

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
DECEMBER 3, 2013 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Map Amendment 4245 Belle Aire Lane	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared to permit a zoning ordinance map amendment to rezone the property at 4245 Belle Aire Lane from R-2, Single Family Residence to B-3, General Services and Highway Business district.

STRATEGIC PLAN ALIGNMENT

The Goals 2011-2018 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the November 19, 2013 Village Council meeting. Staff recommends approval on the December 3, 2013 Active Agenda.

BACKGROUND

The Village is requesting approval of a zoning ordinance map amendment to rezone the property commonly known as 4245 Belle Aire Lane from R-2, Single Family Residence to B-3 General Services and Highway Business district. This rezoning is consistent with the historical use of the property, which consists of a 4,500-square foot commercial building and adjacent parking lot. The Village is requesting the rezoning of this property to B-3 General Services and Highway Business district with the consent of the current property owner. The rezoning will provide a zoning classification that is consistent with the existing commercial building and use on the site.

The property was annexed into the Village in 1972. Prior to the annexation, the property was zoned commercial in the county. Upon annexation, the property was zoned R-2, Single Family Residence. The existing commercial building on the property was constructed in the mid-1950's and until late 2011 was used as an automobile repair shop. The automobile repair use was considered a legal non-conforming use because automobile repair uses are not a permitted or special use in the R-2 zoning district. The property has been vacant since October of 2011.

In early 2013, the new owner submitted plans to convert the existing building for use as a tool and die shop. The building is currently being renovated. Staff determined that a rezoning of the property to B-3, General

Services and Highway Business would align the property’s historic and current commercial use with the appropriate zoning classification. Additionally, tool and die shops are permitted uses in the B-3 zoning district. This would allow the property owner to operate the business as a conforming use.

The bulk requirements of both the R-2 and B-3 zoning classification are compared in the table below:

4245 Belle Aire Lane	Existing Site Conditions	R-2 District Bulk Requirements	B-3 District Bulk Requirements
Lot Area	30,050 square feet (existing, no change)	15,000 square feet	10,500 square feet
Lot Width	100 feet (existing, no change)	85 feet	75 feet
Front Yard Setback	39.45 feet (existing, no change)	35 feet	25 feet
Transitional Yard Setback (North)	4.25 feet (existing, no change)	10 feet	10 feet
Side Yard Setback (South)	20.80 feet (existing, no change)	10 feet	0 feet
Rear Setback	200.96 feet (existing, no change)	20 feet	0 feet
Open Space	12,447 sq ft total 2,643 sq ft - front yard (existing, no change)	n/a	3,000 sq ft total 1,500 sq ft - front yard

The surrounding area is a mix of residential and commercial zoning. The properties to the north are zoned R-2, Single Family Residential and are improved with single family homes. Properties to the east, south and west are zoned B-3, General Services and Highway Business and are improved with commercial buildings and uses.

The proposed rezoning is consistent with the Comprehensive Plan. The Plan designated this property for single family residential use as an oversight based on the current zoning of the property and a decision to protect existing residential areas. The property, however, is better aligned with the corridor commercial designation immediately east, south and west of the site. The proposed rezoning is consistent with the existing commercial building and use on the property. It is not anticipated that this site would revert to a single family residential use considering the long history of commercial use and its proximity to the commercial uses to the east, south and west of the site. The rezoning request also supports the Comprehensive Plan’s recommendation to expand the depth of the commercial district along Ogden Avenue with Corridor Commercial uses which include a blend of commercial retail, office, regional commercial retail, service and multi-family uses that serve both the daily needs of local residents and provide commercial goods and services to the larger region.

The Plan Commission considered the petition at their October 28, 2013 meeting. No public input was received during the hearing. The Plan Commission found that the rezoning request is compatible with surrounding uses and zoning classifications. The Commission also found that the request met the standards for rezoning in Section 28.1702 of the Zoning Ordinance. Based on their findings, the Plan Commission recommended approval of the zoning ordinance map amendment by 9-0 vote. Staff concurs with the Plan Commission recommendation.

ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated October 28, 2013

Draft Minutes of the Plan Commission Hearing dated October 28, 2013

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 4245 BELLE AIRE LANE**

WHEREAS, the real estate located on the east side of Belle Aire Lane approximately 150 feet north of Ogden Avenue, located at 4245 Belle Aire Lane, Downers Grove, IL, hereinafter described has been classified as "R-2 Single-Family Residence" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and,

WHEREAS, the Village has requested that such property be rezoned to eliminate the legal non-conformity and to create consistency with the existing building use and surrounding zoning classifications, as hereinafter provided; and

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 28, 2013 and has made its findings and recommendations respecting said requested rezoning in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, making due allowance for existing conditions, the conservation of property values, the development of the property in conformance to the official Comprehensive Plan 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 "B-3, General Services and Highway Business District" the zoning classification of the following described real estate, to wit:

Lot 12 in Arthur T. McIntosh and Co. Downers Grove Acres, a subdivision of that part of the East half of Section 6, Township 38 North, Range 11 East of the Third Principal Meridian and the Southeast quarter of Section 31, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded June 26, 1924 as Document 179451, in DuPage County, Illinois.

Commonly known as 4245 Belle Aire Lane, Downers Grove, IL, 60515
PIN 09-06-402-004

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. It is the Owner'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.

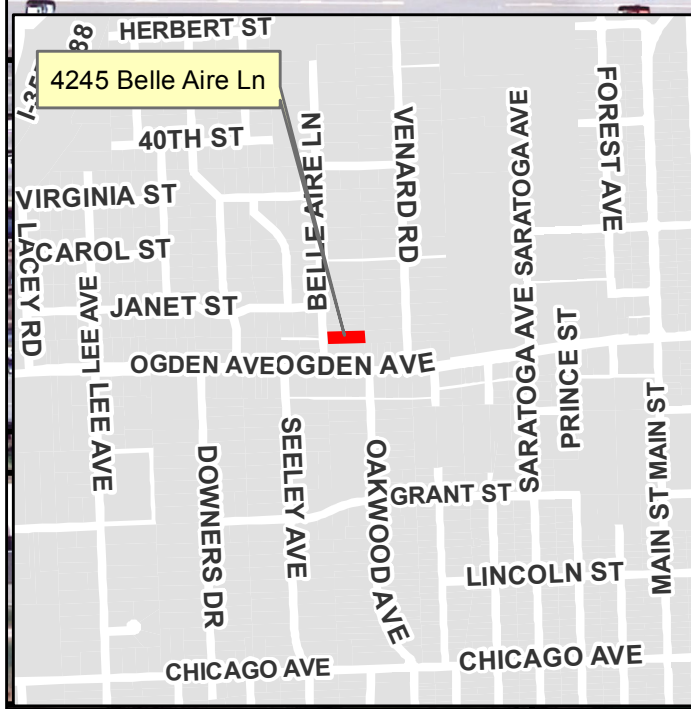
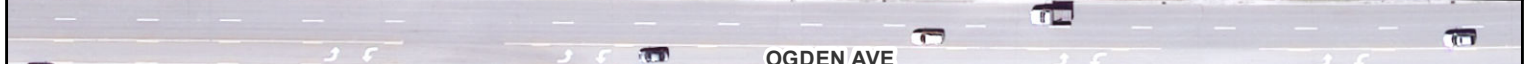
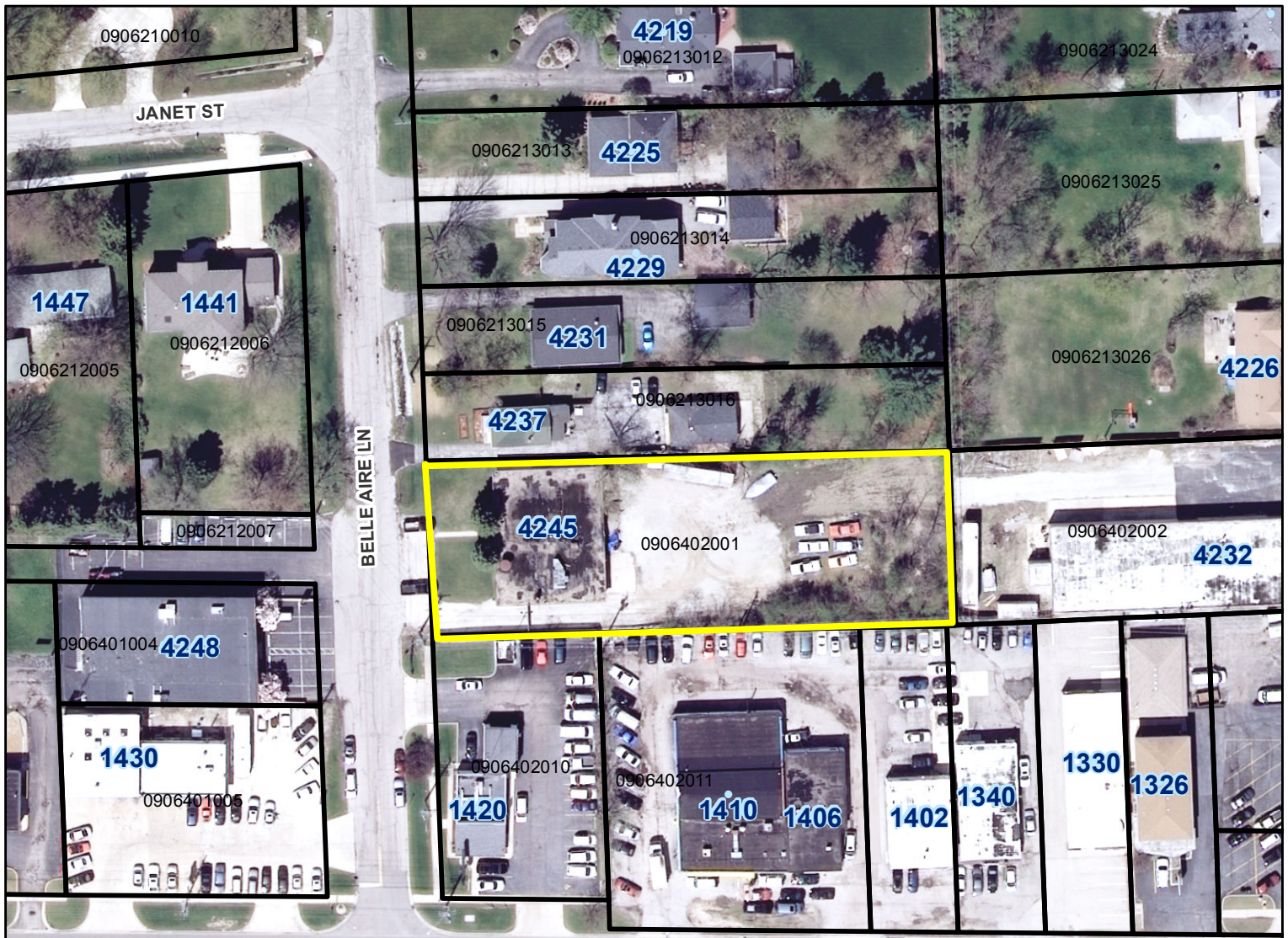
Mayor

Passed:

Published:

Attest: _____

Village Clerk





4245 Belle Aire Ln



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
OCTOBER 28, 2013 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-31-13 4245 Belle Aire Lane	Zoning Ordinance Map Amendment	Damir Latinovic, AICP Planner

REQUEST

The Village is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-2, Single Family Residential to B-3, General Services and Highway Business.

NOTICE

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

GENERAL INFORMATION

OWNER: Greg Nosich
2824 Hitchcock Ave, Unit B
Downers Grove, IL 60515

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

PROPERTY INFORMATION

EXISTING ZONING: R-2, Single Family Residential
EXISTING LAND USE: Commercial
PROPERTY SIZE: 30,050 square feet (0.69 acres)
PINS: 09-06-402-001

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-2, Single Family Residential	Single Family Residential
SOUTH:	B-3, General Services & Highway Business	Corridor Commercial
EAST:	B-3, General Services & Highway Business	Single Family Residential
WEST:	R-2, Single Family Residential and B-3, General Services & Highway Business	Single Family Residential and Corridor 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. Zoning Map and Ordinance
3. Plat of Survey
4. Owner Authorization Letter

PROJECT DESCRIPTION

The 100-foot wide by 300-foot deep property, commonly known as 4245 Belle Aire Lane, is located on the east side of Belle Aire Lane approximately 150 feet north of Ogden Avenue. The property is zoned R-2, Single Family Residential and is currently improved with a 4,500-square foot commercial building and adjacent parking lot. The Village is requesting the rezoning of this property to B-3 General Services and Highway Business district with the consent of the current property owner. The rezoning will provide a zoning classification which is consistent with the existing commercial building and use on the site. The rezoning is also consistent with surrounding zoning classifications and will meet the Village's Comprehensive Plan's goal to expand the depth of commercially zoned properties along Ogden Avenue.

The surrounding area is a mix of residential and commercial zoning. The properties to the north and west are zoned R-2, Single Family Residential and are improved with single family homes. Properties to the east, south and west are zoned B-3, General Services and Highway Business and are improved with commercial buildings and uses. The depth of the B-3 zoning district along the north side of Ogden Avenue varies. The depth of the commercial district east of the site is 275 feet, while west of the site the depth of the commercial district is 180 feet. Immediately to the south of the subject site, the B-3 district has only 150 feet of depth. The proposed rezoning will provide needed depth of commercial zoning along Ogden Avenue.

The property was annexed into the Village in 1972. Upon annexation, the property was zoned R-2, Single Family Residence. The Village's Future Land Use Plan, however, designated this property for commercial use until the adoption of the Comprehensive Plan in October of 2011. The Comprehensive Plan designated this property for single family residential use as an oversight.

The existing commercial building was constructed in the mid-1950's and had until late 2011 been used as an automobile repair shop. The automobile repair use was considered to be a legal non-conforming use because automobile repair uses are not a permitted or special use in the R-2 zoning district. The property has been vacant since October of 2011. In early 2013, the current owner submitted plans to the Village to renovate the existing building and site for use as a tool and die shop. At that time, staff determined that the conversion of the building to a tool and die shop resulted in a decrease in the intensity of the non-conforming use and the conversion was permitted without requiring a rezoning.

Subsequently, staff determined that a rezoning of the property to B-3, General Services and Highway Business was necessary. The rezoning would align the property's historic and current commercial use with the appropriate zoning classification. Additionally, tool and die shops are permitted uses in the B-3 zoning district. This would allow the property owner to operate his business as a conforming use.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates this property for single family residential use. However, a commercial building and use have continually occupied the site since the mid-1950s. Prior to the adoption of the Comprehensive Plan, the Village's Future Land Use Plan designated this property for commercial use. The Comprehensive Plan designated this property for single family residential use as an oversight based on a decision to protect existing residential area. The property is better aligned with the corridor commercial designation immediately east, south and west of the site. The proposed rezoning is consistent with the existing commercial building and use on the property. It is unrealistic to expect the subject site

to revert back to a single family residential use considering its fifty plus years of commercial use and its proximity to the existing commercial uses to the east, south and west of the site.

The rezoning request and commercial use supports the Comprehensive Plan’s recommendation for Corridor Commercial uses along the Ogden Avenue corridor. Corridor Commercial uses include a blend of commercial retail, office, regional commercial retail, service and multi-family uses that serve both the daily needs of local residents and provide commercial goods and services to the larger region. The commercial tool and die shop at this location is consistent with the Corridor Commercial designation to provide goods to the larger region. Thus, the proposed rezoning is consistent with the Comprehensive Plan.

COMPLIANCE WITH THE ZONING ORDINANCE

The property is zoned R-2, Single Family Residential but has historically been used for commercial purposes. The existing commercial use is considered to be lawful non-conforming because it was lawfully established but is not a currently permitted or special use in the R-2 zoning district. A tool and die shop is a permitted use in the B-3 zoning district. Therefore, the rezoning of the property from R-2 to B-3 will eliminate the non-conformity as it currently exists.

The existing commercial building on the property is also deemed a lawful nonconformity. The building was constructed in the mid-1950s and does not meet the current north (side) yard setback requirement of the R-2 zoning district. The building’s setback is only 4.25 feet from the north property line where 10 feet is required under the R-2 zoning designation. The rezoning of the property to B-3 will not increase this existing non-conformity. Under the B-3 designation, a 10-foot wide transitional yard setback is required along the north property line. The building will remain 4.25 feet from the north property line and while the non-conformity will remain, it will not be increased.

The existing site conditions and bulk requirements of both the R-2 and B-3 zoning classification are compared in the table below:

4245 Belle Aire Lane	Existing Site Conditions	R-2 District Bulk Requirements	B-3 District Bulk Requirements
Lot Area	30,050 square feet (existing, no change)	15,000 square feet	10,500 square feet
Lot Width	100 feet (existing, no change)	85 feet	75 feet
Front Yard Setback	39.45 feet (existing, no change)	35 feet	25 feet
Transitional Yard Setback (North)	4.25 feet (existing, no change)	10 feet	10 feet
Side Yard Setback (South)	20.80 feet (existing, no change)	10 feet	0 feet
Rear Setback	200.96 feet (existing, no change)	20 feet	0 feet
Open Space	12,447 sq ft total 2,643 sq ft - front yard (existing, no change)	n/a	3,000 sq ft total 1,500 sq ft - front yard

The proposed B-3, General Services and Highway Business zoning classification is appropriate for this property and is consistent with the existing commercial building and use on the site and with adjacent commercial uses and zoning classifications.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property in addition to posting the public hearing notice sign and publishing the legal notice in the *Downers Grove Reporter*. At this time, no public comment has been received by staff.

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.*

The properties to the east, south and west are zoned B-3, General Services and Highway Business and are improved with commercial buildings. The properties to the north and west are zoned R-2, Single Family Residential and are improved with single family homes. The subject site has been a commercial property since the mid-1950's when the building was constructed. The subject site has been used for commercial purposes for over 50 years. This standard has been met.

(2) *The extent to which the particular zoning restrictions affect property values.*

The proposed rezoning will not negatively affect property values. The subject site has continually been used as a commercial venture for over 50 years without any negative impact on adjacent property values. The rezoning of the property to B-3 would make the existing commercial use a conforming use and could thereby increase the value of the subject property. Because the subject site is currently zoned R-2, it is more difficult to obtain financing for a non-conforming commercial use within a residential zoning district. If the commercial use becomes conforming, the value of the property may increase. This standard has been met.

(3) *The extent to which any determination in property value is offset by an increase in the public health, safety and welfare.*

The proposed rezoning will not impact property values or the public health, safety and welfare of the community or neighborhood. The subject property has been used in a commercial capacity since the mid-1950s. As part of the building renovation, the property owner will eliminate parking spaces which are currently located within the public right-of-way. This will increase the safety of Belle Aire Lane as no vehicles will be backing out onto the street. This standard has been met.

(4) *The suitability of the subject property for the zoned purposes.*

The property is currently zoned single family residential and has been used for commercial purposes for over 50 years. Although residentially zoned, the property contains a 4,500-square foot commercial building with a parking area which is not suitable for residential use. The subject site is more appropriate for commercial development.

The proposed B-3 zoning is also consistent with existing commercial uses and zoning classifications to the east, south and west of the site. As such, the proposed B-3 zoning is suitable for the property. This standard has been met.

(5) *The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.*

The property was annexed into the Village in 1972. The property has been commercial in nature since the mid-1950s when the building was constructed. Historically, the property was used as an

automobile repair shop until October of 2011. Since then, the property has been vacant. A tool and die shop is currently proposed for the site. The rezoning will allow the subject property to be consistent with the B-3 zoning that is already prevalent along Ogden Avenue and adjacent properties east and west of the site. The proposal is also consistent with the goal of the Comprehensive Plan to expand the depth of the commercial district along Ogden Avenue. The B-3 zoning is more appropriate for the commercial building and site. This standard has been met.

(6) *The value to the community of the proposed use.*

The Comprehensive Plan has a goal of increasing the depth of the commercial corridor along Ogden Avenue. The rezoning of this parcel to B-3 would meet this goal. This standard has been met.

(7) *The standard of care with which the community has undertaken to plan its land use development.*

The Village has carefully planned its land use development as evidenced by the recent adoption of the Comprehensive Plan. Staff believes this standard has been met.

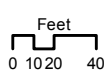
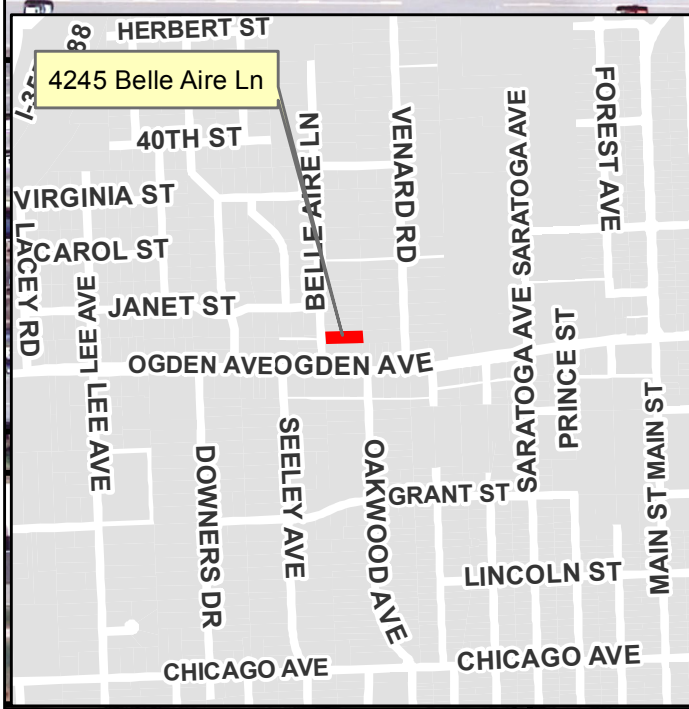
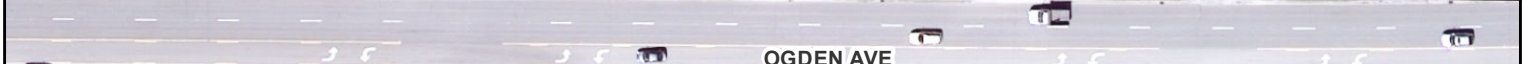
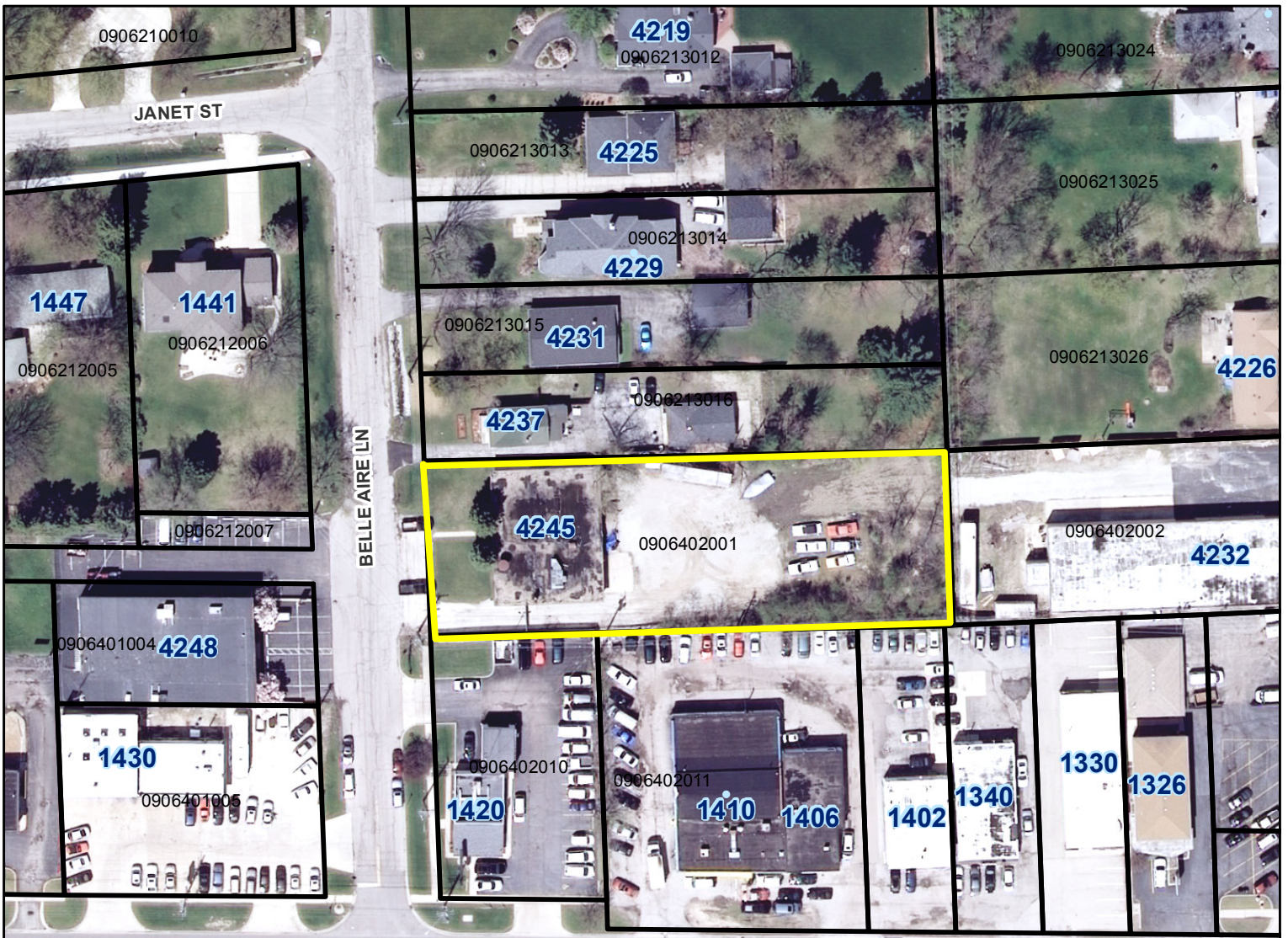
RECOMMENDATIONS

The proposed rezoning of the property from R-2, Single Family Residential to B-3, General Services and Highway Business is compatible with the existing commercial use and building on the site and is consistent with surrounding zoning and land use classifications. Based on the findings listed above, staff finds the standards for Zoning Ordinance Map Amendment approval are met and 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



4245 Belle Aire Ln



4245 Belle Aire - Zoning Map

7/9/13

From:

Nosox, LLC.
2824 Hitchcock Ave
Downers Grove, IL 60515

To:

Tom Dabareiner
Community Development Director
801 Burlington Avenue
Downers Grove, IL 60515

Re: 4245 Belle Aire Lane

Dear Tom,

My name is Gregory Nosich and I am the sole member of Nosox, LLC. I own the property as described. This property currently has an R2 zone classification. Since the sole purpose of this property is to conduct my engineering business, I am requesting that the Village of Downers Grove pursue a reclassification to a B3.

Very truly yours,

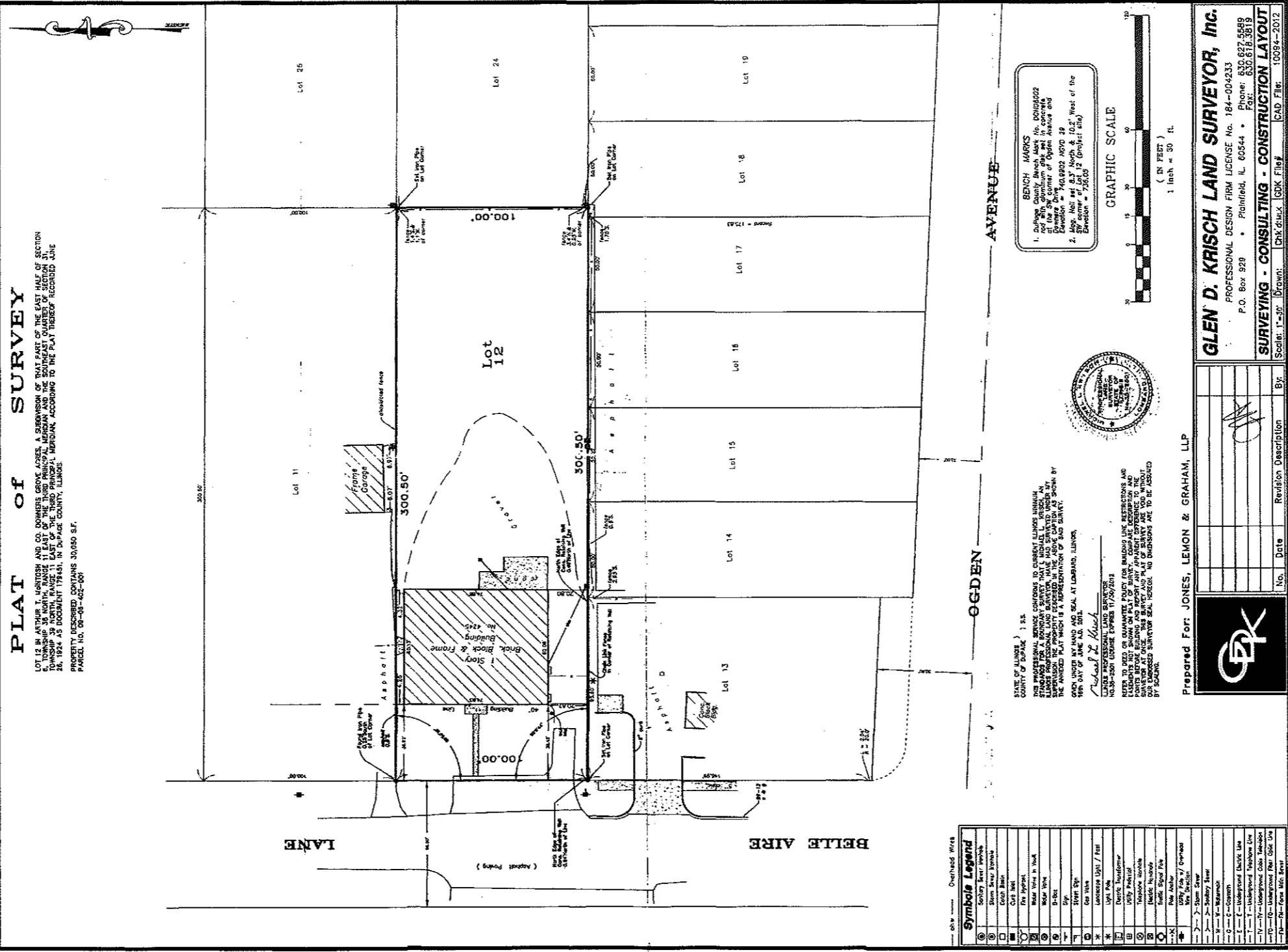
Gregory Nosich
Member
Nosox, LLC.
President
Pultool, Inc.

630-241-4362

PLAT OF SURVEY

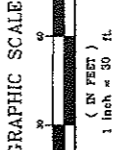
LOT 12 IN TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179451, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY DESCRIBED CONTAINS 30,630 S.F.
PARCEL NO. 08-05-425-005



BENCH MARKS

1. DuPage County Bench Mark No. 00105002 set with aluminum disk and in concrete
Elevation = 746.432 (VD) from datum
2. 1/4\"



STATE OF ILLINOIS) ss
COUNTY OF DUPAGE) ss
I, the undersigned, being a duly licensed Professional Engineer in the State of Illinois, do hereby certify that I am the author of the foregoing plat and that the same is a true and correct representation of the actual conditions as shown by my measurements and records in my office.

Prepared For: JONES, LEMON & GRAHAM, LLP



GLEN D. KRISCH LAND SURVEYOR, Inc.

PROFESSIONAL DESIGN FIRM LICENSE No. 184-004233
P.O. Box 929 • Plainfield, IL 60544 • Phone: 630.627.5589
Fax: 630.618.3819

SURVEYING - CONSULTING - CONSTRUCTION LAYOUT
Scale: 1"=50' (Graphic) [DWG File] [CAD File] 10094-2012

Overhead Wire

Symbol	Description
(1)	Survey Spot Mark
(2)	Survey Stake (wood)
(3)	Survey Stake (metal)
(4)	Survey Stake (concrete)
(5)	Survey Stake (iron)
(6)	Survey Stake (steel)
(7)	Survey Stake (copper)
(8)	Survey Stake (brass)
(9)	Survey Stake (zinc)
(10)	Survey Stake (aluminum)
(11)	Survey Stake (tin)
(12)	Survey Stake (lead)
(13)	Survey Stake (nickel)
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(127)	Survey Stake (manganese)
(128)	Survey Stake (silicon)
(129)	Survey Stake (phosphorus)
(130)	Survey Stake (sulfur)
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(142)	Survey Stake (osmium)
(143)	Survey Stake (ruthenium)
(144)	Survey Stake (cobalt)
(145)	Survey Stake (nickel)
(146)	Survey Stake (copper)
(147)	Survey Stake (zinc)
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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

OCTOBER 28, 2013, 7:00 P.M.

Chairperson Urban called the October 28, 2013 meeting of the Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and the public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairperson Urban, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Rickard, Mr. Waechtler, Mr. Webster

STAFF PRESENT: Senior Planner Stan Popovich and Planner Damir Latinovic

VISITORS: Michi Mao, Neri Architects, 444 N. Northwest Highway, Park Ridge, IL; Ben Pecoraro, BP Homes, 10 Cliff, Highland Park, IL; Anthony Pecoraro, P.O. Box 331, Highland Park, IL; John R. Gilley, 1170 Stanford; Neil O'Rourke, 7117 Mathias Rd.; Tina Marie Mateja, 241 Indianapolis; Stephen Bubulka, 1170 Valley View Dr.; Tom Hickey, 6830 Saratoga; Elizabeth DeLeon, 1140 Crystal Ave.; Joseph Verzon, 7109 Dunham Rd.; Debra Walker, 701 Hobart Ave.; Susan Walker, 7071 Hobart Ave.; Chester and Jennifer Tom, 7205 Mathias Ave.; Rick and Cathy Schumann, 1190 Crystal; Kevin Lewis, 300 Marquardt, Wheeling, IL; Gloriane Heine, 7209 Mathias; Lisa and Steve Auernhamer, 1160 Crystal Ave.; Hsien Hu Wang, 1170 Crystal; Carol Wang, 1170 Crystal; Don and Lorelai Harkins, 1130 Crystal; David M. Haner, 1425 Richards; Karin Reeve, 1150 Stanford Ave.; Steve and Nancee Margison, 7113 Dunham; Sonjo Kasche, 1011 Pinewood Dr.; Atef and Sonya Mackar, 1180 Crystal; and Winnie DeLeone, 1140 Crystal

APPROVAL OF THE OCTOBER 7, 2013 MINUTES

THE MINUTES OF OCTOBER 7, 2013 WERE APPROVED ON MOTION BY MR. WAECHTLER, SECONDED BY MRS. RABATAH. MOTION PASSED BY VOICE VOTE OF 8-0-1. (ABSTAIN: MR. MATEJCZYK)

A brief review of the meeting's protocol followed.

PC 31-13 A petition seeking a Zoning Ordinance Map Amendment to rezone the property from R-2, Single Family Residential to B-3, General Services and Highway Business district. The property is located on the east side of Belle Aire Lane approximately 150 feet north of Ogden Avenue and is commonly known as 4245 Belle Aire Lane, Downers Grove, IL (PIN 09-06-402-001). Village of Downers Grove, Petitioner; Greg Nosich, Owner.

Chairperson Urban swore in those individuals that would be speaking on the above petition.

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Village Planner, Damir Latinovic, located the 100' x 300' foot property on the overhead projector and noted the one-story commercial building on the site (4,500 sq. feet in size) with a parking lot located on the east side of the property. The Village was requesting to rezone the property from R-2 Single-Family Residential to B-3 General Services and Highway Business District to make the zoning classification consistent with the use, the on-site building, and to make it consistent with the surrounding uses and with the Village's Comprehensive Plan. A history of the building followed with Mr. Latinovic pointing out that the building is currently being renovated to house a tool and die/pattern-making shop which is permitted as a legal, non-conforming use in the residential district. However, when the use came forward, the village decided it was the appropriate time to request the rezoning of the property because tool and die shops were allowed as a permitted use in the B-3 District.

Mr. Latinovic discussed the benefits of rezoning the property to the B-3 General Services and Highway Business District. He pointed out the same surrounding zoning of properties to the south, east, and west, noting that R-2 residential zoning was located north of the subject property. The existing Future Land Use Map, within the Comprehensive Plan, was reviewed, reflecting the subject property designated as Residential use. However, staff felt the proposed rezoning was consistent with the rest of the Comprehensive Plan because the Plan's goal was to increase the depth of commercial properties along Ogden Avenue; it also called for a blend of commercial uses along the Ogden Avenue Corridor; and by making the change, an oversight would be corrected on the map.

A review of the bulk standards for the property followed. Mr. Latinovic stated that the owner was not making any exterior changes to the building or the parking lot. The existing nonconforming condition of the building not meeting the required north side yard setback (building located 4.25 feet where 10 feet is required in R-2 and B-3) will remain.

Per staff, proper public notification and signage was posted on the site, and, to date, no comments were received from the neighbors. Staff reviewed each of the Standards for Rezoning in more detail and, in conclusion, believed all standards were met. Mr. Latinovic recommended that the Plan Commission forward a positive recommendation to the Village Council.

Asked if the property was sold and the petition was denied, would the property return to residential, Mr. Latinovic stated that most likely it would not because the property had always been commercial with a permitted commercial use on the property, as a legal non-conforming use. A legal non-conforming commercial use could remain for a long time. Asked what the zoning was at the time of annexation in 1972, Mr. Latinovic stated that based on his conversation with county zoning staff they indicated it was commercial. Upon a question, Mr. Latinovic explained that all properties, when annexed into the Village, are automatically zoned R-1 (unless the owner at that time submits a request for a different zoning classification) due to the greatest restrictions. Additional clarification followed from Mr. Latinovic regarding the Village's zoning map and land use map and the restrictions for B-3 zoning. Responding to a commissioner's question, Mr. Latinovic mentioned that should any changes be made to the building's exterior in the future, specifically on the north side, the new addition would have to meet the current setback requirements. Interior changes did not affect the setbacks.

Asked if a change in business owners or practices required the new owner to appear before the Plan Commission, Mr. Latinovic reported only if the new owner was proposing a special use; any other uses permitted by right were allowed.

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Chairperson Urban opened up the meeting to public comment.

Mr. Ken Rathje, of Rathje Planning Services, conveyed that Greg Nosich, owner of the property, asked him to speak on behalf of the owner and to the proposed rezoning. Mr. Rathje summarized the steps he took with Mr. Nosich in speaking with the Village about the existing zoning on the site and also discovered in the Village's land use plan, and the past land use plan, an inadvertent modification that had changed the property from a commercial classification to a residential classification. He stated staff agreed an oversight existed and offered the applicant to pursue a petition for rezoning or stated the Village could pursue the rezoning to remedy the oversight. As to the prior zoning, Mr. Rathje researched records at the county and summarized that the property shown on the county map in April, 1972, prior to the annexation was County B-4-2 which translated to Business Service District with services that were comparable to the Village's current B-3 zoning. Further details followed. Mr. Rathje believed the rezoning was appropriate.

Hearing no further comments, Chairperson Urban closed public comment.

Mrs. Rabatah commented that the proposal was consistent with the Comprehensive Plan as well as the use. The Standards for Approval were met, and the fact that there was an oversight made, she saw no reason why the parcel could not be rezoned to the B-3 District. Mr. Cozzo concurred. Per another question, staff responded to date they received no comments from the neighbors.

WITH RESPECT TO FILE PC 31-13, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO APPROVE A ZONING ORDINANCE MAP AMENDMENT TO REZONE THE PROPERTY FROM R-2, SINGLE-FAMILY RESIDENTIAL TO B-3, GENERAL SERVICES AND HIGHWAY BUSINESS DISTRICT.

SECONDED BY MR. QUIRK. ROLL CALL:

AYE: MR. WAECHTLER, MR. QUIRK, MR. BEGGS, MR. COZZO, MR. MATEJCZYK, MRS. RABATAH, MR. RICKARD, MR. WEBSTER, CHAIRPERSON URBAN

NAY: NONE

MOTION PASSED. VOTE: 9-0

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THE MEETING WAS ADJOURNED AT 10:05 P.M. ON MOTION BY MRS. RABATAH, SECONDED BY MR. MATEJCZYK. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 9-0.

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