

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Special Use for a Car Wash and Final PUD Amendment
Wett Car Wash
193 W. North Ave.

Ordinance No. 18-O-0024

AGENDA ITEM NUMBER: 4. E.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: May 14, 2018

COUNCIL AGENDA DATE: _____

STAFF REVIEW: Tom Dabareiner, AICP

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

The applicant and contract purchaser of the subject property petitions the City of West Chicago for a special use for a car wash and an amendment to the final planned unit development. The 1.5 acre subject property is located on the north side of North Avenue (IL Route 64) between Franciscan Way and Teresa Lane.

The subject property was originally part of a larger lot consisting of the 1.5 acre subject property and 1.6 acre adjacent property to the east. The former collective lot received final PUD approval in 2005 for the construction of a two phase multi-tenant retail strip center. Phase One of the proposed retail center was constructed on the adjacent lot. Phase Two of the retail center was never constructed and the property was subdivided into two lots in 2014. Subsequently, the subject property was then sold.

The applicant desires to construct an automatic car wash facility. The facility will have 3 pay stations and 28 parking spaces that will each have access to vacuum equipment. The vacuum parking spaces will have an open-air decorative canopy above each space. The facility will have in excess of 30 stacking spaces leading up to the pay stations. The facility will not have direct vehicular access to North Avenue.

The subject property will have two existing full access points: one from Teresa Lane, which is a private drive serving the entire Franciscan Way development, and a cross-connection to the existing retail center parking lot to the east. Once on-site all traffic is funneled northward towards the stacking lanes that lead to the pay stations. Stacking lane emergency bypass points are provided before and after the pay stations.

The applicant is proposing to stripe 39 total parking spaces on the subject property, which will exceed the City's minimum off-street parking requirements. 28 of those parking spaces will double as vacuum accessible spaces.

The applicant is proposing landscaping around the perimeter of the site, along the building foundation, and in the parking lot islands as required per the City's Zoning Code. All of the proposed landscaping complies with the City's minimum landscaping requirements.

The applicant is proposing a masonry exterior building with varying architectural features and building materials. The proposed building will have a decorative tower at each end. The towers roofs will be standing seam metal. The proposed canopies over the pay stations and vacuum parking spaces will also have a standing seam metal roof. The proposed trash enclosure will be constructed of the same materials as the building.

Final Engineering has not been approved as of the completion of this staff report. However, Final Engineering will be approved prior to the issuance of a building permit for the site. Also, City staff does not foresee any outstanding issues that would limit or cause dramatic modifications to the site design or layout. If any significant modifications to the site design or layout are implemented then the development will have to go back through the approval process for further consideration.

At its May 1, 2018 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of the special use for a car wash and final PUD amendment for Wett Car Wash at 193 W. North Avenue by a (5-0) vote. Its recommendation is included as Exhibit "B" of the attached ordinance.

ACTION PROPOSED:

Consideration of a special use for a car wash and final PUD amendment for Wett Car Wash at 193 W. North Avenue.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 18-O-0024

AN ORDINANCE APPROVING A SPECIAL USE FOR A CAR WASH AND A FINAL PUD AMENDMENT AT 193 W. NORTH AVENUE

WHEREAS, on February 8, 2018, Dominic Pattalio (the "APPLICANT"), filed applications for a special use for a car wash and a final PUD amendment for the property located at 193 W. North Avenue and legally described on Exhibit "A", which is attached hereto and incorporated herein as the "SUBJECT REALTY"; and,

WHEREAS, the City Council approved a final PUD for the SUBJECT REALTY by Ordinance 07-O-0004 on January 15, 2007 for a multi-tenant retail center; and,

WHEREAS, Notice of Public Hearing on said special use and final PUD amendment application was published in the Daily Herald on April 13, 2018, all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on May 1, 2018, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of his application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals for the special use and final PUD which contains specific findings of fact, pursuant to Recommendation No. 2018-RC-0011, a copy of which is attached hereto as Exhibit "B" which is, by this reference, incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

Section 1. A special use for a car wash and a final PUD amendment in conformance with Section 5.5, Section 10.3-4(D), and Section 15 of the Zoning Ordinance is hereby granted for the SUBJECT REALTY, subject to compliance with the following conditions:

1. The SUBJECT REALTY shall be developed in substantial conformance with the Geometric Plan C-4 prepared by Terra Consulting Group, dated December 15, 2017, with a last revision date of March 19, 2018, a copy of which is attached hereto and incorporated herein as Exhibit "C".
2. The SUBJECT REALTY shall be developed in substantial conformance with the Landscape Plan L1.1 prepared by Neri Architects, dated March 15, 2018, a copy of which is attached hereto and incorporated herein as Exhibit "D".
3. The SUBJECT REALTY shall be developed in substantial conformance with the Exterior Building Elevation Plans L1.2 and L1.3 prepared by Neri Architects, dated March 15, 2018, a copy of which is attached hereto and incorporated herein as Exhibit "E".

Section 2. Compliance with the terms and conditions set forth on Ordinance 07-O-0004 is hereby null and void.

Section 3. That all ordinances and resolutions, or parts thereof, shall, to the extent not expressly modified by the terms and conditions of this Ordinance, remain in full force and effect as therein provided.

Section 4. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this ____ day of _____ 2018.

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman Ferguson	_____
Alderman Birch Ferguson	_____	Alderman S. Dimas	_____
Alderman K. Meissner	_____	Alderman M. Garling	_____
Alderman R. Stout	_____	Alderman G. Garcia	_____
Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____

APPROVED as to form: _____
Patrick K. Bond, City Attorney

APPROVED this ____ day of _____ 2018.

Mayor Ruben Pineda

ATTEST:

City Clerk Nancy M. Smith

PUBLISHED: _____

EXHIBIT “A”

LEGAL DESCRIPTION

Lot 1 in RJR West Chicago Resubdivision, being a subdivision of part of the southeast quarter of Section 28, Township 40 North, Range 9, East of the Third Principal Meridian, according to the plat thereof recorded on June 30, 2014 as Document R2014-056300, in DuPage County, Illinois.

P.I.N.: 01-28-401-100.

EXHIBIT “B”

RECOMMENDATION NO. 2018-RC-0011

TO: The Honorable Mayor and City Council

SUBJECT: PC 18-06
Special use for a car wash and final PUD amendment
Wett Car Wash
193 W. North Avenue

DATE: May 1, 2018

DECISION: The Plan Commission/Zoning Board unanimously recommended approval of the special use for a car wash and final PUD amendment for the SUBJECT REALTY by a (5-0) vote.

RECOMMENDATION

After review of the requested special use for a car wash for the SUBJECT REALTY, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval based on the following findings of fact.

(1) Is necessary for the public convenience at that location or, the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings:

(This standard should be interpreted as indicating whether or not the proposed use is good for the public at that particular physical location, and not whether the use itself is *needed* there).

The proposed car wash facility is a use that is best suited for a commercial area. The subject property is located within one of the City’s primary commercial corridors and is compatible with the commercial uses that surround it.

(2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:

The use of the subject property is designed to protect the public health, safety and welfare by prohibiting direct vehicular access to North Avenue. Also, vehicles exiting the car wash have a significant distance to drive before accessing a public or private road, thus allowing any excess water runoff from the wash process to remain on-site and decrease the likelihood of icy road conditions being created during cold weather periods.

(3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located:

The proposed use of the subject property should not cause substantial injury to the value of other property in the neighborhood in which it is located because the proposed car wash use is best suited for a commercial area and the subject property is located within one of the City’s primary commercial corridors and is compatible with the existing commercial uses that surround it.

- (4) *The proposed special use is designated by this code as a listed special use in the zoning district in which the property in question is located:*

The proposed car wash facility use is listed as a special use per Section 10.3-4 (D) of the Zoning Code.

After review of the requested final PUD amendment for the SUBJECT REALTY, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval based on the following findings of fact.

Per Section 15.3 of the Zoning Ordinance: "...if the final plan and plat are, in the opinion of the [Plan Commission], deemed to be sufficient in compliance with all applicable City ordinances and in substantial conformity with the approved preliminary plan and plat, they shall be approved by the [Plan Commission] and recommended to the City Council". The proposed final plan shows in detail the use of the subject property, landscaping and building elevations. Said use of the property is in compliance with all applicable City ordinances.

Respectfully submitted,

Barbara Laimins
Chairperson

VOTE:

For
Laimins
Devitt
Henkin
Kasprak
Hale

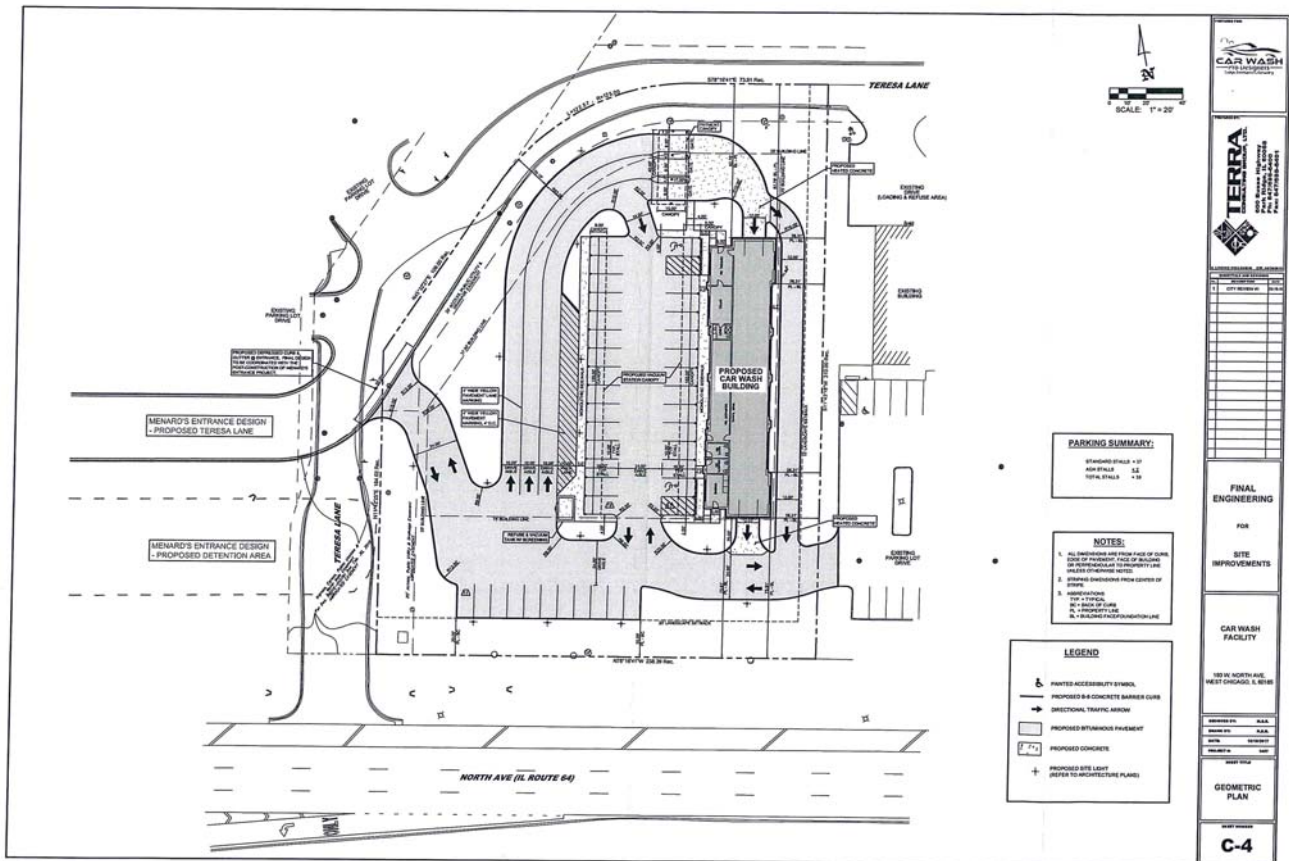
Against

Abstain

Absent
Dettman
Faught

EXHIBIT “C”

(Insert the Geometric Plan here)



PARKING SUMMARY:

STANDARD STALLS	107
ADA STALLS	12
TOTAL STALLS	119

- NOTES:**
1. ALL DIMENSIONS ARE FROM FACE OF CURB, UNLESS OTHERWISE NOTED.
 2. EXISTING DIMENSIONS FROM CENTER OF STREET.
 3. EXISTING DIMENSIONS FROM CENTER OF STREET.
 4. EXISTING DIMENSIONS FROM CENTER OF STREET.
 5. EXISTING DIMENSIONS FROM CENTER OF STREET.
 6. EXISTING DIMENSIONS FROM CENTER OF STREET.
 7. EXISTING DIMENSIONS FROM CENTER OF STREET.
 8. EXISTING DIMENSIONS FROM CENTER OF STREET.
 9. EXISTING DIMENSIONS FROM CENTER OF STREET.
 10. EXISTING DIMENSIONS FROM CENTER OF STREET.

LEGEND

PAINTED ACCESSIBILITY SYMBOL	PROPOSED 8-INCH CONCRETE BARRIER CURB
DIRECTIONAL TRAFFIC ARROW	PROPOSED BITUMINOUS PAVEMENT
PROPOSED CONCRETE	PROPOSED SITE LIGHT (REFER TO ARCHITECTURE PLANS)

CAR WASH
DESIGN & CONSTRUCTION

TERRA
ENGINEERING & ARCHITECTURE

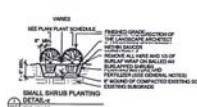
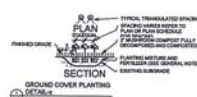
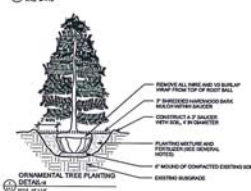
PROJECT NO.	100-01 NORTH AVE
CITY REVIEW NO.	100-01
DATE	10/10/10
SCALE	1" = 20'
PROJECT NAME	100-01 NORTH AVE
PROJECT ADDRESS	100-01 NORTH AVE
PROJECT CITY	100-01 NORTH AVE
PROJECT STATE	100-01 NORTH AVE
PROJECT ZIP	100-01 NORTH AVE
PROJECT COUNTY	100-01 NORTH AVE
PROJECT FIPS	100-01 NORTH AVE
PROJECT FIPS2	100-01 NORTH AVE
PROJECT FIPS3	100-01 NORTH AVE
PROJECT FIPS4	100-01 NORTH AVE
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PROJECT FIPS99	100-01 NORTH AVE
PROJECT FIPS100	100-01 NORTH AVE

GEOMETRIC PLAN

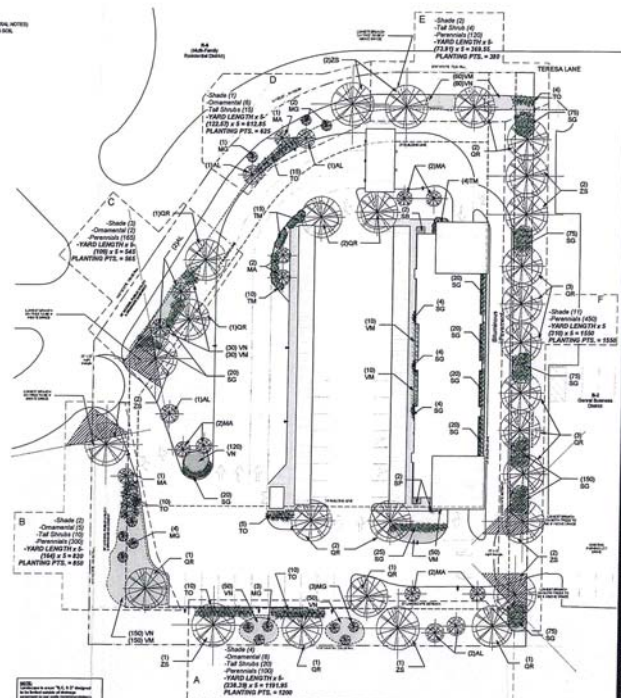
C-4

EXHIBIT “D”

(Insert Landscape Plan here)

[illegible]

Planting Schedule				
Species	Latin Name	Common Name	Size	Optimal Planting Time
Shrubbery and Trees				
1	1	Boxwood	2-3' x 2-3'	Spring
2	2	Yew	2-3' x 2-3'	Spring
3	3	Juniper	2-3' x 2-3'	Spring
Flowering Plants				
4	4	Hydrangea	2-3' x 2-3'	Spring
5	5	Camellia	2-3' x 2-3'	Spring
6	6	Philadelphus	2-3' x 2-3'	Spring
7	7	Spirea	2-3' x 2-3'	Spring
8	8	Forsythia	2-3' x 2-3'	Spring
9	9	Deutzia	2-3' x 2-3'	Spring
10	10	Abelia	2-3' x 2-3'	Spring
Perennials and Annuals				
11	11	Black-eyed Susan	2-3' x 2-3'	Spring
12	12	Coreopsis	2-3' x 2-3'	Spring
13	13	Geranium	2-3' x 2-3'	Spring
14	14	Verbena	2-3' x 2-3'	Spring
15	15	Salvia	2-3' x 2-3'	Spring
16	16	Ornamental Grass	2-3' x 2-3'	Spring
Vegetables and Fruit Plants				
17	17	Tomato	2-3' x 2-3'	Spring
18	18	Cucumber	2-3' x 2-3'	Spring
19	19	Pepper	2-3' x 2-3'	Spring
20	20	Bean	2-3' x 2-3'	Spring
21	21	Carrot	2-3' x 2-3'	Spring
22	22	Onion	2-3' x 2-3'	Spring
23	23	Garlic	2-3' x 2-3'	Spring
24	24	Asparagus	2-3' x 2-3'	Spring
25	25	Brussels Sprouts	2-3' x 2-3'	Spring
26	26	Cauliflower	2-3' x 2-3'	Spring
27	27	Kale	2-3' x 2-3'	Spring
28	28	Spinach	2-3' x 2-3'	Spring
29	29	Chard	2-3' x 2-3'	Spring
30	30	Beet	2-3' x 2-3'	Spring
31	31	Radish	2-3' x 2-3'	Spring
32	32	Turnip	2-3' x 2-3'	Spring
33	33	Potato	2-3' x 2-3'	Spring
34	34	Sweet Potato	2-3' x 2-3'	Spring
35	35	Corn	2-3' x 2-3'	Spring
36	36	Squash	2-3' x 2-3'	Spring
37	37	Pumpkin	2-3' x 2-3'	Spring
38	38	Watermelon	2-3' x 2-3'	Spring
39	39	Cantaloupe	2-3' x 2-3'	Spring
40	40	Strawberry	2-3' x 2-3'	Spring
41	41	Raspberry	2-3' x 2-3'	Spring
42	42	Blackberry	2-3' x 2-3'	Spring
43	43	Blueberry	2-3' x 2-3'	Spring
44	44	Cranberry	2-3' x 2-3'	Spring
45	45	Gooseberry	2-3' x 2-3'	Spring
46	46	Elderberry	2-3' x 2-3'	Spring
47	47	Juniper	2-3' x 2-3'	Spring
48	48	Yew	2-3' x 2-3'	Spring
49	49	Boxwood	2-3' x 2-3'	Spring
50	50	Hydrangea	2-3' x 2-3'	Spring
51	51	Camellia	2-3' x 2-3'	Spring
52	52	Philadelphus	2-3' x 2-3'	Spring
53	53	Spirea	2-3' x 2-3'	Spring
54	54	Forsythia	2-3' x 2-3'	Spring
55	55	Deutzia	2-3' x 2-3'	Spring
56	56	Abelia	2-3' x 2-3'	Spring
57	57	Black-eyed Susan	2-3' x 2-3'	Spring
58	58	Coreopsis	2-3' x 2-3'	Spring
59	59	Geranium	2-3' x 2-3'	Spring
60	60	Verbena	2-3' x 2-3'	Spring
61	61	Salvia	2-3' x 2-3'	Spring
62	62	Ornamental Grass	2-3' x 2-3'	Spring
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67	67	Carrot	2-3' x 2-3'	Spring
68	68	Onion	2-3' x 2-3'	Spring
69	69	Garlic	2-3' x 2-3'	Spring
70	70	Asparagus	2-3' x 2-3'	Spring
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72	72	Cauliflower	2-3' x 2-3'	Spring
73	73	Kale	2-3' x 2-3'	Spring
74	74	Spinach	2-3' x 2-3'	Spring
75	75	Chard	2-3' x 2-3'	Spring
76	76	Beet	2-3' x 2-3'	Spring
77	77	Radish	2-3' x 2-3'	Spring
78	78	Turnip	2-3' x 2-3'	Spring
79	79	Potato	2-3' x 2-3'	Spring
80	80	Sweet Potato	2-3' x 2-3'	Spring
81	81	Corn	2-3' x 2-3'	Spring
82	82	Squash	2-3' x 2-3'	Spring
83	83	Pumpkin	2-3' x 2-3'	Spring
84	84	Watermelon	2-3' x 2-3'	Spring
85	85	Cantaloupe	2-3' x 2-3'	Spring
86	86	Strawberry	2-3' x 2-3'	Spring
87	87	Raspberry	2-3' x 2-3'	Spring
88	88	Blackberry	2-3' x 2-3'	Spring
89	89	Blueberry	2-3' x 2-3'	Spring
90	90	Cranberry	2-3' x 2-3'	Spring
91	91	Gooseberry	2-3' x 2-3'	Spring
92	92	Elderberry	2-3' x 2-3'	Spring
93	93	Juniper	2-3' x 2-3'	Spring
94	94	Yew	2-3' x 2-3'	Spring
95	95	Boxwood	2-3' x 2-3'	Spring
96	96	Hydrangea	2-3' x 2-3'	Spring
97	97	Camellia	2-3' x 2-3'	Spring
98	98	Philadelphus	2-3' x 2-3'	Spring
99	99	Spirea	2-3' x 2-3'	Spring
100	100	Forsythia	2-3' x 2-3'	Spring

 LANDSCAPE SITE PLAN
 11/11/2011 11:11 AM

NORTH AVE (IL ROUTE 6)

Regard Shipping Cost

R I
ARCHITECTS, PC

PROJECT #	1730
DATE	03.15.18

NEW AUTOMATED CAR WASH FACILITY

193 W. NORTH AVENUE
WEST CHICAGO, IL 606185

AKKX,AR	ISSUED FOR PER
REASONS	

APPROVED BY:	NAME/NAME
SCALE:	G.C.N.
	AS NOTED

DESCRIPTION	Landscape Site
SHEET NO.	113

LI.1

EXHIBIT “E”

(Insert Exterior Building Elevation Plans here)



SCALE	ISSUED FOR PER
APPROVED BY	REVISIONS
SCALE	NAME / DATE
DESCRIPTION	G.C.N.
SHEET NO.	AS NOTED
	Flow Plan & Elevation
	L1.2

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Easement Encroachment Agreement
Airhart Construction
563 Hickory Lane

Resolution No. 2018-R-0035

AGENDA ITEM NUMBER: 4. F.**FILE NUMBER:** _____**COMMITTEE AGENDA DATE:** May 14, 2018**COUNCIL AGENDA DATE:** _____**STAFF REVIEW:** Tom Dabareiner, AICP**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael Guttman**SIGNATURE** _____**ITEM SUMMARY:**

The builder of the proposed single family residence to be located at 563 Hickory Lane in the Reserves of Prince Crossing Subdivision is requesting approval of an Easement Encroachment Agreement for the installation of a patio in an existing public utility and drainage easement controlled by the City. The existing easement is 20 feet wide, runs parallel with the rear property line and was established in 2005 when the subdivision was platted. There are no utilities currently located within the portion of the easement to be encroached upon by the patio. The proposed patio will not alter the established drainage pattern with the easement either. The proposed Agreement establishes who is responsible for the relocation or removal (or cost of removal) of the patio in the unlikely event that the easement must be accessed by the City or any authorized public utility companies. Per the attached Agreement the property owner is assuming the relocation/removal responsibilities. The minimal encroachment into the easement is being requested because this particular lot within the subdivision is significantly shallower in depth than the other lots because of the lot's location on the cul-de-sac bulb.

ACTIONS PROPOSED:

Consideration of an Easement Encroachment Agreement for a patio associated with the proposed single family residence at 563 Hickory Lane.

COMMITTEE RECOMMENDATION:

RESOLUTION NO. 2018-R-0035

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN
EASEMENT ENCROACHMENT AGREEMENT – 563 HICKORY LANE**

BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled, that the Mayor is hereby authorized to execute an Easement Encroachment Agreement between the City of West Chicago and Airhart Construction for the installation of a patio over a Public Utility and Drainage Easement, a copy of which is attached hereto and incorporated herein as Exhibit “A”.

APPROVED this _____ day of _____ 2018.

AYES: _____

NAYES: _____

ABSTAIN: _____

ABSENT: _____

Mayor Ruben Pineda

ATTEST:

City Clerk Nancy M. Smith

Prepared by/Return to:
City of West Chicago
475 Main Street
West Chicago, IL 60185

P.I.N.: 04-03-201-030

Legal Description: Lot 1 IN THE RESERVES
OF PRINCE CROSSING FARM, BEING
A PART OF THE NORTHEAST QUARTER
OF SECTION 3, TOWNSHIP 39 NORTH,
RANGE 9 EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT OF
SUBDIVISION THEREOF RECORDED
FEBRUARY 1, 2005, AS DOCUMENT
NUMBER R2005-023212, IN DUPAGE
COUNTY, ILLINOIS.

For Official Use

**AN EASEMENT ENCROACHMENT AGREEMENT FOR THE
CONSTRUCTION OF A PATIO OVER A PORTION OF A MUNICIPAL
DRAINAGE AND PUBLIC UTILITY EASEMENT AT 563 HICKORY LANE**

THIS EASEMENT ENCROACHMENT AGREEMENT is made and entered into by and between the CITY OF WEST CHICAGO, a body politic and corporate, (hereinafter the "City") and AIRHART CONSTRUCTION CORP, (hereinafter the "Property Owner"), the owner of record of the property located at 563 Hickory Lane, in the City of West Chicago, State of Illinois, designated by P.I.N. 04-03-201-030 (hereinafter the "Property").

WITNESSETH:

WHEREAS, Commonwealth Edison Company, Ameritech Illinois (A.K.A. Illinois Bell Company), and the City of West Chicago are the record holders of a twenty (20') foot wide drainage and public utility easement over the Property created on the Plat of Reserves of Prince Crossing Farm Subdivision recorded February 1, 2005 as Document No. R2005-023212; and

WHEREAS, the Property Owner has requested authorization to construct a portion of a patio which will encroach into said drainage and public utility easement, and

WHEREAS, the City and authorized public utility companies have no objection to the grant of authorization to allow the Property Owner to encroach onto the drainage and public utility easement, however, the grant shall be approved in express accordance with the terms and conditions set forth herein, which shall be binding on all other heirs, assigns, and owners of the Property so long as the patio encroachment exists.

NOW, THEREFORE, in consideration of the promises, terms and conditions set forth herein, the parties agree as follows:

1. The recitals set forth above are incorporated herein and made a part of this Agreement hereof.

2. The issuance of a City permit for the installation of a patio (hereinafter referred to as "Structure") over a portion of the drainage and public utility easement at the Property, under any circumstances, does not nullify or abrogate the City's, or its designee's, rights and interest in and to the easement for the purposes for which the easement was granted.

3. In the event the City of West Chicago or one of its designees serves notice upon the Property Owner of the Property, that the City, or its designee, requires access to the easement area for any reason related to the purpose of the easement, then the Property Owner agrees to remove, at their sole expense, said the portion of the Structure located within the easement within seven (7) days after receipt of said notice from the City.

4. The Property Owner shall be responsible for any damages to existing drainage improvements and/or utilities within the easement area resulting from the construction of the Structure and the Property Owner shall be responsible for all costs associated with the removal or relocation of said Structure. For this purpose, the Property Owner shall be responsible regardless of whether the Property Owner had knowledge of an easement attached to the premises.

5. In the event the Property Owner fails to identify drainage improvements and/or utilities on the Property within the drawing the Property Owner submits with the building permit application, and it becomes necessary to relocate or remove a portion of the Structure, then the Property Owner shall be responsible for all associated costs, including but not limited to, any resulting damages to existing drainage improvements or utilities situated within the easement, and for any damages suffered by the Property Owner in removal or replacement of the Structure.

6. In the event the Property Owner fails to remove said portion of the Structure located within the easement within the described time period, the City shall have the right to remove the Structure and the Property Owner shall reimburse the City for any and all costs incurred by the City in this regard. In the event the Property Owner does not reimburse the City within seven (7) days of request for said reimbursement, the City shall have all rights under law to secure said payment, and shall be reimbursed its costs and all reasonable attorneys fees related to securing said payment.

7. In the event of an emergency related to any of the purposes for which the easement was granted, the City may take any action, including, but not limited to removing the portion of the Structure in the easement, necessary to gain access to the easement without first giving notice to the Property Owner. In the event of said emergency removal, the City will not be liable in any way for replacing or repairing said Structure or any part thereof, which is damaged or removed in order for the City to gain access to the easement area.

8. The Property Owner shall hold harmless, indemnify and defend the City from and against any and all liability, claims, demands, and causes of action arising out of or related to any loss, injury, or loss or damage to the Property resulting from the Property Owner's installation or use of said Structure.

9. The Property Owner shall comply with the Site Grading Plan prepared by ADVANTAGE CONSULTING ENGINEERS, LLC signed by Thakor Patel, with a date of April 9, 2018, depicting the Structure improvements located within the easement. A copy of the Site Grading Plan is attached hereto and incorporated herein as Exhibit "A" of this Agreement.

10. The easement encroachment granted by this Agreement herein shall be limited to only the portion of the Structure, as identified on the Site Grading Plan attached to this agreement hereto as Exhibit "A".

11. This Agreement and the terms set forth herein shall be binding on all future property owners for the duration that the Structure encroaches into said easement.

12. The Property Owner shall be responsible for all document recording costs associated with recording this document against the Property with the DuPage County Recorder's Office.

13. Any notice required or permitted to be given under this Agreement will be in writing and will be deemed to have been given when sent by telefacsimile to the telefacsimile number provided below for the intended recipient of such notice, or when delivered personally or on the date deposited in the United States mail, registered or certified mail, postage pre-paid, return receipt requested, and addressed as follows:

If to Property Owner: Airhart Construction Corp.
500 E. Roosevelt Road
West Chicago, IL 60185

With a copy to: Mary E. McSwain, P.C.
(Property Owner's Attorney)
400 South Knoll Street
Suite A
Wheaton, IL 60187

If to City: City of West Chicago
475 Main Street
West Chicago, IL 60185
Attn: City Administrator

With copy to: Patrick K. Bond,
Bond, Dickson & Associates, P.C.
Corporation Counsel to the City of West Chicago
203 E. Liberty Drive
Wheaton, Illinois, 60187

or to such other address as a party may from time to time specify in writing to the other parties in accordance with the terms hereof.

For purposes of notice as set forth herein, notice shall be deemed granted when sent.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the ____ day of _____, 2018.

CITY OF WEST CHICAGO

PROPERTY OWNER

BY: _____
Mayor Ruben Pineda

BY: _____
Airhart Construction Corp.

ATTEST: _____
City Clerk

BY: _____
Airhart Construction Corp.

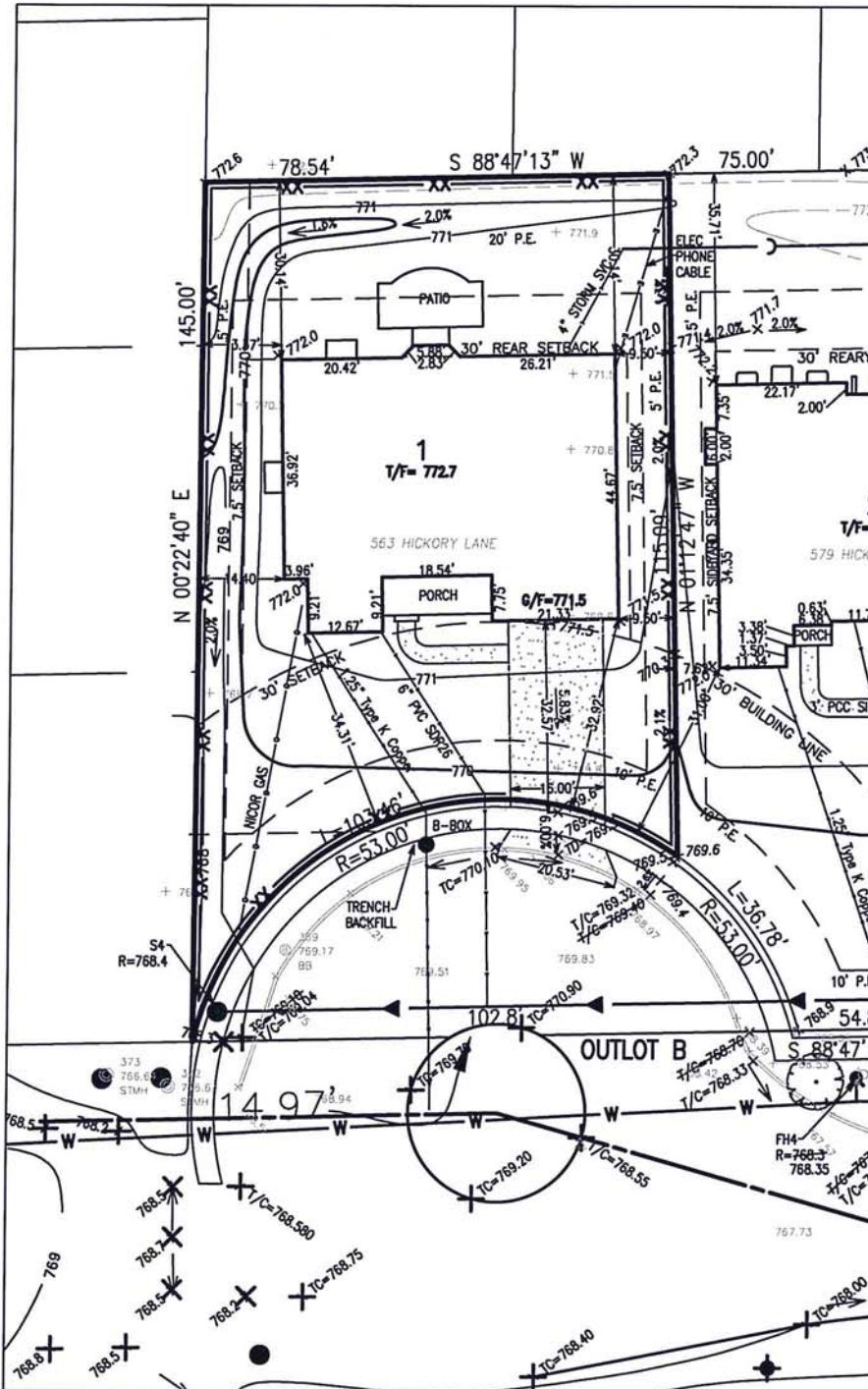
EXHIBIT "A"

(insert Site Grading Plan here)

PROPOSED SITE GRADING PLAN

LOT 1 IN THE RESERVES OF PRINCE CROSSING FARM, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SUBDIVISION THEREOF RECORDED FEBRUARY 1, 2005, AS DOCUMENT NUMBER R2005-023212, IN DuPAGE COUNTY, ILLINOIS.

Scale 1" = 20'



WATER SERVICE:

1.25" TYPE K COPPER, INSTALLED IN ONE CONTINUOUS PIECE FROM B-BOX TO MAIN.

B-BOX

TYLER NO 6500 WITH VITELLI OR EQUIVALENT CONCRETE B-BOX PAD.

CORPORATION STOP

FORD F-600 SERIES OR MUELLER H 15000. THEY SHALL HAVE FLARED COPPER OUTLET AND ANWA/CC THREAD INLET.

BOUNDARY CURB STOP

FORD "B" SERIES OR MUELLER 300 SERIES, FLARED OR COMPRESSION.

PACK FITTING-BRASS

FORD OR MUELLER PACK FITTINGS.

SANITARY SERVICE

6" SANITARY SERVICE TO BE PVC SDR 26.

SERVICE FITTINGS:

INSERTA TEE OR WYE BY INSERTA FITTINGS CO. OR KOR-N-TEE BY TRELLBORG ENG. PRODUCTS.

COUPLINGS AND ADAPTORS

NON SHEAR TYPE, EITHER STAINLESS STEEL BAND OR PVC SHELL.

VCBMP AND PCBMP HAS BEEN PROVIDED IN NATURALIZED DETENTION BASIN WITH WETLAND PLANTINGS.

EROSION CONTROL NOTES:
(NOTES DRAWN FROM CONSTRUCTION PLANS DATED 2/18/2018)
1. INSTALL SALT FENCE ALONG PERIMETER OF PROPERTY AS NOTED AND AROUND TEMPORARY TOPSOIL STOCKPILES.
2. CONSTRUCT STABILIZED CONSTRUCTION ENTRANCE.
3. PLACE STRAW BALES AROUND ALL DRAINAGE STRUCTURES.
4. PERIODICALLY CHECK AND MAINTAIN EROSION AND SEDIMENTATION CONTROL MEASURES AND DEVICES TO MAKE SURE THEY ARE CONTINUOUSLY FUNCTIONAL.
GENERAL NOTES:
1. FINAL GRADING PROVIDED BY DESIGN LTD. DATED 2/18/2018.
2. ALL TRENCH BACKFILL SHALL BE COMPACTED TO 95% RELATIVE DENSITY.
3. DRAINAGE SLOPE SHALL BE BETWEEN 2% AND 4%.
4. MINIMUM FINISHED SLOPE SHALL BE 4%.

DUPAGE COUNTY BENCHMARK (VC135) ELEV=741.12:

IRON MONUMENT AT CENTERLINE OF PRINCE CROSSING ROAD AND ENTRANCE TO HARRY W. KILIAN CONSTRUCTION CO. ON DUPAGE COUNTY G.L.S. DATUM.

SITE BENCHMARK (B1):

FOUND SQUARE CUT ON TOP OF CURB ADJACENT TO THE FIRE HYDRANT AT THE SOUTHWEST CORNER OF THE INTERSECTION OF ROSEWOOD DRIVE AND WEST ENTRANCE TO WHEATON ADJOYNT.

ELEV=754.81

ADVANTAGE CONSULTING ENGINEERS, LLC

80 MAIN STREET, SUITE 17
LEMONT, IL 60439
847-260-4758

THAKOR P. PATEL
ENGINEER
DATE
APRIL 9, 2018
ILLINOIS REGISTRATION NO. 062-049673
EXPIRES 11/30/2019



PROPOSED	DESCRIPTION
	STORM SEWER
	WATER MAIN
	SANITARY SEWER
	CATCHMENT
	SPOT GRADE
	SANITARY MANHOLE
	STORM MANHOLE
	STORM INLET
	STORM CATCH BASIN
	FIRE HYDRANT
	B-BOX
	STREET LIGHT
	OVERFLOW DIRECTION
	CURB
	STORM DRAIN PLACEMENT
	SALT FENCE
	PROPOSED PROPERTY TREE
	PUBLIC UTILITY & DRAINAGE EASEMENT
	LANDSCAPE EASEMENT
	TOP OF CURB
	TOP OF CURB, DEPRESSED
	GROUND FLOOR ELEVATION AT DRIVEWAY

JOB NO. 18-063-001
ORDERED BY: ADHART CONSTRUCTION
DATE: 09/18/18 DRAWN BY: TFP

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Conceptual Review of Adding Used Automobile Sales and Service as an allowable use in the ORI Zoning District

AGENDA ITEM NUMBER: 5. A.**FILE NUMBER:** _____**COMMITTEE AGENDA DATE:** May 14, 2018**COUNCIL AGENDA DATE:** _____**STAFF REVIEW:** Tom Dabareiner, AICP**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael Guttman**SIGNATURE** _____**ITEM SUMMARY:**

In 2002, the City amended the Zoning Code to only allow used automobile sales ancillary to a new automobile sales dealership, thus eliminating the possibility of any new stand alone used automobile dealerships in the City and rendering all of the existing used automobile dealerships legal non-conforming. Since then, all of the existing legal non-conforming used automobile dealerships have gone out of business with the exception of Reliable Wheels, 1240 W. Roosevelt Road (located within the ORI District), and PTR Truck Center/Isuzu, 1270 W. North Avenue (located within the M District), with its primarily used vehicle inventory.

In January 2018, the Development Committee informally discussed amending the Zoning Code to allow used automobile sales as a special use in the B-2 and B-3 zoning districts. This topic originated from a potential used automobile dealership that showed interest in the 601 W. Roosevelt Road site, which is currently zoned B-2. At that time the Development Committee indicated support for a Text Amendment to the Zoning Code with the following use restrictions:

- A minimum lot area of two acres
- A minimum lot width of 300 feet
- A minimum building area of 10,000 square feet

The owner of the 601 W. Roosevelt Road site is pursuing formal approval of a Text Amendment and special use to establish a used automobile dealership at that site.

Recently, City staff has been approached by the owner of Reliable Wheels for a similar request. Reliable Wheels desires to expand its legal non-conforming used automobile sales dealership. To accomplish this, they request further evaluation of the Zoning Code Text Amendment to include the ORI zoning district. That district is primarily situated along Roosevelt Road, Powis Road and Smith Road, with the property itself inside the newly created TIF District.

The Reliable Wheels location has the following characteristics:

- The site is 2.5 acres in area, although Reliable Wheels currently only occupies 0.9 acres. The remainder of the property contains a single family residence and landscape contractor's yard, which would be eliminated and incorporated into the expansion.
- Street frontage is about 500 feet, exceeding the 300 foot minimum.
- The building area is 1,300 square foot building, far short of the 10,000 square foot minimum,

but an expansion is proposed.

Reliable Wheels proposes to expand the building area in three phases, resulting in a total building area of 14,900 square feet:

1. Phase I entails demolition of the single family residence, construction of a new 6,100 square foot sales and service center and adding 8,600 square feet of new pavement. Building renderings for the proposed sales and service center are attached to this memo.
2. Phase II entails demolition of the existing 1,300 square foot sales and service center and adding an additional 1,900 square feet of new pavement.
3. Phase III entails remodeling the existing 7,500 square foot landscape contractor's building, adding 1,300 square feet of office onto said building, and converting the contractor's yard into additional vehicle parking.

The proposed phasing, to meet both the land area and the building area, raises concerns for City Staff. No specific timeframe is proposed. Economic conditions and finances can change, resulting in an incomplete and nonconforming project. If the project was moving directly through all the phases to reopen in compliance, City Staff would feel more confident about the specific proposal.

The other critical question is whether a used automobile sales use, or *any* automobile sales as a primary use, is appropriate within the Office/Research/Light Industrial Zoning District. From the Zoning Ordinance:

"The purpose of the ORI district is to provide an environment suitable for research and development activities, engineering and testing activities, office complexes, and *limited commercial* and manufacturing uses." (Section 11.3)

City Staff highlighted the "limited commercial" portion of the Purpose Statement above. This limitation is supported by making clear in the Permitted Uses section that retail sales should be accessory to the primary non-retail use (Section 11.3-3(A)), although it may be considered as a Special Use (Section 11.3-4(K)). By contrast, the inclusion of automobile sales is specifically contemplated within the B-2 and B-3 Districts.

More challenging is that in ORI, sales must occur "within completely enclosed buildings." (Section 11.3-1(A)). This is supported by the Permitted Use list which includes an option for showrooms (Section 11.3-3(R)). There are no other listed Permitted Uses or Special Uses within the ORI that approximate automobile sales in its character.

City Staff believes ORI was never contemplated to include typical approaches to automobile sales. Instead, the design standards within ORI seem intended to prevent these approaches.

In conclusion, City Staff recommends opposing this Zoning Ordinance Text Amendment due to the incompatibility of automobile sales within the ORI Zoning District. Should the Development Committee support the Text Amendment, City Staff recommends that it is a Special Use and that City Staff be directed to develop additional use restrictions to assure the use's compatibility within the ORI Zoning District. These restrictions might take the form of requiring enclosed storage and additional buffering, in addition to the use restrictions noted above.

Furthermore, if a Zoning Ordinance Text Amendment is approved and Reliable Wheels applies, City Staff recommends: (1) opposing the specific proposal due to the need to phase the project before it would meet the minimum use restrictions and (2) adding a condition to remove the billboard located on-site.

ACTION PROPOSED:

Conceptual review and commentary on adding used automobile sales as an allowable use in the ORI zoning district.

COMMITTEE RECOMMENDATION:

Reliable Wheels Used Cars Corp.



1240 west Roosevelt Road • West Chicago, IL 60185 • Phone: 630.293.3991 • Fax: 630.293.3597
E-Mail: reliable123@bcglobal.net Web: reliablewheelsusedcars.com

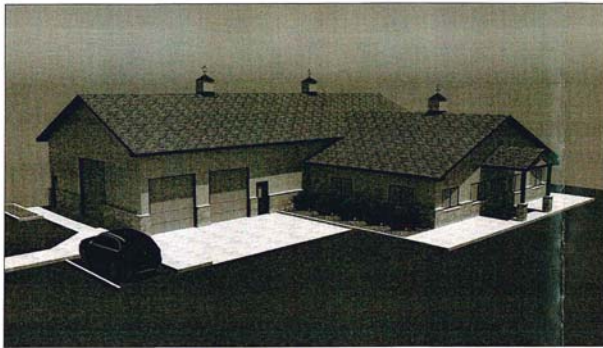
City of West Chicago
475 Main Street
West Chicago, IL 60185

Phase I, II & III Plan for Future Development at 1240, 1272 & 1280 W. Roosevelt Road, West Chicago IL 60185

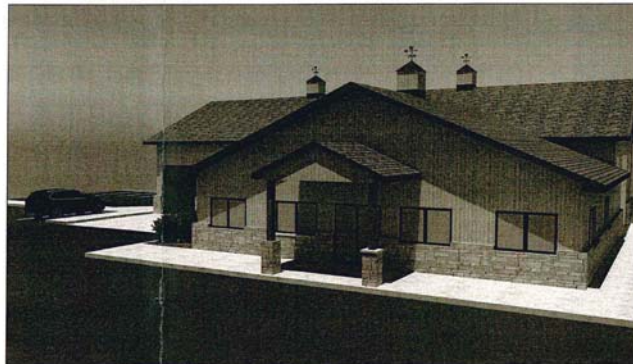
Phase I plan will include demolition of the house located at 1272 W. Roosevelt Road and constructing a new building of 6100 sq. ft. on the location per the conceptual plan provided.

Phase II plan includes removing the current structure at 1240 W. Roosevelt Road and paving the area where it currently stands. We are also in the process of moving the billboard sign.

Phase III plan for future expansion for the back property at 1280 W. Roosevelt Road will include a 1295 sq. ft. office space addition to the front of the 7500 sq. ft. building. This office addition will include a remodel both inside and out similar to the new building at 1240 W. Roosevelt Road that will update the look of the building and include windows and doors for office space use.



PROPOSED BUILDING RENDERING
LOOKING SOUTHWEST



PROPOSED BUILDING RENDERING
FRONT - LOOKING SOUTHEAST

**REMPE
SHARPE**
CONSULTING ENGINEERS
324 WEST STATE STREET
CHICAGO, ILLINOIS 60610
Telephone: (312) 231-0007
Fax: (312) 231-1029

RELIABLE WHEELS, INC.
1240 W. ROOSEVELT
WEST CHICAGO, ILLINOIS

No.	Revisions

Date: DECEMBER 2017
Design/Drawn: DGB
Approved: JB
SCALE: AS SHOWN

PROPOSED
BUILDING
RENDERING

C4
SHEET 4 OF 4



PHOTO #1



PHOTO #2



PHOTO #3



PHOTO #4



PHOTO #5



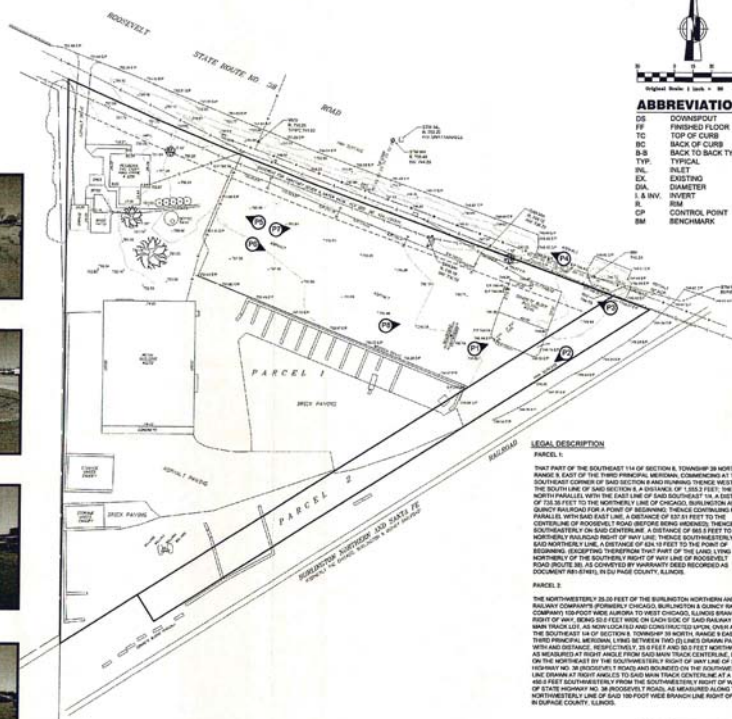
PHOTO #6



PHOTO #7



PHOTO #8



EXISTING CONDITIONS PLAN

SCALE: 1" = 30 FEET

JULIE
JOSE
LARRY
Landing
Information for
Examiners
CALL 811



**REMPE
SHARPE**
CONSULTING ENGINEERS
324 WEST STATE STREET
GENEVA, ILLINOIS 60134
Telephone: (815) 233-8877
Fax: (815) 233-1628

RELIABLE WHEELS, INC.
2540 W. ROOSEVELT
WEST CHICAGO, ILLINOIS

Date: DECEMBER 2017

Design/Drawn: DBB

Approved: DB

Scale: AS SHOWN

Sheet No:

EXISTING CONDITIONS PLAN

Sheet No:

C1


SHEET 2 OF 4

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Central-Main Street Redevelopment Plan Update –
REVISED Final Draft Plan (Unfinished Business)

AGENDA ITEM NUMBER:6. A.**FILE NUMBER:****COMMITTEE AGENDA DATE:** May 14, 2018**COUNCIL AGENDA DATE:****STAFF REVIEW:** Tom Dabareiner, AICP**SIGNATURE****APPROVED BY CITY ADMINISTRATOR:****SIGNATURE**

ITEM SUMMARY:

At the November 14, 2016 Development Committee meeting, three consultants provided presentations summarizing their proposals for the Central Main Street Plan Update. At its December 12, 2016 meeting, the Development Committee recommended approval of a resolution to contract with Farr Associates to prepare the update, which was approved by the City Council on December 19, 2016 as 16-R-0062. Work commenced soon thereafter, with completion of the Final Draft Plan about one year later. Copies were distributed in December to Committee members (and the full City Council) and a presentation by the consultant occurred at the Development Committee meeting on January 8, 2018.

At the Development Committee's January meeting, requests were made for architectural bulk changes to Block 5 and for added stormwater detail, along with accompanying changes to the plan's text. Because the request constituted additional work beyond the scope of the original contract, an amended agreement was reached with Farr Associates dated February 26, 2018, with work completed in March and April. At the Development Committee's April 9, 2018 meeting, the discussion focused largely on Block 5, with additional changes proposed.

Farr Associates has informed staff that their newest revisions will not be available until the day of the May 14 Development Committee meeting. Staff will attempt to distribute these by email once they arrive.

Once the Plan is adopted by the City Council, the City will have in hand one of the key documents needed to recruit developers for the acquisition and development of the City-owned properties within the Central-Main Street Plan area. Ultimately the addition of residents will help lead the revitalization of the downtown. Staff anticipates consideration of these next steps in the next few months.

ACTIONS PROPOSED:

Review, consideration and recommendation of a Resolution adopting the Central-Main Street Redevelopment Plan Update, as revised by substituting the pages provided.

COMMITTEE RECOMMENDATION: