

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
DECEMBER 7, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Map Amendment - 1407 61 st Street	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared to permit zoning ordinance map amendment to rezone the subject property, commonly known as 1407 61st Street, from R-1 Single Family Residence to R-3 Single Family Residence.

STRATEGIC PLAN ALIGNMENT

The Goals 2013 identified *Preservation of Our Residential and Neighborhood Character*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the November 16, 2010 Council meeting. Staff recommends approval on the December 7, 2010 active agenda.

BACKGROUND

The petitioner is requesting to rezone the property at 1407 61st Street from R-1 to R-3. The 7,500-square foot property is improved with a vacant single family residence. The property has been classified as R-1 since it was annexed to the Village on March 3, 1980 and the R-3, Single Family Residence, zoning classification would be consistent with the majority of surrounding properties. The petitioner is not proposing any changes to the site at this time, but plans to demolish the existing building and construct a new single family residence on the property in the future.

As a result of the rezoning, some of the setback requirements will change. The bulk requirements are outlined in the table below:

1407 61st Street	R-1 Zoning – Existing	R-3 Zoning - Proposed
Front Setback	40 ft.	30 ft.
Side Setback	7 ft.	6 ft.
Rear Setback	20 ft.	20 ft.
Setback for Air Conditioning Unit	10 ft.	6 ft.
Height	35 ft.	33 ft.
Lot Coverage	32 % (2,400 sq. ft.)	32 % (2,400 sq. ft.)

The proposed R-3 zoning would be consistent with the Future Land Use Plan, which designates the property as Residential with 0-6 dwelling units per acre and the existing trend of residential development in the area.

The Plan Commission considered the petition at their November 1, 2010 meeting and found that the request met the standards for approval. The Board recommended unanimous approval of the rezoning request. Staff concurs with the Plan Commission's recommendation

ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated November 1, 2010

Minutes of the Plan Commission Hearing dated November 1, 2010

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 1407 61ST STREET**

WHEREAS, the the property located on the south side of 61st Street 120 feet east of Hillcrest Road, Downers Grove, Illinois, hereinafter described has been classified as "R-1, Single Family Residence District" 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, the Plan Commission of the Village of Downers Grove has given the required public notice, and has conducted a public hearing on November 1, 2010 and 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 "R-3, Single Family Residence District" the zoning classification of the following described real estate, to wit:

The east 50 feet of Lot 4 in Gale B. Hoak's division of Lot 20 and the north ½ of Lot 21 of Arthur T. McIntosh and Company's Dunham Street Subdivision of portions of the south ½, lying east and west of the Indian Boundary line of Section 18, Township 38 north, Range 11 east of the Third Principal Meridian, according to the plat in DuPage County, Illinois

Commonly known as 1407 61st Street, Downers Grove, Illinois (PIN #'s 09-18-403-003).

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.

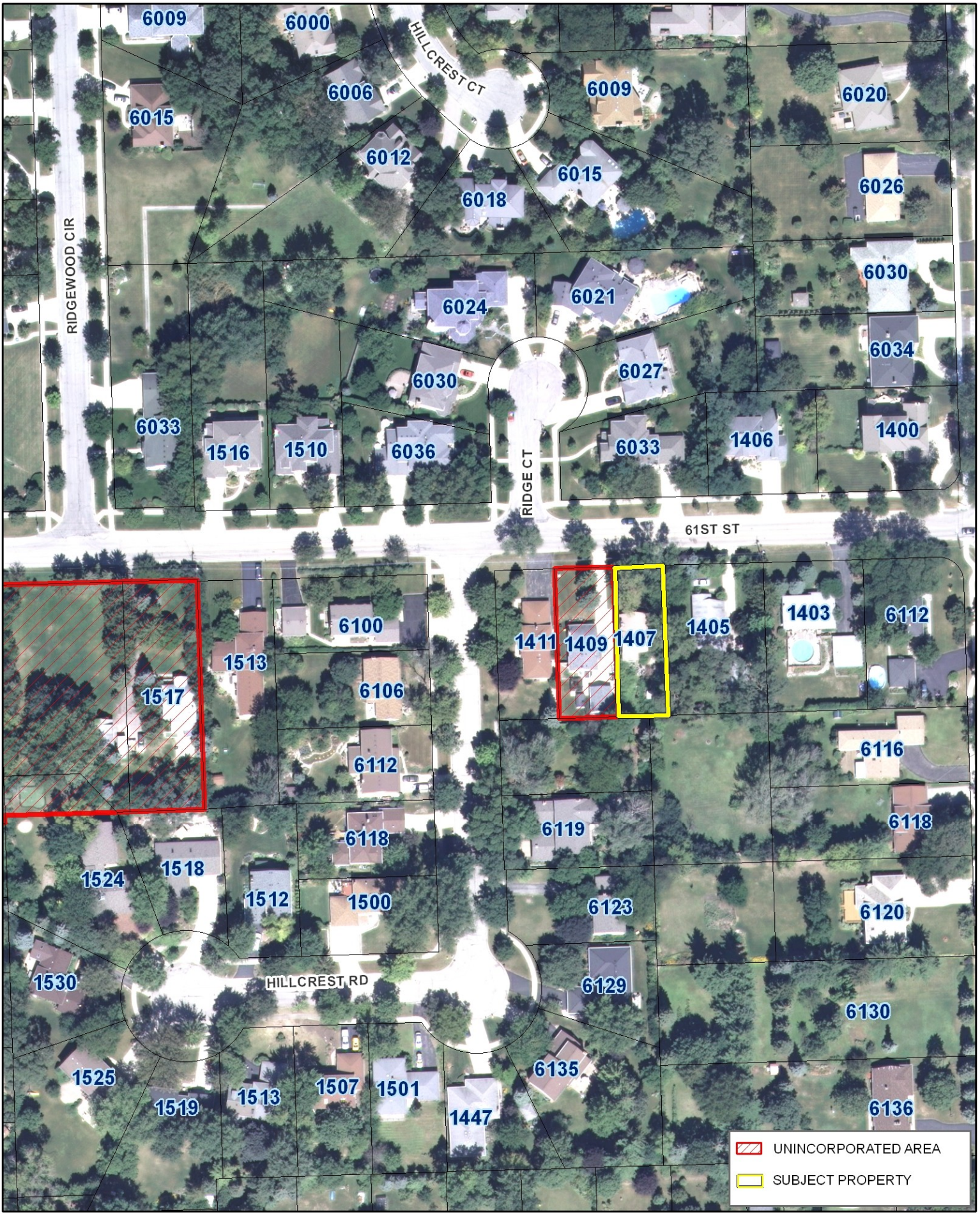
SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.



Mayor

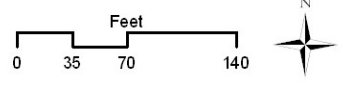
Passed:

Published:

Attest: _____
Village Clerk



 UNINCORPORATED AREA
 SUBJECT PROPERTY



1407 61st STREET



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
NOVEMBER 1, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-15-10 1407 61 st Street	Zoning Ordinance Map Amendment	Damir Latinovic, AICP Planner

REQUEST

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-1 Single Family Residence to R-3 Single Family Residence district.

NOTICE

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

GENERAL INFORMATION

APPLICANT: Pete Boroumand
1906 Concord Drive
Downers Grove, IL 60516

OWNER: Oakland Homes, Inc.
1906 Concord Drive
Downers Grove, IL 60516

PROPERTY INFORMATION

EXISTING ZONING: R-1, Single Family Residence
EXISTING LAND USE: Residential
PROPERTY SIZE: 7,500 square feet.
PINS: 09-18-403-003

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-3, Single Family Residence	Residential (0-6 D.U./Acre)
SOUTH:	R-3, Single Family Residence & R-1, Single Family Residence	Residential (0-6 D.U./Acre)
EAST:	R-1, Single Family Residence	Residential (0-6 D.U./Acre)
WEST:	R-4, Single Family Residence (DuPage County)	Residential (0-6 D.U./Acre)

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 Map and Ordinance
3. Proposal Narrative
4. Plat of Survey

DESCRIPTION

The 7,500-square foot property, commonly known as 1407 61st Street, is located on the south side of 61st Street just east of Hillcrest Road. The property is zoned R-1, Single Family Residence and is currently improved with a single family residence building. This property was annexed to the Village on March 3 1980, and at that time the property owner did not request a specific zoning classification. As such, the property was automatically zoned R-1. The petitioner is now requesting to rezone the property to R-3, Single Family Residence to have consistent zoning designation and zoning requirements with the majority of the surrounding properties in the area.

The petitioner is not proposing any changes to the site at this time, but plans to demolish the existing building and construct a new single family residence on the property in the future.

COMPLIANCE WITH THE FUTURE LAND USE PLAN

The Future Land Use Plan designates the property as Residential with 0-6 dwelling units per acre. The proposed R-3 zoning would be consistent with the existing use on the property and the existing trend of residential development in the area.

COMPLIANCE WITH THE ZONING ORDINANCE

The petitioner is proposing to rezone the property from R-1 Single Family Residence to R-3 Single Family Residence. The property immediately adjacent to the east of the subject property is zoned R-1 Single Family Residence. The properties to the north, west and south of the subject property are zoned R-3 Single Family Residence, except for the property immediately adjacent to the west of the subject property, which is unincorporated, but zoned R-4 per the DuPage County’s zoning ordinance.

As a result of the rezoning, some of the setback requirements will change and increase the buildable area on the property to be consistent with the surrounding properties in the R-3 district. The zoning requirements, as compared between the two zoning classifications are listed in the table below:

1407 61st Street	R-1 Zoning – Existing	R-3 Zoning - Proposed
Front Setback	40 ft.	30 ft.
Side Setback	7 ft.	6 ft.
Rear Setback	20 ft.	20 ft.
Setback for Air Conditioning Unit	10 ft.	6 ft.
Height	35 ft.	33 ft.
Lot Coverage	32 % (2,400 sq. ft.)	32 % (2,400 sq. ft.)

The petitioner is not proposing any changes to the site at this time, but plans to demolish the existing building and construct a new single family residence on the property in the future. Any future development on the site will be required to fully comply with all requirements of the Zoning Ordinance.

Staff believes the proposed R-3 Single Family Residence zoning classification is appropriate for this property and is consistent with the zoning classifications in the area.

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 Residence is improved with a single family residence building which has been vacant for approximately six months. The R-1 zoning with large building setbacks applicable to larger properties is not consistent with this 7,500-square foot property and has likely been one of the reasons the property has remained underutilized for an extended period of time. The properties to the north, west and south of the subject property are zoned R-3 Single Family Residence. Staff believes the proposed R-3 zoning is compatible with the surrounding zoning classifications and will not have an adverse impact on the existing uses or the trend of development in the area. The proposal will enable the petitioner to improve the property and enhance the value of the neighborhood.

Staff believes the proposal is consistent with the Future Land Plan to preserve this property for residential use and meets the standards for approval of an amendment to the Zoning Ordinance.

RECOMMENDATIONS

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:

Tom Dabareiner, AICP
Director of Community Development

TD:dl
-att

Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL. 60515

Date: September 28, 2010

Subject Property: 1407 61st Street, Downers Grove, IL. 60516

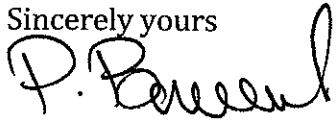
Referenced: Zoning Classification for subject matter

Dear Plan Commissioner;

I am the owner of the 1407, 61st Street. We respectfully are requesting the Zoning Reclassification for this property from R1 to R3. Please note, the house across the street from our house is a R3 and also the property behind our property has a R3 Zoning Classification.

We look forward to your favorite decisions on this matter.

Sincerely yours



P. Boroumand

President Oakland Homes, Inc.



0 35 70 140 Feet

N

1407 61st STREET

PLAT OF SURVEY

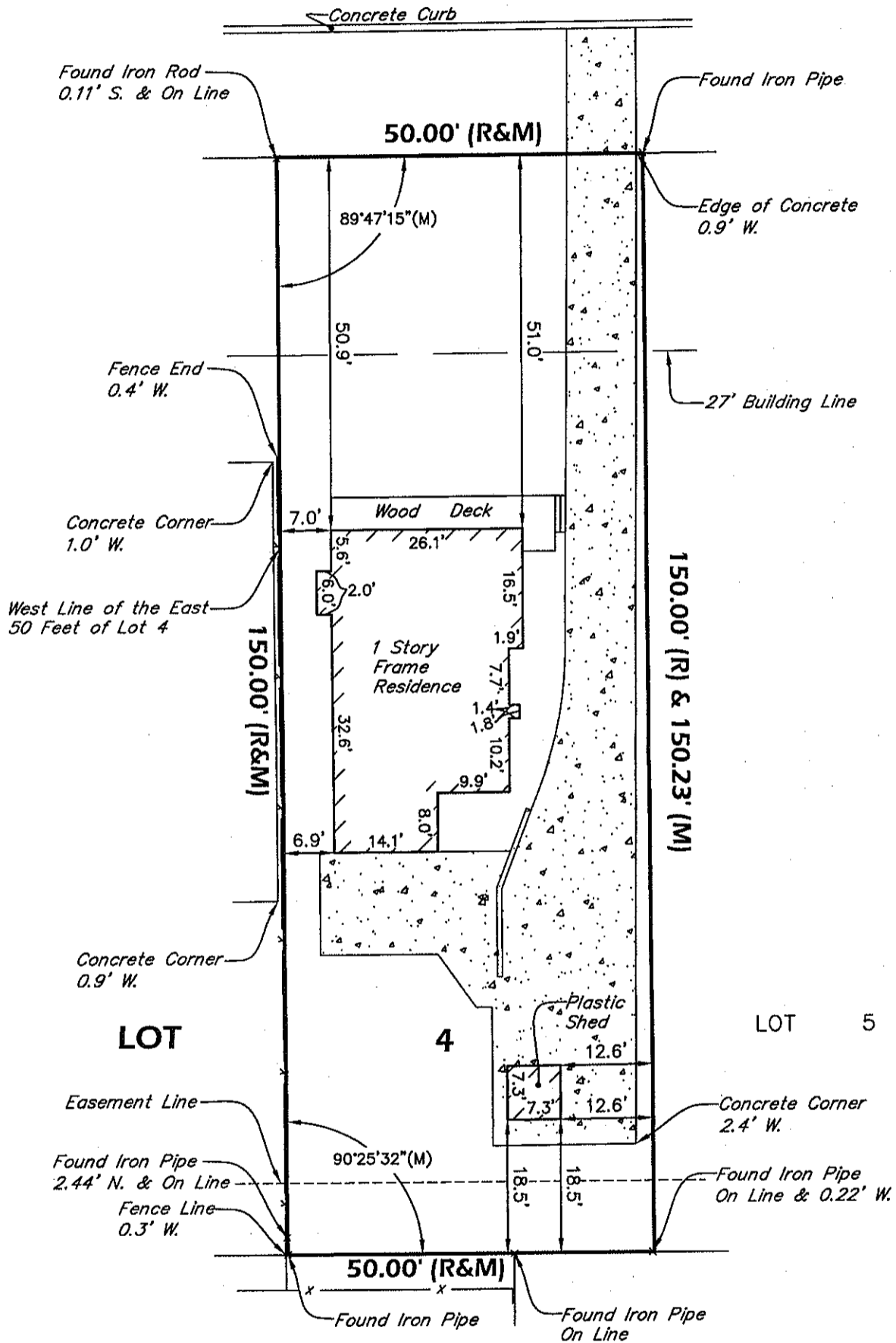
OF

THE EAST 50 FEET OF LOT 4 IN GALE B. HOAK'S DIVISION OF LOT 20 AND THE NORTH 1/2 OF LOT 21 OF ARTHUR T. MCINTOSH AND COMPANY'S DUNHAM STREET SUBDIVISION OF PORTIONS OF THE SOUTH 1/2 LYING EAST AND WEST OF THE INDIAN BOUNDARY LINE OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT IN DUPAGE COUNTY, ILLINOIS.



61ST STREET

SCALE: 1"=20'



AREA OF SURVEY:
CONTAINING 7,517± SQ. FT.

REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND LOCAL BUILDING AND ZONING ORDINANCE FOR ITEMS OF RECORD NOT SHOWN.

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

FIELD WORK COMPLETED AND DATED
THIS 13TH DAY OF SEPTEMBER, 2010.

[Signature]
IPLS No. 3483
MY LICENSE EXPIRES 11/30/10



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

PROFESSIONAL DESIGN FIRM NO. 184-004196

SYMBOL LEGEND

- CONCRETE SURFACE
- FENCE LINE
- (R) - RECORD DATA
- (M) - MEASURED DATA

PREPARED FOR: BOROUMAND
JOB ADDRESS: 1407 61ST STREET
DOWNERS GROVE, ILLINOIS

Professional Land Surveying, Inc.
2900 Ogden Avenue Suite 110
Lisle, Illinois 60532
Phone 630.778.1757 Fax 630.778.7757

DRAWN BY: JLK
COMPLETION DATE: 09/14/10
REVISED: .

FLD. BK./PG. NO.: .
JOB NO.: 105823

DRAFT

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

NOVEMBER 1, 2010, 7:00 P.M.

PC-15-10 A petition seeking a rezoning from R1, Single Family Residence to R3, Single Family Residence for the property located on the south side of 61st Street 120 feet east of Hillcrest Road, commonly known as 1407 61st Street, Downers Grove, Illinois (PIN # 09-18-403-003); Pete Boroumand, Petitioner; Oakland Homes, Inc., Owner.

Vice Chairman Webster swore in those individuals who would be speaking on File PC-15-10.

Village Planner, Damir Latinovic, presented the staff report, reporting that the 7,500-square foot property is located on the south side of 61st Street, east of Hillcrest Road and is currently zoned R-1, Single Family Residence. Currently, a single-family residence building is on the site. In 1980, he stated the property was annexed to the Village, but during that time the property owner did not request a specific zoning classification. Therefore, it was automatically zoned R-1 per village requirements. Today, the petitioner is seeking to rezone the property to R-3, Single Family Residence to match surrounding properties. The petitioner is planning to demolish the existing building and eventually construct a new single-family residence on the site in the future.

Per staff, rezoning the property to R-3 zoning would be consistent with the existing uses in the area and with the existing trend of residential development in the area. Mr. Latinovic referenced some changes in the bulk regulations from his report (page 2) that would occur as a result of the new R-3 zoning.

To date, staff has not received any written neighborhood comments; only a few phone calls regarding general inquiries.

Continuing, Mr. Latinovic stated the on-site home has been vacant for approximately six months. The property remains underdeveloped probably due to the large building setbacks under the R-1 zoning and the small 7,500-square foot property. Because the properties to the north, south, and west are zoned R-3 Single-Family Residence, staff believes the proposed R-3 zoning is compatible with the surrounding area and would not adversely affect the development in the area. The proposal will also allow the petitioner to improve the property and enhance the neighborhood's value.

Mr. Latinovic stated that the proposal is consistent with the Future Land Use Plan and meets the standards for approval of an amendment to the Zoning Ordinance. He recommended that the Plan Commission forward a positive recommendation to the Village Council.

Per a question, staff pointed out other R-1 zoned properties on the overhead map. Questions followed on the ownership of those R-1 lots.

Petitioner and owner, Mr. Pete Boroumand, 1906 Concord Drive, Downers Grove, IL, stated staff presented his petition very well. He stated he wanted the zoning to be consistent with the other

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properties in the area. Long-term, Mr. Boroumand plans to develop a single-family home on the site.

Vice Chairman Webster opened up the matter to public comment. No comments followed. Public comment was closed. Mr. Boroumand did not provide a closing statement.

Mrs. Rabatah believed the request was compatible with the surrounding area and the Standards for Approval were met. Other comments followed that there was not much difference between the R-1 zoning and the R-3 zoning. A question followed regarding one of staff's Finding of Fact as it relates to property vacancy.

WITH RESPECT TO FILE PC-15-10, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL.

SECONDED BY MRS. RABATAH.

ROLL CALL:

**AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS MR. WAECHTLER,
MR. WEBSTER.**

NAY: NONE

MOTION CARRIED. VOTE: 5-0

/s/ Celeste K. Weilandt
Celeste K. Weilandt

(As transcribed by MP-3 audio)