

VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT

PUBLIC HEARING OF DECEMBER 12, 2012

P/Z 12-045: Kenneth Brom regarding 150 West Ogden Avenue, Westmont

Request for a special use to allow an automobile enthusiast center with automobile service and automobile retail sales of used and new automobiles.

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: This use is proposed to be located where a former automobile dealership existed. All servicing of vehicles will be conducted completely indoors and no body work or painting will occur on the premises. No aspect of this proposed use will endanger the public health, safety 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: This property is zoned B-2 General Business District and is the former site of an automobile dealership. This area is already heavily developed with similar commercial uses and the establishment of this proposed use will not adversely impact property values or affect 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: The surrounding area is fully developed and this proposed use will not impact future development of the area.

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 fully developed and served by all required utilities, access ways and other necessary facilities.

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: The property contains current curb cuts from Ogden Avenue and has sufficient off-street parking.

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: The proposed use meets all other codes and ordinances of the Village, except for the setback requirement from a residential district, for which a separate variance is being sought by the Applicant.

CRITERIA NO. 7: *The proposed use meets the special conditions of Special Condition 2.*

FINDINGS OF FACT: This use will not cause appreciable traffic congestion or hazard to pedestrian safety. There are existing curb cuts onto Ogden Avenue and there is sufficient off-street parking onsite for this use.

CRITERIA NO. 8: *The proposed use meets the special conditions of Special Condition 7.*

FINDINGS OF FACT: There will be sufficient screening from view of vehicles awaiting service or customer pickup and all operations will be conducted completely indoors.

6 The Planning and Zoning Commission agrees with the above findings.

Ø The Planning and Zoning Commission does not agree with the above findings.

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P/Z 12-045-Kenneth Brom regarding 150 West Ogden Avenue, Westmont

Request for a variance to allow an automobile dealership within the required 500 feet separation from a residence district.

***CRITERIA NO. 1:** 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.*

FINDINGS OF FACT: The property was developed and previously used as an automobile dealership, and the existing building contains a 10 foot setback from the existing residence district. The Applicant is proposing no new improvements to this property, and did not create this hardship.

***CRITERIA NO. 2:** The plight of the owner is due to unique circumstances.*

FINDINGS OF FACT: The unique circumstances are that the existing building was constructed to provide a 10 foot setback and re-use of this building as an automobile dealership would be impossible without this variance.

***CRITERIA NO. 3:** The variation, if granted, will not alter the essential character of the locality.*

FINDINGS OF FACT: The property was previously used as an automobile dealership. All essential operations will be conducted indoors. This new automobile enthusiast center use is consistent with the surrounding commercial uses along Ogden Avenue and will not alter the essential character of the neighborhood.

6 The Planning and Zoning Commission agrees with the above findings.

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