

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
AUGUST 10, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Text Amendment	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared amending Chapter 28, Zoning Ordinance, Section 28.610 Downtown Business District. The proposed amendment affects the permitted and special use lists.

STRATEGIC PLAN ALIGNMENT

The Goals 2013 identified *Authentic Downtown – the Heart of Our Community*. Supporting this goal are the objectives *More people attracted to Downtown: destination for residents and non-residents*. Staff believes the proposal complies with the Strategic Plan.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the August 17, 2010 active agenda.

BACKGROUND

The Village is proposing text amendments to the Zoning Ordinance to modify the permitted and special use lists for the Downtown Business (DB) District. Specifically, the proposed amendments would add three categories of service uses to the list of permitted uses and would reclassify private surface parking lots from a permitted use to a special use.

Over the past several months, it was brought to staff’s attention by Downtown Management that several existing service uses in the district were not allowed by the zoning regulations. It was indicated that these uses were desirable. As such, staff is proposing a text amendment to add the following uses to the permitted use list (Section 28.610(c)):

- Consignment Shops up to 3,000 square feet
- Dance and Music Studios
- Martial Arts/Personal Trainer Studios up to 3,000 square feet

Currently, the Zoning Ordinance classifies off-street parking lots as permitted uses. The proposed amendment would classify off-street parking lots not associated with a specific business as special uses. As indicated by the Village’s Downtown Pattern Book, surface parking is generally not compatible with the traditional development patterns present in the Downtown. Shared and public parking facilities are encouraged in neighborhoods similar to the Village’s Downtown to limit the amount of land dedicated

to parking. Public commuter and shopper parking lots as well as private parking lots (associated with specific businesses) will still be permitted. The following changes are proposed for surface parking lots:

- Added permitted use to Section 28.610(c)(1) – “Governmental Parking Lots and Structures”
- Modified permitted use in Section 28.610(c)(3) – “Off-Street parking lots and loading docks **accessory to a permitted use**”
- Added special use to Section 28.610(d)(4) – “Off-Street parking lots and loading docks not accessory to a permitted use or special use”

The Plan Commission considered the amendment at its July 12, 2010, meeting. The Commission found that the amendments will allow for a greater mix of retail and services uses in the Downtown while enhancing the pedestrian scale and traditional development patterns. Further, the Plan Commission found that the changes to the off-street parking uses would discourage the use of vacant and under-used sites as off-street parking lots. No public comments were received during the public hearing. The Plan Commission recommended that proposed use modifications would be beneficial and unanimously recommended approval of the amendment. Staff concurs with the Plan Commission’s recommendation.

ATTACHMENTS

Ordinance

Staff Report dated July 12, 2010

Draft Minutes of the Plan Commission Hearing dated July 12, 2010

ORDINANCE NO. _____

AN ORDINANCE AMENDING DOWNTOWN BUSINESS DISTRICT USES

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by shading/underline; deletions by ~~strikeout~~):

Section 1. That Section 28.610. is hereby amended to read as follows:

28.610. DB Downtown Business District.

(a) *Purpose and goals.* The purposes of the DB Downtown Business District are to establish comprehensive zoning standards for development in the central business area of Downtown Downers Grove and to provide the greater flexibility for that development that is appropriate and necessary to allow for revitalization and continuing vitality of “traditional” downtown area. Traditional downtown areas like Downtown Downers Grove often include buildings with mixed uses, lot-line-to-lot-line development, greater floor area ratios and heights, and other techniques to create vibrant, compact areas within which to shop, dine, and live. Buildings and streetscapes in these areas often are designed differently from retail buildings outside of the downtown area to achieve the desired dense, pedestrian-friendly retail environment. These are the goals of the DB Downtown Business District, which is intended to encourage high quality retail uses, compatible services uses, and, in conjunction therewith, multiple family residential dwelling units. The DB Downtown Business District provides for a broad range of these mixed uses and for somewhat more intense development in the nature of a traditional downtown. Development within the DB Downtown Business District that affects the exterior appearance of a structure is subject to review pursuant to the Downtown Design Guidelines.

(b) *Mapping restriction.* The DB Downtown Business District is designed for the types of development appropriate for the Village’s downtown business area, and thus the DB Downtown Business District should be mapped only in the area shown on the Zoning Map as of June 7, 2005, except that (1) the DB Downtown Business District may be mapped on property contiguous to that area on property classified as of June 7, 2005, within the DT Downtown Transition District and (2) upon a finding by the Council that there exists specific extraordinary circumstances, the DB Downtown Business District may be mapped on property classified within other zoning districts abutting the existing DB District.

(c) *Permitted uses.* The following uses are allowed in the DB Downtown Business District as permitted uses:

- (1) Public, Institutional.
 - Village-owned facilities and structures.
 - Governmental facilities and structures other than colleges, universities, and schools.
 - Governmental parking lots and structures.
- (2) Commercial.
 - Antique shops.
 - Animal grooming.
 - Art and school supply stores.
 - Art galleries and studios.
 - Bakeries, retail only, with accessory preparation, but only up to 5,000 square feet.
 - Banks, financial institutions, but excluding drive-in, drive-up, and drive through facilities.
 - Barber shops and beauty salons.
 - Bicycle shops.
 - Books, stationery, and newspaper stores.

DB Permitted Uses

- Business and professional offices.
- Camera and photographic supply and repair stores.
- Candy stores, retail only, with accessory preparation.
- Carpet, rug, and linoleum stores and showrooms, but excluding warehousing.
- Clothing sales and clothing rental stores.
- Coin and philatelic stores.
- Consignment shops up to 3,000 square feet.
- Copying, binding, and digital imaging services.
- Cosmetics and toiletry stores, retail only.
- Craft and hobby shops.
- Custom clothing making and millinery shops, including monogramming services.
- Dance and music studios.
- Department stores up to 15,000 square feet.
- Drug stores, but not including drive-through facilities.
- Dry cleaning stores, retail only, no plant on site.
- Electronics and household appliance stores, retail only, including radio, television, cellular, and similar products, but not including warehousing.
- Flower and florist shops.
- Food stores, grocery stores, meat markets, delicatessens, ice cream shops, and similar stores other than restaurants up to 15,000 square feet.
- Furniture stores, retail only, but not including warehousing.
- Furrier stores, retail only.
- Garden supply shops and stores.
- Gift and card shops.
- Glassware stores, including china, ceramic, pottery, and similar products, retail only.
- Hardware stores up to 15,000 square feet.
- Interior decorating stores.
- Jewelry stores, including accessory repair and assembly, retail only.
- Leather goods and luggage stores.
- Liquor stores, but not including any customer seating, packaged goods only.
- Locksmith shops.
- Martial arts/personal trainer studios up to 3,000 square feet.
- Medical offices (outpatient services only) up to 3,000 square feet.
- Musical instrument stores, including accessory repairs.
- Office supply stores.
- Paint and wallpaper stores.
- Photograph developing and processing stores, retail only.
- Photographer studios, including accessory developing and processing.
- Picture framing stores, retail only.
- Plumbing showrooms, retail only, excluding warehousing.
- Restaurants (but not including outdoor seating or drive-through facilities).
- Sewing machine shops, including accessory repairs, household machines only.
- Shoe stores and shoe repair shops.
- Sporting goods stores, but not including sales of firearms or ammunition of any kind.
- Tailor shops.
- Ticket sales and agencies.
- Tobacco shops.
- Toy stores.

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- Travel bureaus, including transportation ticket offices.
- Video stores.
- Wine boutiques, which include customer seating.
- (3) Miscellaneous.
 - Home occupations.
 - Off-street parking lots and loading docks accessory to a permitted use.
 - Outdoor café. (See Section 4-104)
 - Outdoor display of merchandise. (See Section 4-103)
- (d) *Special uses*. The following uses are allowed in the DB District as special uses:
 - (1) Residential.
 - Multiple-family dwellings.
 - (2) Public, Institutional.
 - Churches, other places of worship, and church schools, but only if existing as of June 7, 2005, and only on the property as existing on June 7, 2005.
 - Colleges, universities, and schools, both public and private.
 - Public utility facilities.
 - (3) Commercial.
 - Automobile service stations, including automobile repair, minor, but excluding body repair and painting.
 - Animal surgical offices.
 - Bowling alleys.
 - Commercial schools.
 - Day care centers, subject to Section 28-1017.
 - Department stores larger than 15,000 square feet.
 - Drive-through facilities accessory to an authorized use (but not including drive-through restaurants).
 - Food stores, grocery stores, meat markets, delicatessens, ice cream shops, and similar stores other than restaurants larger than 15,000 square feet.
 - Hardware stores larger than 15,000 square feet.
 - Health and fitness clubs.
 - Hotels and bed-and-breakfast establishments.
 - Medical offices (outpatient services only) larger than 3,000 square feet.
 - Private schools.
 - Theaters, but not including drive-in movie theaters.
 - (4) Miscellaneous.
 - Planned developments.
 - Off-street parking lots and loading docks not accessory to a permitted or special use.
- (e) *Minimum lot area*: 800 square feet per dwelling unit; otherwise not applicable.
- (f) *Minimum lot width*: None.
- (g) *Minimum front setback*: None.
- (h) *Minimum side yard*: None.
- (j) *Minimum rear yard*: None.
- (k) *Minimum transitional yard*: Where a DB Downtown Business District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:
 - (i) Where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along such side or rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Ordinance for a residential use or the adjacent property in the residence district. An additional one foot of yard shall be provided for each

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additional one foot of height in excess of 20 feet.

(ii) Where a rear lot line coincides with a rear lot line of property in an adjacent residence district, a yard shall be provided along such rear lot line. Such yard shall be 20 feet in depth, plus one foot of yard for each additional one foot of height in excess of 20 feet.

(iii) Where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residence district, a yard equal in depth to the minimum front yard required by this Zoning Ordinance on such adjacent lot in the residence district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley, from such lot in the residence district. There shall be an unobstructed, landscaped green space setback of no less than eight feet along the remainder of such front or side lot line.

(iv) If a rear lot line of a lot located in a DB Downtown Business District is contiguous to a side lot line of a lot located in a residence district, a rear yard shall be provided along such rear lot line equal in dimension to the minimum side yard required under this Zoning Ordinance on the adjacent residential lot. An additional one foot of yard shall be provided for each additional one foot of height in excess of 20 feet.

(l) *Maximum height:* 70 feet, excluding parapet walls and mechanical penthouses.

(m) *Maximum lot coverage:* Not applicable.

(n) *Minimum square feet of floor area per dwelling unit:* Single family—950. Two-family—750. Multiple family: 3-bedroom—750, 2-bedroom—620, 1-bedroom—500, studio—400.

(o) *Maximum floor area ratio:* None.

(p) *Minimum open space, landscaped green space, and common open space:* None.

(q) *Mechanical equipment:* All mechanical equipment shall be entirely screened from public view.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

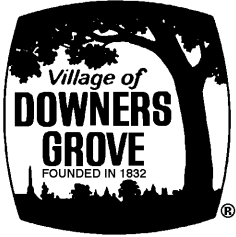
Mayor

Passed:

Published:

Attest: _____

Village Clerk



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
JULY 12, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC 08-10 Zoning Ordinance Text Amendment – DB District Use Lists	Zoning Ordinance Text Amendment	Jeff O’Brien, AICP Planning Manager

REQUEST

The proposed amendment will modify the Village’s Downtown Business District permitted and special lists. Specifically, several new uses are being added to the list of permitted uses. One use is being re-classified from a permitted use to a special use.

NOTICE

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

GENERAL INFORMATION

APPLICANT: Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

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. Zoning Ordinance
3. Downtown Pattern Book
4. Proposed Amendment

PROJECT DESCRIPTION

The Village is requesting review of a text amendment to the Zoning Ordinance. Specifically, the staff is proposing to modify the permitted and special use lists for the Downtown Business (DB) District. The amendment is being proposed after reviewing existing uses and proposed tenants in the Downtown neighborhood. The request was initiated by Village staff after feedback from the Downtown Downers Grove Management Corporation (Downtown Management).

The DB district regulations were originally adopted in June 2005. The entire Downtown neighborhood was rezoned and new use and bulk regulations were written to facilitate redevelopment. The current DB district use lists favor smaller retail and service operations that generally fit into the physical geography of a suburban downtown. The goal of the DB district regulations is to foster a pedestrian-friendly environment with places to live, shop and dine while making use of the Downtown's shared parking resources. Uses that generate more automobile traffic such as residences, larger retailers and larger service providers (health clubs, large medical offices, etc.) require a special use.

Over the past several months, it was brought to staff's attention by Downtown Management that several existing service uses in the district were not allowed by the zoning regulations. It was indicated that these uses were desirable. As such, staff is proposing a text amendment to add the following uses to the permitted use list (Section 28.610(c)):

- Consignment Shops up to 3,000 square feet
- Dance and Music Studios
- Martial Arts/Personal Trainer Studios up to 3,000 square feet

Additionally, staff is proposing to modify the allowance for surface parking lots from a permitted use to a special use. As indicated by the Village's Downtown Pattern Book, surface parking is generally not compatible with the traditional development patterns present in the Downtown. Shared and public parking facilities are encouraged in neighborhoods similar to the Village's Downtown to limit the amount of land dedicated to parking. Public commuter and shopper parking lots as well as private parking lots (associated with specific businesses) will still be permitted. The following changes are proposed for surface parking lots:

- Added permitted use to Section 28.610(c)(1) – "Governmental Parking Lots and Structures"
- Modified permitted use in Section 28.610(c)(3) – "Off-Street parking lots and loading docks **accessory to a permitted use**"
- Added special use to Section 28.610(d)(4) – "Off-Street parking lots and loading docks not accessory to a permitted use or special use"

The specific text amendment is attached for review.

PUBLIC COMMENT

As noted above, Downtown Management expressed support for the proposed changes in May 2010. Village staff provided a copy of the draft amendment to Downtown Management for comment. They indicated that the proposed amendments are appropriate for the district.

FINDINGS OF FACT

The amendments will allow for a greater mix of retail and services uses in the Downtown while enhancing the pedestrian scale and traditional development patterns. The proposed permitted uses that are being added provide additional visitors to the Downtown, which may increase the foot traffic to the existing retail and restaurant uses. The changes to the off-street parking uses will discourage the use of vacant and under-used sites as off-street parking lots. The change would not impact the overall intent of the Village's re-write of the Downtown zoning regulations. The amendment will enhance the Strategic Plan's goals of preserving a traditional, authentic Downtown. Staff believes the proposed amendment is necessary to enhance the use mix in the Downtown neighborhood and goals of the Zoning Ordinance.

RECOMMENDATIONS

The proposed text amendment adds three uses to the DB District's permitted use list. The proposed change also alters the requirements creating new off-street parking facilities not owned by a governmental entity or accessory to an existing tenant. The amendment is consistent with the original intent of the updated Downtown regulations and is consistent with the Strategic Plan goals of preserving an authentic, traditional Downtown. As such, staff recommends the Plan Commission make a positive recommendation to the Village Council.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

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PC-08-10 DB Text Amendment:

A PETITION SEEKING AN AMENDMENT TO SECTION 28.610 OF THE DOWNERS GROVE ZONING ORDINANCE OF THE DOWNTOWN BUSINESS DISTRICT AS IT RELATES TO PERMITTED AND SPECIAL USE LIST; VILLAGE OF DOWNERS GROVE, PETITIONER.

Chairman Jirik swore in those individuals who would be speaking on behalf of File PC-08-10.

Mr. Jeff O'Brien, the Village Planning Manager, explained the proposal before the commissioners is a text amendment that only affects the downtown zoning districts and affects the permitted use list and special use list. The petition was initiated by Village staff after receiving input from the Downtown Management Corporation of uses that were not being covered by the use lists but were desirable by the businesses. Some of those uses included music/dance studios, marshal arts/personal training studios (up to 3,000 sq. feet), and consignments shops (up to 3,000 sq. feet). In addition to adding these uses, Mr. O'Brien explained staff is proposing to modify the off-street parking regulations for the DB district. After reviewing the permissions for off-street parking lots, staff believed that classifying all lots as a permitted use is too liberal. He noted all of the Downtown lots were currently associated with a business, a building or were public parking lots. The regulations would allow for private surface parking lots regardless if it was for a specific building or business. Staff was trying to encourage sharing parking lots or using public parking Downtown to protect the pedestrian-friendly nature of the neighborhood. The Village did not want to encourage demolition of buildings or use of vacant lots for private, for-sale parking lots.

Therefore, Mr. O'Brien explained that the text in Section 3 of the former Permitted Use list has been revised from stating "Off-Street Parking and Loading Docks" to now stating "Off-Street Parking Lots and Loading Docks Accessory to a Permitted Use" with the addition of a permitted use entitled, "Governmental Parking Lots and Structures" to allow the Village commuter lots and parking deck to continue to exist as a right. An added special use (Section 28.610.D) "Off-Street Parking Lots and Loading Docks Not Accessory to a Permitted Use or Special Use" was also added. Examples followed.

The ordinance was provided to the Downtown Management Corp. for their review. No objections were received. Mr. O'Brien indicated Downtown Management's board president was also in attendance. He stated staff was recommending approval since the amendment would add three desirable uses to the permitted use list.

Per a commissioner question, the term "consignment shop" was defined. Mr. O'Brien also clarified the term "government parking lots and structure." Mr. Webster further confirmed with staff that there would be a mechanism for a person to operate a for-profit parking structure should the Village run out of parking. Mr. O'Brien noted that a property owner could apply for a special use permit.

Chairman Jirik opened up public participation; there being none, public participation was closed.

No closing statement followed by Mr. O'Brien. No further discussion followed.

MOTION:

WITH RESPECT TO PC-08-10, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL WITH REGARD TO AN AMENDMENT TO SECTION 28.610 OF THE DOWNERS GROVE ZONING ORDINANCE OF THE DOWNTOWN BUSINESS DISTRICT AS IT RELATES TO PERMITTED AND SPECIAL USE LIST.

SECONDED BY MRS. RABATAH. ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 9-0.