

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
JUNE 10, 2008 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Annexation with Rezoning of 4412 Cross Street	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

Ordinances have been prepared to annex and to rezone the property located at 4412 Cross Street from R-1 Single Family Residence District (unincorporated DuPage County) to B-3 General Services and Highway Business.

STRATEGIC PLAN ALIGNMENT

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

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the June 17, 2008, active agenda.

BACKGROUND

On January 15, 2008, Village Council passed Ordinances #4952 and #4953 to annex and rezone the property upon annexation to B-3 General Services and Highway Business. It was later determined that the Lisle Township Supervisor, Lisle Township Highway Commissioner and Lisle-Woodridge Fire Protection District Trustees were provided with the wrong property address in the legal required notices. As such, the original annexation is invalid. All required notifications have since been correctly completed.

The subject property is contiguous to the Village and within the Village's ultimate boundary.

The Plan Commission considered the petition at its December 3, 2007, meeting and recommended approval of both the annexation and rezoning to B-3 General Services and Highway Business. Staff concurs with the Plan Commission recommendation.

ATTACHMENTS

Aerial Map

Ordinances

Staff Report with attachments dated December 3, 2007

Annexation Plat

Plat of Survey

Minutes of the Plan Commission Hearing dated December 3, 2007

2539 Ogden Avenue Use Poster - submittal from neighbor

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING 4412 CROSS STREET 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 located on the West side of Cross Street, approximately 169 feet south of Ogden Avenue (4412 Cross Street), 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, it appears to be in the best interests of the Village of Downers Grove to annex the Territory; 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:

Lot 33 in Block 2 in Arthur T. McIntosh & Company's Belmont Golf Addition, in the Southwest Quarter of Section 1, and the Northwest Quarter of Section 12, Township 38 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded September 14, 1925 as Document No. 199614, in DuPage County, Illinois

Commonly known as 4412 Cross Street, Downers Grove, IL (PIN 08-01-305-022)

SECTION 2. Immediately upon annexation, the Village shall consider an ordinance zoning the Property B-3, General Services and Highway Business, under the Village of Downers Grove Zoning Ordinance.

SECTION 3. 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 4. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this ordinance be and are hereby repealed.

SECTION 5. 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

PLAT OF ANNEXATION TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS

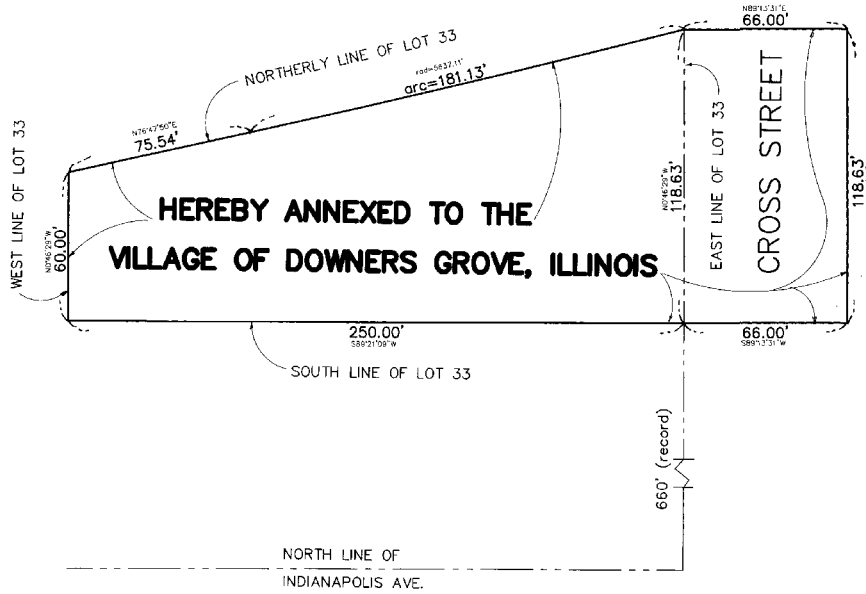
LEGAL DESCRIPTION:
LOT 33 IN BLOCK 2 OF ARTHUR T. MCINTOSH AND COMPANY'S BELMONT GOLF ADDITION, IN THE SOUTHWEST 1/4 OF SECTION 1, AND THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 1925 AS DOCUMENT 199614, IN DUPAGE COUNTY, ILLINOIS.
ALSO, THAT PORTION OF THE 66.00 FT. WIDE CROSS STREET LYING EAST OF AND ADJACENT TO AND AS MEASURED PERPENDICULAR TO THE EAST LINE OF SAID LOT 33 IN BLOCK 2.



BEARINGS ARE ASSUMED DATUM

PIN 08-01-305-022

29960 S.F.



STATE OF ILLINOIS) VILLAGE COUNCIL CERTIFICATE
COUNTY OF DUPAGE) SS

THE ATTACHED PLAT OF ANNEXATION IS IDENTIFIED AS THAT INCORPORATED INTO AND MADE A PART OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS BY ORDINANCE NO. _____

ADOPTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF DOWNERS GROVE

DATE: _____

BY: _____ MAYOR

ATTEST: _____ CLERK

STATE OF ILLINOIS) RECORDER CERTIFICATE
COUNTY OF DUPAGE) SS

THIS DOCUMENT NUMBER _____ WAS FILED FOR RECORD IN THE RECORDER OF DEEDS OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____ AD, 20____ AT _____ M., ON PAGE _____ IN BOOK _____ OF PLATS _____

DUPAGE COUNTY RECORDER OF DEEDS _____

STATE OF ILLINOIS) SURVEYOR CERTIFICATE
COUNTY OF DUPAGE) SS

I, JOSEPH M. DE CRAENE, ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE PREPARED THIS PLAT FROM THE RECORDS, FOR THE PURPOSE OF ANNEXATION TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS. DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

DATE: OCTOBER 19 2007
Joseph M. De Craene

ILLINOIS LAND SURVEYOR NO. 2476 Lic. exp. 11/30/2008
JOSEPH M. DE CRAENE
ILLINOIS LAND SURVEYOR
8710 SKYLINE DRIVE
HINSDALE, ILLINOIS 60527



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 4412 CROSS STREET**

WHEREAS, the real estate located at 4412 Cross Street and hereinafter described has been classified as R-1 Single Family Residence upon its annexation 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, it appears that the Plan Commission of the Village of Downers Grove has given the required public notice, and has conducted a public hearing respecting said requested rezoning in accordance with applicable law; 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-3, General Service and Highway Business District*" the zoning classification of the following described real estate, to wit:

Lot 33 in Block 2 in Arthur T. McIntosh & Company's Belmont Golf Addition, in the Southwest Quarter of Section 1, and the Northwest Quarter of Section 12, Township 38 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded September 14, 1925 as Document No. 199614, in DuPage County, Illinois

Commonly known as 4412 Cross Street, Downers Grove, IL (PIN 08-01-305-022)

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

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. Changes may require additional review.

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



Village of Downers Grove

STAFF REPORT

TO: Plan Commission **HEARING DATE:** December 3, 2007

FROM: Department of Community Development **PREPARED BY:** Damir Latinovic Planner

TITLE

PC 38-07; 4412 Cross Street Annexation and Rezoning; The petitioner is requesting annexation and rezoning of the property to B-3 General Services and Highway Business.

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

GENERAL INFORMATION

OWNER/ APPLICANT: Alex Martel
1733 W Roscoe, Unit 2E
Chicago, Illinois 60657

PROPERTY INFORMATION

EXISTING ZONING: R-4 Single Family Residence District (Unincorporated DuPage County).
EXISTING LAND USE: Vacant
PROPERTY SIZE: Approximately 22,180 square feet
PINs: 08-01-305-022

SURROUNDING ZONING AND LAND USES:

	ZONING	FUTURE LAND USE
NORTH:	B-3 General Services and Highway Business & B-1 Local Business District (DuPage Co.)	Commercial
SOUTH:	R-4 Single Family Residence (DuPage Co.)	Commercial
EAST:	B-3 General Services and Highway Business & R-4 Single Family Residence (DuPage Co.)	Commercial
WEST:	B-3 General Services and Highway Business	Commercial

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

DESCRIPTION

The property, commonly known as 4412 Cross Street, is currently located in unincorporated DuPage County and is classified as R-4 Single Family Residence District by the County's Zoning Ordinance. A single family house previously located on the lot was demolished in 2005, and the lot has been vacant since. The petitioner is proposing to annex to the Village of Downers Grove and rezone the property to B-3 General Services and Highway Business District.

The property is abutting commercial uses on the west, north and east sides. Single family residences are located south and east of the site. The zoning and land use classifications of surrounding properties are outlined in the table below:

Address	Location	Zoning Classification	Future Land Use	Current Use
2539 Ogden Avenue	Northwest & West of subject lot	B-3 General Services and Highway Business	Commercial	Commercial (Insurance company)
2535 Ogden Avenue	North of subject lot	B-3 General Services and Highway Business	Commercial	Vacant (Single Family Residential)
2525 Ogden Avenue	North of subject lot	B-1 Local Business District (DuPage Co.)	Commercial	Commercial (Construction Company)
2501 Ogden Avenue	Northeast & East of subject lot	B-3 General Services and Highway Business	Commercial	Commercial (Used Car Dealership)
4409 Cross Street	East of subject lot	R-4 Single Family Residence (DuPage Co.)	Commercial	Residential (Single Family Residential)
4416 Cross Street	South of subject lot	R-4 Single Family Residence (DuPage Co.)	Commercial	Residential (Single Family Residential)

The petitioner is not proposing any development on the site at this time. Prior to commencement of any site development on this property, the petitioner will be required to obtain all required permits from the appropriate permitting authority 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 Commercial to provide an opportunity for additional depth for commercial properties along Ogden Avenue as recommended by the Ogden Avenue Master Plan, which can provide adequate buffer and

separation to adjacent residential uses. Staff believes the commercial zoning on this property is consistent with the intent of the Future Land Use Plan and the Ogden Avenue Master Plan.

COMPLIANCE WITH THE ZONING ORDINANCE

The property is currently zoned R-4 Single Family Residence District 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-3 General Services and Highway Business District. At this time, the petitioner has not proposed any development on the site. Any future development on the site will be required to fully comply with all requirements of the Zoning Ordinance.

The properties west, north, and east of the site are currently zoned B-3 General Services and Highway Business and are occupied by commercial uses. The properties directly to the south and one property located east of the subject site are zoned for Single Family Residential uses (unincorporated DuPage County). The Future Land Use plan classifies all adjacent properties and the subject site for commercial use. Staff believes the proposed B-3 General Service and Highway Business district is appropriate for this property and is consistent with the zoning designation of the area and the goals of Future Land Use Plan.

COMPLIANCE WITH THE SIGN ORDINANCE

This section is not applicable to this petition.

COMPLIANCE WITH THE OGDEN AVENUE MASTER PLAN

The Ogden Avenue Master Plan contemplates increasing the depth of commercial properties along the Ogden Avenue corridor. The additional depth will enable the commercial properties to provide additional setback from the residential properties, green space and parking. The proposed rezoning of the subject property to B-3 General Services and Highway Business is consistent with this goal as it will provide an opportunity for larger properties along Ogden Avenue.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

This section is not applicable to this petition.

ENGINEERING/PUBLIC IMPROVEMENTS

This section is not applicable as there are no proposed changes in land use or site layout for this property at this time.

PUBLIC SAFETY REQUIREMENTS

This section is not applicable as there are no proposed changes in land use or site layout for this property at this time.

NEIGHBORHOOD COMMENT

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

FINDINGS OF FACT

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.*

The subject property, currently zoned R-4 Single Family Residence District (unincorporated DuPage County), is abutting commercial uses on the west, north and east sides zoned B-3 General Services and Highway Business. Single family residences are located south and east of the property. The property has been vacant for the past four years indicating its location is less desirable for single family residential use. The Future Land Use Plan designates this property and all abutting properties currently zoned as residential in unincorporated DuPage County for commercial use. The Ogden Avenue Master Plan contemplates deeper commercial properties along Ogden Avenue to provide adequate buffer for adjacent residential properties with increased setbacks, green space and parking.

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.

RECOMMENDATIONS

The proposed annexation and rezoning 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.

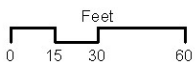
Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development




TD:dl
-att



Unincorporated



PC 38-07 4412 Cross Street
PIN: 08-01-305-022
Department of Community Development

Selected Property 
Sign Location 
Unincorporated 



To Whom It May Concern:

10/31/07

Subject: 4412 Cross Street

Re: Rezoning from R1 Single Family Residential to B3 General Services & Highway
Business

This particular property, 4412 Cross Street according to the Village of Downers Grove's future land use map will be zoned for commercial uses. The Village of Downers Grove forecasts the use of this property will be commercial. Therefore I, Alex Martel (petitioner/owner) propose to rezone 4412 Cross Street from R1 Single Family Residential to B3 General Service & Highway Business.

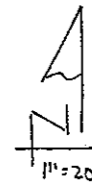
Sincerely,

A handwritten signature in black ink, appearing to read "Alex Martel". The signature is written in a cursive style with a large initial "A".

Alex Martel (Owner)

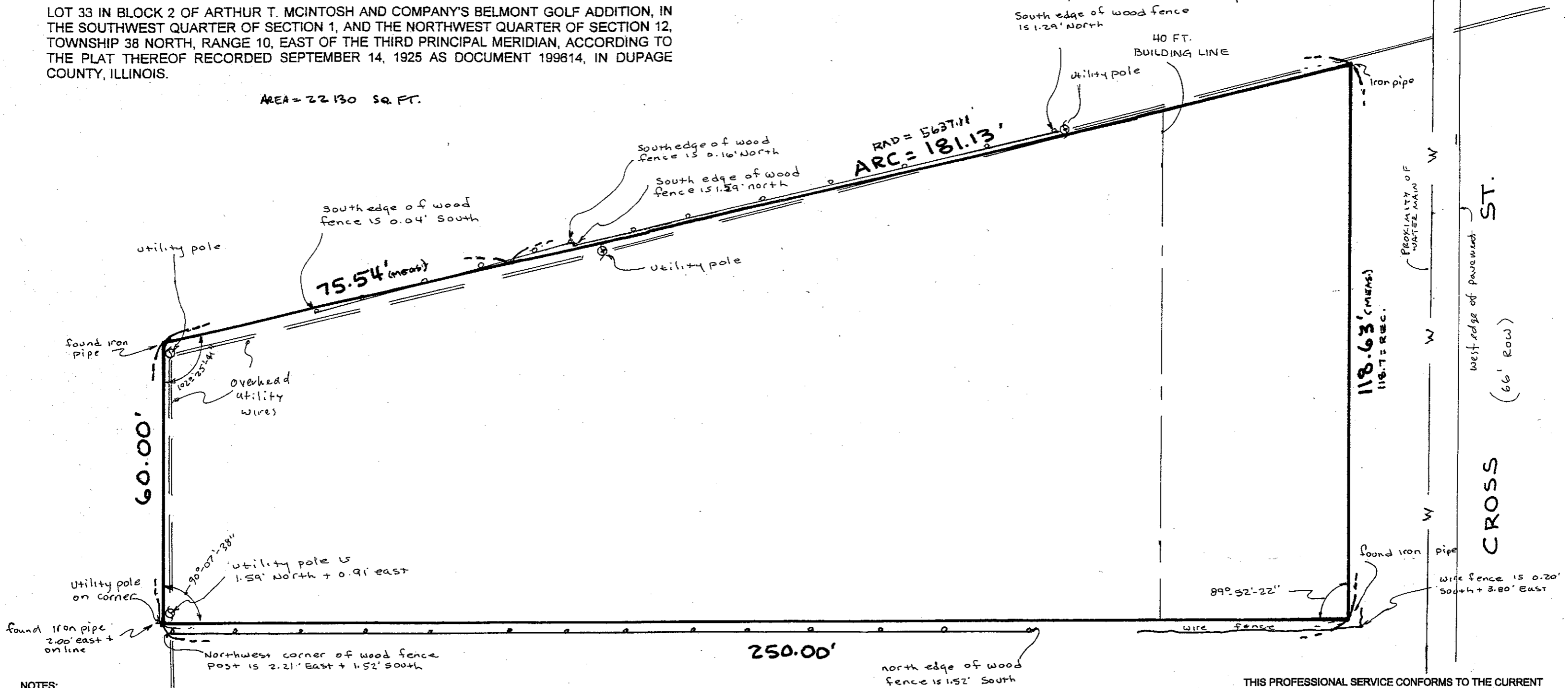
JOSEPH M. DE CRAENE
ILLINOIS LAND SURVEYOR
8710 SKYLINE DRIVE
HINSDALE, IL 60527
PHN 630-789-0898
FAX 630-789-0697

Plat of Survey



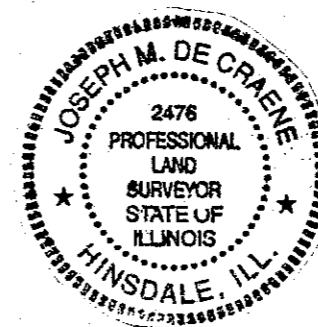
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AREA = 22,130 SQ. FT.



NOTES:
- CHECK FOR EASEMENTS, BUILDING LINES AND OTHER RESTRICTIONS, IF ANY, NOT SHOWN HEREON. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, ENCUMBRANCES, RESTRICTIONS, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
- CHECK PROPERTY DESCRIPTION HEREON AGAINST DEED.
- SCALE HEREON MAY BE APPROXIMATE IN CERTAIN AREAS FOR CLARITY OR FROM REPRODUCTION IRREGULARITIES. DO NOT SCALE FROM PLAT.
- CONSULT WITH SURVEYOR PRIOR TO USING THIS PLAT FOR ANY CONSTRUCTION PURPOSES. COMPARE ALL INFORMATION SHOWN BEFORE USE.
- DO NOT ASSUME THAT PROPERTY MONUMENTS ARE AT PROPERTY CORNERS.
- DO NOT ASSUME THAT PROPERTY CORNERS INDICATED REMAIN IN PLACE.
- SURVEY PLAT NOT VALID UNLESS EMBOSSED IMPRESSION OF SURVEYOR'S SEAL IS AFFIXED HEREON.

NOTE: - NO STORM SEWER OR SANITARY SEWER PER VILLAGE ATLAS.
- WELL OR SEPTIC, IF ANY, NOT SHOWN HEREON.
- CONSULT WITH OTHERS FOR PURPOSE OR FUNCTION OF OVERHEAD UTILITY WIRES.
- GAS MAINS NOT SHOWN. CONTACT S.U.L.I.E 1-800-892-0123 FOR LOCATION OF SAME AND OTHER BURIED UTILITIES.



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATE: JULY 12 A.D. 2005

Joseph M. De Craene
ILLINOIS LAND SURVEYOR NO. 2476

LIC. EXP. 11-30-2006

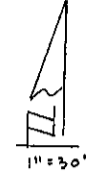
ORDERED BY: MARTEL

ORDER NO: 050651

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**PLAT OF ANNEXATION TO THE
VILLAGE OF DOWNERS GROVE,
ILLINOIS**

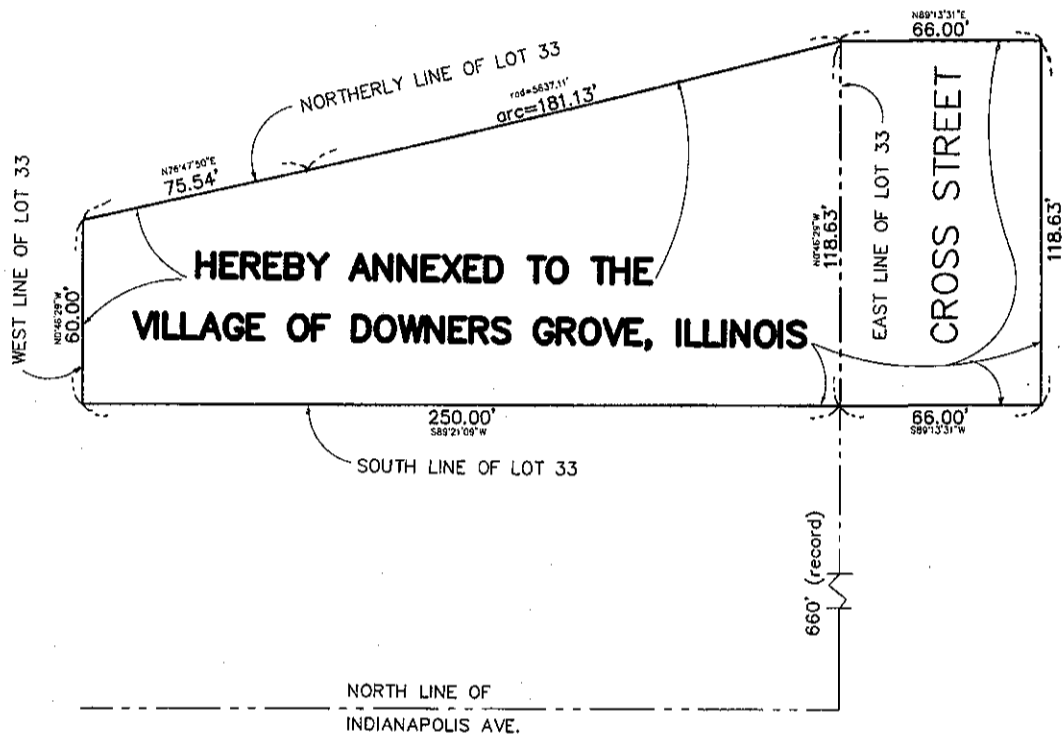
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BEARINGS ARE ASSUMED DATUM

PIN 08-01-305-022

29960 S.F.



STATE OF ILLINOIS) VILLAGE COUNCIL CERTIFICATE
COUNTY OF DUPAGE) SS

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ADOPTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF DOWNERS GROVE

DATE: _____

BY: _____ MAYOR

ATTEST: _____ CLERK

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COUNTY OF DUPAGE) SS

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DUPAGE COUNTY RECORDER OF DEEDS

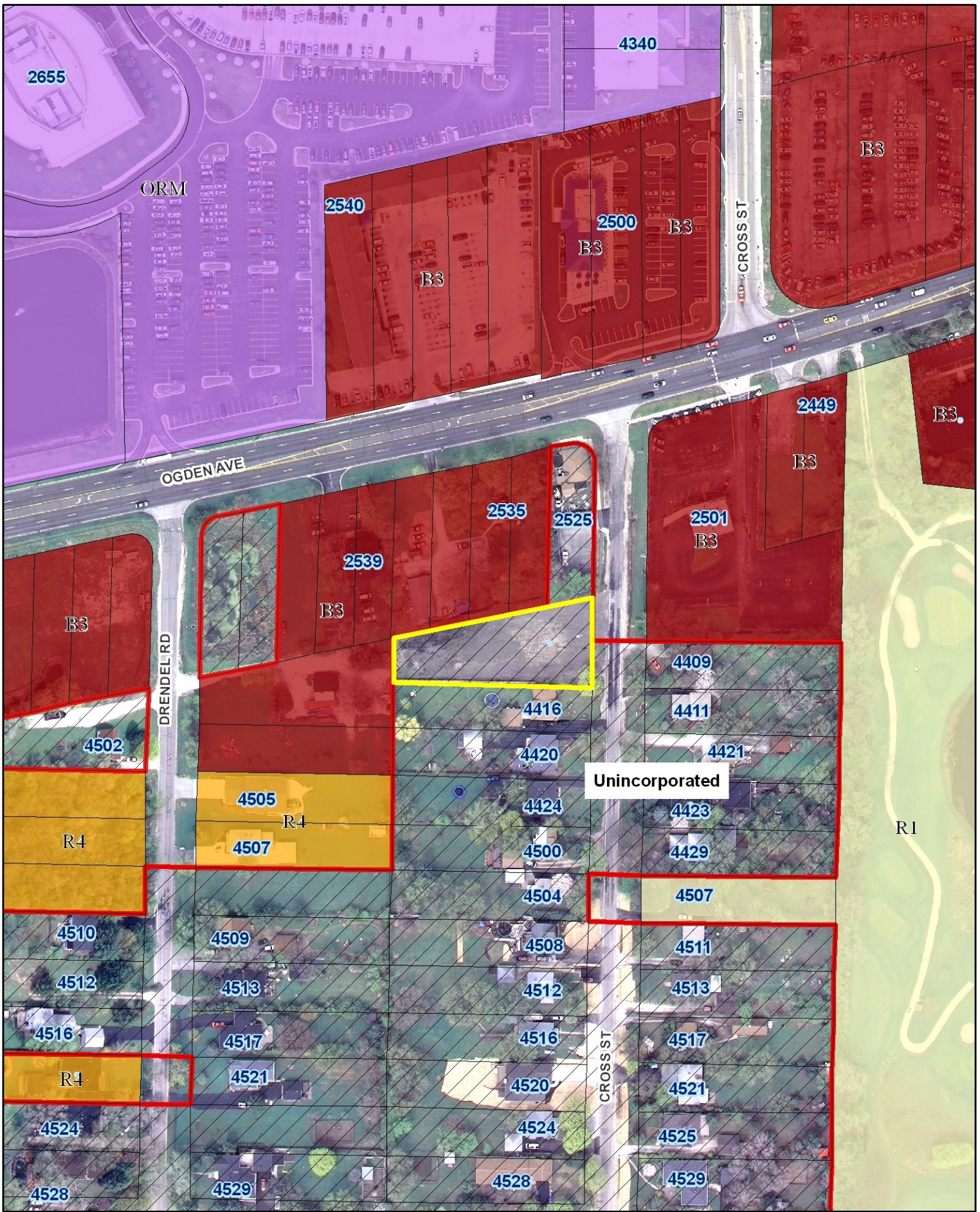
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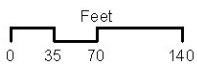
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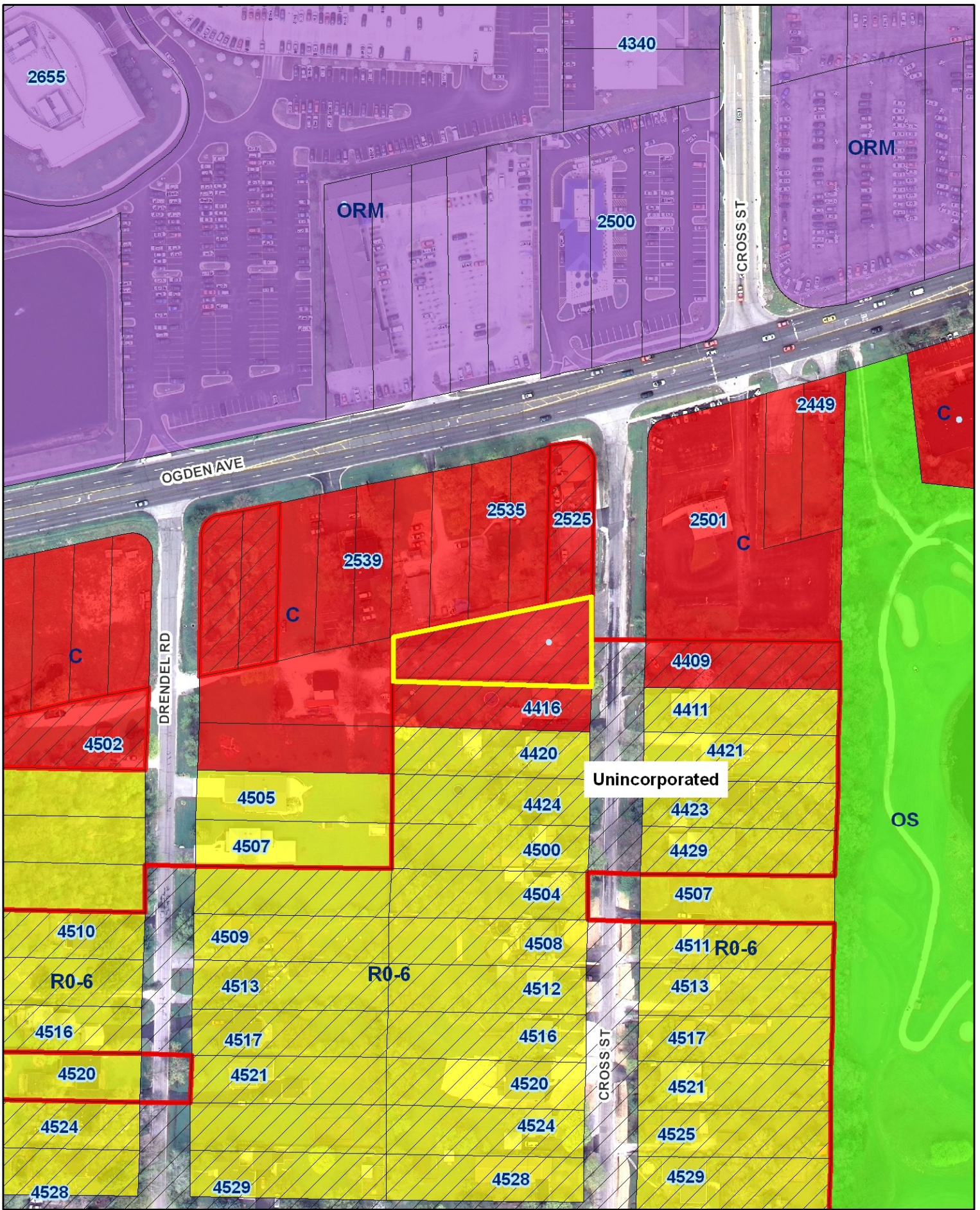
PC 38-07 4412 Cross Street
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Department of Community Development



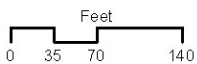
- Selected Property
- Sign Location
- Unincorporated





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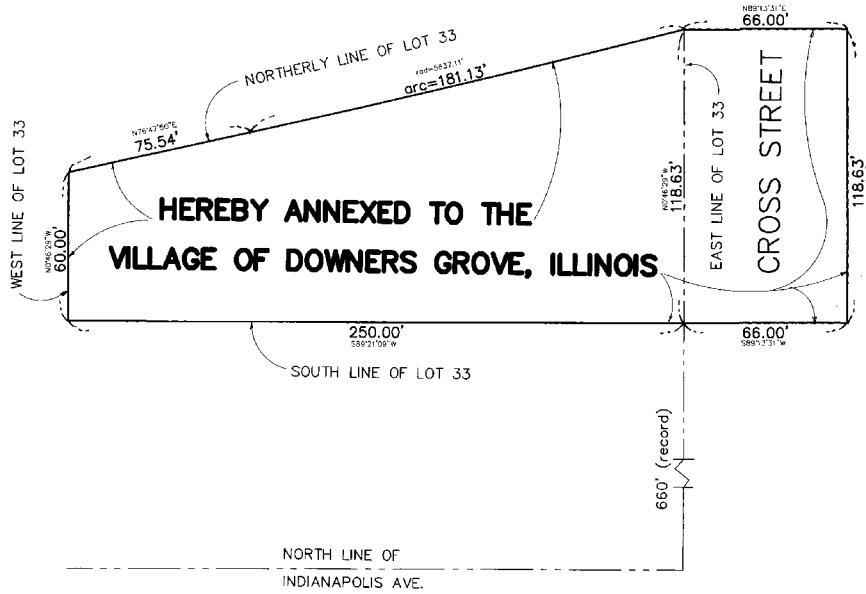
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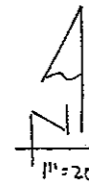
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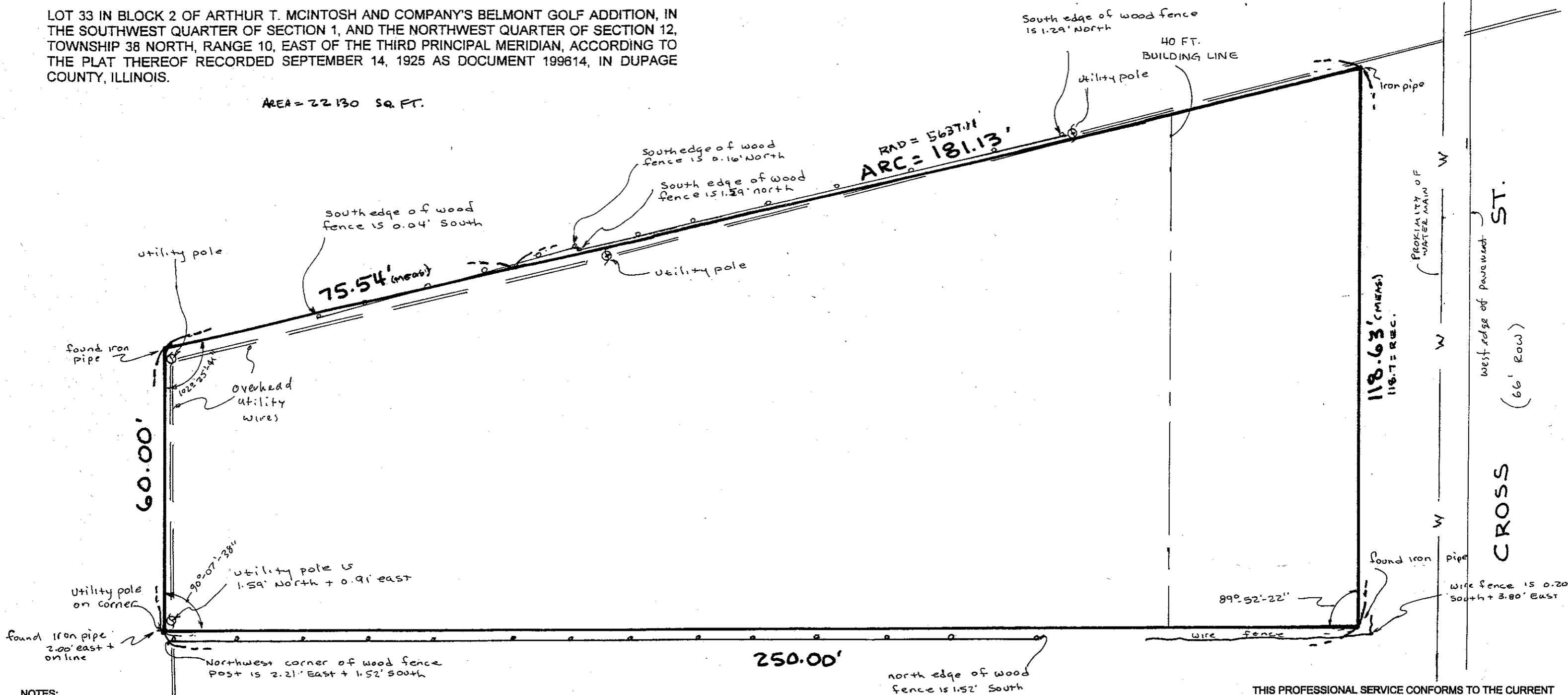
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Plat of Survey



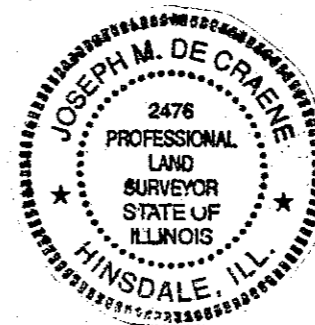
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AREA = 22,130 SQ. FT.



NOTES:
- CHECK FOR EASEMENTS, BUILDING LINES AND OTHER RESTRICTIONS, IF ANY, NOT SHOWN HEREON. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, ENCUMBRANCES, RESTRICTIONS, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
- CHECK PROPERTY DESCRIPTION HEREON AGAINST DEED.
- SCALE HEREON MAY BE APPROXIMATE IN CERTAIN AREAS FOR CLARITY OR FROM REPRODUCTION IRREGULARITIES. DO NOT SCALE FROM PLAT.
- CONSULT WITH SURVEYOR PRIOR TO USING THIS PLAT FOR ANY CONSTRUCTION PURPOSES. COMPARE ALL INFORMATION SHOWN BEFORE USE.
- DO NOT ASSUME THAT PROPERTY MONUMENTS ARE AT PROPERTY CORNERS.
- DO NOT ASSUME THAT PROPERTY CORNERS INDICATED REMAIN IN PLACE.
- SURVEY PLAT NOT VALID UNLESS EMBOSSED IMPRESSION OF SURVEYOR'S SEAL IS AFFIXED HEREON.

NOTE: - NO STORM SEWER OR SANITARY SEWER PER VILLAGE ATLAS.
- WELL OR SEPTIC, IF ANY, NOT SHOWN HEREON.
- CONSULT WITH OTHERS FOR PURPOSE OR FUNCTION OF OVERHEAD UTILITY WIRES.
- GAS MAINS NOT SHOWN. CONTACT S.U.L.I.E 1-800-892-0123 FOR LOCATION OF SAME AND OTHER BURIED UTILITIES.



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATE: JULY 12 A.D. 2005

Joseph M. De Craene
ILLINOIS LAND SURVEYOR NO. 2476

LIC. EXP. 11-30-2006

ORDERED BY: MARTEL

ORDER NO: 050651

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FILE NO. PC-38-07 A petition seeking annexation and rezoning from County R-4, Single Family Residential to Village B-3, General Services and Highway Business for the property located on the West Side of Cross Street, approximately 169 feet south of Ogden Avenue, commonly known as 4412 Cross Street, Downers Grove, IL (PIN 08-01-305-022); Alex J. Martell, III, Owner/Petitioner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-36-07.

Mr. Damir Latinovic, Village Planner explained the petition. He provided a description of the property and its current zoning. Mr. Latinovic explained the property was currently vacant, and a single family home had been demolished in 2005. He noted the site was zoned R-4 per the DuPage County Zoning Ordinance. The Village's Future Land Use Map designates the property as commercial. Mr. Latinovic explained the petitioner was proposing to annex the property to Downers Grove and rezone it to B-3, General Services and Highway Business upon annexation. He stated properties annexed to the Village are automatically zoned R-1, Single Family Residence unless a rezoning is requested as is the case with this petition.

Mr. Latinovic explained that Future Land Use Map and Ogden Avenue Master Plan envision commercial uses on this property to increase the depth of properties on Ogden Avenue. He noted the additional depth would help achieve the goals of these documents by creating larger buffers to the adjacent residential uses.

Mr. Latinovic stated that staff believes the proposal is consistent with the Future Land Use Map and Ogden Avenue Master Plan. He noted the proposal met the standards for rezoning in the Zoning Ordinance and that staff recommended approval of the petition.

With no questions for the staff, Chairman White invited the petitioner to present.

The petitioner, Mr. Alex Martel, 1733 W Roscoe, Chicago, stated he bought the property in 2004. He originally proposed to build a house on the property, but after consulting with several architects and builders and reviewing the Village's Future Land Use Plan, he determined it would not be feasible. Mr. Martel indicated he decided to request a rezoning of the property after reviewing the Village's plan.

Mr. Beggs asked if there were any plans to develop the property. Mr. Martel stated he did not have any development plans at this time.

Chairman Jirik confirmed that the petition only included an annexation and rezoning. Mr. Martel stated those were his only requests.

Chairman Jirik opened up the meeting to public comment.

Mr. Todd Richardson, 4416 Cross Street noted he is immediately south of the proposed annexation. He wants to keep his property and the petitioner's property as residential and does not support the rezoning to B-3. He does not believe it is a compatible use because

the landscape company immediately to the west of him is bad. He noted he has called the Village numerous times regarding the landscaping company, but no one does anything about the problems. He asked for clarification of the type of uses that could be placed within a B-3, and staff informed him of some of the uses listed as permitted on this property if rezoned.

Mr. Richardson noted he preferred a smaller, quiet, non-polluting strip mall as opposed to mechanical uses such as the landscape company to his west. He did not want any automobile uses.

Mr. O'Brien noted the automobile uses Mr. Richardson is concerned about require a Special Use and would require additional Village Council approval.

Mr. Richardson noted drainage problems in the area and was assured Village staff reviews all proposed engineering and drainage plans. He was concerned about buffering commercial uses from residential uses. Village staff then assured the petitioner all future development plans would be reviewed by staff to ensure their compliance with Village Codes and Ordinances. Staff explained buffering is accomplished through a transitional yard that reflects the residential setbacks of the neighboring property. Staff noted in order to properly buffer residential uses from Ogden Avenue, additional depth along Ogden Avenue is needed.

Mr. Richardson was concerned the Village would approach him to rezone his property if 4412 Cross Street is rezoned. Chairman Jirik explained the differences between the Zoning Map and the Future Land Use Map (FLUM) and noted the Village would not be approaching Mr. Richardson to rezone his property. Mr. Richardson reiterated that he is going to stand up for his rights and for the safety of children in the area. He noted the petitioner removed trees from 4412 Cross which ruined his buffer from Ogden Avenue. He believes the property at 4412 Cross still has residential potential, and he is opposed to the rezoning.

Mr. Mark Heinstagot, 4420 Cross Street, questioned two findings of fact within the staff report. He noted the extent to the zoning regulations affecting property values. He is a homeowner and is concerned with the effect of this project on his property values. He sees empty spaces along the north side of Ogden that should be developed instead of this one, and he wants to be as far away from business uses as possible.

Mr. Heinstagot questioned standard five, which was the length of time the property has been vacant as currently zoned. He noted several teardowns and new builds in the area and believes the petitioner has artificially inflated his sale price on the residential market to meet this standard. He questioned how time could be factored into this decision.

Chairman Jirik noted the rest of the standard is *considering the context of land development in the vicinity*. The Chairman noted it was important to consider the context. Mr. O'Brien confirmed the standards in the Village's ordinance mirror the LaSalle-Sinclair standards that are used throughout the country. The standards try to

address the viability of zoning classifications and land uses in the context of the neighborhood.

Mr. Heinstagot wondered if the petitioner's asking price for the land is public record. Chairman Jirik noted the length of time is but not the asking price. Mr. Heinstagot believes the petitioner artificially inflated his residential asking price to meet the rezoning standards. Per Mr. Heinstagot's question, staff clarified the distance of a transitional yard for a buffer.

Mr. Tim Aikens of 4818 Cross Street sympathized with the petitioner but expressed his concerns regarding the towing business located at 2525 Ogden Avenue. It was formerly a construction company but now it is used as a towing business. He does not want this type of use going onto the petitioner's property. He is worried about the increased traffic on Cross and the harmful effects this may have on the children in the neighborhood, as many people already use Cross Street as a cut-through street. He reiterated his disapproval of the proposed petition.

Chairman Jirik noted this petition does not approve a particular use for the property. The particular use will either be a permitted or special use and would require either staff approval or Council approval. He noted the property at 2525 Ogden Avenue is not a part of the Village and, therefore, the Village has no jurisdiction over the existing use at that location.

Mr. Bill Dwyer, 4507 Cross Street, noted he has lived in the neighborhood for 25 years and lived in the Village before that. He stated there is a big difference between Village streets and Cross Street. Cross Street is narrow with no sidewalks and lights, and increased traffic may ruin lives. He noted many low-lying areas that flood and is concerned with lowering property values. He does not believe the petition is in the benefit of the public health, safety, and welfare. He believes any development in this location is bad.

Mr. Mike Jackson, 4421 Cross Street, had three questions for the petitioner. He wondered what the reasons the petitioner's architect gave for not constructing residential. Did the petitioner obtain core samples of the property prior to purchase? Is there a sale of the property that is contingent on obtaining zoning approval? Chairman Jirik noted a contingent sale dependent on the annexation and rezoning of the property was not in the purview of the Commission. Mr. Jackson noted his opposition to the petition based on the increased traffic.

Ms. Claire Roth, 4409 Cross Street, expressed concern that the Village has done nothing about the property at 2525 Ogden Avenue even though the owner of that property has a car dealership in Downers Grove. Chairman Jirik again explained how the Village could not enforce its codes in a separate governmental jurisdiction. Mr. O'Brien noted Village Code Enforcement Officers could go to the site but would have to forward any findings to the County for the County to enforce.

Ms. Roth asked where the Ogden Avenue Master Plan (OAMP) could be found. Staff noted the OAMP was created in 2001 with public hearings and could be found on the Village's website. Ms. Roth stated she has a car dealership next to her and there is no such thing as a buffer zone. She noted the tall fence the dealership put up, and how the dealership pushes water onto her property, flooding it. She noted there is no sewer in the area to protect people.

Ms. Roth preferred that the petitioner be annexed into the Village but stop at rezoning because the petitioner has no immediate plans to open a business on the lot. She believes the petitioner should request a rezoning later. Ms. Roth believes there is something more going on in the neighborhood as she has also been approached to sell her property.

Mrs. Martha Richardson, 4416 Cross Street, lives in unincorporated Downers Grove and believes the Village is treating her family unfairly. She has complained about the landscaping business located on Drendel, immediately west of her, and nothing has happened. She stated the landscaping business has flooded her property and others, and the Village is not willing to help her. She provided the Commission with a poster of photographs regarding the landscaping business.

Mrs. Richardson asked if the Commission was concerned about the children and residents in the area because the landscaping business is putting her children at risk, as did the petitioner when he cut down the trees on the property at 4412 Cross. She has notified the Village and County numerous times but nothing is being done to help her. Mrs. Richardson said landscape machinery fumes are bad in the summer, and her children cannot play outside because of them. She noted her property has no buffer zone from the landscaping company. She does not believe B-3 zoning should be brought into the neighborhood when there are existing issues that need to be addressed. Mrs. Richardson noted she is against B-3 zoning and thinks it will be a health hazard.

Chairman Jirik noted Code Enforcement should be made aware of the situation on Drendel. Mr. O'Brien noted he was not familiar with the complaints, but there could be numerous reasons why the Village could not do anything about the landscaping business. Mr. O'Brien stated Code Enforcement had not always been a priority in the Village but with the new Community Development Director, Mr. Tom Dabareiner, Code Enforcement has become a priority. The Village did not have the proper enforcement tools until recently to complete good enforcement. Those tools are in place now.

Chairman Jirik acknowledged the photographs and the concern about the landscaping business but noted the issue before the Commission tonight was the annexation and rezoning of 4412 Cross Street.

Mr. Mike Jackson expressed concern about traffic at Cross Street and Ogden Avenue. He noted many people have problems turning left and a significant amount of traffic uses Cross Street as a cut-through street.

There being no other public comment, Chairman Jirik declared public participation closed.

The petitioner, Mr. Martel, noted he and his architect looked at the land to see what they could build and found the FLUM identified the parcel as commercial, so they decided the best use would be commercial. He did not take core samples prior to purchasing the property. He is aware that the Village will require engineering review of any proposed project and understands the issues associated with B-3 zoning.

Mr. Martel noted he has had problems with the landscaping business on Drendel too, but that people should not judge him based on the landscaping business. He noted the neighbors had recently agreed to a sewer plan for the area so he believes the water issues will be resolved. He asked the Commission for their support of his petition.

Mrs. Rabatah does not really know what is going on with the landscaping business but believes it should be investigated. She noted the intent of the FLUM is to provide a buffer zone and to rezone this particular parcel into B-3. The intent is to help the residents by providing depth along Ogden Avenue. She is comfortable with the rezoning.

Chairman Jirik noted the FLUM looks at providing a sufficient use of the land. Many lots along Ogden Avenue are small and need depth to have nice businesses with appropriate rear setbacks. In the past, people did not consolidate parcels to create larger parcels but worked with a patchwork of parcels. Mr. O'Brien noted with the lot of record concept now in the Zoning Ordinance more developments are consolidating lots. These consolidations come before the Commission and Village Council.

Mrs. Rabatah inquired if a small business could be located on the property in question if it was not consolidated with a parcel fronting Ogden Avenue. Mr. O'Brien noted physically it was probably possible but from an economic perspective, he could not answer. Anything that would be built solely on 4412 Cross would be a small development.

Mr. Cozzo noted he drove past the properties and understood the neighbors' concerns. His experience on the Commission has found that buffering requirements are noted in staff's reports and the Commission has been stringent and strict in ensuring any new developments have good buffers. He stated any proposed development would have to show buffers, lighting standards and landscaping standards. He believes any development on this parcel will provide buffers and meet the intent of the OAMP. Mr. Cozzo stated he is comfortable with the proposal.

Chairman Jirik asked staff if the Commission has any tools for buffering or additional protections such as use restrictions, whether the restrictions could be attached to the ordinance or resolution, or whether an annexation agreement could be completed. Mr. O'Brien noted the Commission could attach conditions to the annexation but not the rezoning. Additional buffer requirements beyond the Zoning Ordinance could be added if the Commission chooses. Mr. O'Brien noted he would be hesitant to determine a level of conditions staff would be comfortable with at the meeting. Mr. O'Brien would have to confer with the Village Attorney to determine if the conditions could be attached to the

ordinance or an annexation agreement. The staff would also have to consult with the petitioner to determine if he would be amenable to these additional conditions.

Mr. Beggs noted depth along Ogden Avenue has been an issue since 1969. He stated it is not popular to increase depth, but it is necessary to have good businesses along Ogden Avenue. He noted the Village has numerous enforcement options but how the Village enforces its code is not the matter at hand. The matter at hand is increasing depth along Ogden Avenue. Mr. Beggs noted he looks at the FLUM and sees this property as commercial. He believes the residents' concerns should be forwarded to Code Enforcement and the Village Council, but the request in front of the Commission is to annex and rezone to B-3. He believes the property should be B-3.

WITH RESPECT TO FILE NO. PC-38-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE ANNEXATION OF 4412 CROSS STREET AND REZONING OF THE SUBJECT PROPERTY TO B-3 GENERAL SERVICES AND HIGHWAY BUSINESS UPON ANNEXATION.

MOTION WAS SECONDED BY MRS. RABATAH

Chairman Jirik expressed concern that the annexation and rezoning were combined into one motion as the Commission typically provides separate motions. He asked the Commission if they had any concerns, hearing none, he asked for a roll call.

ROLL CALL:

AYE: MR. BEGGS, MRS. RABATAH, MR. COZZO, MR. MATEJCZYK, MR. QUIRK, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 6-0

B-3 (abuse at 2539 Ogden.
Behind residential homes.
G. Allen Moore landscape.

No monitor.
No buffer
Hazard



Laborsers washing vehicles & equipment.



activities by laborsers Behind fence. Using noisy equipment & dumping debris next to fence.



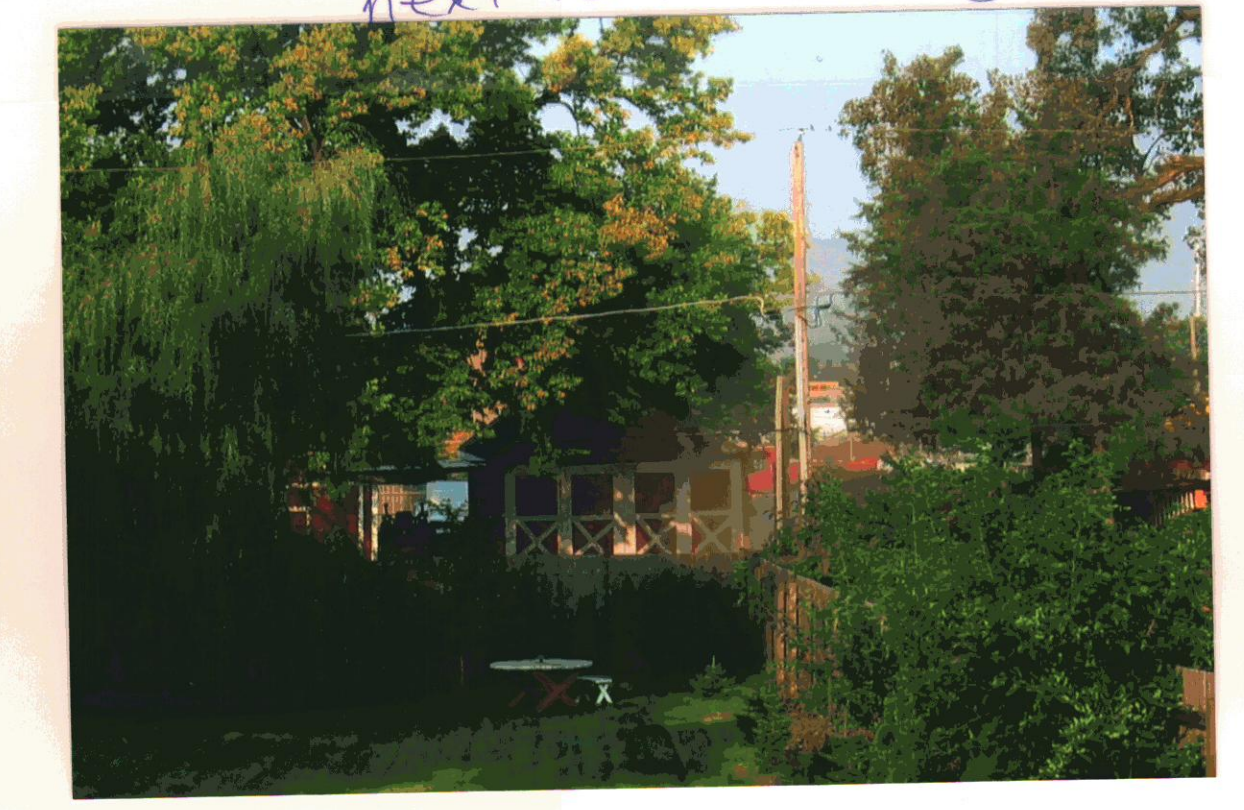
dangerous activities with fumes and pesticides.



activity day or night. Weekend or week day.



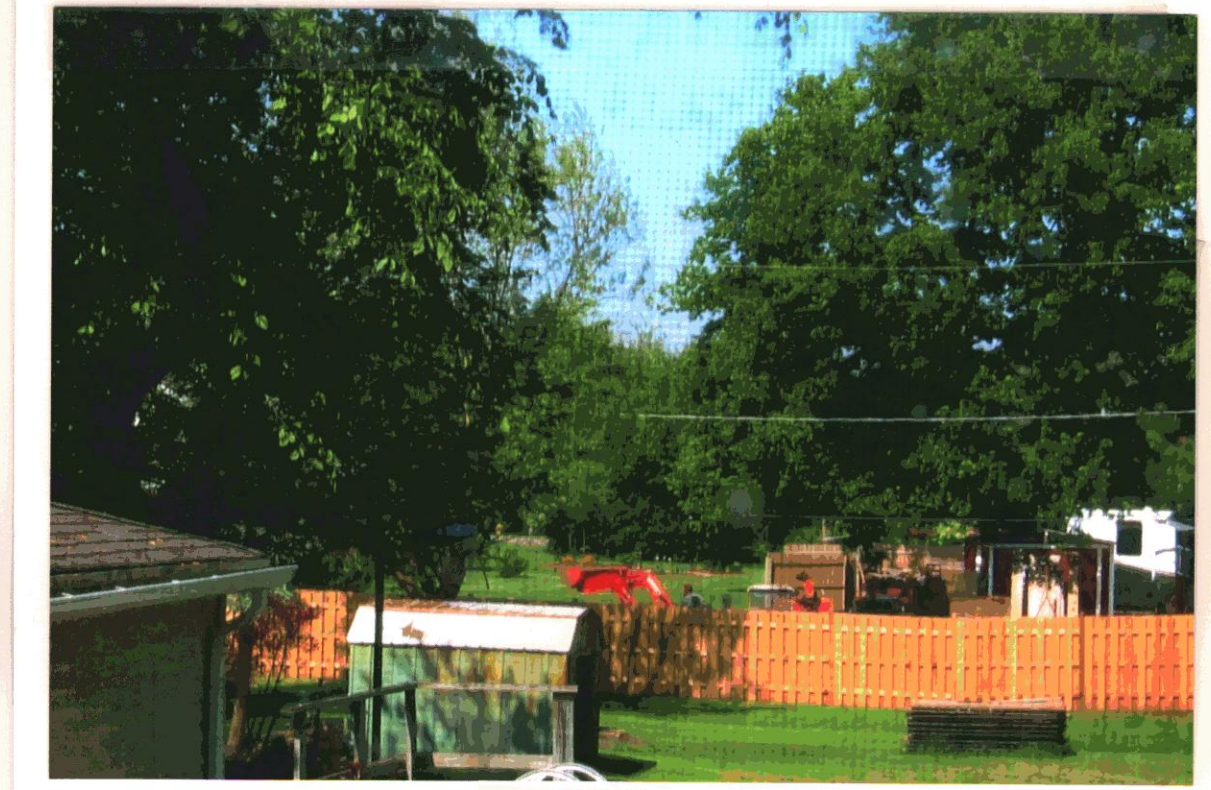
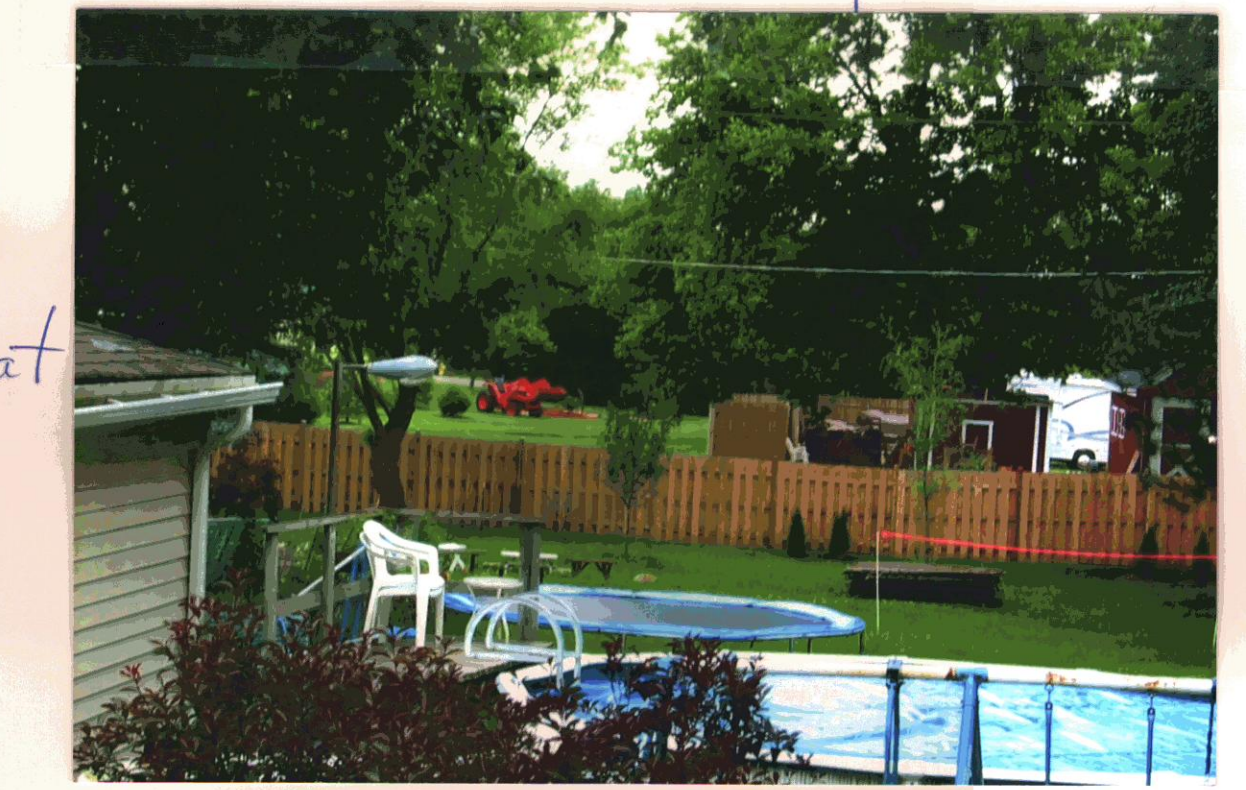
emptying whatever was in dumptruck.



leaf blower & other equipment that produces dust clouds & noise.



lots of activity & noise. Moving debris around with bobcat



William Kubes moving truck load of dirt to his dreidel property S. After drainage was complete.



Constant heavy equipment use, to move gravel & soil (regrading) around. After easement was complete



William Kubes on tractor moving soil and gravel. constant noise & regrading & dumping. Code enforcers did nothing.



Dumping of debris at 4912 cross. DG did nothing.