

**ORDINANCE NO. 12-02-09**

**AN ORDINANCE GRANTING AN AMENDED SPECIAL USE PERMIT APPROVAL  
FOR AN AUTOMOBILE SALES AND SERVICE AGENCY  
IN THE B-3 HIGHWAY BUSINESS DISTRICT  
(427 Ogden Avenue)**

**WHEREAS**, the provisions of 65 ILCS 5/11-13-1.1 grant municipalities the right to provide for the classification of Special Uses; and

**WHEREAS**, the land described in Section 1 of this Ordinance (the "Subject Property") has been annexed to the Village of Clarendon Hills, is zoned B-3 Highway Business District, and was granted a Special Use Permit for automobile sales and service, subject to certain plans and conditions, pursuant to Ordinance 04-06-23, adopted June 7, 2004; and

**WHEREAS**, the Subject Property was granted an amended Special Use Permit for automobile sales and service, subject to certain other plans and conditions, among which were plans for demolition of the existing building and construction of a new building, pursuant to Ordinance 05-07-42, adopted July 18, 2005; and

**WHEREAS**, Fullers Tire Center, LLC (the "Applicant") has applied for an amendment to the Special Use Permit, granted by Ordinance 04-06-23, and amended by Ordinance 05-07-42, for an automobile sales and service agency relative to the Subject Property, with said amendment, among other changes, allowing the Applicant to, among other things, operate an automobile tire sales and service facility, sell a small number of used vehicles, retain the existing building upon the Subject Property, and install new pavement and signs upon the Subject Property; and

**WHEREAS**, the Zoning Board of Appeals/Plan Commission of the Village of Clarendon Hills held a properly noticed public hearing on January 19, 2012, to review the request for an amended Special Use Permit for an automobile sales and service agency relative to the Subject Property; and

**WHEREAS**, the Zoning Board of Appeals/Plan Commission did find the Special Use standards provided in Article 15 of the Zoning Ordinance, Section 20.15 of the Clarendon Hills Village Code, to have been satisfied, and did thereby recommend approval of the issuance of an amended Special Use Permit, with certain conditions, in relation to the Subject Property, for an automobile sales and service agency; and

**WHEREAS**, the President and Board of Trustees adopt the findings and recommendations of the Zoning Board of Appeals/Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Clarendon Hills, DuPage County, Illinois, as follows:

**SECTION 1.** An amended Special Use Permit for an automobile sales and service agency is hereby issued relative to the below-described property (the "Subject Property"), authorizing and approving its development and use in substantial conformance with the Site Development Plan for Fullers Service Center, prepared by Parsons Architects, Sheet A1, dated 12/20/2011, (the "Plan"), a copy of which is attached hereto as Exhibit "A" and made a part hereof:

LOT 1 IN BROBERG'S RESUBDIVISION OF LOT 1 AND THE EAST 29 FEET OF LOT 2 IN BLOCK 2 IN ARTHUR T. MC INTOSH AND COMPANY'S WESTMONT ACRES, IN THE SOUTHWEST  $\frac{1}{4}$  AND THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED NOVEMBER 12, 1959 AS DOCUMENT 947033, IN DU PAGE COUNTY, ILLINOIS;

P.I.N.: 09-03-400-010;

Common Address: 427 Ogden Avenue, Clarendon Hills, Illinois;

subject to the conditions set forth in Section 2 below.

**SECTION 2.** The Special Use Permit granted in Section 1 above is made subject to the following conditions:

- A. That the Applicant shall sign a letter acknowledging that with the Village has adopted plans calling for the redevelopment of the properties along Ogden Avenue, a copy of which is attached hereto as Exhibit "B" and made a part hereof;
- B. That the Applicant, and successor operators of the Subject Property, shall maintain spaces for display of for-sale vehicles near the North end of the Subject Property, along Ogden Avenue, by minimizing employee parking onsite, to the greatest extent possible;
- C. That the Applicant, and successor operators of the Subject Property, shall not park vehicles, waiting for service, North of the building on the Subject Property, overnight;
- D. That the Applicant shall install the missing segment of sidewalk, adjacent to the Subject Property, at the Southwest corner of Woodstock and Ogden Avenues, including its extension to the Woodstock Avenue curb;
- E. That any exterior lighting installed on the Subject Property shall comply with Village requirements and be permitted only after the submittal of, and staff approval of, a photometric plan, and any exterior lighting, particularly on the South wall, shall not cause a glare into any adjacent properties or streets;

- F. That the Applicant, and successor operators of the Subject Property, shall allow no business parking on Woodstock Avenue, nor allow customer test-drivers to use Woodstock Avenue and/or any other residential streets within the Village of Clarendon Hills;
- G. That all proposed signs on the Subject Property shall comply with the sign provisions of the Village's Zoning Ordinance, with the proposed monument sign to be no more than five feet (5') in height, with a maximum sign surface area of forty (40) square feet. If, however, after a review of sight distance limitations by the Village Engineer, it is determined that a monument sign at the proposed location would interfere with traffic visibility at the intersection of Woodstock and Ogden Avenues, a pole sign, not to exceed seventeen feet (17') in overall height and forty (40) square feet in sign surface area, may be permitted in lieu of the monument sign, subject to the sole approval of the Director of Community Development;
- H. That before the Applicant, or successor operators of the Subject Property, may pave the gravel area South of the building on the Subject Property, plans shall be submitted to the Village Engineer for approval of mitigation for the loss of any stormwater detention capacity that may occur as a result of paving that area;
- I. That the amended Special Use Permit with respect to the Subject Property shall be subject to the expiration provisions set forth in Section 20.15.2H of the Clarendon Hills Village Code;
- J. That the Applicant, and successor operators of the Subject Property, shall keep and maintain the fence along the South boundary of the Subject Property, and the proposed landscape plantings around the perimeter of the Subject Property, in good condition and appearance; and
- K. That relief be granted from the following zoning standards as follows:
  - 1. The minimum side yard setback shall be reduced from five feet (5') to one and seven-tenths feet (1.7') on the West side of the Subject Property;
  - 2. The minimum parking setbacks shall be reduced from ten feet (10') to four feet (4') on the South side, from ten feet (10') to four feet (4') on the East side, and from ten feet (10') to one and seven-tenths feet (1.7') on the west side of the new parking area on the Subject Property; and
  - 3. The minimum perimeter landscaped open space setback shall be reduced from twenty feet (20') to four feet (4') on the South side, from ten feet (10') to four feet (4') on the East side, and from ten feet (10') to one and seven-tenths feet (1.7') on the West side of the Subject Property.

**SECTION 3.** The various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

**SECTION 4.** Ordinance No. 04-06-23 is hereby repealed in its entirety.

**SECTION 5.** All Ordinances or parts of Ordinances in conflict or which are inconsistent with this Ordinance shall be repealed to the extent of any such conflict or inconsistency herewith.

**SECTION 6.** This Ordinance shall take full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED** this 21st day of February, 2012, pursuant to a roll call vote as follows:

AYES: Trustees Alongi, Flood, Pedersen, Reid, Wallace, and Williams

NAYS: None

ABSENT: None

**APPROVED** by me this 21st day of February, 2012.

*Dawn M. Tandle*  
Dawn M. Tandle  
Village Clerk



*Thomas F. Karaba*  
Thomas F. Karaba  
Village President

Published by me in pamphlet form this 22nd day of February, 2012.

*Dawn M. Tandle*  
Dawn M. Tandle  
Village Clerk



Exhibit "B"

ACKNOWLEDGEMENT OF POTENTIAL REDEVELOPMENT PLANS  
FOR PROPERTY LOCATED AT 427 OGDEN AVENUE,  
CLARENDON HILLS, ILLINOIS

The undersigned, being the Manager of Fullers Tire Center, LLC, hereby represent that Fullers Tire Center, LLC, an Illinois limited liability company (hereinafter "Fullers"), is the prospective tenant and possible purchaser of the property located at 427 Ogden Avenue, Clarendon Hills, Illinois, said property being described as follows:

Lot 1 in Broberg's Resubdivision of Lot 1 and the East 29 feet of Lot 2 in Block 2 in Arthur T. McIntosh and Company's Westmont Acres in the Southwest 1/4 and the Southeast 1/4 of Section 3, Township 38 North, Range 11, East of the Third Principal Meridian, according to the Plat of said Resubdivision recorded November 12, 1959 as Document 947033, in DuPage County, Illinois.

P.I.N.: 09-03-400-010;

(hereinafter the "Subject Property").

Further, I hereby acknowledge that Fullers is aware that the Village of Clarendon Hills (hereinafter the "Village") has prepared an Ogden Avenue Redevelopment Strategy, adopted in 2003, which makes redevelopment recommendations for a corridor that includes the Subject Property, and which specifically recommends that the properties within the corridor be assembled and redeveloped for commercial uses that generate high levels of retail sales tax. In addition, I hereby acknowledge that Fullers is aware that the Village has designated properties within this portion of the Ogden Avenue corridor, including the Subject Property, as a Tax Increment Financing District (TIF,) in order to encourage said properties' redevelopment in conformance with the Ogden Avenue Redevelopment Project Area TIF Eligibility Study, and Redevelopment Plan and Project, as adopted by the Village in 2005. I further acknowledge, on behalf of Fullers, that the Village may seek to redevelop Ogden Avenue properties, including the Subject Property, in the future, in order to meet the Village's stated goals of maximizing retail sales in the Ogden Avenue area.

FULLERS TIRE CENTER, LLC, an Illinois limited liability company

By: Eric W. Fuller, Its Manager

STATE OF ILLINOIS )  
                          )  
                          ) SS  
COUNTY OF DUPAGE    )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO  
HEREBY CERTIFY that Colin W. Fuller, personally known to me to be the  
Manager of Fullers Tire Center, LLC, and the same person whose name is subscribed to the  
foregoing instrument, appeared before me this day in person and acknowledged that he signed  
and delivered the said instrument as his own free and voluntary act, and as the free and voluntary  
act of Fullers Tire Center, LLC, for the purposes therein set forth.

GIVEN under my hand and official seal, this 17 day of February, 2012.



  
Julie D. Johnson  
Notary Public