

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
MAY 27, 2008 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Annexation, Rezoning and Final Plat of Subdivision for 5416-5418 Belmont Avenue	✓ Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

Ordinances have been prepared to annex and rezone the properties at 5416-5418 Belmont Avenue from County R-4 and B-1 to Village B-2 (General Retail Business). A resolution has been prepared for a final plat of subdivision consolidating the three existing lots into two.

FISCAL IMPACT

N/A.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2007-2012 identified *Vibrant Major Commercial Corridors*. Supporting these goals are the objectives *More Attractive Commercial Developments* and *More Contribution to Local Economy*.

RECOMMENDATION

Approval on the June 3, 2008, active agenda.

BACKGROUND

The properties at the southwest corner of Belmont Road and Inverness Avenue, commonly known as 5416-5418 Belmont Road, are currently located in unincorporated DuPage County and are classified as B-1 Local Business District (two lots at 5416 Belmont Road) and R-4 Single Family Residence (lot at 5418 Belmont Road) by the County's Zoning Ordinance. There are currently two single family homes on three lots. The home at 5416 Belmont is being used in conjunction with the Belmont Bible Church. The properties abut manufacturing uses on the north, institutional uses (Belmont Bible Church) on the south and west, and attached single family uses on the east.

The petitioner is proposing to annex to the Village of Downers Grove and rezone the property to B-2 General Retail Business. Additionally, the petitioner is requesting a plat of subdivision to consolidate the three existing lots into two. The petitioner has indicated his intent is to construct two new two-story office buildings on the property. No exceptions or variations are being requested as part of this petition. If the future development requires variations, additional review by the Plan Commission and Village Council may be necessary.

The Future Land Use Plan designates this property as Residential (6-11 D.U./acre). Staff believes the proposed rezoning and annexation will complement the existing land uses in the area and provide an adequate transition from the manufacturing uses to the north to the residential uses south of the Belmont Bible Church. A majority of the property is currently zoned for commercial uses under the DuPage

County Zoning Ordinance. The County's B-1 district permits similar uses as the Village's B-2 district. The remainder of the property is being used in conjunction with the Belmont Bible Church. Staff believes the proposed rezoning meets the standards for approval in Section 28.1702 of the Zoning Ordinance.

The Plan Commission held a public hearing for this matter on April 7, 2008. No objections or concerns were raised by the public. The Plan Commission found the rezoning was in compliance with the standards in Section 28.1702 of the zoning ordinance and recommended unanimous approval of the petition including the annexation, rezoning and plat of subdivision.

ATTACHMENTS

Aerial Map

Ordinances

Resolution

Staff Report with Attachments

Draft Minutes from the April 7, 2008 meeting

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING 5416-5418 BELMONT ROAD TO THE
VILLAGE OF DOWNERS GROVE, ILLINOIS**

WHEREAS, there has been filed with the Clerk of the Village of Downers Grove, in DuPage County, Illinois, a verified petition requesting annexation to said Village of a parcel of land commonly known as 5416-5418 Belmont Road, as hereinafter described and hereafter referred to as the "Territory"; and

WHEREAS, it appears that the owner or owners of record of each parcel of land within the Territory and at least fifty-one percent (51%) of the electors, if any, residing therein, have joined in said petition; and

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition on April 7, 2008 and has made its findings and recommendations respecting said requested annexation in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. The following described real estate, together with any public streets or highways adjacent to or within the Territory described that have not been previously annexed to any municipality, is hereby annexed to the Village of Downers Grove, to wit:

Lots 1, 2 and 3 in Carlson's Resubdivision of Lots 24 of Arthur T. McIntosh and Company's Belmont Farms, being a subdivision situated in the South Half of Section 12 and the North Half of Section 13, Township 38 North, Range 10 East of the Third Principal Meridian and in the Southwest Quarter of Section 7, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded on July 17, 1950 as Document 598421 and Certificate of Correction recorded on February 23, 1954 as Document 708561 in DuPage County, Illinois. Together with that part of Belmont Avenue (County Highway 2) lying Westerly of and adjoining to the above described property not previously annexed to the Village of Downers Grove.

Commonly known as 5416-5418 Belmont Road, Downers Grove, IL (PIN 08-12-411-012,-013,-014)

SECTION 2. A certified copy of this ordinance, together with an accurate map of the Territory hereby annexed shall be recorded in the office of the Recorder of DuPage County and shall be filed with the County Clerk of DuPage County by the Clerk of the Village.

SECTION 3. Immediately upon annexation, the Village agrees to adopt an ordinance zoning the Property R-1, Single Family Residence District, under the Village of Downers Grove Zoning Ordinance.

SECTION 4. A certified copy of this ordinance, together with an accurate map of the Territory

hereby annexed shall be recorded in the office of the Recorder of DuPage County and shall be filed with the County Clerk of DuPage County by the Clerk of the Village.

SECTION 5. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this ordinance be and are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE
OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS
CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED
TO REZONE PROPERTY LOCATED AT 5416-5418 BELMONT ROAD**

WHEREAS, the real estate located at the intersection of Inverness Avenue and Belmont Road, hereinafter described has been classified as "R-1 Single-Family Residence" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and,

WHEREAS, the owner or owners of said real estate have requested that such property be rezoned as hereinafter provided; and

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition on April 7, 2008 and has made its findings and recommendations respecting said requested rezoning in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, making due allowance for existing conditions, the conservation of property values, the development of the property in conformance to the official Future Land Use Plan and Map of the Village of Downers Grove, and the current uses of the property affected, the Council has determined that the proposed rezoning is for the public good.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. The Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code (which ordinance as heretofore amended, is hereinafter referred to as the "Zoning Ordinance"), is hereby further amended by changing to "B-2, General Retail Business District" the zoning classification of the following described real estate, to wit:

Lots 1, 2 and 3 in Carlson's Resubdivision of Lots 24 of Arthur T. McIntosh and Company's Belmont Farms, being a subdivision situated in the South Half of Section 12 and the North Half of Section 13, Township 38 North, Range 10 East of the Third Principal Meridian and in the Southwest Quarter of Section 7, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded on July 17, 1950 as Document 598421 and Certificate of Correction recorded on February 23, 1954 as Document 708561 in DuPage County, Illinois. Together with that part of Belmont Avenue (County Highway 2) lying Westerly of and adjoining to the above described property not previously annexed to the Village of Downers Grove

Commonly known as 5416-5418 Belmont Road, Downers Grove, IL (PIN 08-12-411-012,-013,-014)

SECTION 2. The official zoning map shall be amended to reflect the change in zoning classification effected by Section 1 of this ordinance, subject to the following conditions:

1. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and
2. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION
FOR STEVENS BELMONT OFFICE SUBDIVISION**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for Final Plat of Subdivision for the Stevens Belmont Office Subdivision, located at the intersection of Inverness Avenue and Belmont Road, Downers Grove, Illinois, legally described as follows:

Lots 1, 2 and 3 in Carlson's Resubdivision of Lots 24 of Arthur T. McIntosh and Company's Belmont Farms, being a subdivision situated in the South Half of Section 12 and the North Half of Section 13, Township 38 North, Range 10 East of the Third Principal Meridian and in the Southwest Quarter of Section 7, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded on July 17, 1950 as Document 598421 and Certificate of Correction recorded on February 23, 1954 as Document 708561 in DuPage County, Illinois. Together with that part of Belmont Avenue (County Highway 2) lying Westerly of and adjoining to the above described property not previously annexed to the Village of Downers Grove

Commonly known as 5416-5418 Belmont Road, Downers Grove, IL (PIN 08-12-411-012,-013,-014)

WHEREAS, notice has been given and hearing held on April 7, 2008 regarding this plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended approval of the Final Plat of Subdivision of Stevens Belmont Office Subdivision as requested, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Final Plat of Subdivision for the Stevens Belmont Office Subdivision, be and is hereby approved subject to the following conditions:

1. The subdivision shall substantially conform to the final plat of subdivision prepared by Intech Consultants, Inc. dated January 30, 2008, last revised February 19, 2008, except as such plans may be modified to conform to Village Codes and Ordinances.
2. Prior to commencement of site development activities, the petitioner shall indicate a new sidewalk on the south side of Inverness Road adjacent to the subject properties or pay a fee in lieu of installing sidewalks to the Village of Downers Grove.

BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the Final Plat of Subdivision.

BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect from and after its adoption in the manner provided by law.

Mayor

Passed:

Attest: _____
Village Clerk



**PC 07-08 5416-5418 Belmont Rd (Annex, Rezone, Plat)
PINs: 08-12-411-012,-013 & -014**



Village of Downers Grove

STAFF REPORT

TO: Plan Commission

HEARING DATE: April 7, 2008

FROM: Department of Community
Development

PREPARED BY: Jeff O'Brien, AICP
Senior Planner

TITLE

PC 07-08; 5416-5418 Belmont Road Annexation and Rezoning; The petitioner is requesting annexation and rezoning of the property to B-2 General Retail Business.

Application/Notice: The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER(S): Belmont Bible Church
5430 Belmont Avenue
Downers Grove, IL 60515

Brian and Victoria Bentley
4455 Wilson Avenue
Downers Grove, IL 60515

APPLICANT: Sievers & Stevens Construction, Inc.
by James F. Russ, Jr.
5201 Walnut Avenue, Suite 2
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: Unincorporated DuPage County: B-1 Local Business District (5416 Belmont) & R-4 Single Family Residence (5418 Belmont).

EXISTING LAND USE: Single Family Residences

PROPERTY SIZE: Approximately 43,188 square feet

PINs: 08-12-411-012, -013, & -014

SURROUNDING ZONING AND LAND USES:

	ZONING	FUTURE LAND USE
NORTH:	M-1 Light Manufacturing	Office, Research & Manufacturing
SOUTH:	R-4 Single Family Residence (DuPage Co.)	Residential (6-11 D.U./acre)
EAST:	R-5A Townhouse Residence	Residential (6-11 D.U./acre)
WEST:	R-4 Single Family Residence (DuPage Co.)	Residential (6-11 D.U./acre)

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Summary
3. Plat of Survey
4. Petition for Annexation
5. Plat of Annexation
6. Plat of Subdivision

DESCRIPTION

The properties at the southwest corner of Belmont Road and Inverness Avenue, commonly known as 5416-5418 Belmont Road, are currently located in unincorporated DuPage County and are classified as B-1 Local Business District (two lots at 5416 Belmont) and R-4 Single Family Residence (lot at 5418 Belmont Road) by the County’s Zoning Ordinance. There are currently two single family homes on three lots. The petitioner is proposing to annex to the Village of Downers Grove and rezone the property to B-2 General Retail Business. Additionally, the petitioner is requesting a plat of subdivision to consolidate the three existing lots into two. The petitioner has indicated their intent is to construct two new two-story office buildings on the property.

The properties are abutting manufacturing uses on the north, institutional uses (Belmont Bible Church) on the south and west, and attached single family uses on the east. The zoning and land use classifications of surrounding properties are outlined in the table below:

Address	Location	Zoning Classification	Future Land Use	Current Use
5300 Belmont Road	North of subject properties	M-1 Light Manufacturing	Office, Research & Manufacturing	Manufacturing (Magnetrol)
2097 Inverness Road	West of subject properties	R-4 Single Family Residence (DuPage Co.)	Residential (6-11 D.U./acre)	Institutional (Belmont Bible Church)
5430 Belmont Road	South of subject properties	R-4 Single Family Residence (DuPage Co.)	Residential (6-11 D.U./acre)	Institutional (Belmont Bible Church)
Ashley Court Townhomes	East of subject properties	R-5A Townhouse Residence	Residential (6-11 D.U./acre)	Townhouse Development

The petitioner is proposing to construct two office buildings on the property. Offices are permitted uses in the Village’s B-2 zoning district. Prior to commencement of any site development on this property, the petitioner will be required to obtain all required permits and fully comply with all Village Codes and Ordinances.

COMPLIANCE WITH THE FUTURE LAND USE PLAN

The subject property is within the Village's ultimate boundaries. The Future Land Use Plan designates this property as Residential (6-11 D.U./acre). Staff believes the proposed rezoning and annexation will complement the existing land uses in the area and provide an adequate transition from the manufacturing uses to the north to the residential uses south of the Belmont Bible Church.

A majority of the property is currently zoned for commercial uses under the DuPage County Zoning Ordinance. The County's B-1 district permits similar uses as the Village's B-2 district. The remainder of the property is being used in conjunction with the Belmont Bible Church. As such, staff believes it would be better to have the property developed using the Village's zoning, building and engineering standards. Staff believes the commercial zoning on this property is consistent with the current designation under the County's ordinance and the intent of the Village's Future Land Use Plan.

COMPLIANCE WITH THE ZONING ORDINANCE

The property is currently zoned B-1 and R-4 in unincorporated DuPage County. Per Zoning Ordinance, Section 28.402, all properties annexed to the Village are automatically classified as R-1 Single Family Residence District. The petitioner is proposing to rezone the property upon annexation to B-2 General Retail Business District. At this time, the petitioner has indicated a desire to construct two, two-story office buildings on the site. All new development on the site will be required to fully comply with all requirements of the Zoning Ordinance.

The properties north of the site are currently zoned M-1 and are occupied by manufacturing uses. The properties south and west of the site are zoned County R-4 and are being used as a religious institution. The properties on the east side of Belmont Road are zoned R-5A and are part of a townhome development. Staff believes the proposed B-2 designation is appropriate for this property because of the uses in the existing neighborhood, the properties' current County zoning designation and the goals of Future Land Use Plan in this neighborhood.

COMPLIANCE WITH THE SIGN ORDINANCE

This section is not applicable to this petition.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The petitioner is proposing to combine the existing three lots into two lots. The new lots will be 108 feet wide by approximately 200 feet deep. These dimensions conform to the minimum requirements for new commercial lots. Because no new residential units are proposed, donations to the school and park districts are not required.

Most of the public improvements (water, sewer, streets, etc.) are in place in the neighborhood. As part of this development, the petitioner will be required to provide sidewalks or a fee in lieu on the south side of Inverness Road adjacent to the property. There are existing sidewalks on Belmont Road. Any development will be required to conform to the Village's engineering and stormwater regulations.

ENGINEERING/PUBLIC IMPROVEMENTS

As noted above, most of the public improvements are in place. The petitioner will be required to provide sidewalks or pay a fee in lieu of constructing the sidewalk for the portion of the property adjacent to Inverness Road. All new development will be required to conform to Village engineering and stormwater regulations.

PUBLIC SAFETY REQUIREMENTS

The new development will be required to conform to the Village's life safety regulations. New commercial buildings over 1,500 square feet require automatic fire suppression systems. All commercial buildings must have a manual and automatic fire detection system.

NEIGHBORHOOD COMMENT

Staff has not received any written neighborhood comment regarding the proposal at this time.

FINDINGS OF FACT

The subject property, currently zoned B-1 Local Business District and R-4 Single Family Residence (unincorporated DuPage County), is abutting manufacturing uses on the north, institutional uses on the south and west and townhouse residential development on the east. The Future Land Use Plan designates this property and all properties south of Inverness Road as residential with a density of 6-11 dwelling units per acre. Given the properties' current zoning designation per the DuPage County Zoning Ordinance and the surrounding uses, staff believes the proposed zoning designation is appropriate.

The petitioner is not asking for any exceptions from the Village's subdivision regulations. The proposed subdivision will consolidate three lots into two. The purpose of the action is to construct two, two-story office buildings. All new development will be required to conform to the Village's development regulations.

Staff believes the proposal is compatible with the surrounding area and will not have an adverse impact on the existing uses or trend of development in the area. Staff believes the proposal meets the standards for approval of the amendment to the Zoning Map as listed below and outlined in the petitioner's summary letter.

Section 28.1702 Standards for Approval of Amendments to the Zoning Ordinance

Village Council and Plan Commission consideration and approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making its decisions and recommendations regarding map amendments, the Village Council and Plan Commission shall consider the following factors:

- (1) The existing uses and zoning of nearby property;*
- (2) The extent to which the particular zoning restrictions affect property values;*
- (3) The extent to which any determination in property value is offset by an increase in the public health, safety and welfare;*
- (4) The suitability of the subject property for the zoned purposes;*
- (5) The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;*
- (6) The value to the community of the proposed use, and;*
- (7) The standard of care with which the community has undertaken to plan its land use development.*

RECOMMENDATIONS

The proposed annexation, rezoning and subdivision of the property is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition with the following conditions:

1. The subdivision shall substantially conform to the final plat of subdivision prepared by Intech Consultants, Inc. dated January 30, 2008, last revised February 19, 2008, except as such plans may be modified to conform to Village Codes and Ordinances.
2. Prior to commencement of site development activities, the petitioner shall indicate a new sidewalk on the south side of Inverness Road adjacent to the subject properties or pay a fee in lieu of installing sidewalks to the Village of Downers Grove.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:jwo
-att

WIEDEL, HUDZIK, RUSS & PHILIPP

A Partnership of Professional Corporations
Attorneys & Counselors
4915 Main Street
P.O. Box 578
Downers Grove, Illinois 60515

Michael C. Wiedel, P.C.
James F. Russ, Jr., P.C.†
Michael G. Philipp, P.C.

March 18, 2008

Telephone 630/969-2300
Fax 630/969-1342

Beth A. Indelicato*
Of Counsel
Richard F. Hudzik, P.C.

†Also Licensed in Wisconsin
*Also Licensed in California

Mr. Alan Jirik, Chairman
Village of Downers Grove Plan Commission
801 Burlington
Downers Grove, IL 60515-4776

Dear Mr. Jirik:

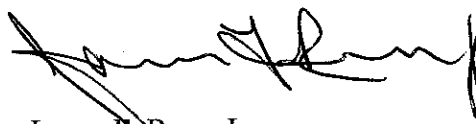
Attached, please find a Petition for Annexation and Rezoning of property commonly known as 5416-5418 Belmont Road, Downers Grove, IL. The property is currently unincorporated DuPage County. The current zoning is a County B-2. We are proposing a rezoning of this property upon annexation to Village of Downers Grove B-2. In addition, at the request of staff, we are presenting a Plat of Subdivision for your consideration. The property currently consists of three platted parcels. Staff has requested that the parcels be consolidated into one parcel. Petitioner has no objection to this consolidation.

Petitioner is proposing two two-story general office buildings, which are not the subject of this Petition; however, a conceptual rendering of the buildings has been provided for the convenience of the Plan Commission. The office buildings will be approximately 9,400 square feet and will not require any type of variation from the B-2 zoning district bulk building requirements. We have submitted all required Plats of Annexation, Petitions for Rezoning and Plat of Subdivision as required per local ordinance.

We look forward to making a formal presentation on March 3, 2007 before the Plan Commission. Should the Plan Commission need any additional information prior to that time, please have staff contact me.

Sincerely,

WIEDEL, HUDZIK, RUSS & PHILIPP

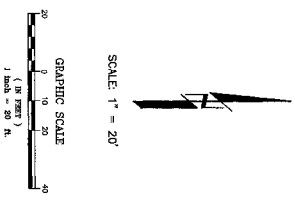
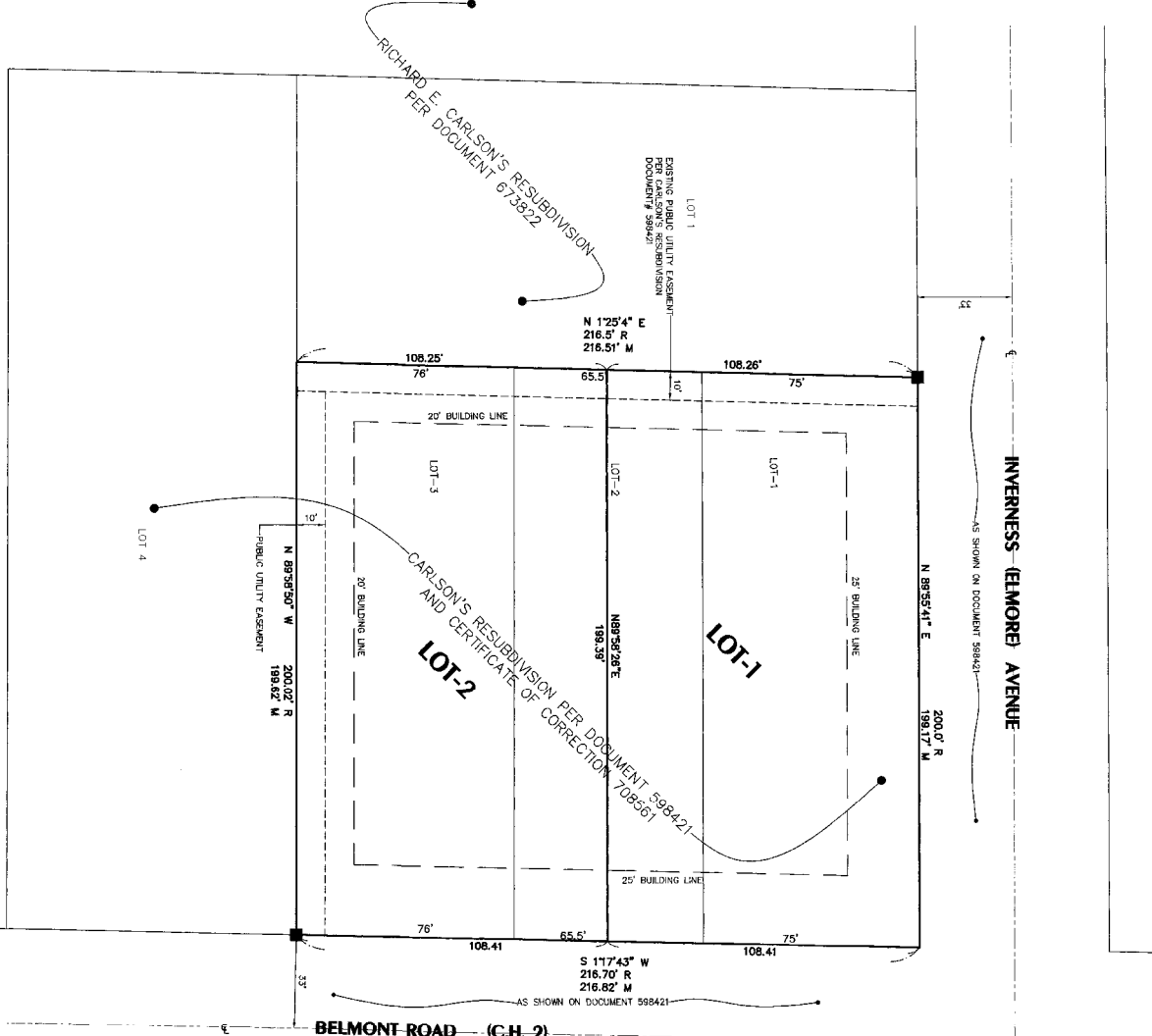


James F. Russ, Jr.

JFR/brd

Enclosures

FINAL SUBDIVISION PLAT
STEVENS BELMONT OFFICE
 OF
 PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 28 NORTH, RANGE 10 EAST OF THE
 THIRD PRINCIPAL MERIDIAN, DU PAGE COUNTY, ILLINOIS.



NOTES:
 IRON PIPES ARE AT ALL LOT CORNERS
 ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET & DECIMAL PARTS THEREOF.

LEGEND

- CONCRETE MONUMENT
- BOUNDARY
- UNDERLYING LOT LINE
- EASEMENT

ABBREVIATION
 S. SOUTH
 E. EAST
 W. WEST

AREA OF SITE
 LOT 1 = 21,582 S.F. OR 0.4885 AC
 LOT 2 = 21,508 S.F. OR 0.4860 AC
 LOT 3 = 45,789 S.F. OR 0.9919 AC

DEVELOPER

IN ACCORDANCE WITH ILLINOIS REV. STAT. 1991 CH. 106 RECORDING BY ADDRESS:

DECLARATION OF RESTRICTIVE COVENANTS

THE UNDERSIGNED OWNERS HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF SUBDIVISION SHALL BE HELD TRANSFERRED, SOLD, CONVEYED, MORTGAGED, ENDEMNED, OR OTHERWISE TRANSFERRED TO ANY PERSONS (A) ALL PUBLIC UTILITIES STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND AND EXCEPT FOR AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION.

(B) THE FOLLOWING RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES WHEREAS SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE END THAT THE RESTRICTIONS IMPOSED SHALL INURE TO THE BENEFIT OF EACH AND AFTER THE DATE THEREOF AND THEIR RESPECTIVE HEIRS AND ASSIGNS AND WHEREAS THE APFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLATS IS LOCATED ENTIRELY WITHIN THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND WHEREAS THE APFORESAID PROPERTY IS SUBJECT TO THE RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF AND BE ENFORCED BY THE VILLAGES OF DOWNERS GROVE, ILLINOIS, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS NOW, HEREOF, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE APFORESAID HEREINAFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECT TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY:

(1) THE APFORESAID RESTRICTIONS AND COVENANTS, AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AN ESSENTIAL PART OF THIS INSTRUMENT, AND SHALL BIND THE APFORESAID PROPERTY, PERSONS, FIRMS AND CORPORATIONS, THEIR HEIRS AND ASSIGNS, SUCCESSORS, HEIRS AND ASSIGNS.

IN WITNESS WHEREOF, THE OWNERS HAVE SET THEIR HANDS UPON THE ATTACHED PLAT THE PART OWNERS FIRST WRITTEN THEREON.

BY: BRIAN BENTLEY
 BY: VICTORIA BENTLEY
 NOTARY: _____ DATED: _____
 BELMONT BIBLE CHURCH PART OWNER
 BY: _____ ATTEST: _____
 TITLE: _____ DATED: _____
 NOTARY: _____

STATE OF ILLINOIS)
 COUNTY OF DU PAGE) SS

 ENGINEER'S CERTIFICATE

I, ILLINOIS AND VICTORIA BENTLEY, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS, HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAT OF SUBDIVISION WAS MEASURED AND SURVEYED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE MEASUREMENTS AND DISTANCES SHOWN ON THIS PLAT OF SUBDIVISION ARE CORRECT AND ACCURATE TO THE BEST OF OUR KNOWLEDGE AND BELIEF. I HEREBY STATE THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, RESPONSIBLE PUBLIC UTILITIES ARE SHOWN ON THIS PLAT OF SUBDIVISION AND THAT SUCH SURFACE WATERWAYS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES AND METHODS. THE UNDERGROUND DAMAGE TO EXISTING UTILITIES AND STRUCTURES FROM THIS STATEMENT ARE IMPROVEMENTS CONSTRUCTED PRIOR TO THIS DATE. FURTHER AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAT OF SUBDIVISION IS NOT SUBJECT TO ANY FEDERAL EMBODIMENT MANAGEMENT AGENCY AS IDENTIFIED BY THE FEDERAL EMBODIMENT MANAGEMENT AGENCY.

DATED THIS _____ DAY OF _____ A.D. 20__

REGISTRATION EXPIRATION DATE: _____
 ILLINOIS REGISTERED PROFESSIONAL ENGINEER, STATE REGISTRATION NUMBER _____
 PART OWNERS

BY: BRIAN BENTLEY
 BY: VICTORIA BENTLEY
 BELMONT BIBLE CHURCH PART OWNER
 BY: _____ ATTEST: _____
 TITLE: _____

P.L.N. # 08-12-411-012
 08-12-411-013
 08-12-411-014

MTECH CONSULTANTS, INC.
ENGINEERS & SURVEYORS
 5413 WALTON AVENUE, DOWNERS GROVE, ILLINOIS 60130
 TEL: (630) 844-5800 FAX: (630) 844-5002
 WWW.MTECHCONSULTANTS.COM ILLINOIS REGISTRATION NO. 184-001040

Chairman Jirik explained the protocol for the meeting.

Chairman Jirik swore in those individuals who would be speaking on File No. PC-07-08.

FILE NO. PC-07-08 A petition seeking 1) Annexation and Rezoning from County B-1 to Village B-2; 2) Final Plat of Subdivision. The property is located on the West side of Belmont Road, at the intersection of Inverness Avenue and Belmont Road, commonly known as 5416-5418 Belmont Road, Downers Grove, IL (PIN 08-12-411-012,-013,-014); James F. Russ, Jr., Attorney for Sievers & Stevens Construction Company, Inc.; Belmont Bible Church, Brian & Victoria Bentley, Owners

Jeff O'Brien, Senior Planner, explained the request was for the annexation and rezoning of the properties at the southwest corner of Belmont Road and Inverness Avenue, commonly known as 5416-5418 Belmont Road, and they are currently located in unincorporated DuPage County. A single-family home exists currently exists on the site and is owned by the Belmont Bible Church as well as another single-family residence that encompasses the two lots at the corner, zoned County B-1. The property owned by the church is zoned R-4, Single Family Residence. The petitioner is proposing to annex the properties and rezone them to Village B-2, General Retail Business. In addition, the petitioner would like to consolidate the three existing lots into two lots in order to construct two new two-story office buildings on the property.

Future land uses in the area include a commercial designation, a single-family use to the west on Elmore and then townhome uses in the other locations. The petitioner would like to rezone to B-2, General Retail Business, which staff felt was not consistent with the FLUM, but because the property sat adjacent to an Institutional Use on two of the four sides with a Manufacturing Use on the north side, staff believed the B-2 zoning would be appropriate.

Per a question, Mr. O'Brien clarified three actions would be taken: 1) annexation to the Village; 2) rezoning from the automatic R-1 zoning classification to B-2; and 3) consolidating the property from three lots into two lots. Staff recommended one motion for all three actions. Considering the Belmont Underpass project and the change in use of Belmont Road, staff was asked whether it was comfortable with the B-2 in the area, wherein Mr. O'Brien stated staff was comfortable, and it was not a matter of the underpass as much as it was with the proposed use and unique nature of the property, given the other surrounding uses. Mr. O'Brien discussed the initial thought process of the Future Land Use Plan. The entire area west of Belmont Road from Ogden Avenue to Maple Avenue would be a Manufacturing/Industrial-type land use. Mr. Matejczyk recalled a few years ago the area west of Belmont might transition into higher density residential as manufacturing moved out and land value increased due to the proximity of the train station. Dialog followed on traffic, the configuration, wherein Mr. O'Brien stated the County controlled access to Belmont Road and would be reviewing the configuration.

On behalf of Sievers & Stevens Construction, Inc., 5201 Walnut Avenue, Suite 2, Downers Grove, Mr. Jim Russ, Jr., introduced Mr. Mike Stevens and consultant Mr. Ken Rathje. He confirmed there were three requests, and staff suggested the subdivision request since one of the Village's goals was to create larger lots. Mr. Russ explained the two new buildings would be approximately 9,400 square feet and meet the Village's bulk requirements with no variation being requested. The buildings will be residential looking in nature. He believes annexation to the Village is a positive because the proposal meets the Village's Subdivision Ordinance, its Annexation Ordinance, and the rezoning to B-2 appears to be appropriate.

Mr. Russ reviewed the standards to the Amendments to the Zoning Ordinance and explained how the proposal met those standards one by one. He believed the proposal was an improvement to the property values and, after speaking with the Village's economic development director, conveyed that office space was needed in the proposed area and that staff believed the proposal was consistent with the area.

For the record, the Chairman reiterated the proposal was to create two B-2 lots within the Village of Downers Grove and that this particular development is not being approved today and that any future development does not bind the use to office. Any development would have to conform to stormwater, open space and buffering requirements of the Village, etc.

Chairman Jirik opened up the meeting to public comment. No public comment followed and the public comment portion was closed. There were no closing comments from Mr. Russ.

Mr. Waechtler supported the annexation and rezoning of the petition but was concerned that the petitioner did not produce more detailed plans and site details and was uncomfortable approving the petition without the proper procedure. Chairman Jirik stated the proposal could or could not return to the Plan Commission depending upon whether the proposal triggered the hearing or not. Further explanation followed on construction "by right".

Per Mr. Beggs's question, the Chairman explained if the annexation was approved but not the other two requests, the three lots would default to R-1 zoning. Further dialog followed that the development could be approved under the County's zoning ordinance if the petition was withdrawn by the applicant. Discussion followed on whether the commissioners were comfortable having two B-2 lots and the permitted uses for that zoning. Mrs. Hamernik did not favor the lots remaining as R-1 lots. Mrs. Hamernick noted that it was unlikely the lots would be used separately because of their smaller size and the market's desire for larger commercial lots. Mr. Waechtler confirmed there would be no public input on this proposal if it met Code. Mr. O'Brien explained it was a matter of the Commission being comfortable with the uses that were permitted by the B-2 District in the proposed location.

WITH RESPECT TO FILE NO. PC-07-08, MRS. HAMERNIK MADE A MOTION THAT THE PLAN COMMISSION MAKE A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR APPROVAL OF THE ANNEXATION, THE REZONING TO B-2, AND THE PLAT OF SUBDIVISION CONSOLIDATING THREE LOTS INTO TWO LOTS, INCLUDING STAFF'S TWO FOLLOWING CONDITIONS:

- 1. THE SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION PREPARED BY INTECH CONSULTANTS, INC. DATED JANUARY 30, 2008, LAST REVISED FEBRUARY 19, 2008, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. PRIOR TO COMMENCEMENT OF SITE DEVELOPMENT ACTIVITIES, THE PETITIONER SHALL INDICATE A NEW SIDEWALK ON THE SOUTH SIDE OF INVERNESS ROAD ADJACENT TO THE SUBJECT PROPERTIES OR PAY A FEE IN LIEU OF INSTALLING SIDEWALKS TO THE VILLAGE OF DOWNERS GROVE.**

SECONDED BY MR. MATEJCZYK.

The Chairman pointed out in looking at the three business zoning uses, the B-2 zoning was a less intensive use. A concern was raised if the zoning changed permanently to B-2, was the site saleable.

ROLL CALL:

AYE: MRS. HAMERNIK, MR. MATEJCZYK, MR. BEGGS, MR. COZZO, MRS. RABATAH, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK.

NAY: NONE

THE MOTION CARRIED. VOTE: 8-0