

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
OCTOBER 16, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Subdivision Control Ordinance Amendment – Lot Consolidations	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance was prepared adopting an amendment to the Subdivision Control Ordinance that creates an administrative process for lot consolidation applications that meet the Village’s regulations.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 include *Exceptional Municipal Organization*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the November 6, 2012 active agenda.

BACKGROUND

The Village staff is proposing an amendment to create an administrative process for lot consolidation applications. The 2006 re-write of the residential zoning regulations included a provision that all new development only occurs on a “lot of record.” The text of the Zoning Ordinance defines a lot of record as a parcel of land created through the recording of a plat of subdivision. The subdivision ordinance currently requires lot consolidations to go through the public hearing process, which requires review and approval by the Plan Commission and Village Council.

The proposed amendment will add new procedures to Article 5 of the Subdivision Control Ordinance. Specifically, the amendment will allow for administrative approval of lot consolidations that do not create any new nonconformity and comply with all the lot standards required by the Subdivision Control Ordinance and Zoning Ordinance. Lot consolidations that do not meet the standards will still require review and approval of the Plan Commission and Village Council.

Staff anticipates more applications for lot consolidations will be filed in the coming months, due to the increase in homebuilding and renovations resulting from the improving economy and due to the creation of the stormwater utility, which charges a fee for each parcel.

The amendment is consistent with the Comprehensive Plan. The Plan also identifies new development as an important element of reinvestment into the Village’s residential and commercial neighborhoods. Staff believes allowing for administrative lot consolidations that are in character with the existing neighborhood

helps promote these goals. Allowing for a simplified process for commercial lot consolidation petitions helps promote the Comprehensive Plan's goals for modernizing and improving the Village's corridors. Encouraging consolidation of smaller commercial lots helps to further the Village's vision for redevelopment in the older commercial areas as larger lots allow for more modern development patterns.

The Plan Commission reviewed the proposed amendment at their October 1, 2012 meeting. No public comments were made during the meeting. The Plan Commission found that the proposed amendment was consistent with original goals of the Comprehensive Plan and Subdivision Ordinance. The Commission unanimously recommended approval of the amendment.

ATTACHMENTS

Ordinance

Staff Report with attachments dated October 1, 2012

Draft Minutes of the Plan Commission Hearing dated October 1, 2012

Lot Consolidations

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING PROVISIONS FOR LOT CONSOLIDATIONS

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 20.201. is hereby amended to read as follows:

20.201. Fees.

(a) Planner Fees: For administration and processing, a fee shall be paid at the time a petition is filed as follows:

- (1) Preliminary Plat - \$750.00.
- (2) Final Plat (if preliminary plat has been approved and is still valid) - \$200.00.
- (3) Final Plat (if no preliminary plat has been approved or is no longer still valid) - \$750.00.
- (4) Lot Split - \$200.00.
- (5) Lot Reconfiguration - \$200.00.
- (6) Exceptions - \$100.00 per exception requested - not to exceed \$500.00.
- (7) County Plat - \$750.00.
- (8) Miscellaneous (appeals, amended petitions and other matters not set forth above) - fee

shall be established by the Director to fairly compensate Village for cost of processing.

(9) Lot Consolidations - \$200 (administrative or part of Special Use/Planned Development

(10) Lot Consolidations - \$425 (Plan Commission/Village Council review)

(b) Engineering Review Fee:

(1) An engineering review fee shall be paid as provided herein based upon the public improvement cost estimates as follows:

- i. Public improvement cost estimate less than \$10,000.00 - review fee = \$325.00
- ii. Public improvement cost estimate of \$10,000 to \$75,000.00 - review fee = \$325.00 plus 3.25% of amount of estimate over \$10,000.00
- iii. Public improvement cost estimate of \$75,000.01 to \$250,000.00 - review fee = \$2,437.50 plus 2.25% of amount of estimate over \$75,000.00
- iv. Public improvement cost estimate of \$250,000.01 and over - review fee = \$6,375.00 plus 1.25% of amount of estimate over \$250,000.00

(2) An estimated engineering review fee shall be computed by the Village Engineer based upon the preliminary public improvements cost estimate and shall be paid within fourteen (14) days following certification by the Village Engineer to the Owner of the preliminary public improvements cost estimate. No petition shall be presented to the Plan Commission or Village Council until the estimated engineering review fee has been paid.

(3) In the event the preliminary public improvements cost estimate is modified, the estimated engineering review fee shall be re-computed by the Village Engineer based upon the revised preliminary public improvements cost estimate. In the event the revised estimated engineering review fee is greater than the estimated engineering review fees previously paid, the Owner shall cause such deficiency to be paid within fourteen (14) days of the Village Engineer's certification of the revised preliminary public improvements cost estimate. In the event the revised estimated engineering review fee is less than the estimated engineering review fees previously paid, the Village shall refund such overpayment to the Owner.

(4) The final engineering review fee shall be computed by the Village Engineer based upon the final public improvements cost estimate as certified by the Village Engineer to the Owner. In the event the final engineering review fee is greater than the estimated engineering review fees previously paid, the Owner shall cause such deficiency to be paid within fourteen (14) days of the Village Engineer's certification of the final engineering review fee. In the event the final engineering review fee is less than the

Lot Consolidations

estimated engineering review fees previously paid, the Village shall refund such overpayment to the Owner.

(c) Engineering Inspection fees: After approval of the final public improvement cost estimates, but prior to issuance of any construction or grading permits, an inspection fee equal to 2.25% of such final public improvement cost estimates shall be paid.

Section 2. That Section 20.507. is hereby amended to read as follows:

20.507. Lot Consolidations.

(a) A plat of subdivision to consolidate lots or portions thereof into one new lot shall be required. In addition, approval of the Director of Community Development shall be required before a lot consolidation is recorded in the Office of the DuPage County Recorder of Deeds. Provided, where an exception from the minimum lot dimensions is requested as part of the lot consolidation, or an appeal filed pursuant to this section, approval of the Village Council shall be required before such lot consolidation is recorded. A petition for lot consolidation approval shall be filed by the Owner, or authorized representative, in conformance with regulations established pursuant to Section 20.200.

(b) If the Director determines that the lot resulting from the lot consolidation will be in conformance with the minimum lot dimension requirements set forth herein and in conformance with sound planning principles, the Director may approve such lot consolidation within thirty (30) days from the date of the completed petition. In the event the Director denies or does not approve the lot consolidation within thirty (30) days, the applicant may request that the petition be forwarded to the Plan Commission for a hearing and be processed as provided herein, provided that all applicable fees are paid.

(c) Upon administrative approval of a plat of consolidation, the Director and the Village Clerk shall be authorized to sign such plat on behalf of the Village and to attest the same with the corporate seal of the Village on a proper certificate affixed to such plat.

(d) Lot Dimensions:

(1) Except as provided herein, lot dimensions shall conform to the requirements of the underlying zoning district.

(2) Consolidation of legal nonconforming lots shall be permitted provided such consolidation does not increase the degree of nonconformity or create any new nonconformity.

(3) In no case shall the properties being consolidated have a common lot line that is shared for less than one hundred (100) feet or fifty percent (50%) of the lot line, whichever is greater.

(4) Lot consolidations shall not result in the creation of new flag lots or through lots.

(e) Public improvements required by 20.401 of this Chapter may not be required for lot consolidations. Provided, public improvements may be required where such lot consolidation is requested as part of a special use or planned development.

(f) If any lot resulting from the lot consolidation will not be in conformance with the standards contained in 20.507(d), or if the applicant wishes to appeal the Director's decision, the petition shall be forwarded to the Plan Commission for a hearing. Within ninety (90) days of receipt of a complete petition notice shall be given and the Plan Commission shall commence a public hearing to be held as provided in Section 20-202. Within forty-five (45) days after conclusion of the public hearing, the Plan Commission shall transmit to the Owner and the Village Council its recommendations regarding the plat of consolidation. The Plan Commission may recommend approval or disapproval of all, or any portion of the petition, including any modifications thereto or exceptions, and may condition such recommendation on restrictions and requirements as the Plan Commission determines appropriate or necessary.

Lot Consolidations

(g) Within ninety (90) days of receipt of the findings and recommendations of the Plan Commission, the Village Council shall approve, approve as modified, or deny the petition, or any part thereof. The Village Council may approve or disapprove all, or any portion of the petition, including any modifications thereto or exceptions, and may condition any approval on restrictions and requirements as the Village Council determines appropriate or necessary to ensure that the petition, as approved, will conform to the provisions of this Chapter. A violation of such conditions shall be deemed a violation of this Chapter. In the alternative, the Village Council may remand the petition, in whole or in part, back to the Plan Commission if the Village Council determines that it is necessary or appropriate to provide a fair and complete consideration of the petition because there is a material and significant change in conditions since the Plan Commission hearing, or there is new or additional information which is material to the petition and which was not reasonably available at the time of the Plan Commission hearing. The Village Council will specify the reasons and scope of such remand and further proceedings before the Plan Commission will be limited to such items. The Plan Commission will conduct such further proceedings as may be appropriate and re-present the petition, with appropriate recommendations, to the Village Council within sixty (60) days of referral. Thereafter, the Village Council shall render a final decision within sixty (60) days of such re-presentation.

(h) Upon approval of the plat of consolidation by the Village Council, the Mayor and Village Clerk shall be authorized to sign such plat on behalf of the Village and to attest the same with the corporate seal of the Village on a proper certificate affixed to such plat.

(i) A lot consolidation grants the right, but not the obligation, to consolidate parcels. Any approval provided herein shall expire one year after issuance unless, within that time, a conveyance affecting the lot consolidation has occurred.

Section 3. That Section 20.508. is hereby added to read as follows:

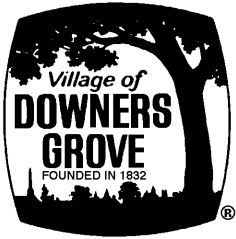
20.508. through 20-599. Reserved.

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

Section 5. 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
OCTOBER 1, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC 35-12 Subdivision Control Ordinance Text Amendment	Subdivision Control Ordinance Text Amendment	Jeff O'Brien, AICP Planning Manager

REQUEST

The proposed amendment will add new procedures to Article 5 of the Subdivision Control Ordinance. Specifically, the amendment will allow for administrative approval of lot consolidations that do not create any new nonconformity and comply with all the lot standards required by the Subdivision Control Ordinance and Zoning Ordinance. Lot consolidations that do not meet the standards will still require review and approval of the Plan Commission and Village Council.

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. Subdivision Control Ordinance
3. Zoning Ordinance
4. Proposed Amendment

PROJECT DESCRIPTION

The Village is requesting review of a text amendment to the Subdivision Control Ordinance. Specifically, the Village is proposing to add an administrative approval process for lot consolidations. The amendment would allow for faster approval of lot consolidations that do not create new nonconformities and/or meet the lot size requirements of the Subdivision Control Ordinance and Zoning Ordinance.

The 2006 re-write of the residential zoning regulations included a provision that all new development only occurs on a "lot of record." The text of the Zoning Ordinance goes on to define a lot of record as a parcel of land created through the recording of a plat of subdivision. The subdivision ordinance currently requires lot consolidations to go through the public hearing process, which requires review and approval by the Plan Commission and Village Council.

Most lot consolidation applications involve combining two smaller side-by-side lots to create one larger lot, which is consistent with the goals of the Village's subdivision and zoning requirements. Since 2006, 36 lot consolidation petitions went forward to the Plan Commission and Village Council. All of the 36 applications created larger lots and were approved.

The amendment allows for administrative approval of consolidations that do not create any new nonconformity. There are also contiguity requirements to assure that the lots are consistent with the character of the neighborhood (i.e. no new through lots can be created through the administrative process). Applications that create nonconformities or do not have the required contiguity will be required to seek approval via the current process (i.e. Plan Commission and Village Council review and approval).

Staff anticipates more applications for lot consolidations will be filed in the coming months. There are two reasons that more applications are anticipated 1) the improving economy; and, 2) the creation of the Stormwater Utility. Since 2010, there has been a significant increase in the number of lot consolidation requests. Many of these applications were to construct new homes or make significant additions to existing homes. This increase in applications reflects the trend in increased permit activity for new single family residences. In 2012, the Village Council adopted an ordinance creating a Stormwater Utility. As part of this utility, property owners are charged a fee for vacant parcels. As such, staff anticipates there will be additional requests to consolidate parcels when the utility goes into effect in 2013.

The proposed text amendment will improve the efficiency of the lot consolidation process and reduce costs to the Village and applicant.

COMPLIANCE WITH COMPREHENSIVE PLAN

The majority of lot consolidations affect residential properties. The Comprehensive Plan identifies residential neighborhoods as one of the Village's "most cherished attributes." The Plan also identifies new development as an important element of reinvestment into the Village's neighborhoods. Staff believes allowing for administrative lot consolidations that are in character with the existing neighborhood helps promote these goals.

Allowing for a simplified process for commercial lot consolidation petitions helps promote the Comprehensive Plan's goals for modernizing and improving the Village's corridors. Encouraging consolidation of smaller commercial lots helps to further the Village's vision for redevelopment in the older commercial areas as larger lots allow for more modern development patterns.

PUBLIC COMMENT

No comments have been received at this time.

FINDINGS OF FACT

The amendments would improve the Village's process for approving lots of record that meet the subdivision and zoning requirements. The change would not impact the overall intent of the Village's lot of record provisions that were part of the 2006 re-write of the residential zoning requirements. The amendment will enhance the Comprehensive Plan's goals of preserving the character of the Village's residential neighborhoods and improving the commercial corridors. The amendment would allow for a more efficient process that will save time and money for the Village and applicants. Staff believes the proposed amendment is consistent with the Village's Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance.

RECOMMENDATIONS

The proposed Text Amendment affects only the process for consolidating parcels. The proposed change enables the administrative approval of consolidations that meet the Village's subdivision and zoning regulations. The amendment is consistent with the Comprehensive Plan's goals of maintaining the character of the Village's

residential neighborhoods and improving commercial areas. 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

TD:jwo
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2012 PC Petition Files\PC 35-12 Subdivision Amendment - Lot Consolidations\Staff Report PC 35-12.doc

PC-35-12 A petition seeking a text amendment to Chapter 20 of the Municipal Code. The purpose of the request is to amend regulations regarding for plats of consolidation. Village of Downers Grove, Petitioner.

Mr. O'Brien summarized that, to date, 36 applications for consolidations had been before the commission and all 36 had been recommended for approval. The Village would like to make an amendment to the Subdivision Code to make lot consolidations, where there are no creations of new non-conformities and where the lots meet the standards, allowed under an administrative review process and thereby allowing the director of Community Development to sign the plat of subdivision. If exceptions were requested or the director denied the subdivision, the appeal body would be the Plan Commission followed by the Village Council. Mr. O'Brien stated that the reason for this process was because more consolidations were anticipated due to the adoption of the stormwater utility and the increase in construction of single family homes. He noted the stormwater utility included a charge for vacant lots, which could lead to more requests to consolidate lots to reduce the monthly costs. The request was consistent with the Village's Comprehensive Plan. Mr. O'Brien explained that in the commercial areas there was the need to combine the lots in order to make room for the more modern type of developments. Staff was recommending approval of the amendment.

Turning to page 3, Mr. Beggs noted a typographical error. He asked staff to expand upon the term "through lots," wherein Mr. O'Brien explained the term was defined in the Zoning Ordinance and was a new provision to eliminate new through lots in established neighborhoods. Turning to the bottom of page 2, Mr. Beggs asked to remove extra verbiage. Other general questions followed regarding the processing fees for lot consolidations.

Chairman Hose opened up public comment. No comments received. Public comment was closed.

WITH RESPECT TO FILE PC 35-12, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL APPROVING THE TEXT AMENDMENT TO CHAPTER 20 OF THE MUNICIPAL CODE WITH NOTED CORRECTIONS.

SECONDED BY MR. WAECHTLER.

ROLL CALL:

AYE: MR. BEGGS, MR. WAECHTLER, MR. COZZO, MR. MATEJCZYK, MRS. RABATAH, MR. WEBSTER, CHAIRMAN HOSE

NAY: NONE

MOTION CARRIED. VOTE: 7-0