



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

MEETING DATE: July 13, 2016

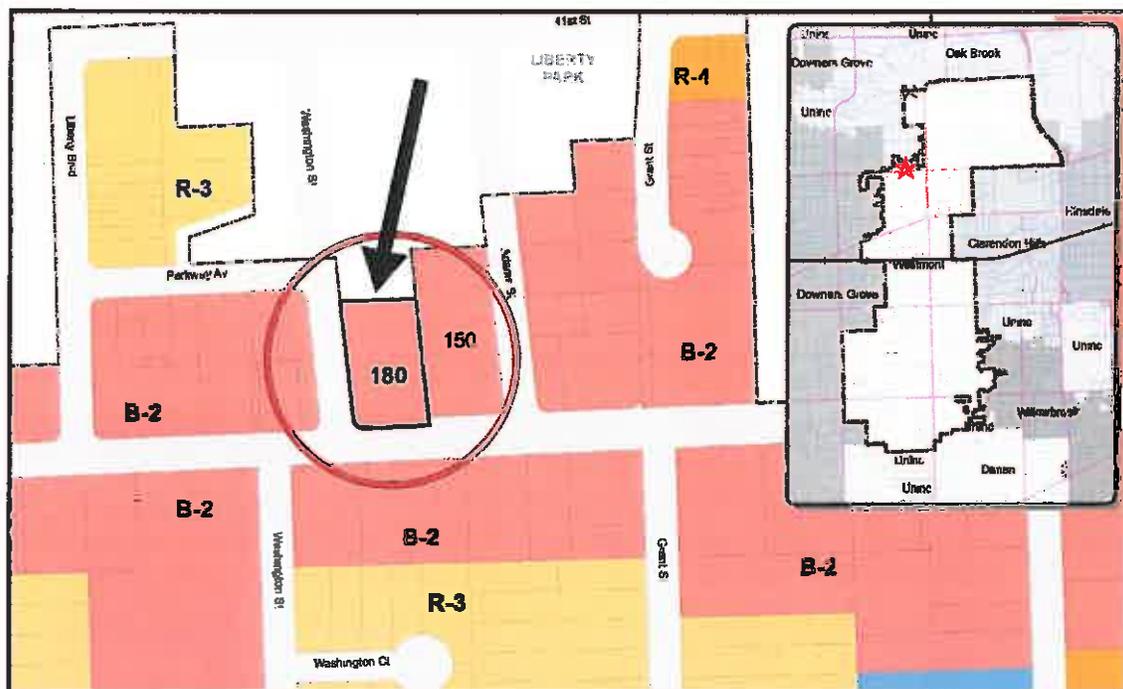
PZ 16-017

TITLE: Ultimo Motorsports regarding the property located at 180 West Ogden Avenue, Westmont, IL 60559 for the following:

- (A) Special Use Permit request to expand an existing used automotive dealership in the B-2 General Business District.
- (B) Zoning Code Variance request to allow parking within the front yard setback.
- (C) Zoning Code Variance request to permit the sale of used automobiles within 500 feet of a residence district.
- (D) Site and Landscaping Plan approval.

BACKGROUND OF ITEM

The subject property is located on the northwest corner of West Ogden Avenue and North Washington Street. It is the site of the vacant Hardee's which failed to open after completing extensive renovations to the building.



180 West Ogden Avenue Zoning Map

The applicant requests a Special Use permit to expand the existing used automobile dealership located to the west at 150 West Ogden Avenue onto this site for additional vehicle storage. Ultimo Motors has been operating successfully since receiving special use approval in 2014.



180 West Ogden Avenue Zoning Map

The applicant has signed a 7 year lease for 180 West Ogden Avenue with an option to purchase in the first two years. Proposing a reconfiguration of the existing parking, the applicant would connect the two lots with a small pass-thru to the existing dealership. The restaurant building is not proposed to be used and could eventually be demolished once the property is purchased and proper approvals are obtained. This would trigger site plan review and possibly stormwater detention requirements.

An existing trash enclosure would be removed as a part of the lot improvements, and limited landscape screening has been proposed by the applicant (additional landscaping is required to meet Westmont requirements, and the list of requirements has been included with the attached consultant's review). All access points to both West Ogden Avenue and Washington Street will remain open for emergency access, although signage is indicated to prevent exiting north on Washington Street into the adjacent residential neighborhood.



180 West Ogden Avenue - former Hardee's building

ZONING ANALYSIS

The subject property is located in the B-2 General Business District. Properties to the west, south and east are similarly zoned. The property to the north is part of unincorporated DuPage County and is zoned for single family residential homes.

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.

The applicant is also requesting two variances. The first is a variance to permit parking in the front yard setback. Although new parking spaces are not proposed in the setback, a variance is needed as the nature of the spaces, from customer parking (which turns over frequently) to dealership storage and display of for-sale cars, should be addressed.

A second variance request is from the Special Use Special Condition for used car sales to be located within 500 feet of a residence district.

SPECIAL USE PERMIT

A Special Use Permit is requested to expand the used car sales use from 150 West Ogden Avenue to include this property at 180 West Ogden Avenue. Historically, used car sales are not preferred along the Ogden Avenue corridor and new dealerships are recommended. This expansion would set precedent onto a property that was built and remodeled to operate as a restaurant, creating an additional auto sales lot on Ogden Avenue. Because of these concerns,

staff recommended the applicant present the business concept to the Economic Development Committee for discussion. An excerpt from the minutes of the EDC meeting on June 01, 2016 is attached to the packet materials.

The discussion raised concerns regarding access to both Ogden and Washington, an outstanding \$100,000 invoice still owed to the Village for water line improvements for Hardee's, and residential complaints to the Police Department about test-drives through the single family areas to the north from the existing Ultimo Motorsports location. Although indicated in the meeting that the building would be repainted by the applicant, it has not been identified in this application. Staff requests the building be painted a neutral color to deter potential customers from identifying the building as an operational fast-food establishment.

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 plans to install limited landscaping for screening, however the plans provided for staff review were limited in scope and not yet acceptable. If the special use is approved, the certificate of occupancy would be conditional upon meeting the requirements for a landscaping plan.

There are 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."

Although the applicant initially provided plans showing blockage of the Ogden Avenue entrances to limit access, staff felt that they were needed for emergency access, and that using the pavement for additional parking would only introduce vehicles for sale too close to Ogden Avenue. A revised plan has kept these access points open, satisfying fire department concerns. Still unresolved is the recommendation for restricted access to Washington Street. Staff has requested the access be reconstructed, however plans indicate signage to deter access to the residential areas. Signs have been ignored in the past at other dealerships, such as the side entrance/exit off North Wilmette to the Porsche dealership. This results in frequent complaints to the Police Department.

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.

VARIANCES

A setback variance would be needed to allow parking approximately 20 feet from the front property line which is adjacent to Ogden Avenue. Code requires a 30 feet front setback as a supplemental setback specific to Ogden Avenue, which is more restrictive than the 10 feet required in the B-2 General Business District. Other dealerships along Ogden Avenue can be found to have setbacks between 10-20 feet by comparison. Overall, the parking encroaches 10 feet into the front yard setback.

Sec. 7.05. - Bulk and development standards in business districts.

	<i>Minimum Yards: Front*</i>	<i>Requested Setback</i>
<i>B-2 District</i>	10' (30'*)	20''
Variance Requested:		10' encroachment variance

*Sec. 4.16(C) Supplemental Setback Lines - "Ogden Avenue shall have a setback line of 30 feet."



180 West Ogden Avenue - parking spaces adjacent to Ogden Avenue



Adjacent residential home to the north of 180 West Ogden Avenue

Used car sales have a special use condition “that no buildings or outdoor portions of the lot containing such use are located within 500 feet of a residence district.” The existing parking lot is located about 20 feet from the residential home to the north. Because the lot is located within 500 feet of a residential lot, the applicant is requesting a variance from this requirement. The home has an existing 6’ fence and vegetation on the subject lot is well established for screening. No additional improvements are proposed specific to this variance request.

PARKING ANALYSIS

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.*

Auto service parking requirements are mandated by Appendix A, Section 10.06(K)(4)(e)(5) of the Village Code: *(5) Automobile garages: one parking space for each two employees and three for each automobile repair bay.*

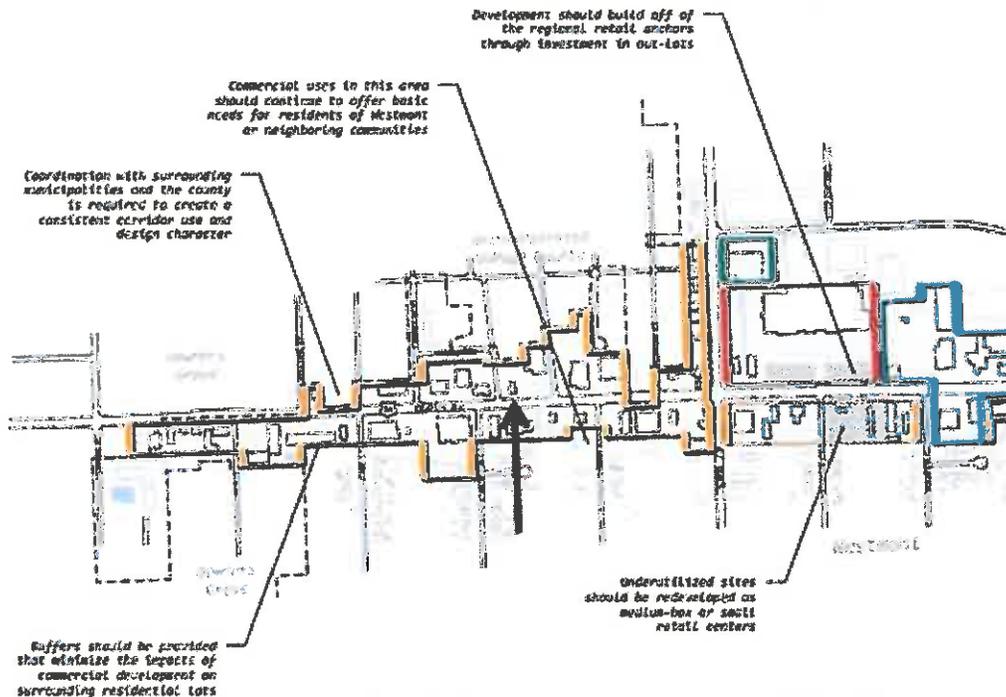
The expansion of this dealership will not utilize the on-site building in any way so no new spaces are required for staff or customers. As research for the requested special use, Village staff has found that the applicant has not complied with previous Special Use permit approvals which indicated that 20 spaces would be reserved on the lot at 150 West Ogden. Vehicles for sale are displayed in most of these required spaces, as well as cars parked in the entrance to Ogden Avenue in the front yard setbacks. The dealership has also been requested on multiple occasions not to use the lot for parking inventory at 180 West Ogden prior to the public hearing for the special use request.



150 West Ogden current parking conditions

COMPREHENSIVE PLAN

The proposed use is located within the Comprehensive Plan in the West Gateway District along Ogden Avenue, and further defined as local commercial area. The residential transition recommends “uses in these areas include small retail stores, services, and restaurants. Small offices may be compatible with the area as a secondary use.”



STAFF COMMENTS

Engineering/Public Works

Preliminary comments on the engineering plans from both the Village Engineer and Village's Engineering Consultant found no significant issues for construction; however, a substantial investment by the applicant will be required for many of the requests, including: installation of parking lot curbing, sidewalk installation along Washington, screening landscape, and reconstruction of the access on Washington.

Landscaping

Landscape review indicates that the submitted landscape plan is inadequate for review and would need to be resubmitted.

Fire Department

The fire department did not have any concerns regarding the proposed development that cannot be addressed during the permit submittal.

SUMMARY

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

Variations are required because used automobile sales would be located within 500 feet of a residence district and parking of vehicles will occur in the front yard setback.

As is customary with Special Use Permit requests for automobile dealerships, staff recommends that the ordinance contain standard language regarding the operation of loudspeakers, 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 June 29, 2016 edition of the Westmont Progress.
2. Preliminary Review Comments
 - a. Village Engineer Noriel Noriega dated June 23, 2016.
 - b. Engineering Consultant Anthony Bryant dated June 28, 2016.
 - c. Fire Prevention Bureau Director Larry Kaufman dated June 20, 2016.
3. Economic Development Committee minutes excerpt, June 01, 2016.
4. Application for special use and variance, with associated application materials, dated May 19, 2016.
 - a. Cover letter, submitted by Joseph Ghaben, dated May 16, 2106.
 - b. Analysis for requested variations , unauthored, dated May 17, 2016
 - c. Site Plan, unauthored, undated.
 - d. ALTA/ACSM Land Title Survey, prepared by Land Technology, dated June 18, 2013.



**Public Works Department
Engineering Division**

31 West Quincy Street • Westmont, Illinois 60559
Tel: 630-981-6272 Fax: 630-829-4479

Date: July 22, 2016

To: Mrs. Jill Ziegler, AICP
Community Development Director

From: Noriel Noriega, PE, CPESC
Assistant Director of Public Works - Village Engineer

RE: Proposed Parking Lot Expansion
180 W. Ogden, Westmont
Preliminary Review #2

We are in receipt of the following items for the proposed parking lot expansion project of a used car dealership at 180 W. Ogden Avenue:

1. Revised Site Plan (no date)

A second preliminary review of the submitted documents has no significant issues that we feel would prevent the project from continuing. Our listed comments below can be addressed during the Permit Application Process. It should be noted that additional comments should be anticipated when a full Permit Application Review is performed.

1. Referencing the proposed Permeable Paver Driveway:
 - a. Provide elevations and dimensions
 - b. Provide topographic survey of both sites
 - c. Provide manufacture specifications for the proposed permeable pavers.
 - d. Indicate how the proposed parking spaces shall be modified.
2. Provide IDOT Permits for all work along Ogden Avenue.
3. Site Improvements require sidewalk to be installed along Washington Street from Ogden to the north property line. As discussed, we will accept cash-in-lieu-of for this improvement. For budgeting purposes, the cost will be about 250 LF x 5 LF x \$5.00 / SF = \$6,250.00. It is noted that if Mr. Ghaben improves the site in the future where the public sidewalk will be installed, the Village will reimburse this cost unless the Village installs such sidewalk.

If you have any further questions or concerns, please contact me at 630-981-6295.

Thank you.

Cc: Mr. Mike Ramsey, PO - Director of Public Works (via email)
Mr. Jim Cates - Public Works Supervisor, Water Operations / Facilities Manager (via email)
Mr. Jon Yeater - Public Works Foreman, Village Forester (via email)
Ms. Melissa Brendle - Municipal Services Office Supervisor (via email)
Mr. Joe Hennerfeind - Planner II (via email)
Mrs. Rose Gross - Municipal Services (via email)



ESI Consultants, Ltd.
Excellence, Service, Integrity

July 22nd, 2016

Village of Westmont
31 W. Quincy Street
Westmont, IL 60559

Attn: Community Development Department

Re: Preliminary Land Development, Stormwater & BMP Review – Site Improvement Plans for
180 West Ogden Avenue

We have performed a PRELIMINARY review of the packages sent to us that relate to the above referenced project. This review focuses on the application of Land Development, Stormwater Management and BMP measures to the proposed Site Plan.

After reviewing the plans for compliance with the Westmont and DuPage Countywide Stormwater Ordinance we have the following comments:

Engineering Plans and General Comments

1. Overall the concepts presented on the Site Plan are acceptable and submittal of Plans for full permit review is recommended, however, additional details will be required for the full permit review.
2. The proposed driveway encroaches upon the Public Drainage and Utility Easement of 150 W Ogden Avenue
3. Provide a detail for the proposed permeable paver driveway
4. Provide a maintenance and monitoring plan for the permeable pavers

If you have any questions, please call me at (630) 420-1700 x2120.

Sincerely,
ESI CONSULTANTS, LTD.

A handwritten signature in black ink, appearing to read "Anthony J. Bryant", is written over the typed name. The signature is stylized and somewhat abstract, with overlapping loops and lines.

Anthony J. Bryant, P.E.



Westmont Fire Department
HEADQUARTERS
6015 South Cass Avenue • Westmont, IL 60559



Main Office (630) 981-6400
FPB Director (630) 981-6402
Fax (630) 829-4486

Date: June 20, 2016

To: Jill Zeigler - Community Development
Joe Hennerfeind – Community Development

From: Larry Kaufman, Director
Fire Prevention Bureau

Subject: Site Plan Review – 180 West Ogden, previously Hardee's

The following comments are being made regarding the site plan for the proposed use of the parking lot at 180 W. Ogden Ave;

Sit plan as submitted is **APPROVED**;

Applicable Fire Prevention Codes are:

International Fire Code, 2012 edition, with local amendments.
NFPA Life Safety Code, 2012 edition, with local amendments.
International Building Code, 2012 edition, with local amendments

- Using vehicles to block entrance into lot is not acceptable.
 - o One of the two lot entrances need to remain accessible.
 - o Swinging, unlocked gate or fence is acceptable.
- **Provisions must be made to not block access to the building Fire Department Connection (FDC).**
 - o **Vehicles cannot be parked in front of the FDC**

Please contact me with any additional questions.

Submitted,
Larry Kaufman – MCP, CFM
Director, Westmont FPB

MINUTES (excerpt)

**Village of Westmont
Regular Meeting
Economic Development Committee
June 1, 2016, 9:00 am**

6. New Business

B. 180 W. Ogden Ave., Ultimo Motors used auto sales expansion

Joe Ghaben, the owner of Ultimo Motors, gave a presentation regarding expanding his current car sales location to the lot west of his current business. 180 West Ogden is the former Hardee's location. Ultimo Motors has been operating in Westmont since November of 2014, with approximately 65 units sold each month. Sales totals are approximately 2.5 million dollars. Currently there is an Ultimo Motors in Warrenville, and there are plans to open a location in Northbrook. Mr. Ghaben is proposing leasing the lot/building located at 180 W. Ogden Avenue for two (2) years. At that time Mr. Ghaben would purchase the property and request approval to demolish the building. The building would be painted to match the current Ultimo Motors building, and the lot would be striped. The lights in the lot would not be changed. Part of the plan would be to put in a paver drive between the two lots. Currently 95% of business is by appointment only. Cars are inside the showroom; if a customer wants to test drive, it is driven out of the showroom.

Committee Discussion - There are neighborhood concerns with customers cutting through onto Washington Street and into a residential area. There are also concerns about cars pulling out onto Ogden Avenue. Chairman Addington suggested the entrance/exit on Ogden Avenue be closed and the Washington Street curb cut be used to improve safety. Does the State need to be involved since this is IDOT right-of-way?

The streetscape will be required to be improved along Ogden Avenue, including street trees, lights, and landscaping. Chief Tom Mulhearn mentioned the many complaints received from residents regarding test driving in the residential area. Could a "porkchop" entrance be installed to eliminate left turns? Community Development Director Jill Ziegler mentioned the \$100,000 invoice outstanding for the water connection to the Hardee's building. Chairman Addington asked if a lien was on the property. The Village was unable to obtain a lien due to the owner filing bankruptcy.

Vote: Committee member Pill made the motion to approve, Committee member Szymiski seconded the motion. All voted in favor.



1:19 2016

150 West Ogden Avenue
Westmont, Illinois 60559
PHONE: 630-874-1311
FAX: 708-469-1651

Ms. Jill H. Ziegler, AICP
Village Planner, Village of Westmont
Community Development Department
31 W. Quincy Street
Westmont, IL 60559

RE: 180 W Ogden Ave

Dear Ms. Ziegler:

Please consider this package as our formal request to obtain a Special Use Permit to utilize the subject property as a n extension of our Ultimo MotorSports operation located at 150 W Ogden Ave in Westmont.

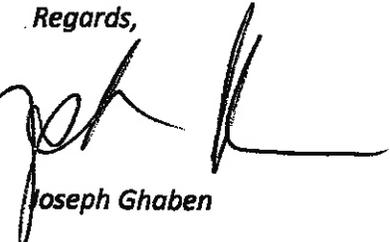
As you know, we have been in business at our current location for 18 months now. We have worked hard to project a positive image, and operate a sound business at this location. The results have been good, and we are on pace to sell about \$30M in pre-owned luxury vehicles in Westmont in 2016. To continue our success, we are in need of additional space to display and store vehicles.

We have signed a (7) year lease with the property owners at 180 W. Ogden to use their parking lot as an extension of ours, and without the use of the existing building. We also have an option to purchase the property during the first 2 years.

What we are seeking is the approval to use the subject property in its current condition. There will be no additional parking lot lighting required, or any additional access from a public street. The only modification we are asking for is the ability to connect the two sites as outlined on the attached site plan.

We look forward to working with you on this project.

Regards,



Joseph Ghaben

Dealer Principal

5/16/2016

The proposed Special Use will substantially meet the following standards at the property located at 180 W Ogden Ave

- 1) 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. Our proposed use for this property is high end in nature, and will improve the image and security of the property from its current condition.
- 2) 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. Our proposed business will create one twentieth the amount of vehicle and human traffic that could potentially be created by a fast food operation, and hence will create far less impact on the neighbors. Property values will not be negatively impacted by our operation. Our dealership projects a high quality image. The proposed site configuration and signage assures minimal traffic congestion and pedestrian safety by not allowing a right turn from the site onto Washington Street, a not allowing a left turn onto Ogden Ave from the west Ogden Ave entrance.
- 3) 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. We are not proposing any improvements other than a curb cut between our existing property and the subject property. Our improvements will not impede any surrounding properties. The existing building on the subject property will not be occupied for ant use related to our dealership operation. It will remain vacant.
- 4) Adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided. The subject property will be utilized in its current condition, without alterations to utilities or drainage
- 5) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. We will be utilizing the existing ingress and egress points at the subject property at their current locations. No changes will be made. Moreover, The Washington Street traffic may only turn left leaving the site, and the west Ogden entrance may only exit west leaving the site.
- 6) The special use shall in all other respects conform to the applicable regulations of the district, as recommended by the Village Planning commission and Zoning Board.
- 7) We have attached a site traffic and landscaping plan that:
 - Assures parking spacing as per Village Standards
 - Shows that the site is only used for display and storage, with minimal customer use.
 - Assures no traffic increase to the residential area on Washington Street (No right turn)
 - Maintains a 6' high fence along the north property line.
 - Shows existing and proposed tree preservation and expansion at the site

- 8) The subject property is within 500' of a residential property, and hence we are asking for a variance for the use of this property. This variance is consistent with other uses allowed for other properties along Ogden Ave within the immediate vicinity of the subject property. Our variance will not negatively impact the surrounding neighboring properties and is a continuation of the historic use of this property.

- 9) The attached site plan proposes the utilization of three parking stalls that currently exist within the 30' setback along Ogden Ave. Our proposed use is consistent with other allowed uses of the setback for other properties along Ogden Ave. It will not create any further congestion or cause public safety concerns. The economics of this project dictate that we maximize the use of the parking lot to realize the value invested. These parking spaces were also allowed when the property was used as a fast food restaurant.

May 17, 2016

MAY 19 2016

Analysis of the requested variations for 180 W. Ogden Ave:

The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

This property has been vacant about three years now. Historically it has been used as a fast food operation. The building is old and unfit for national food retailers. Current ownership has been seeking a user that can utilize the property's current condition and permitted zoning without much success. This property was acquired as retirement income for current ownership, and instead, it has become a financial liability.

The plight of the owner is due to unique circumstances.

As mentioned above, current ownership purchased this property for retirement income, and paid \$1.75M as purchase price. The tenant that was part of the investment and value that ownership paid for has filed for Chapter 11 bankruptcy, leaving ownership with an overpriced property and no income. Users that can utilize the property in its current zoning cannot afford to pay a fair market rent or purchase price for this property. Ownership defaulted on the 2013 and 2014 real estate taxes due to hardship. The proposed use for this property will allow ownership to avoid additional financial hardship.

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

The proposed variation is very consistent with the current land uses along Ogden avenue, and in the immediate area of this property. All three properties east of the subject property are automotive sales related

VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT

PUBLIC HEARING OF JULY 13, 2016

P/Z 16-017: Ultimo Motorsports, regarding 180 W. Ogden Avenue, Westmont

Request for a special use to allow an expansion of an existing automobile dealership use in the B-2 General Business District.

CRITERIA NO. 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.

FINDINGS OF FACT: The Applicant operates an existing automobile dealership on adjacent property, and proposes to expand this use to the subject property to be used for passive inventory parking purposes. This vehicle parking use as part of an auto dealership will not endanger the public health, safety, morals or welfare.

CRITERIA NO. 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.

FINDINGS OF FACT: Properties on 3 sides are zoned B-2 General Business District and developed with commercial uses. The property is located along the heavily-trafficked Ogden Avenue corridor, and the property was previously approved for a fast-food restaurant. This passive vehicle inventory parking use will not adversely impact surrounding properties.

CRITERIA NO. 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.

FINDINGS OF FACT: Surrounding properties are fully developed and no new structures or development are proposed for this property. As such, this use will not impact the ability of surrounding properties to redevelop.

CRITERIA NO. 4: That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.

FINDINGS OF FACT: The property is served by adequate utilities, drainage and other facilities and no new improvements are needed or proposed.

CRITERIA NO. 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.

FINDINGS OF FACT: Although certain points of ingress/egress will be left open for emergency vehicle access, the primary traffic to and from this property will come from the adjacent auto dealership owned by the Applicant and this use will not increase traffic congestion on the public streets.

CRITERIA NO. 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.

FINDINGS OF FACT: Except for certain zoning variances sought by the Applicant, this use conforms with the applicable regulations of the B-2 District and other codes and ordinances of the Village.

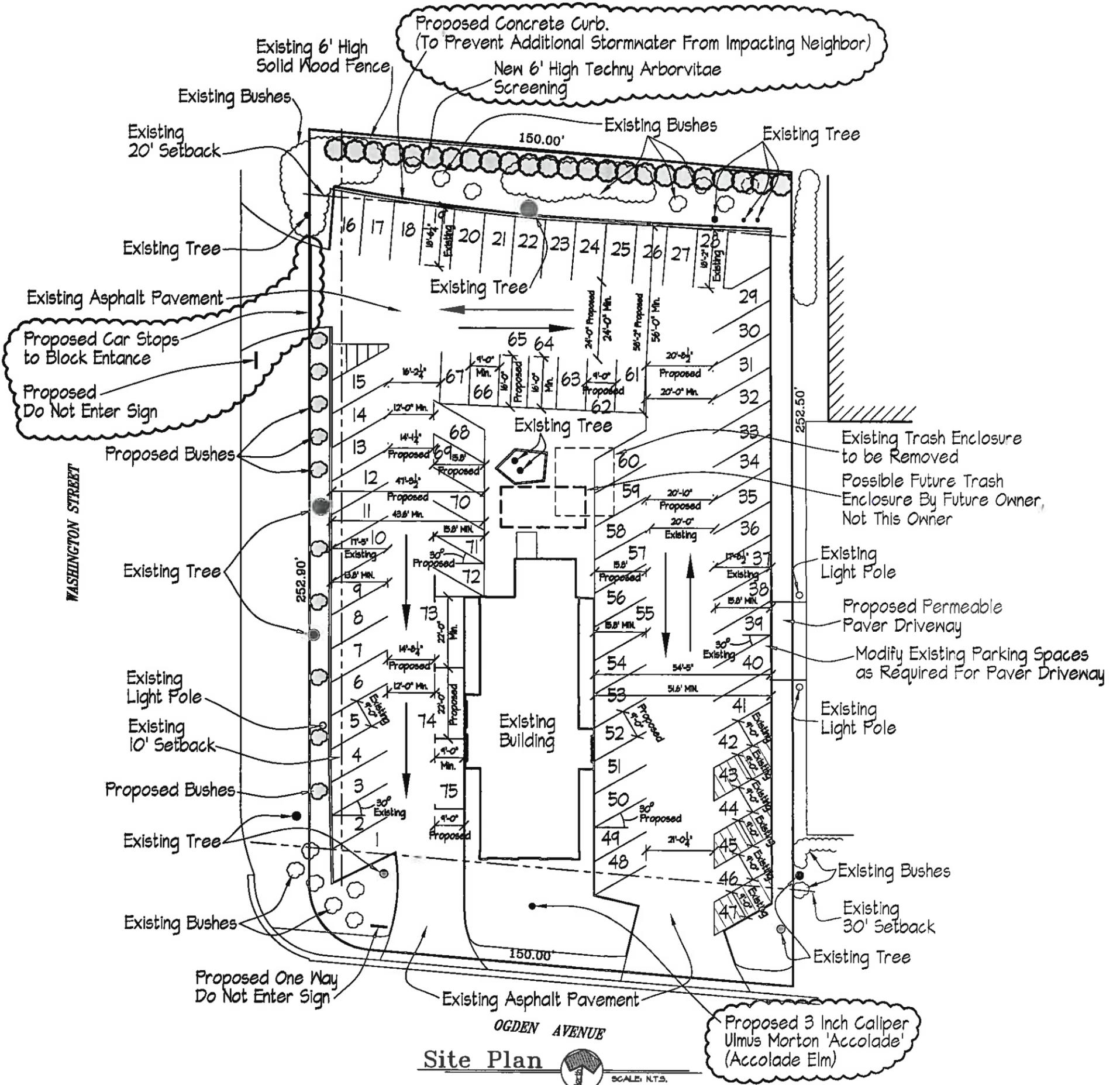
CRITERIA NO. 7: The proposed use meets the special conditions of Special Conditions 2, 4 and 7.

FINDINGS OF FACT: The Applicant will provide enhanced and sufficient landscaping which will screen vehicles awaiting service or customer pick-up. The primary flow of vehicles to and from the property will occur between the adjacent auto dealership owned by the Applicant; this expanded use will not cause appreciable traffic congestion. The Applicant does not meet the 500 foot separation requirement from a residential district, but seeks a variance from this requirement.

- 7 The Planning and Zoning Commission agrees with the above findings.
- 0 The Planning and Zoning Commission does not agree with the above findings.

9102

UD



Site Plan SCALE: N.T.S.

ALTA/ACSM LAND TITLE SURVEY

LOTS 5 AND 6 IN BLOCK 13 AND LOTS 1, 2, AND 3 IN BLOCK 14 IN LIBERTY PARK SUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND IN THE SOUTH EAST 1/4 OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 16, 1924 AS DOCUMENT 182542, IN DUPAGE COUNTY, ILLINOIS.

ADDRESS: 180 W OGDEN AVE, WESTMONT
 PIN: 09-04-219-010
 AREA = 0.87 ACRES

KNOWN TITLE POLICY ORDER NO. NCS-807877-PHX1 SCHEDULE B PART II (EXCEPTIONS) AFFECTING THE SUBJECT PROPERTY:

12. PERMANENT EASEMENT TO WESTMONT SURFACE WATER PROTECTION NO. 1, RECORDED MARCH 7, 1980 AS DOCUMENT R80-14106, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN. (AFFECTS THE SUBJECT PROPERTY. SHOWN ON THIS PLAT.)

14. ORDINANCE NO. 06-82, APPROVING ENGINEERING INSPECTION SERVICES AGREEMENT WITH BURNS & MCDONNELL FOR 2005 CMAQ SIDEWALK PROJECT, RECORDED APRIL 25, 2005 AS DOCUMENT R2008-078971, AND THE TERMS AND PROVISIONS CONTAINED THEREIN. (VILLAGE INSPECTION OF SIDEWALK ON SOUTH SIDE OF PROPERTY. NOT SHOWN)

16. ASSIGNMENT OF EASEMENTS AND INTEREST IN PROPERTY RECORDED MARCH 17, 2010 AS DOCUMENT R2010-035807, RECORDED AUGUST 1, 2011 AS DOCUMENT R2011-085840 RECORDED AUGUST 22, 2012 AS DOCUMENT R2012-112304 AND RECORDED AUGUST 22, 2012 AS DOCUMENT R2012-112305, AND THE TERMS AND PROVISIONS CONTAINED THEREIN. (AMENDED ASSIGNEE TO EXCEPTION "12", SHOWN ON THIS PLAT)

ALL LOT DIMENSIONS ARE RECORD UNLESS NOTED.

STATE OF ILLINOIS)
) S.S.
 COUNTY OF MCHEANDRY)

TO: JC123 HOLDINGS, LLC
 FIRST AMERICAN TITLE INSURANCE COMPANY
 GARRISON BOYCE AND DONALD LAIER

THIS IS TO CERTIFY THAT THIS MAP OR PLAT OF SURVEY (THIS "SURVEY MAP") OF THE REAL PROPERTY ("PROPERTY") SPECIFICALLY DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NO. NCS-807877-PHX1, DATED OF MAY 30, 2013 (THE "TITLE COMMITMENT"), (1) IS BASED ON A FIELD SURVEY MADE ON 6/11/13, BY ME OR DIRECTLY UNDER MY SUPERVISION IN ACCORDANCE WITH THE MOST RECENTLY ADOPTED MINIMUM STANDARD DETAIL REQUIREMENTS AND CLASSIFICATIONS FOR ALTA/ACSM LAND TITLE SURVEYS, ITEMS 3, 7(a), 8, AND 11(c) OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NPS AND ACSM, AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT THE PROPER FIELD PROCEDURES, INSTRUMENTATION, AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS" AND (2) TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF.

(A) THIS SURVEY MAP CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.
 (B) THERE ARE NO DISCREPANCIES BETWEEN THE BOUNDARY LINES OF THE PROPERTY AS SHOWN ON THIS SURVEY MAP AND AS DESCRIBED IN THE LEGAL DESCRIPTION PRESENTED IN THE TITLE COMMITMENT.
 (C) THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE WITHIN +/- 0.1 FEET AND
 (D) THE BOUNDARY LINES OF THE PROPERTY ARE CONTIGUOUS WITH THE BOUNDARY LINES OF ALL ADJOINING STREETS, HIGHWAYS, RIGHTS OF WAY AND EASEMENTS, PUBLIC OR PRIVATE, AS DESCRIBED IN THEIR MOST RECENT RESPECTIVE LEGAL DESCRIPTIONS OF RECORD.

THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THE PARTIES TO WHOM THIS CERTIFICATION IS ADDRESSED WILL BE RELYING UPON THIS SURVEY FOR ACCURACY WITH RESPECT TO THE PROPERTY.

I FURTHER CERTIFY THAT PORTIONS OF THE PROPERTY COVERED BY THIS SURVEY ARE DESIGNATED AS ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) AS SHOWN ON THE FLOOD INSURANCE RATE MAPS FOR DUPAGE COUNTY, ILLINOIS, AND INCORPORATED AREAS AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE SURVEY HEREON IS WITHIN THE COMMUNITY PANEL NUMBER 17043C08024, WITH AN EFFECTIVE DATE OF DECEMBER 16, 2004.

THE PROPERTY DESCRIBED AND SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NO. NCS-807877-PHX1, DATED MAY 30, 2013.

DATED THIS 16TH DAY OF JUNE, A.D., 2013

ROARK V. ROGERS ILLINOIS PROFESSIONAL LAND SURVEYOR 03785
 LAND TECHNOLOGY INC., ILLINOIS PROFESSIONAL DESIGN FIRM



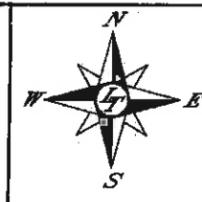
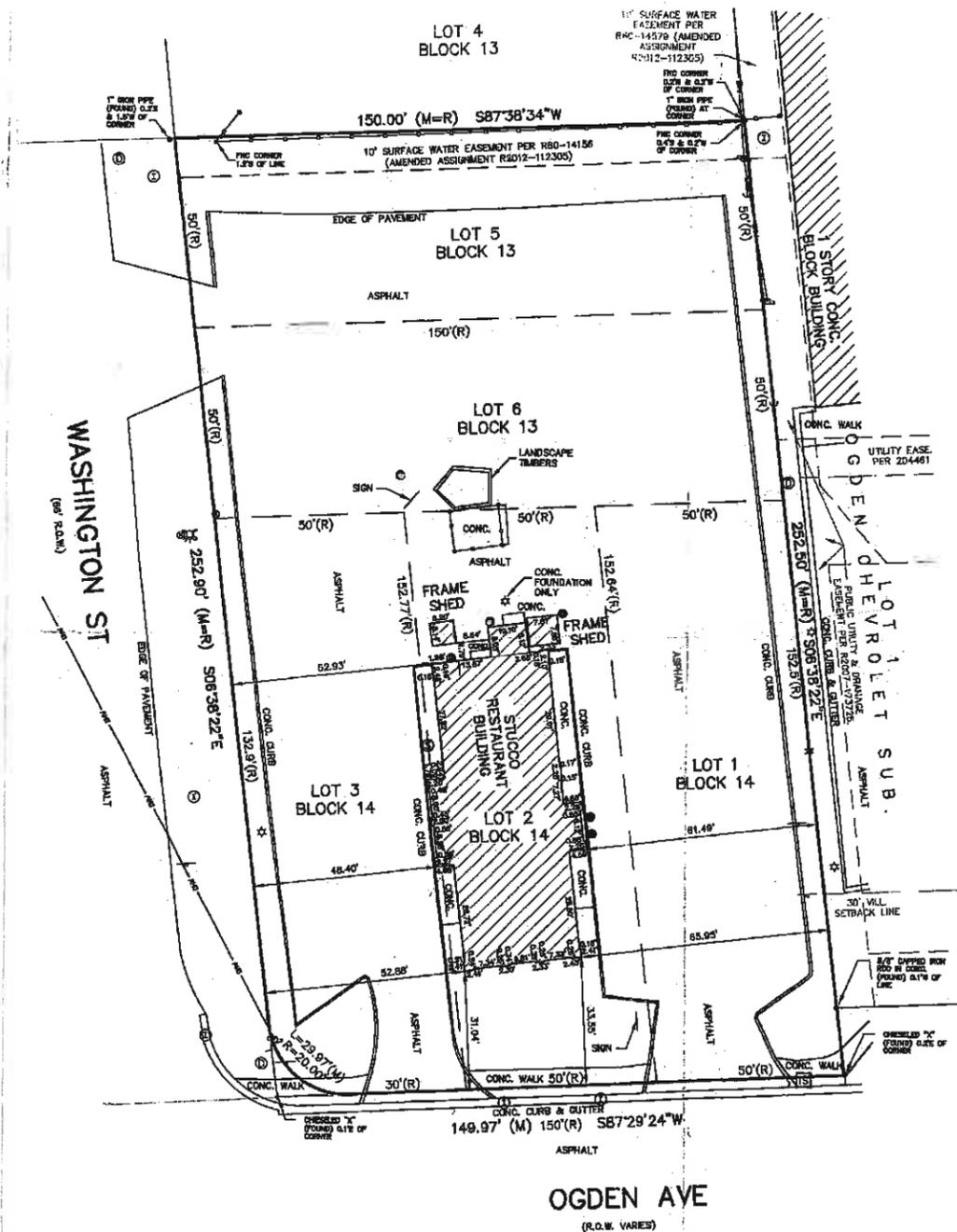
LICENSE EXPIRES 11/30/14

SYMBOL LEGEND

⊕	STORM MANHOLE
⊙	INLET
⊗	WATER VALVE
⊕	HYDRANT
⊕	SANITARY MANHOLE
⊕	ELECTRIC METER
⊕	GAS METER
⊕	LIGHT POLE
⊕	UTILITY POLE
—	GUY WIRE
—	SIGN
—	STEEL POST
⊕	TRAFFIC SIGNAL BOX
•	FOUND MONUMENTATION
+	FOUND CHASELED CROSS

LINE LEGEND

—	WOOD FENCE
—	CHAINLINK FENCE
—	OVERHEAD WIRES



BASIS FOR BEARINGS:
 THE BASIS FOR BEARINGS SHOWN HEREON IS THE PLAT OF SUBDIVISION OF "OGDEN CHEVROLET SUBDIVISION" RECORDED SEPTEMBER 16, 2007 AS DOCUMENT R2007-173/25, IN DUPAGE COUNTY, ILLINOIS.

SCALE:
 1" = 20'

- NOTES:
1. THERE MAY BE UNDERGROUND UTILITIES THAT ARE NOT SHOWN HEREON.
 2. UNLESS OTHERWISE NOTED, ONLY THOSE EASEMENTS LINES THAT AFFECT THE SUBJECT PARCEL ARE SHOWN HEREON.
 3. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCE AT ONCE.
 4. NO DIMENSIONS ARE TO BE ASSUMED BY SCALE MEASUREMENTS.
 5. THIS PLAT OF SURVEY IS VOID WITHOUT THE SEAL AND ORIGINAL SIGNATURE OF THE SURVEYOR.
 6. A TITLE POLICY PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NO. NCS-807877-PHX1, WITH AN EFFECTIVE DATE OF MAY 30, 2013 WAS USED IN THE PREPARATION OF THIS SURVEY.
 7. TIES ARE MEASURED TO AND ALONG THE FACE OF THE BUILDING AT GROUND LEVEL.

NOTE: BUILDING TIE DIMENSIONS SHOULD NOT BE USED TO DETERMINE LOT LINE LOCATIONS. REFER TO ACTUAL LOT CORNERS AND REPORT ANY DIFFERENCES TO THE SURVEYOR IMMEDIATELY.

RESIDENTIAL, COMMERCIAL, INDUSTRIAL
 CIVIL ENGINEERING AND
 SURVEYING SERVICES

8222 W. MAIN STREET
 McHENRY, IL 60050
 PHONE: (815) 388-9200
 FAX: (815) 388-9205
 E-MAIL: LANDTECH@LANDTECHNOLOGYINC.COM
 ILLINOIS PROFESSIONAL DESIGN FIRM
 No. 184-001331

TEXT LEGEND
 (M) = MEASURED DIMENSION
 (R) = RECORD DIMENSION

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 LAND TECHNOLOGY, INC.
 8222 W. MAIN STREET
 McHENRY, ILLINOIS, 60050
 ALL LEGAL RIGHTS RESERVED.

CLIENT:
PGD INVESTMENTS PROPERTIES

DRAWN BY: RVR

CHECKED BY: JMJ

t:\2013\13183\ALTA-6-18-13.dwg

DATE: 6/16/13

ALTA/ACSM SURVEY:
 LTS 5 & 6, BLK 13 &
 LTS 1-3 BLK 14
 LIBERTY PARK SUB.

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