



**VILLAGE OF WESTMONT
PLANNING AND ZONING COMMISSION
AGENDA ITEM**

MEETING DATE: February 10, 2016

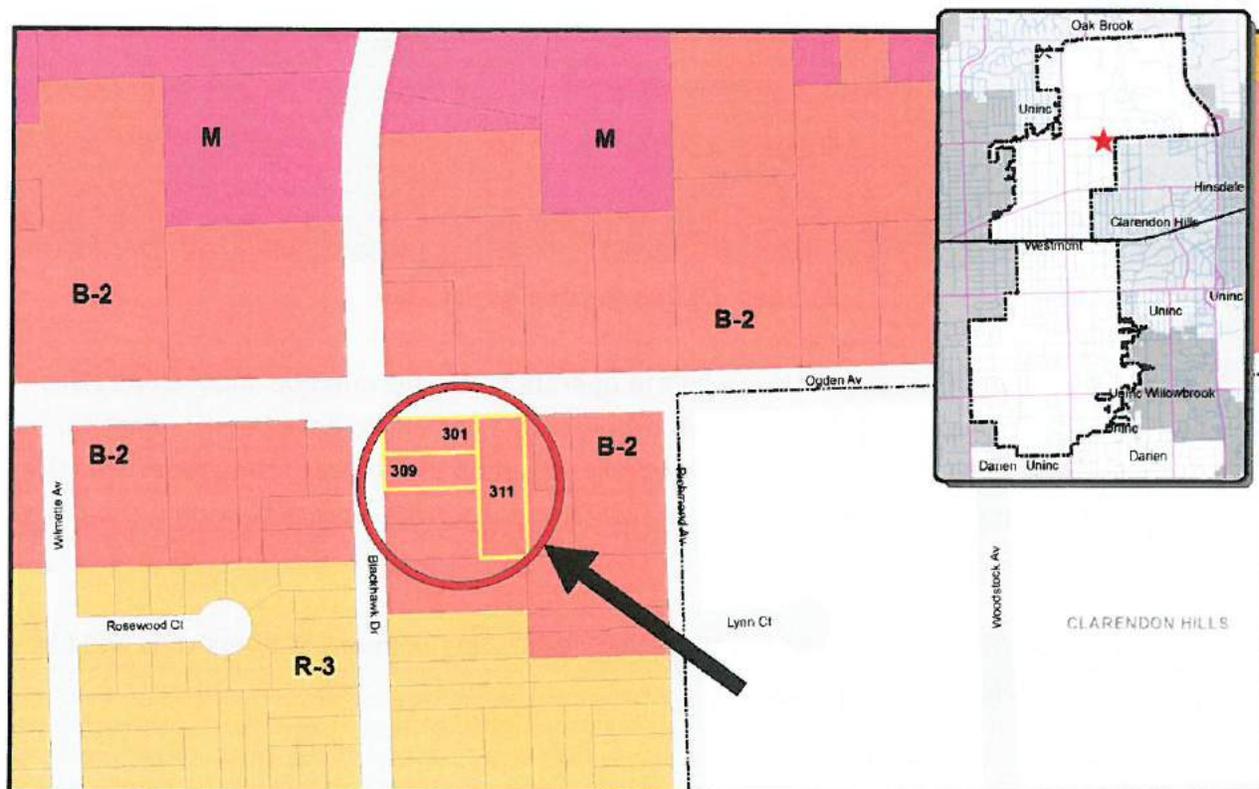
P/Z 16-001

TITLE: Midway Autohaus regarding the property located at 311 East Ogden Avenue, Westmont, IL 60559 for the following:

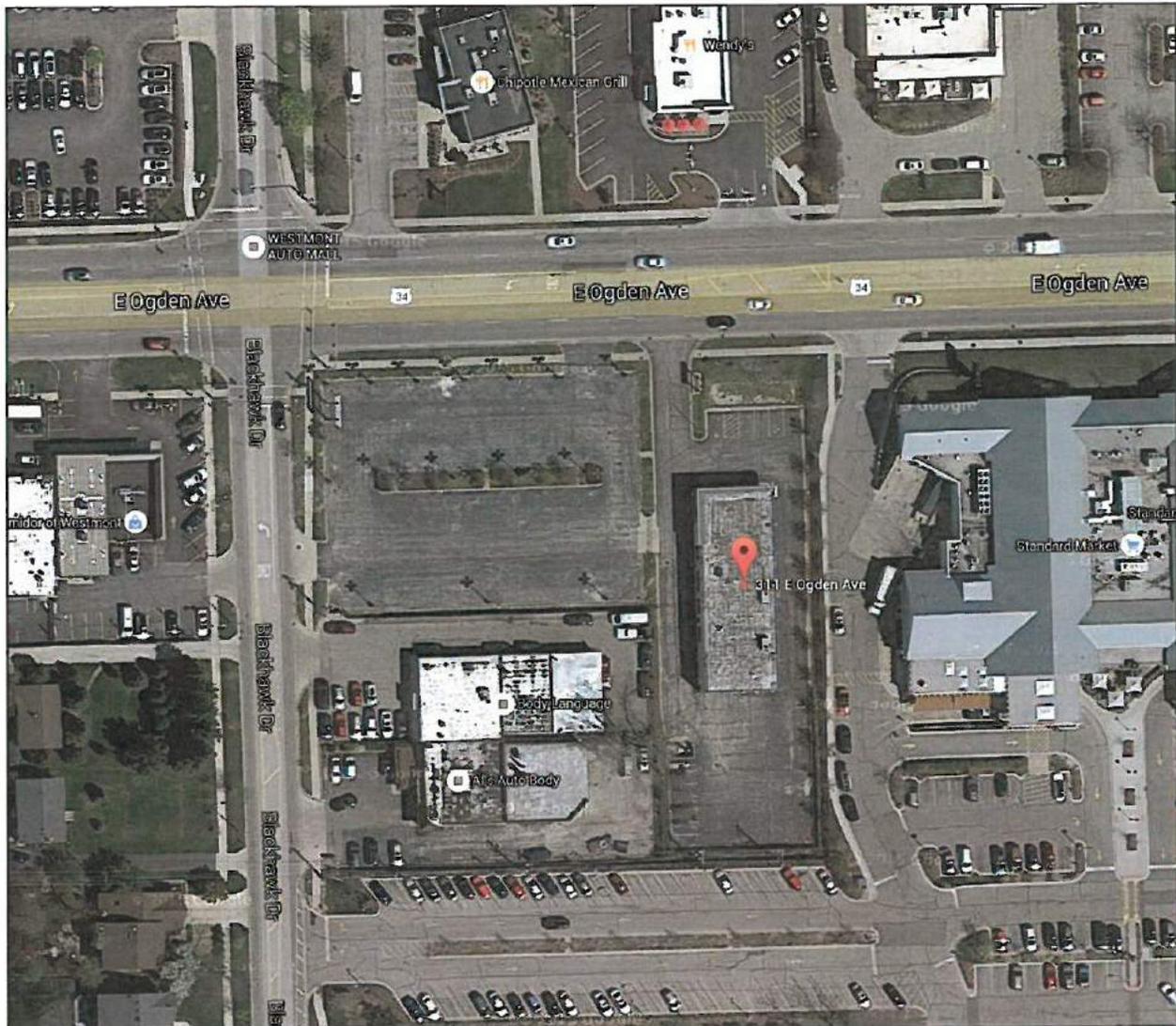
- (A) Special Use Permit request to allow the sale of used automobiles in the B-2 General Business District.

BACKGROUND OF ITEM

The subject property is located at the southeast corner of Blackhawk Drive and Ogden Avenue. It is comprised of three parcels which are addressed 301, 309 and 311 East Ogden Avenue, with the building residing at the 311 address. The parcels are part of the Arthur T. McIntosh and Company's Westmont Acres subdivision, which was recorded on November 4, 1920.



311 East Ogden Avenue Zoning Map



311 East Ogden Avenue Aerial Map

The applicant requests a Special Use permit to operate a used automobile dealership at this site. Special Use permits for the use of this property as a dealership have been in place for previous operators as early as 1986, however, the cessation of the use of the property by the previous operator in 2013 requires the approval of a new permit in order to continue with this use.

The applicant currently operates two other used dealerships locations in Bridgeview and has been in business for over 20 years.

ZONING ANALYSIS

The subject property is located in the B-2 General Business District. All surrounding properties are similarly zoned including an existing dealership at the northwest corner of Blackhawk Drive and Ogden Avenue.

Appendix "A", Section 7.03(A)(8) (e) requires that automobile sales of used cars must receive approval of a Special Use Permit prior to operating in commercial space in the B-2 District.

Additional physical constraints exist for this property. Specifically, the outdoor display lot at the corner has been long known to have flooding issues. In April of 2013, a storm event caused significant flooding as shown in the photos below. The operating dealership suffered a total loss of inventory and subsequently closed.



311 East Ogden April 2013



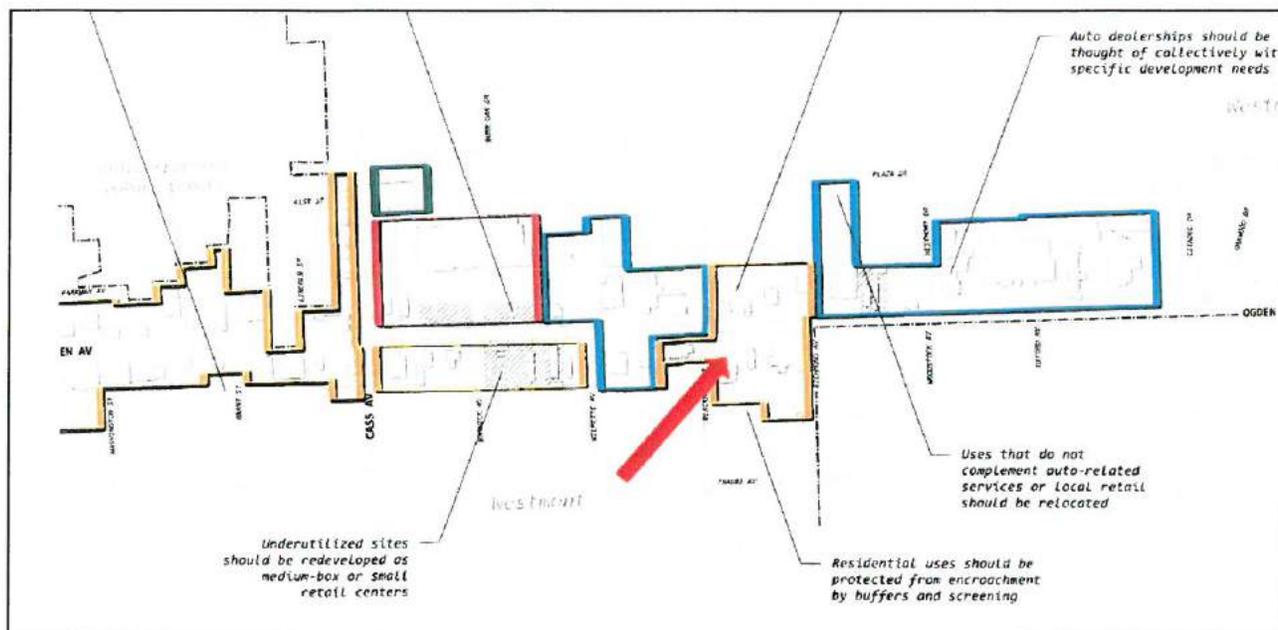
311 East Ogden April 2013

Since 2013, the property has remained vacant, and no improvements to remediate the stormwater issues on the site have been attempted. The reuse of this property without improvements would duplicate the same conditions that existed before the flood event, and no new measures to protect inventory are proposed with this special use request.

Comprehensive Plan and Economic Development

The Comprehensive Plan designated this area as a Local Commercial Area, which includes small to medium size lots that can accommodate single-tenant development or modest multi-tenant shopping centers. Desired uses in these areas include small retail stores, services, and restaurants. Small offices may be compatible with the area as a secondary use.

The subject property is not located in a TIF district, but it is within the Westmont Auto Mile Character District. If the property were to be combined with the lots to the south, the multiple properties could provide an opportunity for a larger retail redevelopment that can include the necessary stormwater remediation to help flooding on the site.



Comprehensive Plan excerpt - 311 East Ogden Avenue

Historically, used car sales are not preferred along the Ogden Avenue corridor and new dealerships are recommended. Because of this difficulty in the past, staff recommended the applicant present the business concept to the Economic Development Committee on January 6, 2016 for discussion.

Concerns raised included:

- Vacancy at the property since 2013 and deficiencies in property maintenance.
- Market conditions and property sale price in relation to the site requirements.
- Redevelopment opportunities including adjacent property assemblage that would address the necessary stormwater remediation.
- Reuse of the property without improvements and subsequent consequences.

Due to the proposed use and known site constraints, the applicant did not receive a positive recommendation from the EDC. The minutes from the meeting on January 6, 2016 are attached to the packet materials.

SPECIAL USE PERMIT

A Special Use Permit is requested for used car sales at 301-311 West Ogden Avenue.

The used auto sales portion of the proposal requires a special use condition “that there shall be compliance with an approved landscaping plan providing for the screening from view of vehicles awaiting service or customer pickup; or provided that there shall be enclosed storage of all vehicles awaiting service or customer pickup.” The applicant states that no service of vehicles will be performed. Village staff recommends that if approved, a condition of the special use would be to restore the existing landscape to the previously approved plans. The parking lot islands and perimeter landscaping, particularly facing Ogden Avenue, would need to be improved substantially for a higher quality appearance along the corridor.

There are also two additional special use conditions that the owner must satisfactorily establish “that there will be no appreciable traffic congestion or hazard to pedestrian safety”, and that “such special use may be permitted provided that no buildings or outdoor portions of the lot containing such use are located within 500 feet of a residence district.”

The applicant has stated that there is sufficient parking and access ways available on the site, so traffic congestion will not become an issue. Previously granted variances pertaining to a reduction in the front and side yard setbacks and to waive the distancing requirement between a used auto dealership and a residential property run with the land.

The *Special Use standards* are:

A proposed special use shall substantially meet the following standards in order to obtain the recommendation of the planning and zoning commission and approval of the board of trustees:

- (1) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.
- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (4) That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.

PARKING ANALYSIS

The site currently has only a few parking spaces designated in front of the building, as the entire lot would need to be restriped if a special use were approved. The applicant has provided a plat with areas indicating where inventory would be proposed to be showcased, as well as customer and employee parking.

Auto sales parking requirements are mandated by Appendix A, Section 10.06(K)(4)(c)(3) of the Village Code: *(3) Automobile sales, new and used cars: One off-street parking space for each 600 square feet of floor area.*

The building itself is approximately 5112 sq. ft. and requires 9 parking spaces for both customers and employees. The applicant has indicated at peak times 10 employees would be on site. The submitted site plan indicates 5 customer spaces that currently exist, with approximately 20 spaces behind the building that would be shared between employees and additional inventory.

Although the applicant has submitted a parking plan indicating 119 spaces total, staff does not support this number as the spaces and aisles do not meet minimum standards. Staff has provided the applicant with the last approved plan from 2010 which indicates 96 spaces. The applicant has agreed that the 2010 design is preferred and would stripe to the previously approved standard if approved.

SUMMARY

The applicant seeks approval of a special use permit in order to operate automobile retail sales of used automobiles in the B-2 General Business District.

Staff raises significant concerns about allowing a use at this site that does not intend to address the stormwater issues, but wishes to use the areas known for flooding as inventory storage. Although stormwater improvements are recommended, the site could still be utilized without improvements since there are no site plan changes proposed. Staff would be more amenable to transient use of the asphalted area, such as customer parking for retail uses, or a remote lot for a nearby dealer, where inventory could be quickly moved off-site. These uses would allow the business owner to be more responsive in the event stormwater issues arise.

Staff has let the applicant know there are significant concerns and that Economic Development Committee had a negative recommendation regarding the project as proposed.

As is customary with Special Use Permit requests for automobile dealerships, staff recommends that if approved, the ordinance contain standard language regarding the operation of loudspeakers, signage and display restrictions, prohibition of test driving on residential streets, prohibition of vehicle loading and unloading on Ogden Avenue, etc.

DOCUMENTS ATTACHED

1. Public notice as published in the January 27, 2016 edition of the Westmont Progress.
2. Economic Development Committee minutes, January 6, 2016.
3. Alpha Motors parking plan, as approved October 4, 2010.
4. Application for special use, with associated application materials, dated December 11, 2015.
 - a. Land Title Survey, prepared by Glen D. Krisch Land Surveyor, undated.



MINUTES (EXCERPT)

Village of Westmont

Regular Meeting

Economic Development Committee - January 6, 2016, 9:00 A.M.

Westmont Village Hall Executive Session Room

31 West Quincy Street, Westmont, IL

6. New Business

C. Midway Autohaus Group - 311 East Ogden Avenue

Mr. Max Makelis gave a presentation on Midway Autohaus Group. Midway Autohaus has been in business for 20 years, currently they have 2 locations and previously had 3 locations. Mr. Makelis indicated that 98 percent of the cars are purchased at auction, and that the cars are upscale. Mr. Makelis stated that approximately 100 cars are sold per month at the other locations. The site plan shows there are 114 spaces available. Mr. Makelis indicated that there will be 110 cars in stock. Currently Mr. Makelis will be leasing the property. The initial term will be for three (3) years with an option to extend the lease twice, totaling a nine (9) year lease. 45% of sales are from the internet, 20% from driveby clientele. The average cost for a vehicle is \$13,000. Cars will not be worked on, this is strictly a sales facility.

The sign in front of the business was discussed briefly, Mr. Makelis would like to keep the sign the same but has previously talked to staff about an electronic message board sign.

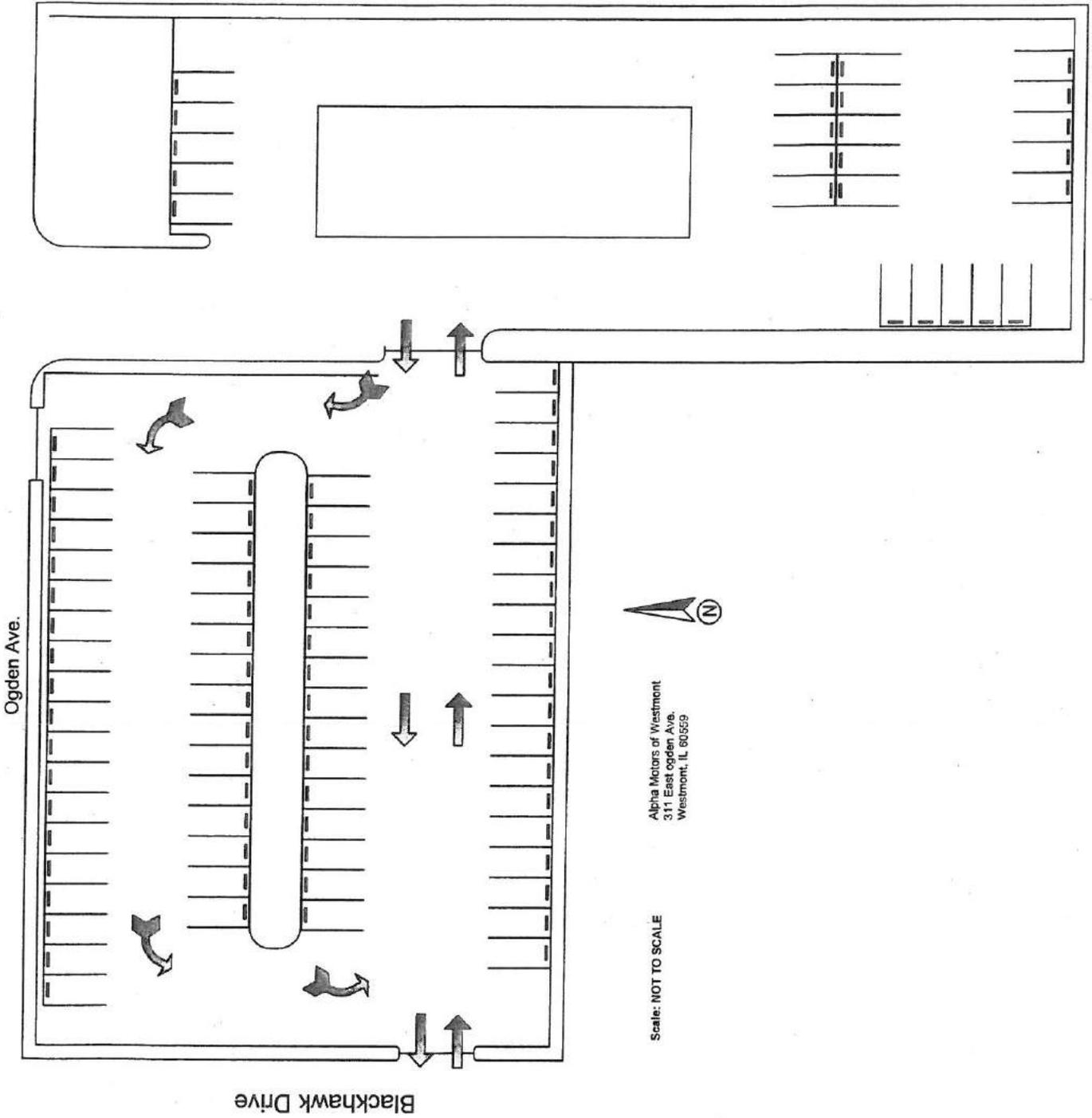
The previous flooding issues at this location are a concern. Stormwater detention was briefly discussed. Mr. Makelis did state that he does not want to personally invest in fixing the flooding issue as he will only be leasing the property. Mr. Makelis did acknowledge that flooding could happen again.

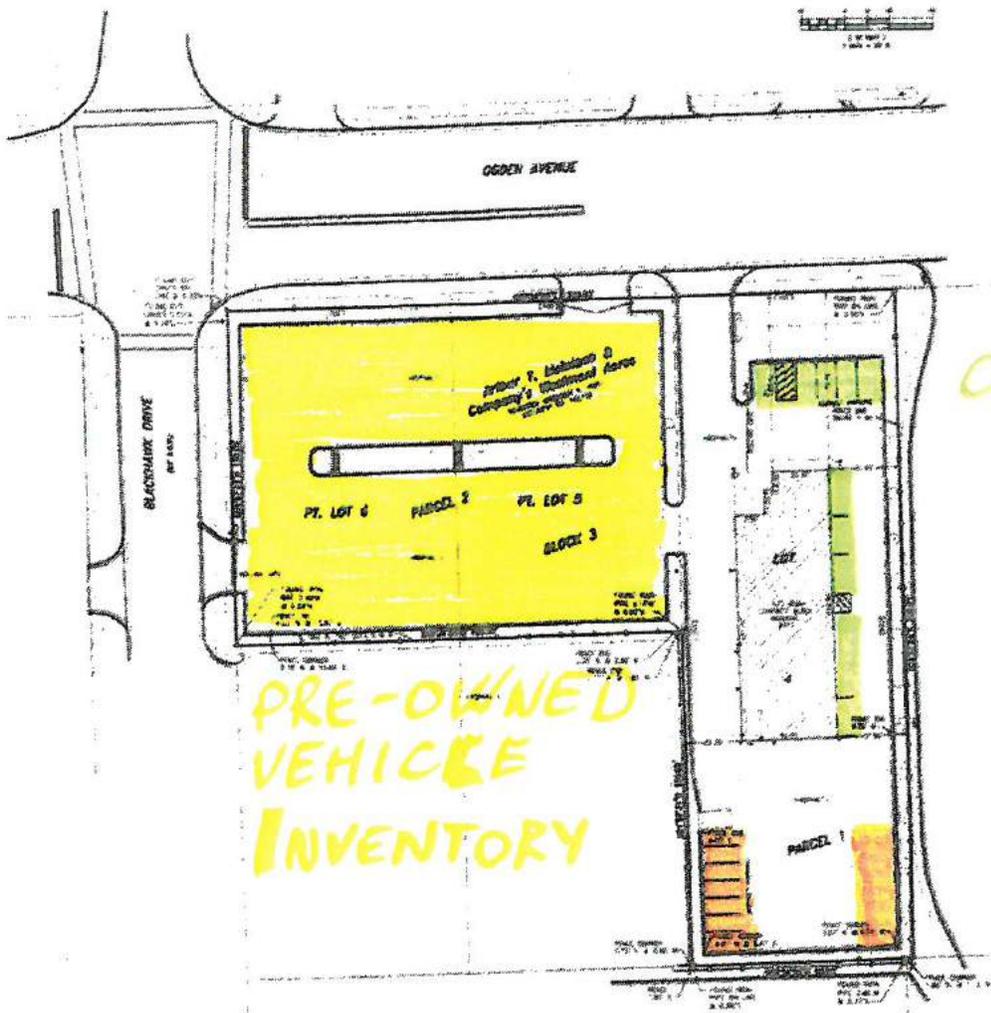
Chief Mulhearn mentioned that cars can only be loaded and unloaded on their property. Cars are not to be test driven in the residential areas so as not to bother the residents.

Comments - The Committee discussed the issues of test driving in residential neighborhoods, and the number of cars that would be in the lot. The layout and condition of the property were discussed in detail. It was mentioned by Mr. Forsberg that local developers have looked into the property for expansion, and some existing dealerships have considered it for a remote lot, but the cost of the flooding/stormwater issues have hindered a sale or lease.

Motion - Made by Bill Kalafut, Seconded by Greg Pill. 2 in favor, 6 not in favor

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT





PRE-OWNED
VEHICLE
INVENTORY

CUSTOMER
PARKING

STAFF
PARKING

OGDEN AVENUE

BLACKHAWK DRIVE

PT. LOT 6 PARCEL 2 PT. LOT 5

BLOCK 3

PARCEL 1





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WWW.MIDWAYAUTOHAUS.COM
BRIDGEVIEW, IL 60455
MIDWAYAUTOHAUS@AOL.COM
PH. 708.594.0000

FAX. 708.594.0005

We are seeking a Special Use Permit for a High Quality Pre-Owned Car Dealership. We have been in business since 1996 we currently own and operate 2 Pre-Owned car lots on Harlem Ave in Bridgeview IL and are looking to expand into a more upscale area. We currently sell over 100 cars per month and feel that this addition would be profitable for both The Village of Westmont and Midway Autohaus Group Inc. Employee count will be 10-15 and vehicle count of High Quality Pre-Owned cars will be approximately 150-200. Hours of operation will be Mon-Fri 10:00am until 8:30pm Sat 10:00am until 6:30pm Sunday will be closed.

Please keep in mind the Special Use Permit Midway Autohaus Group Inc. is seeking has been used at this location for many years.

Our current inventory can be seen at WWW.MIDWAYAUTOHAUS.COM

Sincerely,

Nerijus MAX Makselis
Dealer Principle
Midway Autohaus Group Inc.
7405 S. Harlem Ave
Bridgeview IL, 60455
Cell 630-455-9999
Office 708-594-0000
Fax 708-594-0005



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Special Use Permit Standards

1. We assure The Village of Westmont and the Downers Grove Township that there will be NO endangerment to any persons, Public health, safety, morals, comfort and or general welfare to anyone in the town as we will be operating a Late Model Pre Owned Car Dealership with up most respect for the entire community as we have done since 1996.

2. The Special use permit will only be used at the property it is intended for (Late Model Pre Owned Car Dealership). Midway Autohaus Group Inc. Believes that the addition of our business will only add to the value of the area as we are very meticulous about keeping a clean work environment along with the up most respect for neighbors and businesses in the area as we have been doing for nearly 20 years.

3. We assure The Village of Westmont and the Downers Grove Township the special use permit Midway Autohaus Group Inc. Is seeking will not impede the normal and orderly development and improvement of surrounding property as it will be both aesthetically pleasing and very well maintained as all of our current car dealerships have been for nearly 20 years.

4. Midway Autohaus Group inc. Assures The Village of Westmont and the Downers Grove Township that any necessary improvement to the property that the Special Use permit will be issued for (Late Model Pre Owned Car Dealership) will be met before any opening of business according to Local Ordinance.

5. The Village of Westmont and the Downers Grove Township will not have to worry about any traffic congestion as Midway Autohaus Group Inc. Will have adequate parking including entrances and exits for all customers to virtually eliminate any congestion.

6. Midway Autohaus Group Inc. Will make sure the special use permit we are seeking (Late Model Pre Owned Car Dealership) will be in line with all the regulations needed to be met by The Village of Westmont and the Downers Grove Township including any state laws. Midway Autohaus Group Inc. Will be open and willing to make any necessary changes that may be needed based upon the recommendations of the plan commission..

Sincerely,

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