

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
NOVEMBER 3, 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.

UPDATE & RECOMMENDATION

This item was discussed at the October 27, 2009 workshop. Staff recommends 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.

ATTACHMENT
Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: _____ **Applicant** _____ **DATE:** _____ **November 3, 2009** _____
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____ **PC-26-09** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A SECOND FLOOR RESIDENTIAL UNIT IN THE DOWNTOWN BUSINESS DISTRICT", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance will authorize a special use for 5114 Main Street to authorize a second floor residential unit in the downtown business district.

RECORD OF ACTION TAKEN:

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.

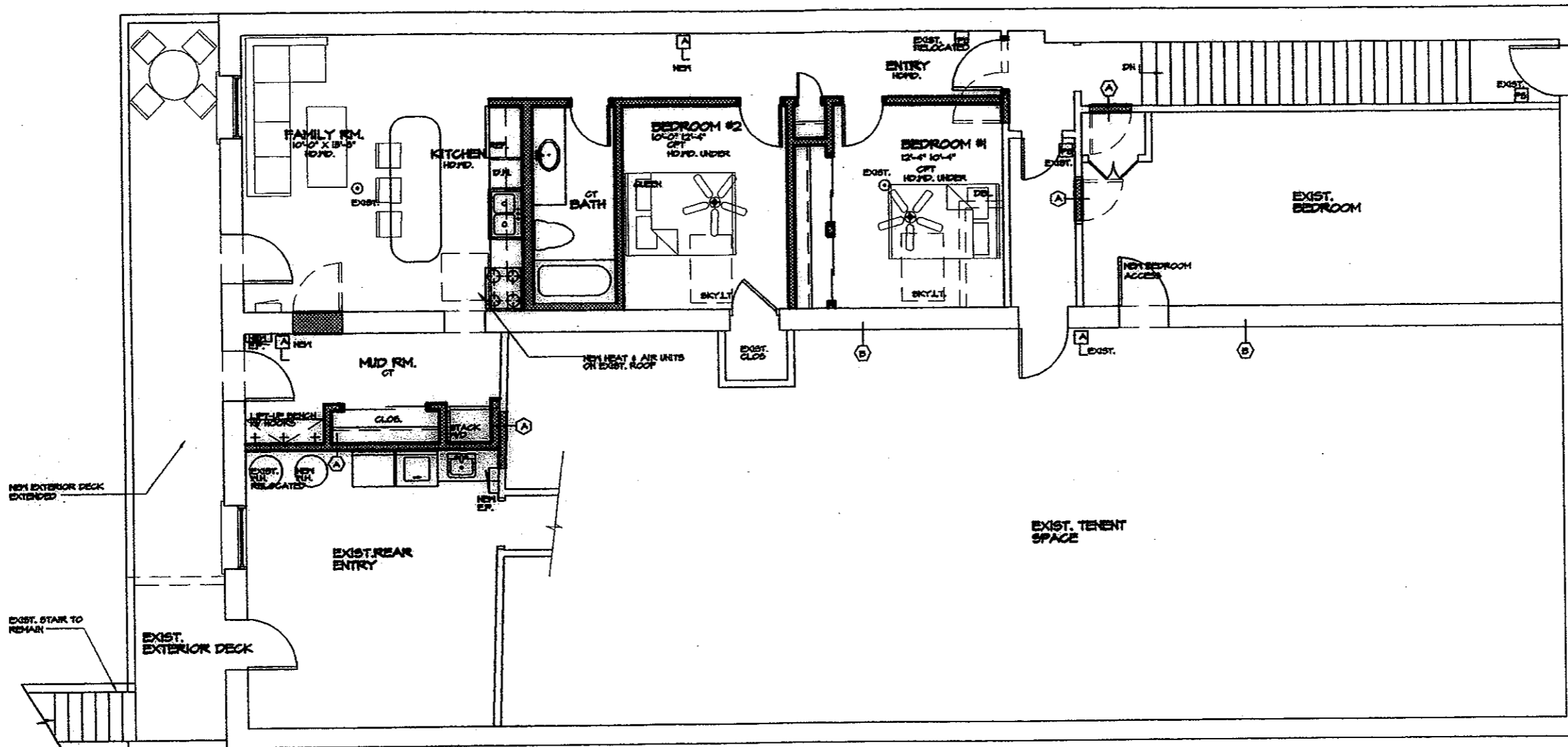
Mayor

Passed:

Published:

Attest: _____

Village Clerk



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



- FULL STATION TV AUDIO VISUAL ALARMS
- AUDIO VISUAL ALARMS
- SMOKE DETECTOR

- NEW 1 HR. DE-SING. WALL TO STRUCT. ABOVE
- EXIST. 2 HR. DE-SING. MASONRY WALL
- EXIST. FLR. / CLS. TO HAVE 1 HR. SEPERATION

785 SQ. FT.
 67 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
 1/4 % OF TOTAL EXIST. S.F.