

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MAY 13, 2014 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---------------------------------------------|--------------------------------------------------------|-----------------------------------------------------------|
| Rezoning from R1 to R4 4837 Drendel Road | Resolution ✓ Ordinance Motion 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 4837 Drendel Road 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

UPDATE & RECOMMENDATION
 This item was discussed at the May 6, 2014 Village Council meeting. Staff recommends approval on the May 13, 2014 Active Agenda.

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. The petitioner is requesting to rezone the undeveloped property to R-4 Single Family Residential to establish a buildable lot by better matching the size of the property with the zoning classification.

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 Drendel Road, Burlington Avenue and Cross Street.

The petitioner is proposing to construct a single family home on the recently consolidated lot. Under the current R-1 classification, the lot 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 an R-4 classification, the lot will be buildable. It will be legal non-conforming.

Compliance with the Zoning Ordinance

The property is zoned R-1, Single Family Residential, which permits single family detached dwellings. The petitioner is proposing to rezone the property to establish a buildable lot for a detached single family home by better matching the size of the property with the zoning classification.

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

| 4837 Drendel Road | R-1 District Bulk Requirements | R-4 District Bulk Requirements |
|-----------------------------|-------------------------------------------|-------------------------------------------|
| Lot Area | 20,000 square feet | 7,500 square feet |
| Lot Width | 100 feet | 50 feet |
| Front Setback | 40 feet | 25 feet |
| Side Setback | 7 feet | 6.2 feet |
| Rear Setback | 20 feet | 20 feet |
| Accessory Structure Setback | 6 feet | 5 feet |
| Height | 35 feet | 33 feet |
| Lot Coverage | 32% max. (2,340 sq. ft.) | 32% max. (2,340 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 a single family home 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

There were no public comments at the public hearing.

ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated April 7, 2014

Draft Minutes of the Plan Commission Hearing dated April 7, 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 4837 DRENDEL ROAD**

WHEREAS, the real estate located at 4837 Drendel Road, at the southeast corner of Drendel Road and Hadow Avenue, 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 April 7, 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:

LOT 1 OF MCCARROLL'S CONSOLIDATION, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED FEBRUARY 21, 2014, AS DOCUMENT R2014-014801, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 4837 Drendel Road, Downers Grove, IL 60515
(PINs 08-12-108-001, -002)

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.

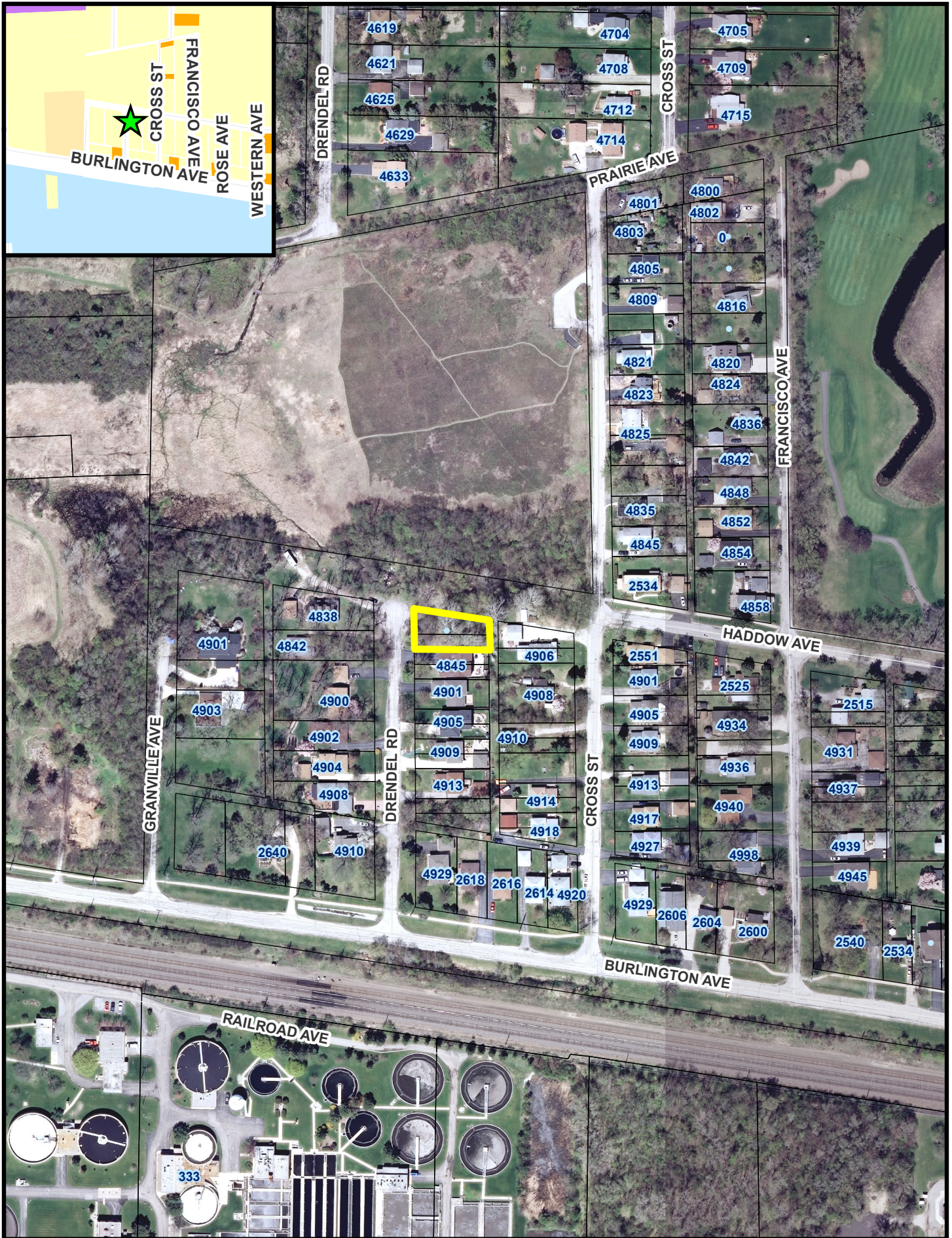
Mayor

Passed:

Published:

Attest: _____

Village Clerk



4837 Drendel Road - Location Map

0 50 100 200 Feet





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
APRIL 7, 2014 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|-------------------------------|--------------------------------|----------------------------|
| PC-08-14 4837 Drendel Road | Zoning Ordinance Map Amendment | Kelley Chrissie 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/
APPLICANT:** Dan and Mary McCarroll
130 Chicago Avenue
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-1, Single Family Residential
EXISTING LAND USE: Single Family Residential
PROPERTY SIZE: 7,313 square feet
PIN: 08-12-108-001, -002

SURROUNDING ZONING AND LAND USES

| | ZONING | FUTURE LAND USE |
|---------------|--------------------------------|---------------------------|
| NORTH: | R-1, Single Family Residential | Parks & Open Space |
| SOUTH: | R-1, Single Family Residential | Single Family Residential |
| 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 approximately 7,300 square foot property, commonly known as 4837 Drendel Road, is located at the southeast corner of Drendel Road and Haddow Street. The property is zoned R-1, Single Family Residential, and is currently undeveloped. The petitioner is requesting to rezone the property to R-4, Single Family Residential, to establish a buildable lot by better matching the size of the property with the zoning classification.

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 Drendel Road, Burlington Avenue and Cross Street. Many of these R-4 zoned properties were annexed to the Village prior to 2012 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 the recently consolidated lot. Under the current R-1 classification, the lot 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 an R-4 classification, the lot will become legal non-conforming but buildable.

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 a single family home 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 establish a buildable lot by better matching the size of the property with the zoning classification.

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

| 4837 Drendel Road | R-1 District Bulk Requirements | R-4 District Bulk Requirements |
|--------------------------|-------------------------------------------|-------------------------------------------|
| Lot Area | 20,000 square feet | 7,500 square feet |
| Lot Width | 100 feet | 50 feet |
| Front Setback | 40 feet | 25 feet |

| | | |
|-----------------------------|--------------------------|--------------------------|
| Side Setback | 7 feet | 6.2 feet |
| Rear Setback | 20 feet | 20 feet |
| Accessory Structure Setback | 6 feet | 5 feet |
| Height | 35 feet | 33 feet |
| Lot Coverage | 32% max. (2,340 sq. ft.) | 32% max. (2,340 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 a few residents who inquired about the difference between the two zoning classifications.

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, primarily zoned R-1, with lot widths ranging from 50 feet to 100 feet. If rezoned to R-4, the property would be used as detached single family residential, which is 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 a single family home on the undeveloped lot that is comparable to that on neighboring properties, potentially enhancing property values. 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 residence district. Typically, properties located within the R-1 zoning classification are at least 100 feet wide and 20,000 square feet in area, while properties located within the R-4 zoning classification are typically 50 to 60 feet wide and 7,500 square feet in area. As such, the width and area of 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 currently undeveloped and if rezoned, would have similar development potential as the adjacent homes that were constructed under DuPage County's zoning regulations. The

proposed R-4 zoning classification has similar development restrictions to those that were in place prior to the annexation. The proposed R-4 zoning classification is more appropriate for the subject property than R-1 zoning considering the context of the neighborhood. 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 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 can only occur if the property is rezoned. 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

2-25-14

To the Village of Downers Grove,

We own the property at 4837 Drendel Rd.
and we are looking to Rezone from R-1 to R-4.
to construct a single family home!

Thank you,

May McCarroll

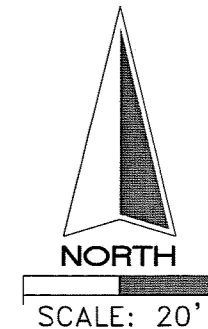
Dr. McCarroll

PLAT OF SURVEY

OF

LOT 1 IN MCCAROLL'S CONSOLIDATION, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED FEBRUARY 21 2014 AS DOCUMENT NUMBER R2014-014801, IN DUPAGE COUNTY, ILLINOIS.

AREA = 7,313 SQ. FT.
MORE OR LESS



LEGEND

- (R/M) - RECORD / MEASURED
- L - ARC LENGTH
- R - RADIUS
- CH - CHORD



(STATE OF ILLINOIS)
(COUNTY OF WILL) SS

NEKOLA SURVEY INC. DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 12TH DAY OF MARCH, 2014.

Wayne W. Nekola
IPLS No. 2923

LICENSE RENEWAL DATE: 30 NOVEMBER 2014.

PREPARED FOR: MARY MCCAROLL
JOB ADDRESS: LOT 1, MCCAROLL'S CONSOLIDATION
JOB NO.: 13-11-0081-C

NEKOLA SURVEY, INC.

PROFESSIONAL LAND SURVEYING SERVICES
WWW.NEKOLASURVEY.COM
400 N. SCHMIDT RD., STE. 203
BOLINGBROOK, ILLINOIS 60440
(630) 226-1530 PHONE (630) 226-1430 FAX

- "X" IN BOX INDICATES THE HEREON DRAWN PLAT WAS ORDERED AS A NON MONUMENTED SURVEY.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.



DRAFT

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

APRIL 7, 2014, 7:00 P.M.

Chairwoman Urban called the April 7, 2014 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: Chairwoman Urban, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mrs. Rabatah, Mr. Rickard, Mr. Waechtler Mr. Webster; ex-officio Ms. Lupescu

ABSENT: Mr. Quirk, Mr. Menninga, Ms. Souter

STAFF

PRESENT: Senior Planner Stan Popovich, Planner Kelley Chrise, Planner Patrick Ainsworth

VISITORS: Scott M. Hollmeyer, 6235 Springside Avenue; Susan Chavez-Jiminez, 5835 Janes Avenue; Sean Bureau, 2350 59th Street; Chuck and Debra Scouten, 5939 Janes Avenue; Joseph Kasko, 2340 59th Street; Carol and Duane Oesterreich, 5820 Janes Avenue; Gemnady Lukhanin, 5841 Janes Avenue; Keith Neumann, Greenscape Homes LLC, 4355 Weaver Parkway, Warrenville, IL; David Riendeau, Greenscape Homes LLC, 4355 Weaver Parkway, Warrenville, IL; Beata Pacura, Atlantic Homes, Inc., 17061 Kerry Avenue, Orland Park, IL; David and Diane Albano, 5901 Jackson Drive; Dan and Mary McCarroll, 130 Chicago Avenue; Mi Ouska, 5710 Janes Avenue; Kristen & Mark Pierret, 2416 59th Street; Ronald Mayer, 5700 Janes Avenue; Deanne Marek, 5711 Elinor Avenue; Dolores Zimmerman, 5831 Elinor Avenue; Carol Macha, 5855 Janes Avenue

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

MINUTES OF FEBRUARY 24, 2014 - WERE APPROVED ON MOTION BY MR. MATEJCZYK, SECONDED BY MR. RICKARD. MOTION CARRIED BY VOICE OF 6-0-2 WITH MRS RABATAH AND MR WAECHTLER ABSTAINING.

MINUTES OF MARCH 3, 2014 - WERE APPROVED ON MOTION BY MR. COZZO, SECONDED BY MR. BEGGS. MOTION CARRIED BY VOICE OF 6-0-2 WITH MRS RABATAH AND MR WAECHTLER ABSTAINING.

PUBLIC HEARINGS:

Chairwoman Urban swore in those individuals that would be speaking on the following three (3) hearings:

DRAFT

PC-08-14: A petition seeking approval of a Zoning Ordinance Map Amendment to rezone 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 southeast corner of Drendel Road and Haddow Avenue, commonly known as 4837 Drendel Road, Downers Grove, IL (PINs 08-12-108-001, -002). Dan and Mary McCarroll, Petitioner/Owner.

Village Planner, Ms. Kelley Chrisse, reviewed the location of the R-1 property, noting the 7,300 square foot property is undeveloped. The petitioner is seeking to rezone to R-4 Single Family Residence District to create a buildable lot by matching the size of the property with the zoning classification. The petitioner is proposing to construct a single-family home on the recently consolidated lot that meets the character of the surrounding properties. The property was annexed into the village in 2012 and automatically classified R-1. With similar property sizes and within the same area annexed in 2012, the property at 2525 Indianapolis was rezoned to R-4 last year and the Council will consider the rezoning request to R-4 for 2540 Burlington Avenue, which received a positive recommendation from the Plan Commission. Per staff, the proposal meets the requirements of the Comprehensive Plan, the Village's bulk requirements, surrounding land use classifications and staff recommends that the Plan Commission forward a positive recommendation to the Village Council.

Discussion ensued about flooding in the area. Chairwoman Urban inquired about the ability for others to build on their properties within this area that are not being rezoned. Senior Planner Popovich explained that these lots are legal, non-conforming lots. If they want to rebuild, they cannot increase the extent of the non-conformity, which limits any rebuilding to the existing footprint.

Petitioners, Mr. and Mrs. Dan McCarroll, 130 Chicago Avenue, Downers Grove, IL stated they were looking to rezone so they can build a home on the lot.

Chairwoman Urban opened the meeting to public comment. No comments were made. Mr. McCarroll made a final statement noting that he has lived in the community for some time and is looking to build a home for his family. He asked the Plan Commission for a positive recommendation on the rezoning. Chairwoman Urban closed the public hearing.

Mr. Waechtler noted his support for the rezoning while Mr. Webster inquired about the potential to rezone properties when they are annexed into the Village. The Chairwoman also noted that the standards had been met on this proposal.

WITH RESPECT TO PC-08-14, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THIS PETITION.

SECONDED BY MR. BEGGS. ROLL CALL:

**AYE: MR. MATEJCZYK, MR. BEGGS, MR. COZZO, MRS. RABATAH, MR. RICKARD,
MR. WAECHTLER, MR. WEBSTER, CHAIRWOMAN URBAN**

NAY: NONE

MOTION CARRIED. VOTE: 8-0