

# REQUEST FOR BOARD ACTION

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**ORIGINATOR:**  
Community Development

**COMMITTEE OF THE WHOLE MEETING:** August 30, 2012  
**REGULAR BOARD MEETING:** September 4, 2012

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**TITLE/DESCRIPTION: 500 EAST OGDEN AVENUE, ZONING CODE VARIANCE REQUESTS:**

Board to consider an ordinance approving a request for a zoning code variance to permit parking in the required front yard setback for McGrath Lexus of Westmont.

**BACKGROUND OF SUBJECT MATTER:**

The applicant seeks a variance for parking in the front yard setback to display six cars on concrete pads on higher ground adjacent to Ogden Avenue. The intention for the parked car display is to showcase used and/or non-Lexus brands.

The applicant proposes four to six cars to be located in the front yard setback along Ogden Avenue. The Planning and Zoning Commission supported the business and its efforts, while noting that the grassy area in front of the building would be reduced, and could detract from the look of the property. The Commission also noted that others may follow suit with requests, similar to Lexus and other Ogden dealerships.

The applicant has addressed the planning issue which remained after the Planning and Zoning Commission meeting concerning the placement of cars potentially impacting sight line visibility. The Commission's consensus was that this could be worked out with staff prior to Committee of the Whole. A revised site plan was submitted providing 50' of clearance between the closest cars to the site entrances, which addresses the Commission's concerns.

One final point that was raised at the public hearing was that non-Lexus brands and/or used cars could potentially be displayed in this area, and Attorney Zemenak stated that language could be added to the variance ordinance to clarify the types of cars that would be permitted to be displayed.

**DOCUMENTS ATTACHED:**

- Revised site grading plan from applicant, Terra Consulting Group, Ltd., dated received July 27, 2012.
- Planning and Zoning Commission staff report with attachments, June 13, 2012.
- Findings of Fact from public hearing, June 13, 2012.
- Minutes of the June 13, 2012 Planning and Zoning Commission.

**RECOMMENDATION:**

- The Planning and Zoning Commission recommended *unanimous approval* of a motion to allow a Zoning Code Variance Request to permit parking in the required front yard setback, if the applicant addressed sight line issues with the proposed location of the vehicles. The applicant has revised the Site Grading Plan to provide 50' distance between any cars and entrances to the site, which addresses visibility requirements. The revised Site Grading Plan is included with the attached documents.
- The Planning and Zoning Commission noted that non-Lexus brands and/or used cars could potentially be displayed in the proposed parking area within the front yard setback.

**AGENDA ITEM NO. \_\_\_\_\_**