

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
APRIL 8, 2014 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Map Amendment 2540 Burlington Avenue	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Motion <input type="checkbox"/> Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared to amend the zoning ordinance map to rezone the property at 2540 Burlington Avenue from R-1, Single Family Residence District, to R-4, Single Family Residence District.

STRATEGIC PLAN ALIGNMENT

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

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the April 15, 2014 active agenda per the Plan Commission’s unanimous recommendation. The Plan Commission found that the proposed rezoning of the property is compatible with the Comprehensive Plan and surrounding zoning and land use classifications and meets all standards for approval of a Zoning Ordinance Map Amendment found in Section 28.1702.

BACKGROUND

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-1, Single Family Residence, to R-4, Single Family Residence to construct two single family homes taking advantage of the less restrictive setback requirements in the R-4 zoning district. The property contains two lots of record and is improved with a single family home built over the adjoining lots.

The subject property was annexed into the Village on January 1, 2012 as part of a Village-wide annexation program. Upon annexation, the property, like many surrounding properties, was automatically zoned R-1, Single Family Residence, which is the most restrictive zoning designation. Small pockets of R-4 zoning exist in this neighborhood along Burlington Avenue, Cross Street and Drendel Road. Many of these R-4 zoned properties were annexed to the Village prior to 2012 and were rezoned pursuant to petitions by the various homeowners.

The petitioner is proposing to construct a single family home on each lot of record. Under an R-4 classification, two structures could be built, one on each lot using the less restrictive setback requirements of the R-4 zoning district. Under the R-1 zoning classification, the two lots would need to be consolidated to allow a new single home to be constructed.

Compliance with the Zoning Ordinance

Detached single family homes are permitted in the R-4 zoning district. Based on the bulk requirements, the proposed R-4, Single Family Residential, zoning classification is appropriate for this property and is consistent with properties in the area. The bulk requirements for the R-1 and R-4 zoning districts are compared below:

2540 Burlington Avenue	R-1 District Bulk Requirements	R-4 District Bulk Requirements (Lot 18/19)
Lot Area	20,000 square feet	7,500 square feet (6,605 sq. ft./8,855 sq. ft.)
Lot Width	100 feet	50 feet (50 feet/68.69 feet)
Front Setback	40 feet	25 feet
Side Setback	10 feet	5 feet/6.9 feet
Rear Setback	20 feet	20 feet
Accessory Structure Setback	6 feet	5 feet
Height	35 feet	33 feet
Lot Coverage	32% maximum (4,947 sq. ft.)	32% maximum (2,114 sq. ft./2,834 sq. ft.)

Compliance with the Comprehensive Plan

The proposed rezoning is consistent with the Comprehensive Plan. The Future Land Use Plan calls for this property to remain detached single family residential. If the property is rezoned, the petitioner will be able to construct new single family homes of similar size and setbacks as compared to adjacent properties. The proposed rezoning of the property from R-1 to R-4 is consistent with the Comprehensive Plan.

Public Comment

No public comments were made at the public hearing.

ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated March 3, 2014

Draft Minutes of the Plan Commission Hearing dated March 3, 2014

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 2540 BURLINGTON AVENUE**

WHEREAS, the real estate located at 2540 Burlington Avenue, at the northeast corner of Burlington and Francisco Avenues, 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, 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 March 3, 2014 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 "R-4, Single Family Residence District" the zoning classification of the following described real estate, to wit:

LOTS 18 AND 19 IN BLOCK 10 AND THE SOUTH HALF OF VACATED ALLEY LYING NORTH AND ADJOINING IN CARPENTER'S ADDITION TO LACTON, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 12, 1890 AS DOCUMENT NUMBER 42886, IN DUPAGE COUNTY, ILLINOIS

Commonly known as: 2540 Burlington Avenue, Downers Grove, IL 60515 (PIN 08-12-110-030)

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



0 15 30 60
Feet

2540 Burlington Avenue - Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
MARCH 3, 2014 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-04-14 2540 Burlington Avenue	Zoning Ordinance Map Amendment	Kelley Chrisse Planner

REQUEST

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-1, Single Family Residential, to R-4, Single Family Residential.

NOTICE

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

GENERAL INFORMATION

OWNER: Mark Zuehl
615 Freedom Way
Shorewood, IL 60404

APPLICANT: Greenscape Homes, LLC
4355 Weaver Parkway
Warrenville, IL 60555

PROPERTY INFORMATION

EXISTING ZONING: R-1, Single Family Residential
EXISTING LAND USE: Single Family Residential
PROPERTY SIZE: 15,460 square feet
PIN: 08-12-110-030

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-1, Single Family Residential	Single Family Residential
SOUTH:	M-1, Light Manufacturing	Light Industrial/Business Park
EAST:	R-1, Single Family Residential	Single Family Residential
WEST:	R-1, Single Family Residential	Single Family Residential

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

PROJECT DESCRIPTION

The nearly 120-foot wide by 132-foot deep property, commonly known as 2540 Burlington Avenue, is located at the northeast corner of Burlington and Francisco Avenues and contains two lots of record. The property is zoned R-1, Single Family Residential, and is currently improved with a single family home built over the adjoining lots. The petitioner is requesting to rezone the property to R-4, Single Family Residential, to better match the size of the property with the zoning classification and to take advantage of the less restrictive setback requirements in the R-4 zoning district.

The subject property was annexed into the Village on January 1, 2012 as part of a Village-wide annexation program. Upon annexation, the property was automatically zoned R-1, which is the Village's most restrictive zoning designation. Most surrounding properties were annexed into the Village at the same time and are zoned R-1, Single Family Residence. Small pockets of R-4 zoning exist in this neighborhood along Burlington Avenue, Cross Street and Drendel Road near Ogden Avenue. Many of these R-4 zoned properties were annexed to the Village from 1982 to 1997 but, unlike the subject property, were rezoned to R-4 pursuant to petitions by the various homeowners upon annexation (Area Zoning Map).

The petitioner is proposing to construct a single family home on each lot of record. Under the current R-1 classification, Lot 18 is non-conforming because it does not comply with the lot area and lot width requirements of the R-1 zoning district nor does it qualify as a non-conforming buildable lot under Section 28.1203 of the Zoning Ordinance. Under the R-1 zoning classification, the two lots would need to be consolidated to allow a new single home to be constructed. Under an R-4 classification, two structures could be built, one on each lot, using a minimum 25 foot front yard setback. The petitioner wishes to take advantage of the less restrictive lot area and setback requirements within the R-4 zoning district.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Residential Areas Plan section of the Comprehensive Plan identifies the property being within the traditional grid containing detached single family residences. The traditional grid provides a uniform layout with standard street and lot widths. The subject single family property is similar in lot size and width to adjacent residential lots. The proposed rezoning will have no impact on the existing traditional grid development pattern. The property will remain zoned for detached single family residences.

The Comprehensive Plan recommends residential areas provide a variety of housing and dwelling unit types and densities, generally organized by dwelling types and lot sizes as identified in the Land Use Plan. Additionally, new infill development should be sensitive to local context, maintaining the setback, height, bulk, and orientation similar to that of neighboring properties. If the property is rezoned, the petitioner will be able to construct new single family homes of similar size and setbacks as compared to adjacent properties. The proposed rezoning of the property from R-1 to R-4 is consistent with the Comprehensive Plan.

COMPLIANCE WITH THE ZONING ORDINANCE

The property is zoned R-1, Single Family Residential. A single family home and associated accessory structures are permitted uses in this district. The petitioner is proposing to rezone the property to better match the size of the property with the zoning classification and to take advantage of the less restrictive

setback requirements in the R-4 zoning district for the construction of two single family homes.

The bulk requirements of both the R-1 and R-4 zoning classification are compared in the table below:

2540 Burlington Avenue	R-1 District Bulk Requirements	R-4 District Bulk Requirements (Lot 18/19)
Lot Area	20,000 square feet	7,500 square feet (6,605 sq. ft./8,855 sq. ft.)
Lot Width	100 feet	50 feet (50 feet/68.69 feet)
Front Setback	40 feet	25 feet
Side Setback	10 feet	5 feet/6.9 feet
Rear Setback	20 feet	20 feet
Accessory Structure Setback	6 feet	5 feet
Height	35 feet	33 feet
Lot Coverage	32% maximum (4,947 sq. ft.)	32% maximum (2,114 sq. ft./2,834 sq. ft.)

The proposed R-4, Single Family Residential, zoning classification is appropriate for this property and is consistent with properties in the area.

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 *Downers Grove Suburban Life*. Staff spoke with several residents who inquired about the difference between the two zoning classifications. No objections to this petition were expressed in those conversations.

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 property is located in a detached single family residential neighborhood with lot widths ranging from 50 feet to 100 feet. If rezoned, the use of the property, as detached single family residential, would not change. The existing and continued use of the subject property would be consistent with the use on adjacent lots of similar sizes. 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. By rezoning from R-1 to R-4, the property owner will be able to construct two single family homes and take advantage of setback requirements that are more appropriate for 50-foot to 75-foot wide properties. The less restrictive setback requirements may enhance property values as a future redevelopment of the site would allow two houses in the R-4 district compared to one single family house in the R-1 district. 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. 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 as proposed will remain a single family residential district. Typically, properties located within the R-1 zoning classification are at least 100 feet wide, while properties located within the R-4 zoning classification are typically 50 to 60 feet wide. As such, the individual widths of each lot of record within the subject property is more consistent with lots zoned R-4 than those zoned R-1. The R-4 zoning regulations are more appropriate for this 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 is improved with an owner-occupied single family home. The rezoning will allow the subject property to be redeveloped consistent with the R-4 zoning on lots sizes that are already prevalent in the neighborhood. Additionally, R-4 zoning is more appropriate than R-1 zoning for 50-foot wide parcels. This standard has been met.

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

The Comprehensive Plan identifies quality housing stock as being the most important factor that contributes to the Village's character and identity. The existing and future single family residential use provides value to the community as part of the Village's overall quality housing stock. 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 adoption of the Comprehensive Plan in 2011, which included a nine-month community outreach process. In the Plan, the subject property is designated for detached single family residential use, which will remain regardless of rezoning. This standard has been met.

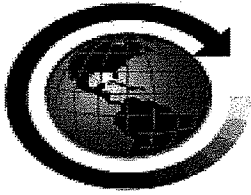
RECOMMENDATIONS

The proposed rezoning of the property is compatible with the Comprehensive Plan and 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:kc
-att



GREENSCAPE HOMES, LLC

**Telephone: 630-281-2037
Fax: 630-281-2021**

**4355 Weaver Parkway Suite 120
Warrenville, IL. 60555**

January 30, 2014

VIA PERSONAL DELIVERY

Village of Downers Grove
ATTENTION: Kelley
801 Burlington Ave.
Downers Grove, IL.

Dear Kelley:

Subject: 2540 Burlington Downers Grove, IL.

The property located at 2540 Burlington was part of the large annexation into the Village of Downers Grove in 2012. As part of this large annexation, everything was brought into the R-1 district. With the small size of the existing lots in that area, most of the properties will need to be rezoned to an R-4 district in order to conform with the current zoning codes. This property currently consists of 2 legal lots, one measuring 50 feet wide and another at 67 feet wide. With the property rezoned into the R-4 district, this will allow us to demolish the existing single family home and build 2 new single family homes. This will benefit the area to help increase property values.

If you have any questions, or need additional information, please feel free to contact me.
Sincerely,

GREENSCAPE HOMES, LLC.

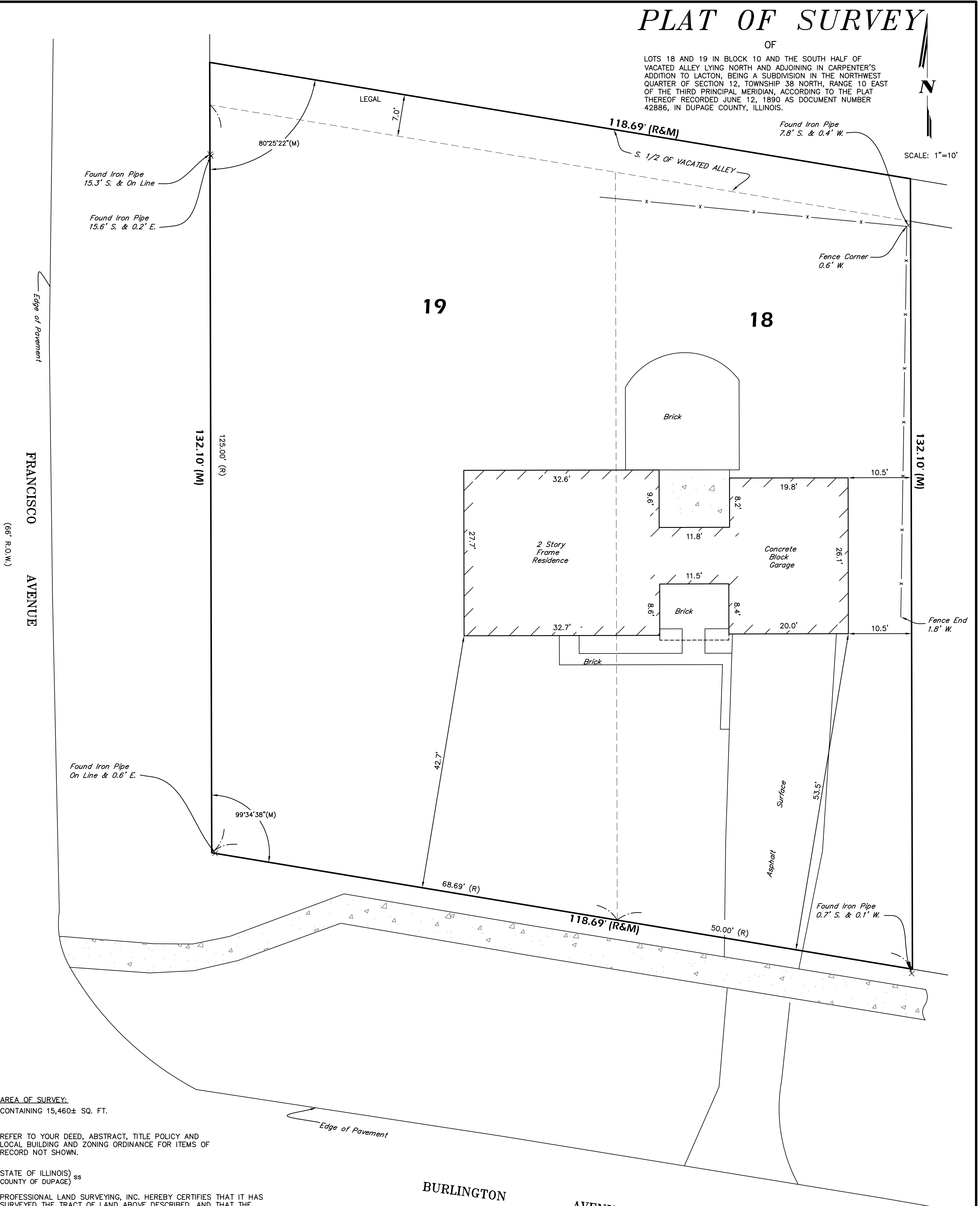
Keith Neumann
Greenscape Realty, LLC
Managing Broker

PLAT OF SURVEY

OF
 LOTS 18 AND 19 IN BLOCK 10 AND THE SOUTH HALF OF
 VACATED ALLEY LYING NORTH AND ADJOINING IN CARPENTER'S
 ADDITION TO LACTON, BEING A SUBDIVISION IN THE NORTHWEST
 QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10 EAST
 OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT
 THEREOF RECORDED JUNE 12, 1890 AS DOCUMENT NUMBER
 42886, IN DUPAGE COUNTY, ILLINOIS.



SCALE: 1"=10'



AREA OF SURVEY:
 CONTAINING 15,460± SQ. FT.

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

STATE OF ILLINOIS) ss
 COUNTY OF DUPAGE)

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 4TH DAY OF NOVEMBER, 2013.



IPLS No. 3483
 MY LICENSE EXPIRES 11/30/14

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT
 ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
 PROFESSIONAL DESIGN FIRM NO. 184-004196

NOTE:
 POSSIBLE EASEMENT OF ANY PUBLIC SERVICE
 CORPORATION AS DISCLOSED BY SERVICE POLES
 AND/OR WIRES ON REAR OF LAND.

BURLINGTON AVENUE
 (100' R.O.W.)

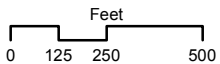
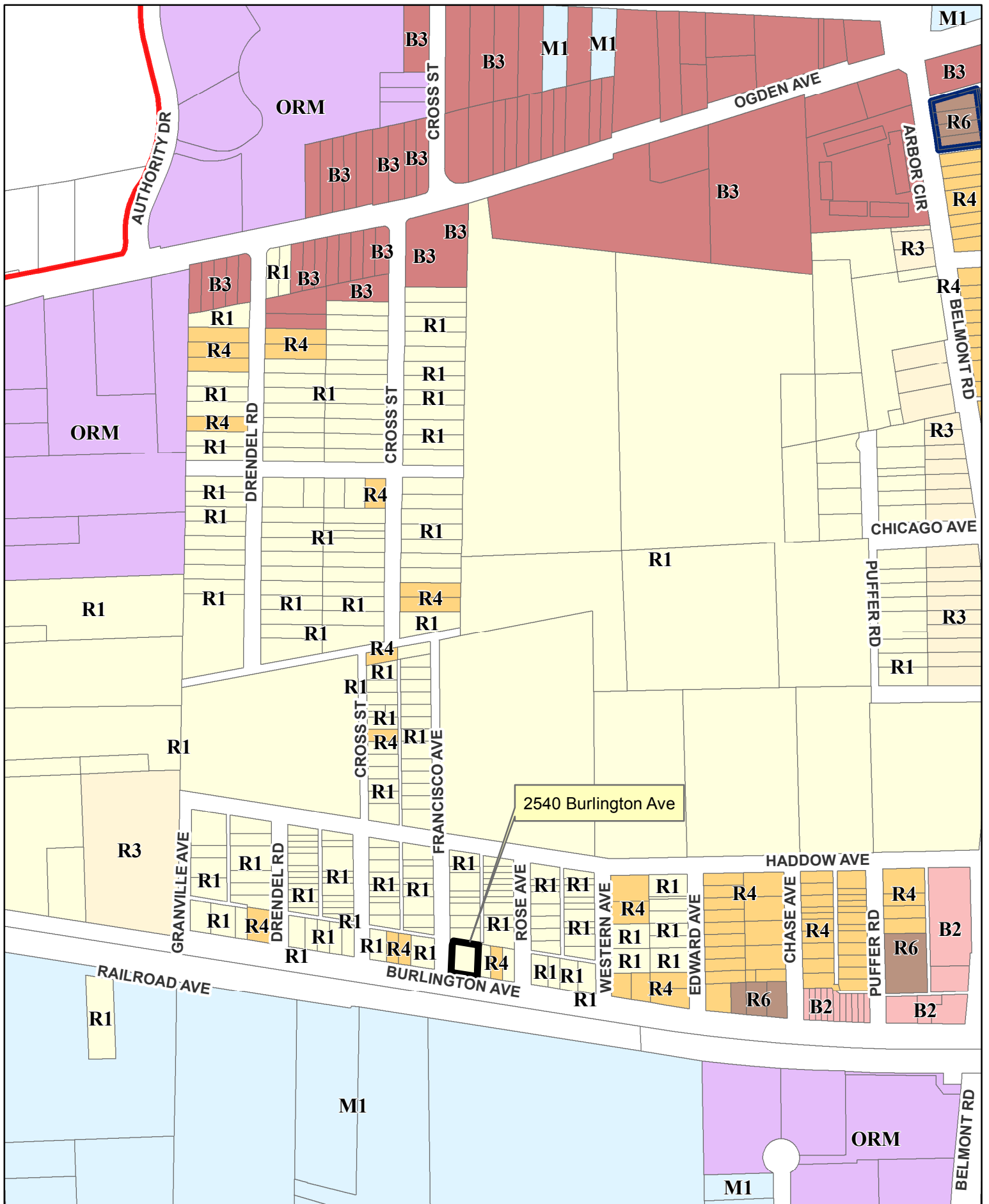
SYMBOL LEGEND

- *** - FENCE LINE
- (R) - RECORD DATA
- (M) - MEASURED DATA
- (OHW) - OVERHEAD WIRES
- [Pattern] - CONCRETE SURFACE

PREPARED FOR: NEUMANN
 JOB ADDRESS: 2540 BURLINGTON AVENUE
 DOWNERS GROVE, ILLINOIS

Professional Land Surveying, Inc.
 3080 Ogden Avenue Suite 107
 Lisle, Illinois 60532
 Phone 630.778.1757 Fax 630.778.7757

DRAWN BY: JLK FLD. BK./PG. NO.: 103/56
 COMPLETION DATE: 11/05/13 JOB NO.: 138806
 REVISED:



AREA ZONING MAP 2540 Burlington Ave

DRAFT

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

MARCH 3, 2014, 7:00 P.M.

Chairwoman Urban called the March 3, 2014 meeting of the Plan Commission to order at 7:01 p.m. and led the Plan Commissioners and the public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairwoman Urban, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mr. Rickard, Mr. Webster; ex-officio Ms. Lupescu

ABSENT: Mrs. Rabatah, Mr. Waechtler; Mr. Menninga, Ms. Souter

STAFF

PRESENT: Community Development Director Tom Dabareiner; Senior Planner Stan Popovich, Planner Kelley Chrissie

VISITORS: Jennifer Mowen and Frank Grigco with Greenberg Farrow, 21 S. Evergreen; Dan Angspett Shorewood Development Group, 20 E. Lake Cook Road; Louis Schriber, 422 Lake Ave.; Myki Romano, Lake Ave., Kentworth Gould, 408 Lake Ave.; William Natale, 422 Lake Ave.; Tom Wagner, 503 Lake Ave.; Bonnie Christerson, 4332 Florence Ave.; Jeanne Bostedt, 438 Lake Ave.; Joe Schreiberreif, 430 Lake Ave.; Paul Barr, 402 Sherman St.; Robert Adams, 4322 Florence Ave.; Al Rosenbostel Fresh Thyme, 618 Franklin St.; Keith Neumann, Greenscape Realty, 4355 Weaver Pkwy., Warrenville; Bob Gundmunson, RWG Engineering, 975 E. 22nd St., Wheaton; Brian Donley, Federal Realty, 50 E. Wynwood Rd., Wynnwood, PA; Scott Hargadon, Meltzer, Purtill & Steele, 300 S. Wacker Dr., #3500, Chicago; Phil Golding, Starbucks, 564 W. Randolph, 3rd Fl., Chicago

Chairwoman Urban directed the public to the available packet information and reviewed the protocol for the meeting.

APPROVAL OF MINUTES - None

PUBLIC HEARINGS:

PC-04-14: A petition seeking approval of a Zoning Ordinance Map Amendment to rezone the property from R-1, Single Family Residence District to R-4, Single Family Residence District. The property is zoned R-1, Single Family Residence District. The property is located on the northeast corner of Burlington and Francisco Avenues, commonly known as 2540 Burlington Avenue, Downers Grove, IL (PIN 08-12-110-030). Greenscape Homes, LLC, Petitioner; Mark Zuehl, Owner.

DRAFT

Village Planner, Ms. Kelley Chrise, reviewed the location of the R-1 property, noting the property consisted of two lots with a single home sitting over the adjoining lots. The petitioner was seeking to rezone to R-4 Single Family Residence District to match the size of the property with the zoning classification and to take advantage of the less restrictive setback requirements in order to construct two single-family homes -- one on each lot -- and meet the character of the surrounding properties. The property was annexed into the village in 2012 and automatically classified R-1. More recently, the property at 2525 Indianapolis, also annexed into the village in 2012, was rezoned to R-4 in August 2013. The two properties are similar. Per staff, the proposal met the requirements of the Comprehensive Plan, the village's bulk requirements, surrounding land use classifications and staff recommended the Plan Commission forward a positive recommendation to the Village Council.

Mr. Quirk inquired about the required setback on the corner lot. Ms. Chrise confirmed that the front yard setback of 25 feet applies along Burlington and Francisco Avenues, but the zoning ordinance allows a reduction in the Francisco setback to achieve a buildable width of 30 ft. on corner lots where the front yard setback would otherwise restrict the width of the house.

Petitioner, Mr. Keith Newman, Greenscape Homes, 4355 Weaver Parkway, Warrenville, IL stated he was the contract purchaser of the property and was requesting the zoning change from R-1 to R-4 District. He pointed out that the property was part of a large annexation into the village in 2012 and many of the lots would have to be rezoned to R-4 due to them being non-conforming. Mr. Newman was looking to construct two new homes without requesting any variations. He asked for a positive recommendation.

Chairwoman Urban opened the meeting to public comment. No comments received; public comment was closed. The chairwoman also noted that the standards had been met on this proposal.

WITH RESPECT TO PC-04-14, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THIS PETITION.

SECONDED BY MR. QUIRK. ROLL CALL:

**AYE: MR. MATEJCZYK, MR. QUIRK, MR. BEGGS, MR. COZZO, MR. RICKARD,
MR. WEBSTER, CHAIRWOMAN URBAN**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)