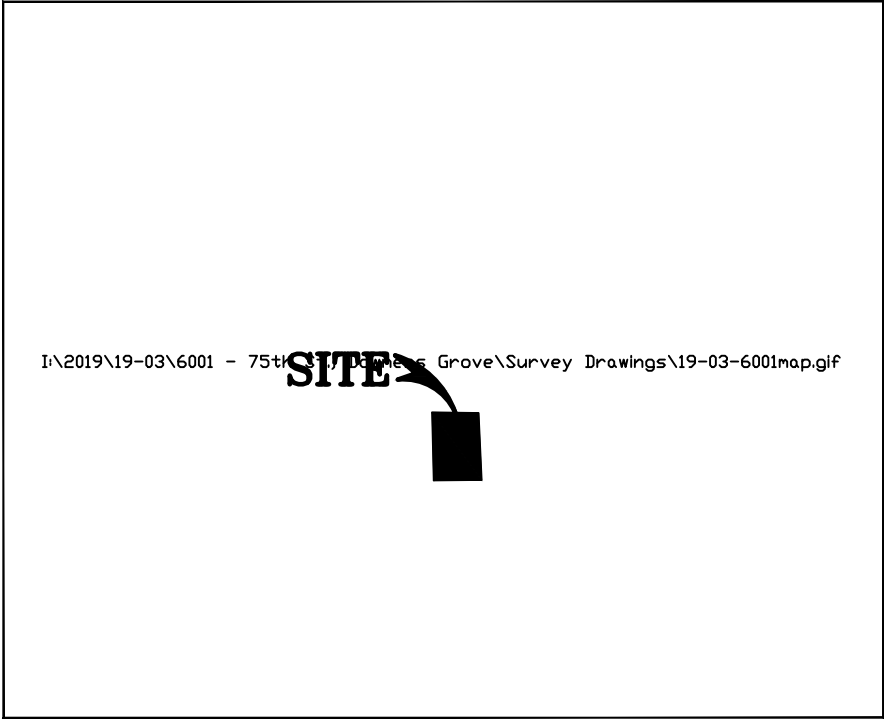
PHONE MANHOLE
- ⊗

CABLE TV PEDESTAL
- ⊗

LIGHT POST
- ⊗

STREET SIGN
- ⊗

DOWNSPOUT
- BOLLARD



BASIS OF BEARING:  
NORTH LINE OF 75TH STREET AS FOUND  
MONUMENTED AND OCCUPIED.  
S 88°33'13" W (ASSUMED)

PARCEL 1: THE EAST 224 FEET OF THE WEST 424 FEET, AS MEASURED ALONG THE NORTHERLY LINE OF LOT 7 IN PINE HILLS UNIT NUMBER 2, A SUBDIVISION OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPT THAT PART DEDICATED FOR HIGHWAY PURPOSES, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1949, AS DOCUMENT 569749, IN DUPAGE COUNTY, ILLINOIS.

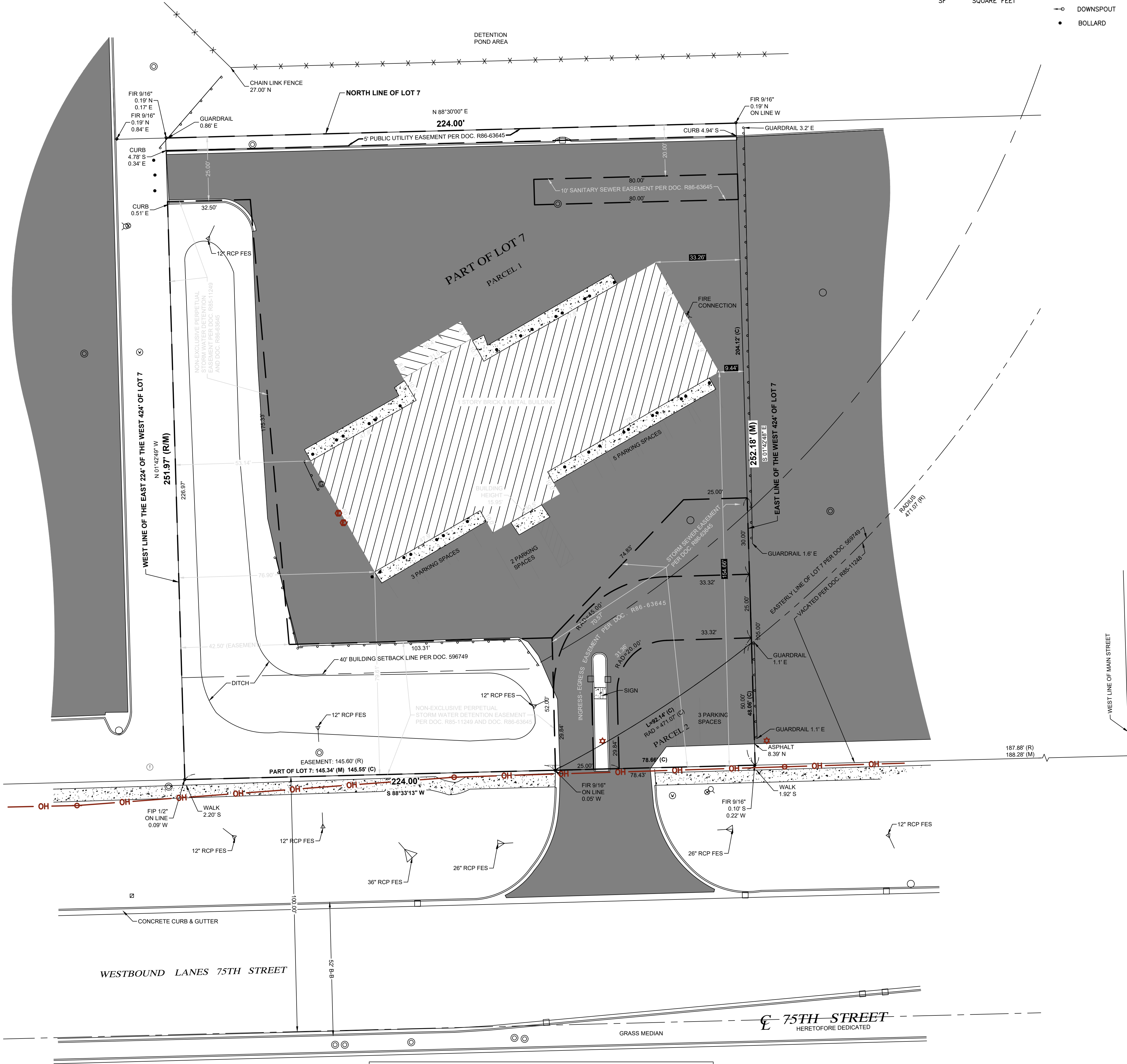
LAND AREA = 547.12 SF  
OR 1.26 ACRES MORE OR LESS

PARCEL 2: THAT PART OF THE VACATED PUBLIC STREET LYING SOUTHEASTERLY AND ADJOINING PARCEL 1 AS SHOWN IN ORDINANCE VACATING A CERTAIN PORTION OF A PUBLIC STREET IN THE VILLAGE OF DOWNERS GROVE RECORDED AS DOCUMENT NUMBER R85-11248.

LAND AREA = 1752 SF  
OR 0.04 ACRES MORE OR LESS

P.I.N. 09-29-110-011

## LOCATION MAP



THIS SURVEY CONFORMS WITH A TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, ORDER NUMBER 19GSA548012LP WITH AN EFFECTIVE DATE OF FEBRUARY 1, 2019. NOTES CORRESPONDING TO SCHEDULE "B" PART II EXCEPTIONS:

- ITEMS 1 THROUGH 20 AND ITEMS 23 AND 24 ARE NOT SURVEY ITEMS AND ARE NOT HEREON DRAWN.
- ITEM 21, DOCUMENT R85-11249, A PERPETUAL STORM WATER DETENTION EASEMENT IS HEREON DRAWN.
- ITEM 22, DOCUMENT R86-63645, EASEMENTS FOR PUBLIC UTILITIES, SANITARY SEWER, STORM WATER DETENTION, STORM SEWER, AND INGRESS AND EGRESS ARE HEREON DRAWN.
- OTHER THAN VISIBLE OBSERVATIONS NOTED HEREON, THIS SURVEY MAKES NO STATEMENT REGARDING THE ACTUAL PRESENCE OR ABSENCE OF ANY SERVICE.
- CALL J.U.L.I.E. AT 1-800-892-0123 FOR FIELD LOCATION OF UNDERGROUND UTILITIES PRIOR TO DOING ANY CONSTRUCTION WORK.
- PUBLIC AND/OR PRIVATE RECORDS HAVE NOT BEEN SEARCHED TO PROVIDE ADDITIONAL INFORMATION. OVERHEAD WIRES AND POLES (IF ANY EXIST) ARE SHOWN HEREON, HOWEVER THEIR FUNCTION AND DIMENSIONS HAVE NOT BEEN SHOWN.
- RESTRICTIONS THAT MAY BE FOUND IN LOCAL BUILDINGS AND/OR ZONING CODES HAVE NOT BEEN SHOWN. HEIGHTS AND BUILDING RESTRICTIONS (IF ANY) HAVE NOT BEEN SHOWN. ONLY THOSE SETBACK RESTRICTIONS SHOWN ON THE RECORDED SUBDIVISION OR IN THE TITLE COMMITMENT HAVE BEEN SHOWN. THIS PROPERTY IS SUBJECT TO SETBACKS AS ESTABLISHED BY THE GOVERNING JURISDICTION'S ZONING ORDINANCES AND/OR CODES AS AMENDED.
- THIS PARCEL HAS BEEN IDENTIFIED AS BEING IN "ZONE A" AND "ZONE X" PER THE FLOOD INSURANCE RATE MAP IN DUPAGE COUNTY, AS SHOWN ON MAP NO. 17043C0907H WITH A REVISED MAP DATE OF 12/16/2004.

- GENERAL NOTES:
- COMPARE THIS PLAT, LEGAL DESCRIPTION AND ALL SURVEY POINTS AND MONUMENTS BEFORE ANY CONSTRUCTION, AND IMMEDIATELY REPORT ANY DISCREPANCIES TO THE SURVEYOR.
  - DO NOT SCALE DIMENSIONS FROM THIS PLAT.
  - THE LOCATION OF THE PROPERTY LINES SHOWN ON THE FACE OF THIS PLAT ARE BASED UPON THE DESCRIPTION AND INFORMATION FURNISHED BY THE CLIENT, TOGETHER WITH THE TITLE COMMITMENT. THE PARCEL WHICH IS DEFINED MAY NOT REFLECT ACTUAL OWNERSHIP, BUT REFLECTS WHAT WAS SURVEYED.
  - MANHOLES, INLETS AND OTHER UTILITY RIMS OR GRATES SHOWN HEREON ARE FROM FIELD LOCATION OF SUCH AND ONLY REPRESENT SUCH UTILITY IMPROVEMENTS WHICH ARE VISIBLE FROM ABOVE GROUND AT THE TIME OF SURVEY, THROUGH A NORMAL SEARCH AND WALK THROUGH OF THE SITE. THE LABELING OF THESE MANHOLES (SANITARY, STORM, WATER, ETC.) IS BASED SOLELY ON THE "STAMPED" MARKINGS OF THE RIM. NO UNDERGROUND OBSERVATIONS HAVE BEEN MADE TO VERIFY THE ACTUAL USE OR EXISTENCE OF THE UNDERGROUND UTILITIES.
  - NO UNDERGROUND UTILITIES OR DRAIN TILES, IF ANY EXIST, ARE SHOWN HEREON.
  - THIS SURVEY MAY NOT REFLECT ALL UTILITIES OR IMPROVEMENTS IF SUCH ITEMS ARE HIDDEN BY LANDSCAPING OR ARE COVERED BY SUCH ITEMS AS DUMPSTERS, TRAILERS, CARS, DIRT, PAVING OR SNOW. AT THE TIME OF THIS SURVEY, SNOW DID NOT COVER THE SITE. LAWN SPRINKLER SYSTEMS, IF ANY, ARE NOT SHOWN ON THIS SURVEY.

- OTHER THAN VISIBLE OBSERVATIONS NOTED HEREON, THIS SURVEY MAKES NO STATEMENT REGARDING THE ACTUAL PRESENCE OR ABSENCE OF ANY SERVICE.
- CALL J.U.L.I.E. AT 1-800-892-0123 FOR FIELD LOCATION OF UNDERGROUND UTILITIES PRIOR TO DOING ANY CONSTRUCTION WORK.
- PUBLIC AND/OR PRIVATE RECORDS HAVE NOT BEEN SEARCHED TO PROVIDE ADDITIONAL INFORMATION. OVERHEAD WIRES AND POLES (IF ANY EXIST) ARE SHOWN HEREON, HOWEVER THEIR FUNCTION AND DIMENSIONS HAVE NOT BEEN SHOWN.
- RESTRICTIONS THAT MAY BE FOUND IN LOCAL BUILDINGS AND/OR ZONING CODES HAVE NOT BEEN SHOWN. HEIGHTS AND BUILDING RESTRICTIONS (IF ANY) HAVE NOT BEEN SHOWN. ONLY THOSE SETBACK RESTRICTIONS SHOWN ON THE RECORDED SUBDIVISION OR IN THE TITLE COMMITMENT HAVE BEEN SHOWN. THIS PROPERTY IS SUBJECT TO SETBACKS AS ESTABLISHED BY THE GOVERNING JURISDICTION'S ZONING ORDINANCES AND/OR CODES AS AMENDED.
- THIS PARCEL HAS BEEN IDENTIFIED AS BEING IN "ZONE A" AND "ZONE X" PER THE FLOOD INSURANCE RATE MAP IN DUPAGE COUNTY, AS SHOWN ON MAP NO. 17043C0907H WITH A REVISED MAP DATE OF 12/16/2004.

STATE OF ILLINOIS  
COUNTY OF DUPAGE

CERTIFY TO:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS AND INCLUDES ITEMS 1, 2, 3, 4, 7a, 7c, 8, 9, 11 (OBSERVED EVIDENCE ONLY), 14, 16, 17, AND 18 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 3/15/2019.

DATED, THIS 26TH DAY OF APRIL, A.D., 2019, AT LISLE, ILLINOIS.

CLIENT: ROBERT BORON LTD.

DATE	
1	
2	
3	
4	
5	
6	



Morris Engineering, Inc.  
Civil Engineering • Consulting  
Land Surveying  
515 Warrenville Road, Lisle, IL 60532  
Phone: (630) 271-0770  
Survey: (630) 271-0599  
Fax: (630) 271-0774  
Website: www.ecivil.com

ALTA/NSPS LAND TITLE SURVEY  
1000 W. 75TH STREET  
DOWNERS GROVE, ILLINOIS

FIELD CREW: PW  
DRAWN BY: CJS  
CHECKED BY: TC  
APPROVED BY: TC  
DATE: 3/19/2019  
SCALE: HORIZ 1"=20'  
VERT NONE

SHEET  
**1**  
OF 1 SHEETS  
PROJ # 19-03-6001

**UNITED STATES OF AMERICA**  
**STATE OF ILLINOIS** **COUNTY OF DUPAGE**  
**BEFORE THE VILLAGE OF DOWNERS GROVE PLAN COMMISSION**

In re the Matter of:	)	Plan Commission No. _____
	)	Filing Date: December 30, 2021
IDF PROPERTIES, LLC, an Illinois	)	Property: 1000-1010 75 <sup>th</sup> Street
limited liability company	)	
	)	<b>SPECIAL USE MINOR AMENDMENT</b>
Petitioner.	)	<b><u>SPECIAL USE MAJOR AMENDMENT</u></b>

**NARRATIVE**

IDF PROPERTIES, LLC, an Illinois limited liability company referred to as “Applicant,”  
 by and through its attorney, MARK W. DANIEL of DANIEL LAW OFFICE, P.C., requests:

- A. That the Community Development Director act pursuant to Downers Grove Zoning Ordinance Section 28.13.010(a) and Section 28.12.050(k)(1) to authorize a minor amendment to a special use permit in order to allow the extension of an existing special use to the entirety of the Subject Property according to the description and plans noted herein; or,
- B. Alternatively, that the Plan Commission recommend and the Village Council act under Municipal Code Section 2.55 and Zoning Ordinance Section 28.12.050(k)(2) to approve a major amendment to a special use according to the description and plans noted herein.

No variations are required. Applicant’s use will remain the same as that which has prevailed for decades, particularly as a *multitenant facility designed, constructed, and maintained for, and hosting, uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment, including (a) commercial vehicle repair and maintenance, (b) personal vehicle repair and maintenance, and (c) the sale of related parts.* (See Section 28.5.050(p)) The foregoing italicized description is referred to as “Petitioner’s Use.”



On December 10, 2021, Applicant appealed the November 1, 2021 determination of the Director through his delegee, Jason Zawila, AICP, in his capacity as Planning Manager (referred to herein as “the Director” as a consequence of the chain of command and authority delegated to the Planning Manager). The Director determined that a legislative special use was partially abandoned as to the interior of the west unit in the two-unit building on the Subject Property (1010 75th Street). Applicant files this request in order to cooperatively address the special use and site enhancements while also preserving rights under the appeal which should be held in abeyance pending determination of this matter.

IN SUPPORT OF THIS PETITION, Applicant respectfully states as follows:

FACTUAL BACKGROUND

1. The Village is a home rule unit of local government under the 1970 Illinois Constitution.
2. IDF PROPERTIES is a limited liability company organized in Illinois since at least 2015.
3. IDF PROPERTIES is comprised of members who were also beneficiaries of a trust at Countryside Bank under Trust Agreement dated October 20, 1989 and known as Trust No. 89-618.
4. The “Subject Property” is one zoning lot in the B-2 General Retail Business district which is commonly known as 1000-1010 75<sup>th</sup> Street, Downers Grove, DuPage County, Illinois, has been assigned Permanent Index No. 09-29-110-011 and is legally described as:

THE EAST 224 FEET OF THE WEST 424 FEET, AS MEASURED ALONG THE  
NORTHERLY LINE OF LOT 7 IN PINE HILLS UNIT NUMBER 2, A SUBDIVISION  
OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SECTION 29,  
TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN  
EXCEPT THAT PORTION DEDICATED FOR HIGHWAY PURPOSES,

ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1949, AS DOCUMENT 569749, IN DUPAGE COUNTY, ILLINOIS.

5. Since at least 1987, the Subject Property has hosted a single two-unit building improved for Petitioner's Use. The west unit (1010 75<sup>th</sup> Street, which is the subject of this request for amendment) had (and still has) six (6) service bays. The east unit had (and still has) nine (9) service bays. Common parking, loading, landscaping, lighting, signage, drainage and detention, fire service, water and sanitary service and waste areas served (and continue to serve) the two units on the Subject Property. A survey of the Subject Property provided with the application depicts the Subject Property as it existed since at least 2013. The floor plan provided with the application depicts the interior of the building on the Subject Property as it existed since 1989.

6. IDF PROPERTIES acquired the Subject Property on or about August 9, 2016 from Countryside Bank, as Trustee under Trust Agreement dated October 20, 1989 and known as Trust No. 89-618. The deed accomplishing the transfer intended to change the form of ownership was provided with the application.

7. Countryside Bank, as Trustee, owned the Subject Property from on or about December 12, 1989, until August 9, 2016.

8. Since 1989, the Village has issued multiple business licenses and/or occupancy certificates for businesses at the Subject Property and for the units at the Subject Property identified as 1000 and 1010 75th Street, and these uses were all within Petitioner's Use.

9. At the time the Village initiated consideration of its modern Zoning Ordinance, both the east unit and the west unit were occupied for Petitioner's Use, but the west unit lost its tenant soon after that. Applicant preserved the west unit for Petitioner's Use and still maintains

equipment and materials in the west unit that are supportive of Petitioner's Use. The east unit remains occupied today by a business that operates within the scope of Petitioner's Use.

10. On June 2, 2014, the Village enacted its new Zoning Ordinance. The modern Zoning Ordinance authorized an amendment to a special use permit that is either classified as a minor amendment which the Director of Community Development can determine or classified as a major amendment which the Village Council determines following a Plan Commission recommendation.

11. As of the date of this application, the west unit was occupied for Petitioner's Use inasmuch as:

- a. The west unit contained lifts for all six repair bays;
- b. The west unit still contained transmission repair tables for transmission work amid the six repair bays;
- c. The west unit still contained an employee supply area near the service bays;
- d. The west unit contained parts and materials storage racks throughout the repair bays;
- e. The west unit contained a lobby with a service desk and seating as well as a table; and
- f. The west unit, including its storage room, restroom, lobby, service bay areas, all of its overhead doors, service doors, fire doors and customer doors, as well as all of its water lines, utilities (gas and electricity), sanitary connection and all of its accessory parking, loading, drainage and detention, landscape areas, sign area and waste area was maintained for Petitioner's Use.

12. As of the date of this application, the east unit was occupied and open for Petitioner's Use.

13. As of the date of this application, the Subject Property remained in the same design and condition as has existed since 1989 subject to lighting modernization and some landscape and sign enhancements. The Subject Property offers in 18 parking spaces credited as follows: (a) one space adjacent to each of the 15 repair bays except the north central bays; (b) one accessible parking stall and an additional space south of the unit entrances; and (c) three parking spaces adjacent to the south lot line east of the driveway connecting to 75th Street. The parking spaces noted in Paragraph 13(a) are not striped even though the bays identify them. Additionally, the Subject Property is subject to easement areas that comprise nearly 50% of its land area (excluding an access easement over the entirety of the Subject Property). The largest of the easement areas is a stormwater retention system that conveys water into the drainage improvements in the County's 75th Street right of way. This retention area features no mid-level or upper-tier plantings such as shrubs and trees. The three parking spaces noted in Paragraph 13(c) lack shrubs that screen the parking spaces from the public right of way. There is no accessible route from the public sidewalk to the building.

14. Applicant proposes to amend the special use permit to allow for a permit that continues to benefit Applicant and allow for Petitioner's Use with an amendment to the special use and the plan to allow the following adjustments, some of which are reflected in the tentative site plan submitted with the application:

- a. The entirety of the Subject Property will be authorized for Petitioner's Use provided that changes in tenancy will be processed as a minor amendment to special use or, if the minor amendment process is abandoned, authorized as within this special use;
- b. During its repairs to the hard surfaces on the Subject Property which shall occur not later than June 30, 2022, Applicant shall accomplish the following: (i) stripe twelve

- (12) parking spaces along the north line of the parking lot north of the building; (ii) indicate a loading area and/or no parking in the tentative site plan (if required by the Village); (iii) construct a waste enclosure in the area along the north wall of the existing shed; (iv) stripe a compliant accessible parking stall and access aisle leading to an accessible route to the building; and (v) stripe an accessible route east of the main driveway leading from the public sidewalk to the public building entrances; and
- c. During repairs to surfaces on the Subject Property which shall occur not later than June 30, 2022 or such other later date as determined by the Community Development Director, Applicant shall install the following landscaping: (a) not fewer than five (5) trees of a caliper dimension of no less than three (3) inches at the locations generally shown in the tentative site plan; (b) collections of not fewer than four shrubs or tall grasses that will reach a growth height of not less than three feet at the locations west of the main driveway generally shown in the tentative site plan; and (c) continuous shrubs at a planting height of not less than three (3) feet and growth height of four (4) feet at the location east of the main driveway generally depicted in the tentative site plan.

If approved by the Community Development Director, the tentative site plan shall be substituted with a site plan and landscape plan reflecting the Community Development Director's determination. If the Community Development Director determines that he cannot authorize the requested minor amendment, Applicant reserves the right to supplement its application with a site plan including a landscape plan depicting improvements proposed in this Paragraph 14.

15. Applicant does not have a current tenant for the west unit, but it has identified a prospective tenant in WET'S Mobile Detail, LLC which intends to operate a vehicle

maintenance business with exterior washing, interior maintenance, partial detailing and full detailing as well as ancillary small item sales. The circumstance that there is no current tenant under a written lease should not affect review inasmuch as “Special use approval runs with the land and is not affected by changes of tenancy, ownership, or management.” (Zoning Ordinance, Sec. 28.12.050(j))

16. Section 28.5.050(p) provides for:

Vehicle Sales and Service. Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. The vehicle sales and service subcategory includes the following specific use types:

(1) Commercial Vehicle Repair and Maintenance. Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. Includes truck stops and truck fueling facilities.

....

....

(4) Personal Vehicle Repair and Maintenance. Uses engaged in repairing, installing or maintaining the mechanical components of autos, small trucks or vans, motorcycles, motor homes or recreational vehicles including recreational boats. Also includes uses that wash, clean or otherwise protect the exterior or interior surfaces of these vehicles. Does not include vehicle body or paint finishing shops. See also DGMC Section 28.6.100. . . .

17. The subcategories of use at issue have components that are similar from one user to the next in buildings such as that which exists on the Subject Property and which are specially designed for uses that service vehicles on the building interior.

18. Table 5-1 identifies Petitioner’s Use as a special use in the B-2 General Retail Business zoning district.

### MERITS OF THE APPLICATION

#### *Area Zoning, Land Use and Traffic Patterns*

19. The Subject Property is entirely surrounded by commercial zoning districts (B-2 in Downers Grove and B-3 in Darien, with Darien B-2 and B-1 further east). A small R-1 Residential Detached district lies along the east side of the southerly frontage of Main Street, sandwiched between R-3 to the north, R-5 and R-6 planned unit developments to the east, and B-2 to the west. Darien's classification of land along the south side of 75th Street can best be classified as somewhat inconsistent due to the timing of annexations and the several uses that one would not ordinarily find in the adopted classifications.

20. The Subject Property is situated near the perimeter of a B-2 district that includes The Grove Shopping Center and related adjacent parcels on 73 acres as well as Downers Plaza and related adjacent commercial lots situated on roughly 40 acres.

21. Directly east of the Subject Property, at 980 75th Street, is Grand Dukes Restaurant and Banquets. Another automobile service facility serving personal and commercial vehicles is situated at the northeast corner of Main Street and 75th Street.

22. The minor or major amendment to Petitioner's Use as proposed for the Subject Property occurs within a commercial corridor along 75<sup>th</sup> Street, a County highway with three lanes in each direction and various turn and U-turn lanes planned to serve lots and streets along the right of way. The Petitioner's Use at the Subject Property does not change the demand for parking or impact the number of vehicular trips or turn movements (or the type and style of such trips and movements) along area roads. In fact, the Village will likely require a commitment to avoid using Main Street for test drives, thereby reducing any potential impact even though such an impact has never existed and would not likely occur due to the use of the corner lot and the location of the access easement at a restricted access driveway.

23. The Subject Property is governed by easements that planned for sanitary service, storm conveyance and highway access between the 1950's and the present, with the most significant planning occurring in the 1980's.

24. There are no special water or environmental features on the Subject Property (this is confirmed in the inventory contained in the 2017 Comprehensive Plan).

25. Stormwater generally flows from north to south and from the east-northeast, then into the retention area before being conveyed via a restricted pipe into the public storm system along the north side of 75th Street.

26. Since no new improvements and no change in zoning or to the structures on the Subject Property are contemplated, application to the Kane-DuPage Soil and Water Conservation District (for a Land Use Opinion) is unnecessary. Further, there will be no need for County involvement since there will be no alterations to any wetlands or storm planning as a result of plantings. The Village and the Downers Grove Sanitary District will review the site plan and use inasmuch as they have general jurisdiction and particular rights under the 1980's easements.

***Standards Relating to Minor Amendment***

27. The Community Development Director is authorized under Section 28.12.050(k)(1)(a)(2) to approve a minor amendment to a special use to allow "the addition of customary accessory uses and structures" if they are not identified as a change that must be the subject of a major amendment under Section 28.12.050(k)(2)(a).

28. No element of the amendment to special use falls within the five designated forms of a major amendment to a special use under Section 28.12.050(k)(2)(a). The building will have the same footprint. The building height will not change. There is no reduction in common open space or landscaping, both of which will be improved as a result of the approval. Applicant does



not propose to reduce off street parking by more than ten percent. Applicant anticipates that the Community Development Director will mandate that no test-driven vehicles will utilize Main Street north of 75th Street, but this is a decrease in access and a decrease in projected volume (not an increase). At most, Applicant seeks two amendments: (a) occupancy of the west unit; and (b) site plan approval to designate parking, landscaping and accessible parking and routes. The approval of a site plan that includes a landscape plan is not required as a function of the special use amendment, but Applicant offers it as a reflection of its physical changes to the Subject Property which could be authorized under a building permit without special use approval.

29. Section 28.15.040 defines “accessory structure or use” as:

*Accessory Structure or Use.* An “accessory structure” or “accessory use” is one that:

- (a) is subordinate to the principal structure or principal use served in terms of area and function;
- (b) contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
- (c) is customarily found in association with the subject principal use or principal structure.

30. There is an existing special use for the entirety of the Subject Property, but the Community Development Director has found that the use of the interior of the west unit for automotive services was abandoned and this is subject to the December 10, 2021 appeal.

31. Applicant’s proposed amendment to the special use to extend the special use to allow the interior of a specially-constructed building to be entirely used for Petitioner’s Use relates to an accessory use because: (a) the west unit has a smaller area and will necessarily have a subordinate function when compared to the east unit; (b) the use of the west unit serves the principal specially-designed automotive structure and the principal use of the Subject Property as a multi-unit automotive service center; and (c) automotive service uses for personal and

commercial vehicles often co-locate on properties or in blocks and they often do so within buildings designed for the same purpose as indicated in the immediate area and within single lots situated near the Subject Property.

32. Applicant proposes to add landscaping improvements but locations can only be generally depicted because the Village has to approve such locations before a plan can be prepared.

33. The standards for special use approval apply to both minor amendments and major amendments. Nothing in the proposed amendment renders the existing principal special use of the Subject Property for Petitioner's Use inappropriate.

34. The special use for Petitioner's Use is consistent with and in substantial compliance with all Village Council policies and plans.

35. Table 5-1 identifies Petitioner's Use as a designated special use available in the B-2 General Retail Business zoning classification. No painting or automobile body work will occur in either the west unit or the east unit. No outdoor operations will occur.

36. No variations are required. Since operations occur wholly on the interior of the structure, fencing is not required under Section 28.6.100(c). Section 28.7.100(j)(1) continues the reliance on staff determinations of appropriate drive width and drives east and west of the structure have existed for decades. Sections 28.8.020 and 28.8.030 do not apply since all improvements are existing and existing parking is not being increased. Section 28.7.100(j)(7) and Section 28.7.100(j)(8) allow the preservation of the shared driveways serving the Subject Property and the three parking spaces situated along the south lot line.

37. The Subject Property is situated behind a large retail shopping center and along a series of County highway frontages that have included automotive service uses of the type that is

either similar to or more intensive than Petitioner's Use, and homes have been continuously maintained, improved or developed around these uses.

38. The use at this location does not take away from planning prerogatives elsewhere in the Village, in the relevant B-2 zoning district, along the 75th Street corridor or in the nearby residential area. The enhancement of the landscaping at the Subject Property will improve views across the frontage and in the west yard area.

39. The proposed amendment meets all objectives in the 2017 Comprehensive Plan:

- a. The Petitioner's Use will continue to contribute to a mix of retail, service, and office uses that cater to a local population that now exceeds 50,000 people plus residents in other nearby communities (Plan, at 46, 54);
- b. The Petitioner's Use will continue the character of this area of 75th Street as a transition from more intense commercial use to residential use to the northeast and east (Plan, at 46, 54);
- c. The Petitioner's Use will continue to contribute to the sales tax base of the Village and the use of the west unit will not interfere with the value of the east unit in producing such public revenue (Plan, at 46);
- d. The amendment will eliminate a vacancy from within a commercial corridor and improve perceptions near a gateway to the Village (Plan, at 50);
- e. Approval furthers the goal of modernization in increments via upkeep, renovation and expansion (Plan, at 51);
- f. In relation to Petitioner's Use, the Village has continued allowing the use as a special use rather than pursuing amortization and moratoria (Plan, at 54), thus continuing

- prior legislative determinations of the appropriateness of Petitioner's Use in the B-2 district and at this location;
- g. Approval with the restriction of test-driving vehicles on Main Street will reduce the potential for conflict involving such vehicles (Plan, at 54);
  - h. Even though the Village landscape regulations are not applicable, Petitioner's Use under the amended site plan including the landscape plan implements commercial design and development guidelines by providing for new trees and shrubs, a new access route and better-designated parking (Plan, at 55);
  - i. Petitioner's Use is appropriate on a principal arterial and it will not interfere with the design, function or utilization of 75<sup>th</sup> Street (Plan, at 58-59);
  - j. Nothing in the amended plan will prevent the Village from pursuing a proposed bike path along 75th Street if it determines to place one on the north side of the County highway; the Petitioner's Use is not one that encourages bike use or leads to a demand for bike parking since it is an automotive service use (Plan, at 63);
  - k. Occupancy of the west unit for Petitioner's Use will remove a location of commercial use that could be available for a traffic generating use at The Grove Shopping Center, other plazas such as Downers Park Plaza, or Downtown (Plan, at 132);
  - l. The Subject Property is not identified as one to be addressed with any level of special detail under the 2017 Comprehensive Plan; and
  - m. Approval is consistent with the goals and objectives at Pages 152-155 (multiple commercial area prerogatives), 157-158 (transportation planning), 159 (pedestrian considerations in site planning), 163 (trees and open space management), and 164 (landscaping even when not required).

40. Petitioner's Use at the Subject Property remains necessary and desirable in providing 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, and this is confirmed in the nearly 40 years of prior use, the nearby uses and in the 2017 Comprehensive Plan.

41. The Petitioner's Use, as proposed to be amended at the Subject Property, will not 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 because:

- a. Petitioner's Use has existed at the Subject Property while homes in Grandview Estates have continually been maintained in a quality fashion and improved;
- b. Residents in Grandview Estates and others utilizing Main Street generally do not have a direct line of sight to Petitioner's Use since the nearly five acres of open space north of the Subject Property includes an immediately-adjacent pond wholly surrounded by trees and undergrowth that operates as an effective screen and buffer during warm and cold months;
- c. Petitioner's Use respects existing development patterns, stormwater management and viewsapes along 75th Street;
- d. No test driving will occur on Main Street;
- e. Operations will remain on the interior of the building and the parking designated north of the building will avoid a disorganized appearance that might occur on occasion without such striped spaces;
- f. Waste storage will be within the shed or an enclosure;
- g. Applicant will add a hedge south of the southernmost three parking spaces and add trees to the areas west of the entrance;

- h. Applicant will preserve the longstanding cross-access easement that serves the use to the east; and
- i. There is no change planned to the building or its historic automotive service use.

42. As noted above, the Petitioner's Use as proposed to be amended at the Subject Property will meet the standards of the Zoning Ordinance and proceed without upsetting the goals and objectives of the 2017 Comprehensive Plan, circumstances which strongly support a determination that it will not cause any detriment or injury.

WHEREFORE, IDF PROPERTIES, by and through its attorney, MARK W. DANIEL of DANIEL LAW OFFICE, P.C., respectfully requests that the Community Development Director determine or, in the alternative, that the Plan Commission recommend and the Village Council approve an amendment to special use to authorize the Petitioner's Use according to the introduction and as described in Paragraph 14, above, as well as the tentative site plan (and eventual site plan which will include a landscape plan) while approving such other and further relief as deemed necessary and justified by the evidence presented at hearing.

Dated: December 30, 2021

Respectfully submitted,

IDF PROPERTIES, LLC, an Illinois limited liability company

By: \_\_\_\_\_  
One of Its Attorneys

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DANIEL LAW OFFICE, P.C.  
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(630) 833-3311  
Fax: (630) 833-3511  
[mark@thedaniellawoffice.com](mailto:mark@thedaniellawoffice.com)  
Attorney No. 246198

**UNITED STATES OF AMERICA**  
**STATE OF ILLINOIS** **COUNTY OF DUPAGE**  
**BEFORE THE VILLAGE OF DOWNERS GROVE PLAN COMMISSION**

<i>In re</i> the Matter of:  IDF PROPERTIES, LLC, an Illinois limited liability company  Petitioner.	) ) ) ) ) )	Plan Commission No. _____ Filing Date: December 30, 2021 Property: 1000-1010 75 <sup>th</sup> Street  <b><u>SPECIAL USE MINOR AMENDMENT</u></b> <b><u>SPECIAL USE MAJOR AMENDMENT</u></b>
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**SUPPLEMENT TO NARRATIVE**

IDF PROPERTIES, LLC, an Illinois limited liability company referred to as “Applicant,”  
 by and through its attorney, MARK W. DANIEL of DANIEL LAW OFFICE, P.C., hereby  
 supplements its application and narrative as follows:

- A. That the Community Development Director act pursuant to Downers Grove Zoning Ordinance Section 28.13.010(a) and Section 28.12.050(k)(1) to authorize a minor amendment to a special use permit in order to allow the extension of an existing special use to the entirety of the Subject Property according to the description and plans noted herein; or,
- B. Alternatively, that the Plan Commission recommend and the Village Council act under Municipal Code Section 2.55 and Zoning Ordinance Section 28.12.050(k)(2) to approve a major amendment to a special use according to the description and plans noted herein.

No variations are required. The foregoing italicized description is referred to as “Petitioner’s Use.”

1. The Village determined not to act pursuant to Downers Grove Zoning Ordinance Section 28.13.010(a) and Section 28.12.050(k)(1) and allow a minor amendment authorizing the special use in the already-constructed and still-equipped west unit. For practical reasons,

Applicant does not appeal the decision, but it has provided payment of the full application fee for a new special use permit for the interior or the west unit so that the entirety of the Subject Property has a special use permit.

2. Pursuant to Municipal Code Section 2.55 and Zoning Ordinance Section 28.12.050(k)(2), Applicant seeks a major amendment to a special use according to the description and plans provided with the application which have been formalized as noted herein. The major amendment is treated as a new special use permit.

3. Applicant has applied for special use authorization throughout the entirety of the Subject Property for a *multitenant facility designed, constructed, and maintained for, and hosting, uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment, including (a) commercial vehicle repair and maintenance, (b) personal vehicle repair and maintenance, and (c) the sale of related parts.* (See Section 28.5.050(p))

4. The primary services provided relate to “personal vehicle repair and maintenance” as defined in Section 28.5.050(p)(4). No body work or paint finishing occurs on site.

5. Section 28.5.050(p)(1) defines “commercial vehicle repair and maintenance” as “Uses, excluding vehicle paint finishing shops, that *repair, install or maintain the mechanical components or the bodies of large trucks*, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. Includes truck stops and truck fueling facilities.”

6. Since the filing of the Application, the Community Development Director has determined that services on panel vans or trucks, some of which are larger than personal vans and personal trucks as we know them are not within Section 28.5.050(p)(1). The use in the east unit has always engaged in the sales of parts and services for recreational vehicles, trucks, some



of which are fleet trucks and some of which must be serviced from an open garage bay since they are larger than personal vans or trucks. At no time did Applicant intend to service semi tractors or trailer, buses, construction or agricultural equipment, aircraft or similar large vehicles and equipment. Applicant does not intent to operate a truck stop or truck fueling facility.

7. Based on the determination of the Community Development Director, Applicant is modifying its application to eliminate the request for a major amendment to all a special use for commercial vehicle repair and maintenance as defined under 28.5.050(p)(1) and seeking special use authorization throughout the entirety of the Subject Property for a *multitenant facility designed, constructed, and maintained for, and hosting, uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment, including (a) personal vehicle repair and maintenance and (b) the sale of related parts.* (See Section 28.5.050(p)(4)) As noted above, this use is inclusive of fleet trucks that may be larger than what we commonly understand are not personal vans or trucks.

8. In support of this, Applicant notes that U-Haul rentals are within the “personal vehicle sales and rentals category and none of the trucks or equipment serviced on the Subject Property exceed the size of the trucks rented within the current U-Haul fleet.

9. In further support of the application, Applicant submits a better copy of the survey Please note that Morris Engineering was experiencing pandemic staffing issues and was unable to provide a survey with the location map depicted. The survey is more clear otherwise.

10. Lastly, Applicant submits the following as formal reflections of the site plan, including the landscaping plan: (a) Site Plan dated January 20, 2022 prepared by Watermark Engineering Resources; and (b) Landscape Plan last revised January 27, 2022 prepared by Watermark Engineering Resources.

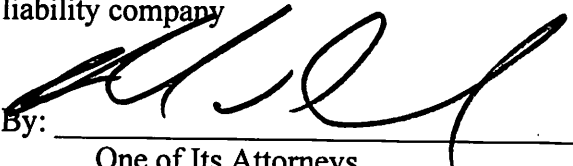
11. The Landscape Plan provides for substantial additional landscaping along the 75 Street frontage of the Subject Property and while adding a number of trees to the west portion of the Subject Property near 75th Street and near the building. The absence of plantings in the sign island at the entrance arises because Applicant removed and completely replanted this area in 2021 before it knew it was required to proceed through this process. Photographs of the plantings are provided with this supplement.

WHEREFORE, IDF PROPERTIES, by and through its attorney, MARK W. DANIEL of DANIEL LAW OFFICE, P.C., respectfully requests that the Community Development Director determine or, in the alternative, that the Plan Commission recommend and the Village Council approve an amendment to special use to authorize the Petitioner's Use according to the introduction and as described in Paragraph 7, above, the tentative Site Plan and Landscape Plan while approving such other and further relief as deemed necessary and justified by the evidence presented at hearing.

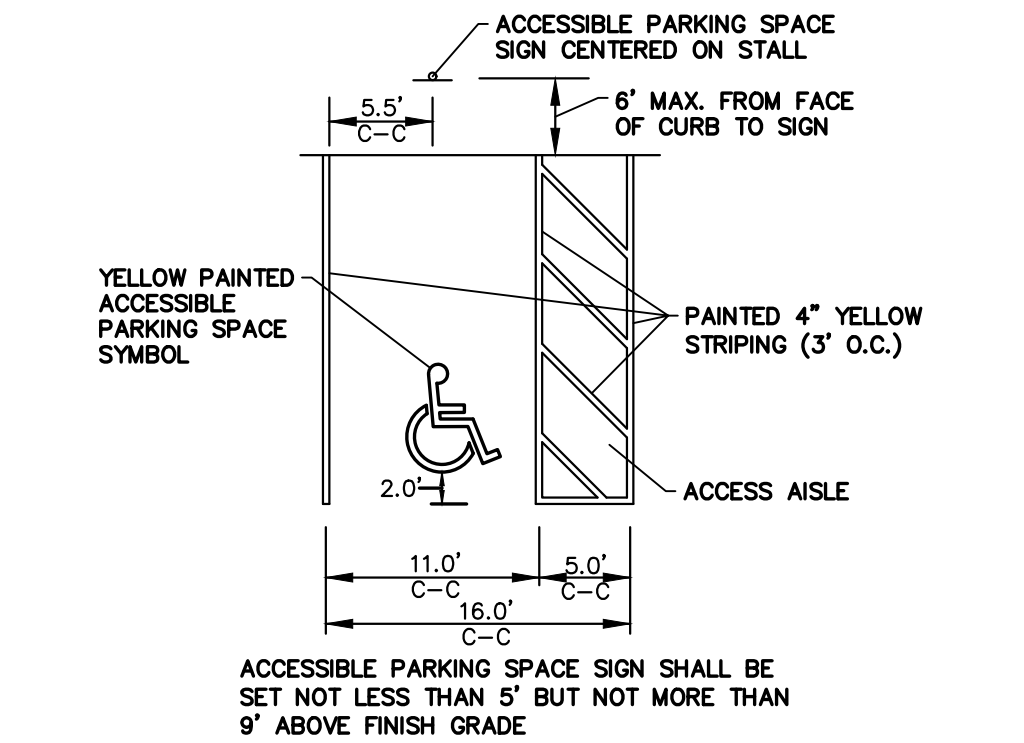
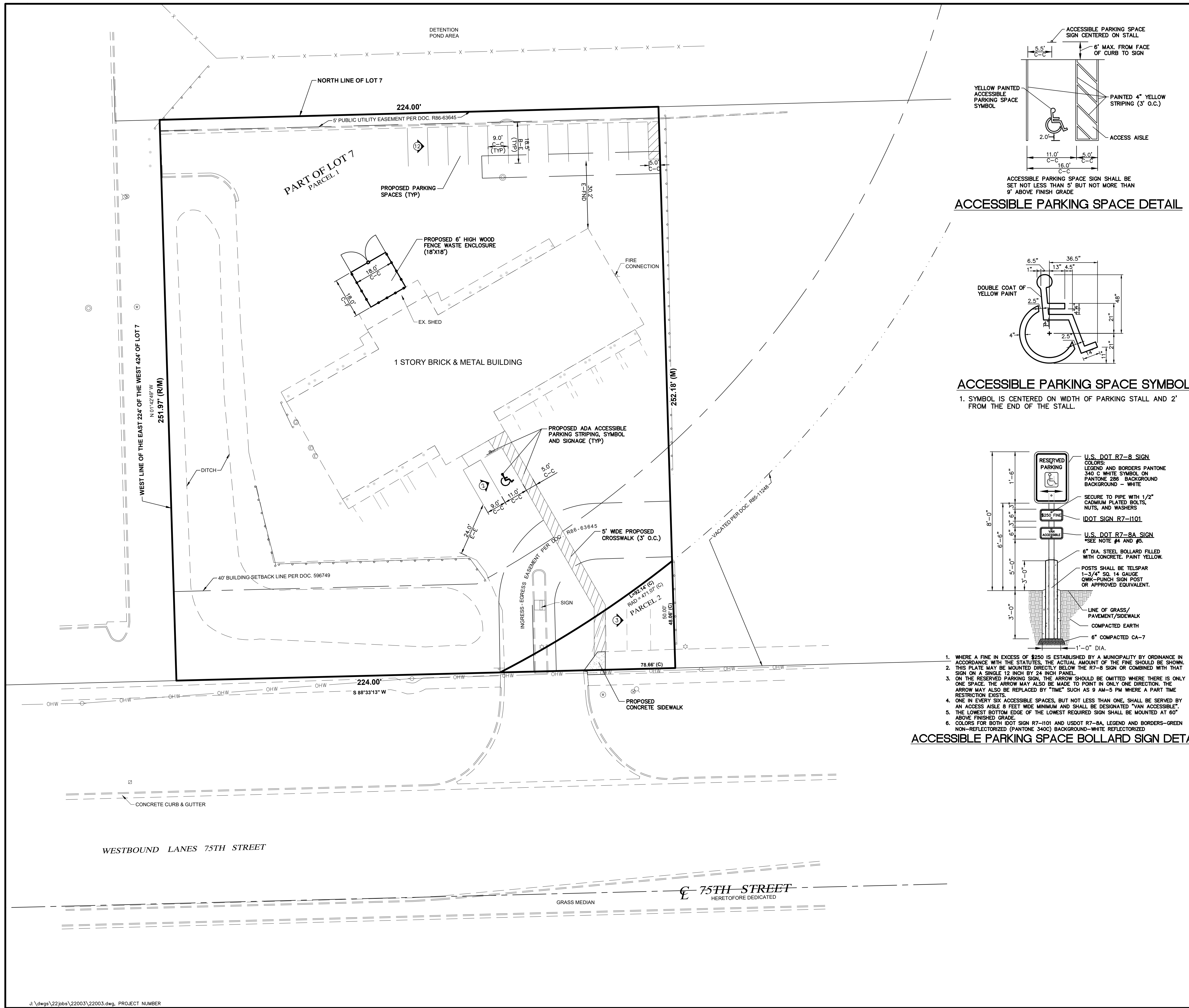
Dated: January 27, 2022

Respectfully submitted,

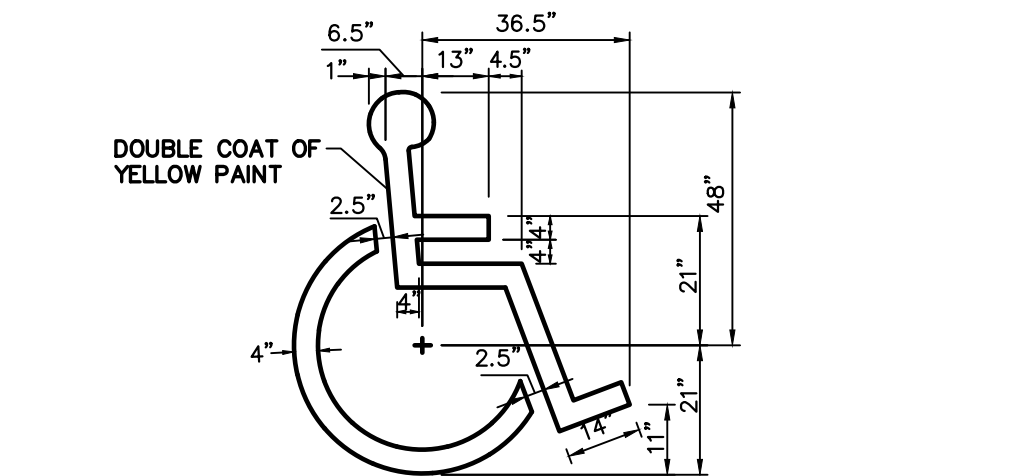
IDF PROPERTIES, LLC, an Illinois limited liability company

By:   
One of Its Attorneys

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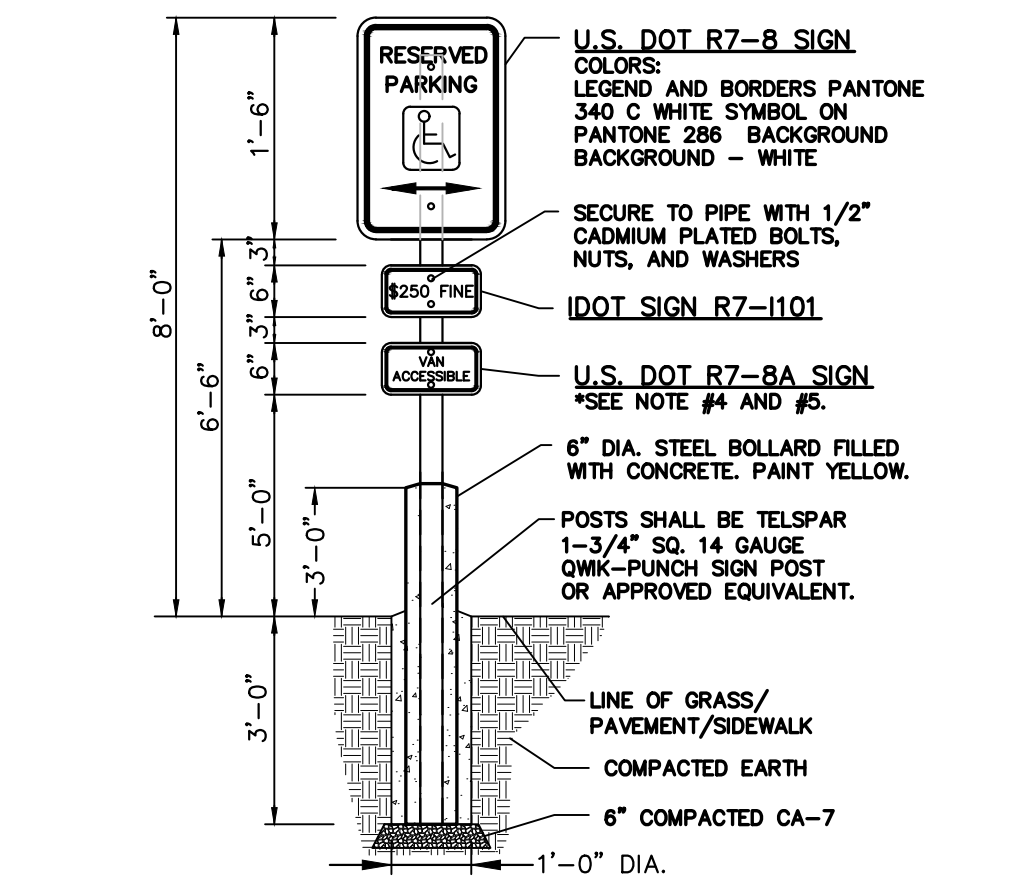


ACCESSIBLE PARKING SPACE DETAIL



ACCESSIBLE PARKING SPACE SYMBOL

1. SYMBOL IS CENTERED ON WIDTH OF PARKING STALL AND 2' FROM THE END OF THE STALL.

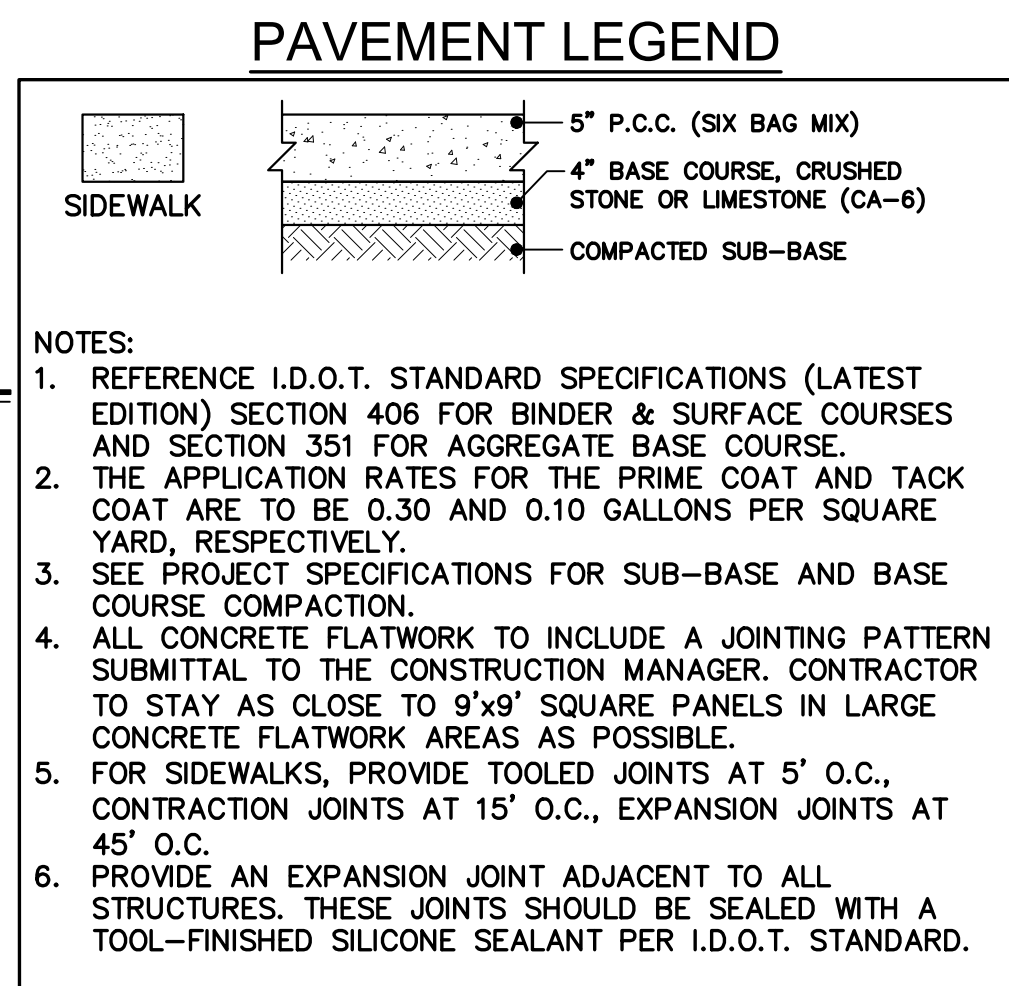


1. WHERE A FINE IN EXCESS OF \$250 IS ESTABLISHED BY A MUNICIPALITY BY ORDINANCE IN ACCORDANCE WITH THE STATUTES, THE ACTUAL AMOUNT OF THE FINE SHOULD BE SHOWN.  
2. THIS PLATE MAY BE MOUNTED DIRECTLY BELOW THE R7-8 SIGN OR COMBINED WITH THAT SIGN ON A SINGLE 12 INCH BY 24 INCH PANEL.  
3. ON THE RESERVED PARKING SIGN, THE ARROW SHOULD BE OMITTED WHERE THERE IS ONLY ONE SPACE. THE ARROW MAY ALSO BE MADE TO POINT IN ONLY ONE DIRECTION. THE ARROW MAY ALSO BE REPLACED BY "TIME" SUCH AS 9 AM-5 PM WHERE A PART TIME RESTRICTION EXISTS.  
4. ONE IN EVERY SIX ACCESSIBLE SPACES, BUT NOT LESS THAN ONE, SHALL BE SERVED BY AN ACCESS AISLE 8 FEET WIDE MINIMUM AND SHALL BE DESIGNATED "VAN ACCESSIBLE".  
5. THE LOWEST BOTTOM EDGE OF THE LOWEST REQUIRED SIGN SHALL BE MOUNTED AT 60" ABOVE FINISHED GRADE.  
6. COLORS FOR BOTH DOT SIGN R7-101 AND USDOT R7-8A, LEGEND AND BORDERS-GREEN NON-REFLECTORIZED (PANTONE 340C) BACKGROUND-WHITE REFLECTORIZED

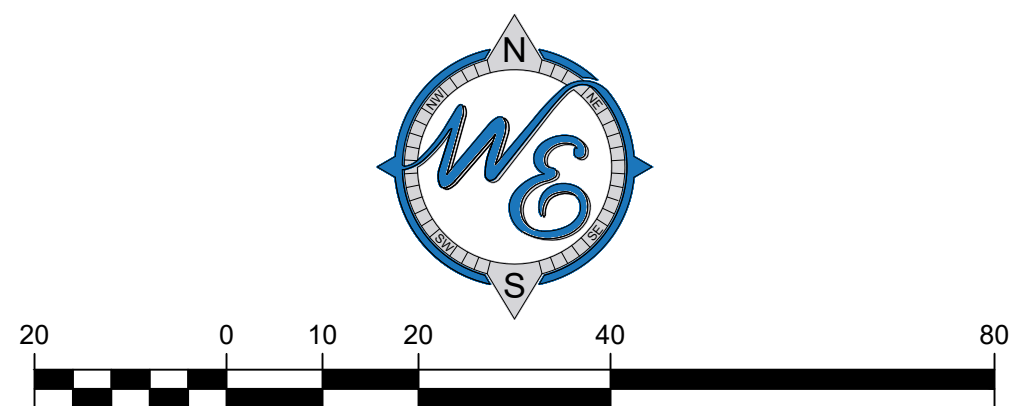
ACCESSIBLE PARKING SPACE BOLLARD SIGN DETAIL

<b>GENERAL NOTES:</b>	
1. THESE PLANS ARE BASED ON THE ALTA/NSPS LAND TITLE SURVEY. (SURVEY PROJECT #19-03-6001 DATED 3/15/2019) PREPARED BY: MORRIS ENGINEERING, INC. 515 WARRENVILLE ROAD, LISLE, IL 60532 (630) 271-0770	
2. PRIOR TO CONSTRUCTION, CONTRACTOR TO CONTACT THE DESIGN ENGINEER AND ARCHITECT TO VERIFY THAT THEY ARE WORKING FROM THE MOST CURRENT SET OF PLANS AND SPECIFICATIONS.	
<b>ON SITE PARKING DATA</b>	
REGULAR SPACES	16
ADA ACCESSIBLE SPACES	1
TOTAL SPACES	17
<b>SITE DATA</b>	
LOT AREA	= 56,464 S.F. (1.30 AC.)

- GEOMETRIC PLAN NOTES:**
1. PROPOSED IMPROVEMENTS ARE PARALLEL AND PERPENDICULAR TO THE XXXERN PROPERTY LINE.
  2. ALL RADIUS DIMENSIONS ARE TO BACK OF CURB.
  3. SEE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
  4. ALL STRIPING TO BE DOUBLE COATED 4" YELLOW PAINT UNLESS OTHERWISE NOTED.
  5. WHERE PEDESTRIANS HAVE TO CROSS A TAPERING RAMP OR CURB RAMP THE FACE AND TOP OF CURB ARE TO BE PAINTED USING YELLOW, SLIP RESISTANT PAINT.



<b>NOTES:</b>	
1. REFERENCE I.D.O.T. STANDARD SPECIFICATIONS (LATEST EDITION) SECTION 406 FOR BINDER & SURFACE COURSES AND SECTION 351 FOR AGGREGATE BASE COURSE.	
2. THE APPLICATION RATES FOR THE PRIME COAT AND TACK COAT ARE TO BE 0.30 AND 0.10 GALLONS PER SQUARE YARD, RESPECTIVELY.	
3. SEE PROJECT SPECIFICATIONS FOR SUB-BASE AND BASE COURSE COMPACTION.	
4. ALL CONCRETE FLATWORK TO INCLUDE A JOINTING PATTERN SUBMITTAL TO THE CONSTRUCTION MANAGER. CONTRACTOR TO STAY AS CLOSE TO 9'x9' SQUARE PANELS IN LARGE CONCRETE FLATWORK AREAS AS POSSIBLE.	
5. FOR SIDEWALKS, PROVIDE TOOLED JOINTS AT 5' O.C., CONTRACTION JOINTS AT 15' O.C., EXPANSION JOINTS AT 45' O.C.	
6. PROVIDE AN EXPANSION JOINT ADJACENT TO ALL STRUCTURES. THESE JOINTS SHOULD BE SEALED WITH A TOOL-FINISHED SILICONE SEALANT PER I.D.O.T. STANDARD.	
<b>DIMENSION LEGEND</b>	
F = FACE	FNC = FENCE
FND = FOUNDATION	R = RADIUS
B = BACK	C = CENTER
E = EDGE	PL = PROPERTY LINE



SITE PLAN

DATE	
REVISIONS	
NO	
Prepared For:	
IDF PROPERTIES, LLC 414 Plaza Drive Westmont, IL 60559 1010 W. 75TH STREET COMMERCIAL PROJECT 1010 W. 75th Street Downers Grove, Illinois	
Prepared By:	
watermark-engineering.com   2631 Ginger Woods Pkwy   Aurora, IL 60502   (630) 375-1800	
CHECKED BY: J. MILLER	PROJECT NO.: 22-003
DESIGN BY: J. MILLER	
DRAWN BY: K. SACK	
DATE: JANUARY 20, 2022	
SCALE: 1" = 20'	

1 of 1

SITE PLAN





LANDSCAPE PLAN





## DRAFT

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING

February 7, 2022, 7:00 P.M.

**FILE 22-PLC-0004: A PETITION SEEKING APPROVAL FOR A SPECIAL USE TO OPERATE A PERSONAL VEHICLE REPAIR AND MAINTENANCE BUSINESS. THE PROPERTY IS CURRENTLY ZONED B-2, GENERAL SERVICES AND HIGHWAY BUSINESS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF MAIN STREET AND 75TH STREET, COMMONLY KNOWN AS 1000-1010 75TH STREET, DOWNERS GROVE, IL (PIN 09-29-110-011). OWNER, IDF PROPERTIES, LLC, OWNER AND MARK W. DANIEL, PETITIONER.**

Petitioner, Mark Daniel, Daniel Law Office in Oakbrook Terrace, IL introduced himself. Mr. Daniel noted that the request did not include any new construction to the building. The only changes include a new trash enclosure, newly stripped parking spaces, and a pedestrian connection. Additionally, he shared that the building was divided into two units, one of which is currently occupied by Firestone while the other space is vacant. Then Mr. Daniel noted that the request was for a special use to operate a personal vehicle repair and maintenance facility. He included that future tenants would not be completing any bodywork, painting of vehicles, or commercial vehicle repair. Mr. Daniel also shared that he agreed with staff's condition that local residential streets would not be permitted for test driving vehicles. Additionally, he explained the proposed landscaping on the site. Mr. Daniel concluded his presentation by introducing the property owner Mr. Chris Pecora and noted that his family had owned the property going back to the eighties and they enjoyed being a part of Downers Grove.

Commissioner Patel thanked the petitioner and asked what the planned hours of operation would be. Mr. Daniel shared that Firestone currently sees activity as early as seven in the morning. Concerning the vacant west unit, he said they were unsure since the future tenant has not been finalized. Mr. Daniel added that all work would be complete inside. He anticipated that cars could be dropped off earlier than 7 A.M. if the future business had a key drop option.

Commissioner Patel asked if the business would operate on the weekends. Mr. Daniel shared that the new business could be opened until midafternoon Saturday and perhaps closed on Sundays.

Commissioner Patel asked if there were intentions to install or maintain any waste oil tanks or waste fluid tanks. Mr. Daniel said there was no intention to do that. If their plans changed he did explained that they would likely need to meet the requirements of the Office of the State Fire Marshal. He then shared that there was some storage currently related to transmission work, but it was not of a volume to pose a risk or a public health risk.

Commissioner Patel asked if there were any plans to store used tires inside or outside for pick up. Mr. Daniel responded that used tires were currently stored in the existing shed.

Commissioner Rector had two questions. The first was if there were any changes to the lighting plan. Mr. Daniel shared the lighting upgrade had recently occurred at this site. That upgrade also included replanting the landscaping base for the exiting monument sign. Commissioner Rector then asked if there would be an exterior microphone system. She noted that this was common in

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dealerships and it could sometimes be disruptive to neighbors. Mr. Daniel noted that he was not sure if there was an existing microphone system. With future uses he did not anticipate that sound would need to be amplified.

Chairman Rickard invited public comment. No public comment was received. Staff was invited to speak.

Ms. Flora Leon, Senior Planner, summarized the request before the commissioners and presented the existing conditions of the area. She then provided existing photos of the site noting that the public hearing noticing requirements were completed. The proposed site plan was presented along with the proposed landscaping improvements. Next, the special use requirements were provided and Ms. Leon indicated that these were met by the petitioner. Staff found that the petition met the goals of the Zoning Ordinance and recommended the commission formulate a motion to approve the petition.

Commissioner Dmytryszyn asked if there was a special use in place when the business was established. Ms. Leon responded that there was no special use in place.

Chairman Rickard asked to clarify if any fluid interceptors would be reviewed during the building permit. Ms. Leon noted confirmed that was correct.

Commissioners provided positive comments. Chairman Rickard entertained a motion.

**WITH RESPECT TO FILE 22-PLC-0004 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, THE TESTIMONY PRESENTED, AND HAVING MET THE STANDARDS OF APPROVAL FOR A SPECIAL USE AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST, COMMISSIONER PATEL MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0004, SUBJECT TO THE FOLLOWING 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. NO VEHICLES MAY BE TEST DRIVEN ON RESIDENTIAL STREETS NEAR THE SUBJECT PROPERTY. ALL TEST DRIVES ARE LIMITED TO ARTERIAL STREETS AS DEFINED IN THE COMPREHENSIVE PLAN. THESE STREETS INCLUDE 75TH STREET, LEMONT ROAD, FAIRVIEW AVENUE AND OTHERS; AND; AND**
- 3. THE USE IS ALLOWED A MAXIMUM OF FIFTEEN TOTAL SERVICE BAYS**

**SECOND BY COMMISSIONER DMYTRYSZYN. ROLL CALL:**

**AYE: COMMISSIONERS DMYTRYSZYN, JOHNSON, PATEL, ROCHE, TOTH, RECTOR, CHAIRMAN RICKARD**

**NAY: NONE**

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**MOTION PASSED. VOTE: 7-0**

/s/ Village Staff  
Recording Secretary  
(As transcribed by MP-3 audio)