

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

SUBJECT:	TYPE:	SUBMITTED BY:
Rezoning of 2525 Ogden Avenue	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

An ordinance has been prepared to rezone 2525 Ogden Avenue from R-1 Single Family Residence 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**

The subject property was recently annexed by the Village of Downers Grove. The property is on the south side of Ogden Avenue between the Cross Street and the DuPage County detention basin at Ogden Avenue and Drendel Road. The applicant is requesting rezoning from R-1 to B-3. No additional zoning/subdivision requests are being made at this time. All of the properties surrounding the subject lot are zoned B-3.

The property owner is working with the Downers Grove Sanitary District to extend the sanitary sewer in the area. As part of this project, the property owner would grant the Sanitary District an easement on the northern twenty feet of the property for construction of the new sanitary sewer. The proposed location of the sewer conflicts with the property's existing well. As such, the Sanitary District is proposing to demolish the well and have the existing building connect to the Village's water distribution system. Annexation is required to facilitate connection to Village water.

The property owner, in conjunction with the Sanitary District, filed petitions for voluntary annexation and rezoning. To ensure the sanitary sewer can be completed in 2008, the petition for annexation is being considered separate from the petition for rezoning. Upon annexation, the property would automatically be zoned R-1. The petitioner is proposing to rezone the property to B-3, which is consistent with other property adjacent to Ogden Avenue.

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 rezoning.

**ATTACHMENTS**

Aerial Map

Ordinance

Staff Report with Attachments

Draft Minutes from the April 7, 2008 meeting



**2525 OGDEN AVENUE**

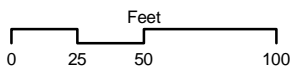
**PIN: 08-01-305-010**

**Department of Community Development**

**Legend**

Selected Property 

Sign Location 



**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 2525 OGDEN AVENUE**

WHEREAS, the real estate located at the southwest corner of Ogden Avenue and Cross Street, 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-3, General Services & Highway Business District" the zoning classification of the following described real estate, to wit:

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

Commonly known as 2525 Ogden Avenue, Downers Grove, IL (PIN 08-01-305-010).

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.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk



# Village of Downers Grove

## STAFF REPORT

**TO:** Plan Commission

**HEARING DATE:** April 7, 2008

**FROM:** Department of Community  
Development

**PREPARED BY:** Stan Popovich, AICP  
Planner

### TITLE

**PC 08-08; Rezoning of 2525 Ogden Avenue from R-1 Single Family Residential to B-3 General Services and Highway Business;** The property was annexed into the Village on April 1, 2008 and automatically zoned R-1 Single Family Residential. The petitioner is requesting a rezoning of the property from R-1 Single Family Residential 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:** Michael Lococo  
1126 E. Chicago Avenue  
Naperville, IL 60540

### PROPERTY INFORMATION

**EXISTING ZONING:** R-1 Single Family Residential  
**EXISTING LAND USE:** Vacant  
**PROPERTY SIZE:** Approximately 11,370 square feet (0.261 acres)  
**PINs:** 08-01-305-010

### SURROUNDING ZONING AND LAND USES:

	ZONING	FUTURE LAND USE
<b>NORTH:</b>	B-3 General Services and Highway Business	Office, Research & Manufacturing
<b>SOUTH:</b>	B-3 General Services and Highway Business	Commercial
<b>EAST:</b>	B-3 General Services and Highway Business	Commercial
<b>WEST:</b>	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

### **DESCRIPTION**

The property, commonly known as 2525 Ogden Avenue, is located at the southwest corner of Ogden Avenue and Cross Street. The property was annexed into the Village on April 1, 2008. Prior to its annexation the property was zoned B-1, Local Business, in DuPage County. Per Section 28.402 of the Zoning Ordinance, all properties annexed into the Village are automatically classified as R-1 Single Family Residential District. The owner is requesting to rezone the property to B-3 General Services and Highway Business to be consistent with the surrounding properties along Ogden Avenue. All the surrounding properties are zoned B-3, including the property to the south which was recently annexed into the Village and also rezoned to B-3.

The annexation and rezoning of the subject property has been pursued separately as requested by the Downers Grove Sanitary District. The Downers Grove Sanitary District is undertaking a significant sanitary sewer project in this area and requested the Village's assistance in expediting the annexation of 2525 Ogden Avenue. The sewer project, anticipated to begin construction in July 2008, includes the removal of a water well that services the property at 2525 Ogden Avenue. Because the well will be removed, the petitioner will be required to tie into the Village's water service prior to the removal of the well. In order to tie into the water service, the petitioner must be annexed to the Village. Due to project timelines, the Sanitary District requested the Village pursue the annexation and rezoning separately. Therefore, the Village annexed the property on April 1, 2008, and the petitioner is now proceeding with the rezoning of the property.

The petitioner is not proposing any new 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 Future Land Use Plan and Ogden Avenue Master Plan designate this property as Commercial. 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 was annexed into the Village on April 1, 2008. 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 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.

All properties surrounding the site are currently zoned B-3 General Services and Highway Business. The Future Land Use Plan classifies the subject property and those properties to the east, south and west for commercial use. The properties to the north of the subject site are classified in the Future Land Use Plan as office, research and manufacturing. 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 OGDEN AVENUE MASTER PLAN**

The Ogden Avenue Master Plan contemplates redevelopment within the corridor. Improved infrastructure, such as the new sanitary sewer line, will encourage redevelopment within this section of the Ogden Avenue corridor. The current residential zoning is not consistent with commercial uses along Ogden Avenue. The proposed rezoning of the subject property to B-3 General Services and Highway Business is consistent with the Ogden Avenue Master Plan and the commercial uses surrounding the property.

## **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-1 Single Family Residential, abuts B-3 General Services and Highway Business zoning districts on all sides. Prior to annexation, the property was zoned B-1 Local Business by DuPage County. The property is suitable for commercial development. The Future Land Use Plan designates this property and all abutting properties for commercial use. The Ogden Avenue Master Plan contemplates improved infrastructure and redevelopment of commercially zoned properties.

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 amendment to the Zoning Ordinance.

## **RECOMMENDATIONS**

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The proposed 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:

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Tom Dabareiner, AICP  
Director of Community Development



February 14, 2008

Mr. Jeff O'Brien, AICP  
Village of Downers Grove  
Department of Planning and Community Development  
801 Burlington Avenue  
Downers Grove, IL 60515

Dear Mr. O'Brien,

Re: Re-Zoning of property at 2525 Ogden Avenue into the Village of Downers Grove

My name is Mike Lococo and I am the owner of the property located at 2525 Ogden Avenue, Downers Grove, IL 60515. p/n 0801305010. I am respectfully requesting consideration for re-zoning of the property listed above from R-1 residential, to B-3 commercial.

Enclosed with this letter are the following documents:

1. Application for re-zoning
2. Application for annexation into the Village of Downers Grove
3. List of all property owners within 250 feet of the subject property
4. Proof of ownership of the subject property
5. Plat of survey of the subject property

Zoning Map Amendment

Subject Property:

Parcel # 0801305010 commonly known as 2525 Ogden Avenue, Downers Grove, IL 60515.

Proposed Zoning:

B-3

Standards for Map Amendments (Village of Downers Grove Municipal Code 28.1702)

1. The existing use and zoning of nearby property

Response: The properties to the East, West, North and South of the subject property are all currently zoned B-3. The future land use map of the Village of Downers Grove identifies the property as zoned B-3.

2. The extent to which the particular zoning restrictions affect property values

Response: The zoning restrictions that are being sought will not affect neighboring property values. The subject property is bordered on the East by an automobile dealership separated by Cross Street. The subject property is bordered on the North by a restaurant separated by Ogden Avenue. The subject property is bordered on the West is occupied by vacant commercially zoned land which is owned by the petitioner, Mike Lococo. The subject property is bordered to the south by vacant commercially-zoned land.

3. The extent to which any determination in property value is offset by an increase in the public health, safety and welfare

Response: The use of the subject property for commercial entities will enhance safety and welfare by minimizing residential exposure to Ogden Avenue. As part of a resulting larger parcel, curb cuts may be reduced along Ogden Avenue enhancing traffic control and flow.

4. The suitability of the subject property for the zoned purposes

Response: Re-zoning of the subject property to B-3 would be in accordance with the Future Land Use Plan of the Village of Downers Grove as well as the Ogden Avenue Master Plan.

"Wherever the Future Land Use Map proposed an expansion of the depth of the Ogden Avenue Business Area, such expansion should be allowed only if such action would directly benefit and become a part of the commercial land which fronts directly on Ogden Avenue."

See Future Land Use Plan

The subject property fronts Ogden Avenue and would allow for an expansion in the width of the applicants lot. The subject property is surrounded by commercially zoned property and would be consistent with the Future Land Use Plan and the Ogden Avenue Master Plan.

5. The length of time that the subject property has been vacant as zoned, considering the context of the development in the vicinity

Response: The subject property currently houses an abandoned structure previously used as an office for a roofing company. The structure has not been used in years.

6. The value to the community of the proposed use and

Response: The community would benefit from the subject property in several ways. First, all surrounding properties are zoned B-3. Zoning the subject B-3 would allow for better assemblage and marketability with the surrounding lots. Secondly, without re-zoning the parcel would only serve as a barrier to comprehensive re-development along Ogden Avenue.

7. The standard of care with which the community has undertaken to plan its land use development

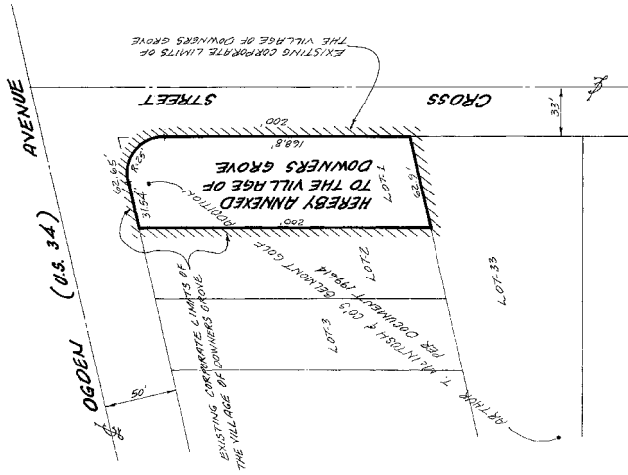
Response: The Future Land Use Plan and the Ogden Avenue Master Plan were crafted by community leaders, internal planners and independent consultants. The use of Ogden Avenue as a bright, vibrant retail corridor has been amplified several times within the Village. Re-zoning of this parcel is consistent with this objective.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Mike Lococo

# PLAT OF ANNEXATION TO THE VILLAGE OF DOWNERS GROVE



LEGAL DESCRIPTION  
 LOT 1 IN ARTHUR T. MCKINOSH AND COMPANY'S BELMONT GOLF ADDITION,  
 A SUBDIVISION OF THE BELMONT GOLF AND COUNTRY CLUB, BEING THE  
 NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38  
 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO  
 DEED RECORDS IN DU PAGE COUNTY, ILLINOIS, DOCUMENT  
 NUMBER 188244 IN DU PAGE COUNTY, ILLINOIS.

DUPAGE COUNTY RECORDERS OFFICE  
 STATE OF ILLINOIS ) SS  
 COUNTY OF DU PAGE )  
 THIS INSTRUMENT WAS FILED FOR  
 RECORD IN THE RECORDERS OFFICE OF DU PAGE COUNTY, ILLINOIS, ON THE  
 \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_ AT \_\_\_\_\_ OF PLATS ON  
 PAGE \_\_\_\_\_, AND WAS RECORDED IN BOOK \_\_\_\_\_

RECORDED OF DEEDS

VILLAGE OF DOWNERS GROVE  
 STATE OF ILLINOIS ) SS  
 COUNTY OF DU PAGE )

THE ANNEXED PROPERTY IS A PART OF THE ABOVE PLAT OF ANNEXATION IS  
 INCORPORATED AND A PART OF THE VILLAGE OF  
 DOWNERS GROVE BY ORDINANCE NUMBER \_\_\_\_\_ ADOPTED BY THE  
 COUNCIL OF SAID VILLAGE ON \_\_\_\_\_

THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
 ATTEST: CLERK \_\_\_\_\_ BY: MAYOR \_\_\_\_\_

SURVEYOR'S CERTIFICATE  
 STATE OF ILLINOIS ) SS  
 COUNTY OF DU PAGE )

THOMAS E. FARMER, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 248  
 248, HEREBY STATE THAT I HAVE PREPARED THE ANNEXED PLAT FROM  
 EXISTING PLATS AND RECORDS FOR THE PURPOSE OF ANNEXATION.

DATED THIS 11th DAY OF February, A.D. 2008  
 BY Thomas E. Farmer  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 248  
 LICENSE EXPIRATION/RENEWAL DATE: 11-30-2008



IN ACCORDANCE WITH ILL. REV. STAT., 1991, CH.  
 106, PAR. 2, THIS PLAT HAS BEEN SUBMITTED FOR  
 RECORDING BY:  
 NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

SITE CONTAINS 0.28 ACRES



**INTECH CONSULTANTS, INC.**  
**ENGINEERS / SURVEYORS**  
 15412 WALNUT AVENUE DOWNERS GROVE, ILLINOIS  
 60410-1541  
 TEL: (708) 261-1541 FAX: (708) 261-5522  
 E-MAIL: GORDON@INTECHCONSULTANTS.COM  
 ILLINOIS REGISTRATION NO. 184-001040

**FILE NO. PC-08-08** A petition seeking rezoning from R-1, Single Family Residential to B-3, General Services & Highway Business. The property is located at the Southwest corner of Ogden Avenue and Cross Street, commonly known as 2525 Ogden Avenue, Downers Grove, IL (PIN 08-01-305-010); Michael Lococo, Petitioner/Owner

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

Mr. O'Brien explained the property was located at the southwest corner of Ogden Avenue and Cross Street and was for a rezoning only. The property, currently in DuPage County and zoned B-1, was subject to a sanitary/sewer extension that the Downers Grove Sanitary District was proposing from Drendell Avenue to Cross Street. Due to the number of utilities in the right-of-way, he explained the petitioner was asking for an easement on the north 20 feet of all of the properties on the south side of Ogden between Drendell and Cross. The reason the petition was split out separately was because the Downers Grove Sanitary District was undertaking a significant sanitary sewer project in the area and requested the Village's assistance in expediting the annexation of 2525 Ogden Avenue because construction of the sewer line would require demolition of the well serving the property. Therefore, the property owner would need to connect to the Village's water distribution system, which requires annexation. The Sanitary District was working with the property owner on this matter. Due to a staff error, the property was not annexed on April 1<sup>st</sup> and would be up for formal consideration by the Village Council next week. The site is surrounded by Village property that is zoned B-3 already and the petitioner is requesting B-3 zoning at this time.

Per staff, the Future Land Use Plan designates the property as Commercial, and 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. Staff recommended approval.

Mr. Michael Conway with Provident Realty Advisors, representing Michael Lococo, the property owner, stated his request was for annexation of the property and once it was annexed, to be rezoned as B-3. He has worked through the issue with the Village's Department of Public Works.

Per a question, Mr. Conway stated that his client was looking at different redevelopment opportunities and had discussed options with various nearby property owners. General Purpose Retail was one option, but no specific plans were drafted. Asked if the petitioner was ready to install a barrier fence at the rear of the property, Mr. Conway stated there have been no discussions with the property owners to the south, which have B-3 zoning. There was no intent to issue an offer on the property but if it were to change, Mr. Conway stated any proposal would have to be a development that worked with the neighborhood. Questions followed on the lot depth and whether it was consistent with the lot depths along Ogden Avenue.

Chairman Jirik opened up the meeting to public comment.

Mr. Richard Mackey, 4613 Cross St., Downers Grove, stated his neighborhood was being “boxed in” and it was difficult to make a left turn onto Ogden Avenue. He recommended moving the light signal at Cross Street to work in conjunction with Cross Street. Mr. Mackey stated this should be considered when new development is proposed for this site.

No further public comment was received. The Chairman closed the public comment portion of the meeting. No further questions followed from the commissioners.

In response to the public comment, Mr. Conway indicated the properties along the front had sufficient depth and he would not touch the piece off Cross Street. However, it made for a more attractive development and sense to merge into it a proper buffer zone with the rear parcel. If that were to move forward, Mr. Conway would look at better traffic flow in the area.

Mr. Cozzo believed the proposal and the findings of fact were reasonable, and he supported the request.

**WITH RESPECT TO FILE NO. PC-08-08, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL ON THIS MATTER.**

**SECONDED BY MRS. RABATAH.**

**ROLL CALL:**

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

**NAY: NONE**

**MOTION CARRIED. VOTE: 8-0**