

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
OCTOBER 27, 2009 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use to Permit the Construction of a Multi-family Residential Apartment Unit at 5114 Main Street	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A Special Use Ordinance has been prepared to permit the construction of a multi-family residential apartment unit at 5114 Main Street in the Downtown Business District.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2008-2013 identified *Authentic Downtown – The Heart of Our Community*. Supporting these goals is the objective *More People Attracted to Downtown*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the November 3, 2009 active agenda.

BACKGROUND

The petitioner is proposing to construct a residential unit on the second floor of 5114 Main Street. The property is located on the west side of Main Street between Burlington Avenue and Curtiss Street and is zoned DB, Downtown Business. In the DB district, multi-family residential units are an allowable Special Use.

The first floor of the building is occupied by Coldwell Banker realtors. Currently, the south half of the second floor is an apartment while the north half is used for storage. The petitioner's Special Use request is to convert the storage space into an 852 square foot apartment. The apartment will include two bedrooms, one bathroom, a living room and kitchen and a mud room.

The proposed multi-family residential use is consistent with surrounding mixed-use development and will not impact the land use characteristics of the property or neighborhood. The proposal complies with all zoning requirements and is also consistent with the Future Land Use Plan. The proposal will comply with all life safety code requirements.

Staff believes the Special Use standards for approval (Section 28.1902 of the Zoning Ordinance) have been met. The proposed apartment complies with the DB regulations, is a desirable use and will contribute to the general welfare of the community. The development will not be detrimental to the health, safety, morals, general welfare or property values of the community. The requested Special Use is listed as an allowable Special Use in Section 28.610(d) of the Zoning Ordinance.

The Plan Commission considered the petition at their October 5, 2009 meeting. The Plan Commission determined that the petition meets the standards for approval and voted unanimously to recommend approval. Staff concurs with the Plan Commission's recommendation.

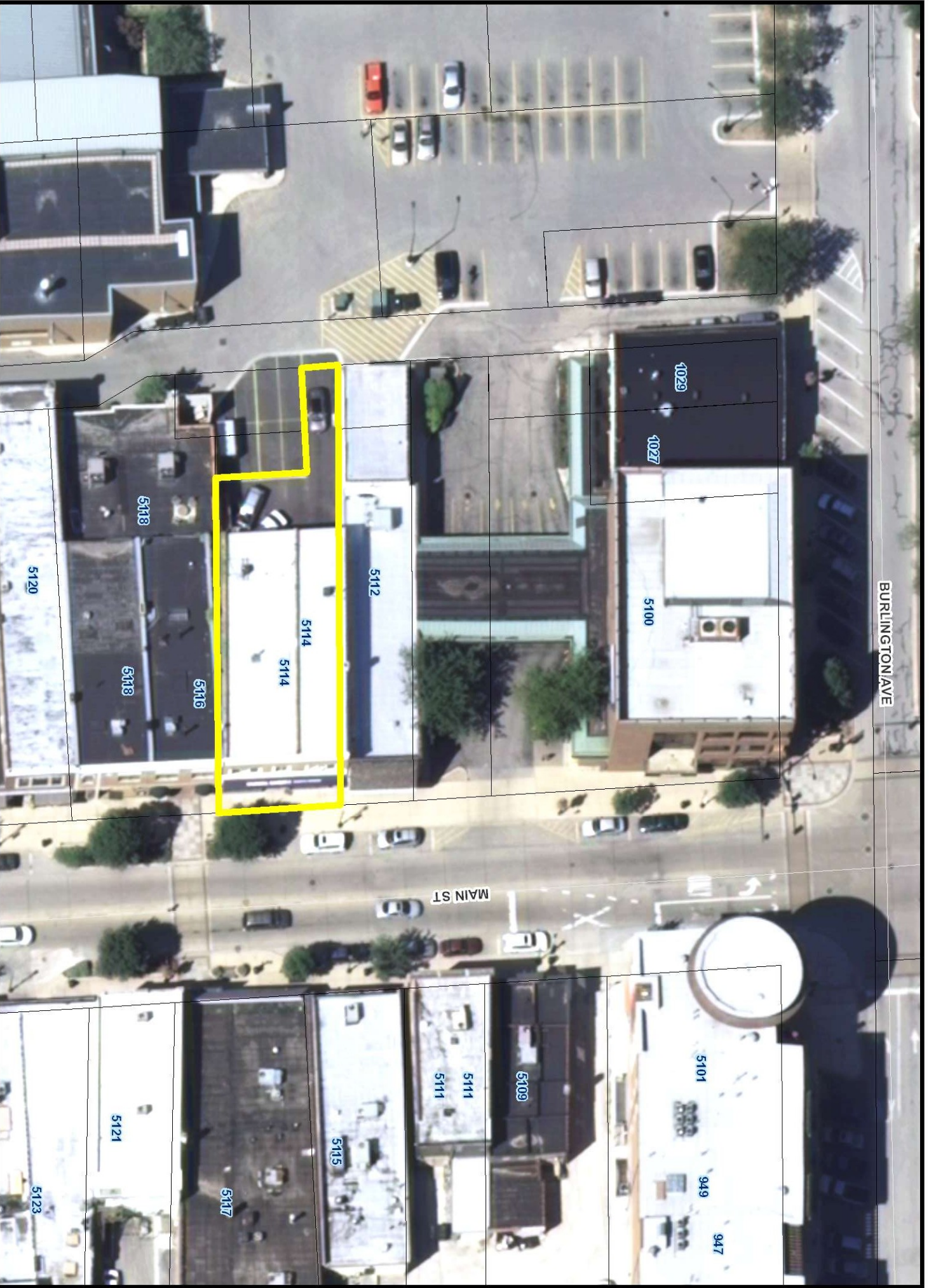
ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated October 5, 2009

Minutes of the Plan Commission Hearing dated October 5, 2009



0 20 40 60 80 Feet

5114 Main Street Special Use Location Map



ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE
TO PERMIT A SECOND FLOOR RESIDENTIAL UNIT
IN THE DOWNTOWN BUSINESS DISTRICT**

WHEREAS, the following described property, to wit:

Parcel 1: Lot 2 (except the north 22 ½ feet thereof and except the south 31 ½ feet of the west 15 feet thereof) in Block 4 of the plat of the Town of Downers Grove, being a subdivision in the west ½ of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded September 10, 1969 as Document 11829 in DuPage County, Illinois

and

Parcel 2: A parcel of land being a part of Lot 57 of the Assessor's Subdivision of Section 7 and 8, Township 38 North, Range 11, East of the Third Principal Meridian, more particularly described as follows: To-wit: Commencing at the Northwest corner of Lot 3 in Block 4 of the plat of the Town of Downers Grove, as laid out and platted by Norman Gilbert; Running thence Northerly along the Westerly line of Lot 2 in said Block 4, 31.5 feet for a point of beginning, continuing thence Northerly along the Westerly line of said Lot 2, 12 feet to an iron stake; running thence Westerly parallel with the Northerly line of said Lot 2 extended, 22 feet to an iron stake in the Easterly line of an alley; running thence Southerly along the Easterly line of said alley, 12 feet; running thence Easterly parallel with the Northerly line of said Lot 2 extended, 22 feet to the Point of beginning, in DuPage County, Illinois,

Commonly known as 5114 Main Street, Downers Grove, IL (PIN 09-08-302-013).

(hereinafter referred to as the "Property") is presently zoned in the "*DB, Downtown Business District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.610(d) of the Zoning Ordinance be granted to allow construction of a second floor residential unit in the Downtown Business District.

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 October 5, 2009 and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. The proposed use will not, under the circumstances of the particular case, be detrimental to the

health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.

3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

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

SECTION 1. That Special Use of the Property is hereby granted to allow construction of a second floor residential unit within the Downtown Business zoning district.

SECTION 2. This approval is subject to the following conditions:

1. The Special Use shall substantially conform to Exhibit A except as such plans may be modified to conform to Village Codes and Ordinances.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use to allow a second floor residential unit in the Downtown Business zoning district is hereby granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and or revocation of the Special Use granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Mayor

Passed:

Published:

Attest: _____

Village Clerk



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
OCTOBER 5, 2009 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-26-09 5114 Main Street	Special Use for a residential unit in the Downtown Business District	Stan Popovich, AICP Planner

REQUEST

The petitioner is requesting Special Use approval to construct a multi-family residential apartment in the Downtown Business district.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: David Lisberg
1440 N. State Parkway
Chicago, IL 60610

APPLICANT: Chris Salman
Stature Custom Homes
943 Maple Avenue
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: DB, Downtown Business
EXISTING LAND USE: Office
PROPERTY SIZE: 5,532 square feet (0.127 acres)
PINS: 09-08-302-013

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	DB, Downtown Business	Commercial
SOUTH:	DB, Downtown Business	Commercial
EAST:	DB, Downtown Business	Commercial
WEST:	DB, Downtown 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. Apartment Floor Plan

PROJECT DESCRIPTION

The petitioner is requesting Special Use approval to construct a residential unit on the second floor of 5114 Main Street. The property is located on the west side of Main Street between Burlington Avenue and Curtiss Street. The 5,532 square foot property is zoned DB, Downtown Business. Multi-family residential units are an allowable Special Use in the DB district.

The first floor of the two-story building houses a Coldwell Banker realtors office. The south half of the second floor is an existing residential unit. The north half of the building is currently used as storage and is proposed to be converted to a two-bedroom apartment. The conversion of this space requires Special Use approval.

The new 852 square foot apartment will have access from the east (front) of the building through an existing stairway and door directly onto Main Street. A proposed deck extension running the width of the building will be constructed to provide two new rear entrances to the apartment. The apartment will have two bedrooms, one bath, a living room and kitchen and a mud room.

The existing building and proposed rear deck meets all setback and bulk zoning regulations within the DB zoning district. There is an adequate amount of parking spaces for the two residential units and the minimum lot size for residential units in the DB district is also met.

COMPLIANCE WITH FUTURE LAND USE PLAN

The Future Land Use Plan designates the site as Commercial. The proposed apartment is an allowable Special Use in the DB zoning district. Because the use is consistent with surrounding upper floor residential and business uses, the apartment will not impact the land use characteristics of the property or neighborhood. Staff believes the proposed development is consistent with the intent of the Future Land Use Plan.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned DB, Downtown Business. The proposed residential use is a permitted Special Use in the DB district. The existing building complies with the DB bulk regulations of the Zoning Ordinance, including parking, setbacks, and minimum lot area.

ENGINEERING/PUBLIC IMPROVEMENTS

There are no proposed public improvements associated with this application.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division of the Fire Department has reviewed the proposed plans and has no objection to the proposed use. Minor safety upgrades will be required in conjunction with the new apartment. These include the installation of a fire-rated door, exit and emergency lighting and pull stations. These items are shown on the floor plan and will be reviewed again during the building permit

phase.

NEIGHBORHOOD COMMENT

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

FINDINGS OF FACT

Staff believes the standards for a Special Use, as shown below, have been met. The proposed apartment is a desirable use to provide additional residential opportunities in the downtown. The use will contribute to the general welfare of the community. The development will not be detrimental to the health, safety, morals, general welfare or property values. The proposed development complies with the regulations of the DB zoning district. The requested Special Use is listed as an allowable Special Uses in Section 28.610(d) of the Zoning Ordinance.

Section 28.1902 Standards for Approval of Special Uses

The Village Council may authorize a special use by ordinance provided that the proposed Special Use is consistent and in substantial compliance with all Village Council policies and land use plans, including but not limited to the Comprehensive Plan, the Future Land Use Plan and Master Plans and the evidence presented is such as to establish the following:

- (a) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.*
- (b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.*
- (c) That the proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located or will comply with any variation(s) authorized pursuant to Section 28-1802.*
- (d) That it is one of the special uses specifically listed for the district in which it is to be located.*

RECOMMENDATIONS

The proposed Special Use 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 subject to the following conditions:

1. The Special Use shall substantially conform to Exhibit A except as such plans may be modified to conform to Village Codes and Ordinances.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:sp
-att

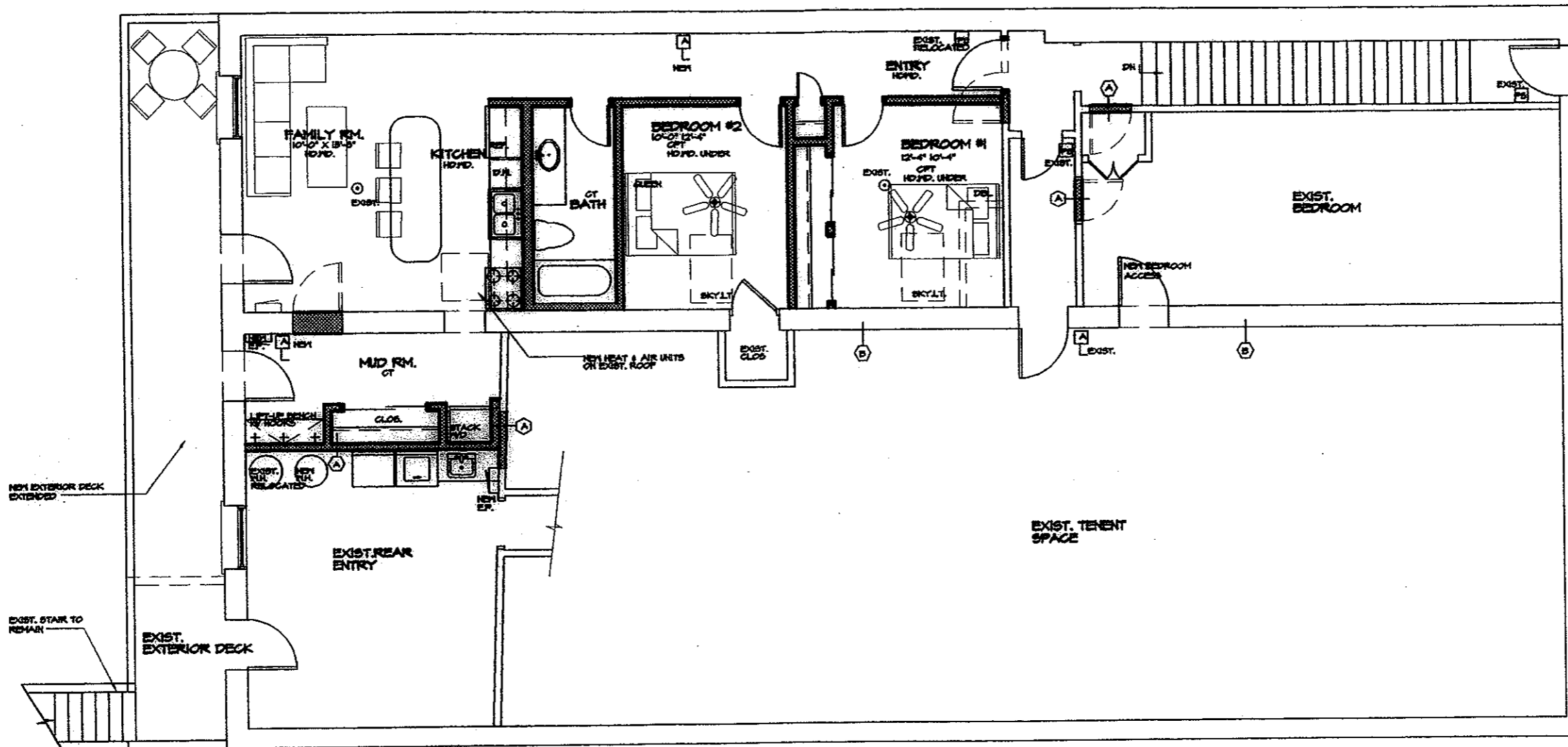
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0 20 40 60 80 Feet

5114 Main Street Special Use Location Map





PROPOSED SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

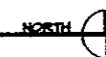
- FS FULL STATION TV AUDIO VISUAL ALARMS
- AV AUDIO VISUAL ALARMS
- SD SMOKE DETECTOR

- A NEW 1 HR. DE-SMOKING HALL TO STRUCT. ABOVE
- B EXIST. 2 HR. DE-SMOKING HALL TO STRUCT. ABOVE
- EXIST. FLR. / CLS. TO HAVE 1 HR. SEPERATION

785 SQ. FT.
 675 SQ. FT. MID. RM.

GROUND FLR. = 8400 S.F.
 2ND FLR. = 8400 S.F.
 TOTAL = 16800 S.F.

652 S.F. OF PROPOSED INTERIOR REMODELED
 11.4 % OF TOTAL EXIST. S.F.



DRAFT

PC-26-09 A petition seeking a special use to allow a second floor residential unit in the Downtown Business (DB) district for the property located on the west side of Main Street, approximately 155 feet south of Burlington Avenue, commonly known as 5114 Main Street, Downers Grove (PIN 09-08-302-013); Chris Salman, Stature Custom Homes, Petitioner; David Lisberg, Owner

Chairman Jirik swore in those individuals who would be speaking on File PC-26-09.

Village Planner, Mr. Stan Popovich discussed the petitioner is requesting a special use to construct a residential unit on the second floor of 5114 Main Street, located on the west side of Main Street between Burlington Avenue and Curtiss Street. Currently, a Coldwell Banker's real estate office uses the first floor of the two-story building and the southern half of the second floor has an existing residential unit. The northern half of the building is currently used as storage and is proposed to be converted into a two-bedroom apartment. The 5,532 square foot property is zoned DB, Downtown Business. Multi-family residential units are an allowable Special Use in the DB district and the conversion of this space will require Special Use approval.

Per staff, the new 852 square foot apartment will have access from the east (front) of the building through an existing stairway and through a door directly onto Main Street. A proposed deck extension will run the width of the building and will be constructed to provide two new rear entrances to the apartment. The apartment will have two bedrooms, one bath, a living room and kitchen and a mud room.

All setback and bulk zoning regulations are being met within the DB zoning district and parking is adequate. The Future Land Use Plan designates the location as Commercial and the proposed apartment is an allowable special use in the DB zoning district. Because the use is consistent with surrounding upper floor residential and business uses, the apartment will not impact the land use characteristics of the property or neighborhood. Staff believes the proposed development is consistent with the intent of the Future Land Use Plan. Currently, there are no proposed public improvements associated with this application.

Per staff, the Fire Department has reviewed the proposal and finds no objection to the proposed use except for minor safety upgrades. The upgrades will include the installation of a fire-rated door, exit and emergency lighting, and pull stations in order to issue a building permit. Staff has spoken to a couple of the neighbors who have had no objections.

Staff believes the standards for a special use have been met and the proposed apartment is a desirable use to provide additional residential opportunities in the downtown. The use will contribute to the general welfare of the community and the development will not be detrimental to the health, safety, morals, general welfare or property values. The proposed development complies with the regulations of the DB zoning district. The requested special use is listed as an allowable special uses in Section 28.610(d) of the Zoning Ordinance.

Mr. Popovich recommended that the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the following condition: The special use shall substantially conform to Exhibit A except as such plans may be modified to conform to Village Codes and Ordinances.

DRAFT

Mr. Popovich confirmed that there would be two residential spaces on the second floor and because the parking requirement was 1.4 spaces per unit, a total of three (3) spaces for both units is required.

Petitioner, Mr. Christopher Salman, 4905 Oakwood, explained he was a builder in town as well as a painting contractor. He believed the apartment was the highest and best use for the property. He stated that when the Coldwell Banker unit was renovated about three years ago, at that time he placed a two-hour fire rating ceiling in the building and did a fire alarm system but was not required to install sprinklers. He did not plan to install sprinklers in the future.

Chairman Jirik opened up the meeting to public comment. No comments followed. Public comment was closed. No comments were received from the plan commissioners.

WITH RESPECT TO PC-26-09, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITION:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO EXHIBIT A EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**

SECONDED BY MR. WEBSTER.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

Mr. O'Brien briefly reviewed next month's agenda. He will not be attending that meeting.

**MRS. RABATAH MADE A MOTION TO ADJOURN THE MEETING. MR. QUIRK
SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

THE MEETING WAS ADJOURNED AT 9:35 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)