

Staff Responses to Council Questions

May 13, 2014

7. CONSENT AGENDA

B. Approve the FY 14-15 Budget for the Downers Grove Downtown Management Corporation

Are there things that the Village could do for the DMC that would reduce DMC costs?

The Village has taken several steps in recent years to assist the Downtown Management Corporation in reducing its operating costs, including the following:

- Donated surplus computers at the time of replacement for use by DMC staff
- Provides IT support and maintenance
- Waive all fees associated with the operations of events in the downtown sponsored by the DMC that require Village staff
- Partner with the DMC for the installation and maintenance of holiday light displays

The Village is open to discussing other means of working with the DMC to reduce cost and will continue to engage the Downtown Manager Linda Kunze on this topic.

8. ACTIVE AGENDA

I. Ordinance: Amend the Zoning Ordinance, Chapter 28, of the Downers Grove Municipal Code, Effective June 15, 2014

Was the definition of "Nursing Home" changed to address concerns of providing outpatient mental health services?

No. The language is found in the current Zoning Ordinance.

How big are the parcels for the existing churches in the Village?

The largest church-occupied parcel is St. Mary of Gostyn at 3.9 acres. The remaining stand-alone churches (i.e., not part of shopping centers or other multi-tenant uses) range in size from 1.6 to 3.2 acres. The average is 2.65 acres.

Please explain the reasons for the minimum acreage requirements for churches.

The minimum acreage requirements for religious assembly uses (2 acre minimum in R Districts and 4 acre minimum in OR and ORM Districts) are intended to:

- Discourage existing detached single family houses from being converted to religious assembly uses (i.e. houses not being used for residential purposes but used only for religious assemblies)
- Provide sufficient land area for religious assembly uses to meet or exceed other requirements including landscaping, buffering and off-street parking
- Discourage religious assembly uses from locating in small tenant spaces in OR and ORM districts

The table below summarizes the minimum acreage requirements and use regulations for religious assemblies.

Religious Assembly Uses

	Existing Zoning Ordinance	Proposed Zoning Ordinance*
Permitted in	B1, B2, B3 OR with a 4-acre minimum	B2, B3
Special Uses in	R Districts with a 2-acre minimum and fronting on an arterial or collector street or contiguous to B, M or ORM Districts DB if existing prior to 6/7/05 DT	R Districts with a 2-acre minimum and fronting on an arterial or collector street or contiguous to B, M or ORM Districts B1 DB if existing prior to 6/7/05 DT OR & ORM, with a 4-acre minimum INP1 & INP2

*NOTE: The draft of the proposed zoning ordinance presented in the agenda materials inadvertently includes religious assemblies as permitted uses in the OR District with a 4-acre maximum and a 4-acre minimum in the DT District. A corrected version of the draft is attached.

9. FIRST READING

A. Resolution: Approve Final Plat of Subdivision with Exceptions for 5850 Janes

Does the Village Subdivision Code require that streets be constructed?

Section 20.401, Required Public Improvements, of the Subdivision Ordinance states that public improvements, including street pavement, shall be provided at the owner's expense. Additionally, Section 20.303, Streets, of the Subdivision Ordinance states that provisions shall be made for direct connections with the existing streets in adjoining subdivisions.

Can the Village prevent the installation of a barricade on 59th Street?

No, because 59th Street is currently under the jurisdiction of the Lisle Township Highway Commissioner.

What would happen if the Village does not approve the final plat of subdivision?

The property would remain a single large parcel.

Can the parcels be annexed now? If not, why not?

The property can not be annexed at this time because it is not contiguous to the Village. Involuntary annexation is not possible because incorporated Village land does not surround an area of less than 60 acre including these parcels.

What events would trigger the annexation of these parcels?

The property is could be annexed into the Village once the property becomes contiguous to the Village. The property can also be annexed if neighboring property owners petition for annexation under a court supervised, majority of owners petition or the Village pursues an involuntary annexation of the area should it become eligible.

C. Motion: Award a Contract for \$459,899 to Chicagoland Paving, Lake Zurich, IL, for Parking Lot Improvements for Fire Stations #1 and #3, and School District 58

Who is the concrete work sub-contractor?

The concrete sub-contractor is Kreative Scape, Inc. from Elgin, IL. They are an IDOT approved contractor.

Will District 58 reimburse the Village for administrative costs?

No.

Does the Village and/or District 58 have the right to reject the bids? If so, how would one party's bid rejection affect the awarding of the contract for the remaining party?

Yes, either party can reject the bid. If District 58 were to reject a bid, the Village could still award the bid and proceed without the school district's portion of the project. District 58 approved the contract for this project on 5/12/14.

Online Comments

There is one online comment attached.

ATTACHMENTS

Corrected version of draft zoning ordinance

rEmarks Comment

Table 5-1: Allowed Uses

USE CATEGORY Subcategory Specific use (See Sec. 5.020)	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	DB	DT	O-R	O-R	M-1	M-2	INP-1	INP-2	Supplemental Regulations	
					5A							M							
RESIDENTIAL																			
Household Living	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	-	-	-	
Detached house	-	-	-	-	P	P	-	-	S	-	P	-	-	-	-	-	-	-	
Attached house	-	-	-	-	P	P	-	-	-	-	P	-	-	-	-	-	-	-	
Two-unit house	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Apartment/condo	-	-	-	-	-	-	P	P	S	S	S	-	-	-	-	-	-	-	
Group Living (except for the following uses)	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	S	S	-	
Group home, small (8-person max. occupancy)	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	P	P	-	Sec. 6.050
Group home, large (9 or more occupants)	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	S	S	-	Sec. 6.050
Nursing home	S	S	S	S	S	S	P	P	S	-	-	-	-	-	-	-	-	-	Sec. 6.080
Sheltered Care	S[7]	S[7]	S[7]	S[7]	S[7]	S[7]													
PUBLIC, CIVIC AND INSTITUTIONAL																			
Aircraft Landing Area	-	-	-	-	-	-	-	S	S	S	-	S	S	S	S	-	S	-	
Cemetery	-	-	-	-	-	-	-	-	-	S[6]	-	-	-	-	-	S	S	-	
College or University	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	S[4]	-	-	S	S	S	S	-	-	-	-	-	
Community Center	S	S	S	S	S	S	S	-	-	S	S	-	-	-	-	S	P	-	
Fraternal Organization	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	P	P	P	P	-	-	-	-	S	P	-	
Governmental Facility	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	P	P	P	P	-	-	-	-	P	P	-	
Hospital	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]	-	P	P	-	-	-	-	-	-	-	-	
Library	-	-	-	-	-	-	-	-	-	S	S	S	S	-	-	S	S	-	
Museum or Cultural Facility	-	-	-	-	-	-	-	-	-	S	S	S	S	-	-	S	S	-	
Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and Recreation	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	P	P	-	
Religious Assembly	S	S	S	S	S	S	S	P	P	S[6]	S	S	S	-	-	S	S	-	Sec. 6.120
Safety Service	S	S	S	S	S	S	S	P	P	P	S	P	P	P	P	P	P	P	
School	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	S	S	-	
Utilities and Public Service Facility																			
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Wireless Telecommunications																			
Freestanding tower	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	Sec. 6.170
Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.170
COMMERCIAL																			
Adult Entertainment Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 6.020
Animal Service																			
Boarding or shelter	-	-	-	-	-	-	-	S	P	-	-	-	-	-	-	P	P	-	
Grooming	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P	P	-	

USE CATEGORY	P = use permitted as of right S = special use approval required -- = not allowed										Supplemental Regulations									
	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3		DB	DT	O-R	M	O-R	M-1	M-2	INP-1	INP-2
Subcategory																				
Specific use (See Sec. 5.020)																				
Fueling station	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	-	-	-	Sec. 6.049
Personal vehicle repair and maintenance	-	-	-	-	-	-	-	-	-	-	S[10]	S	-	-	S	S	-	-	-	Sec. 6.100
Personal vehicle sales and rentals	-	-	-	-	-	-	-	-	-	-	S[10]	S	S	-	-	S	-	-	-	
Vehicle body and paint finishing shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	
WHOLESALE, DISTRIBUTION & STORAGE																				
Equipment and Materials Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Trucking and Transportation Terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	-	-	
Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Wholesale Sales and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
INDUSTRIAL																				
Artisan Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Limited Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
General Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Intensive Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
RECYCLING																				
Recyclable Material Drop-off Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 6.110
Recyclable Material Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
AGRICULTURE																				
Animal Agriculture (except as allowed under Chapter 5 of the Downers Grove Municipal Code)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Crop Agriculture	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
OTHER																				
Drive-in or Drive-through Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Medical Cannabis Cultivation Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 6.060
Medical Cannabis Dispensing Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 6.060

D. Specific Limitations

- [1] Requires minimum lot area of 40 acres. Maximum 25% building coverage.
- [2] Requires minimum lot area of 10 acres.
- [3] Requires minimum lot area of 25 acres. Maximum 25% building coverage.
- [4] Must be within 150 feet of a B district.
- [5] Requires special use approval if above one dwelling unit per 4,000 square feet of lot area.
- [6] Special Use only if use was in existence on or prior to June 7, 2005.
- [7] Requires minimum lot area of 5 acres.
- [8] Requires minimum seating capacity of 125 persons.
- [9] Permitted as of right up to 3,000 sq. ft. (gross floor area); larger requires special use approval.

provided that proof of the property owner's permission for such use accompanies the application.

Sec. 6.120 Religious Assembly

A. Location Criteria

1. Religious assembly uses may be approved as a special use in an R district only if located on lots of at least 2 acres in area and:
 - a. that have frontage on an arterial or collector street; or
 - b. that abut a B, M, or O-R-M zoning district on at least one side.
2. Religious assembly uses may be approved as a special use in O-R and O-R-M districts only if located on lots of at least 4 acres in area.

B. Lot and Building Regulations

1. The maximum allowed building coverage on lots occupied by religious assembly uses is 40%. All other lot and building regulations of the subject zoning district apply.
2. Modifications of applicable lot and building regulations may be approved as part of the special use approval process if the village council determines that strict compliance with applicable lot and building regulations substantially burdens the exercise of religion, except that no modification is allowed if the village council determines that the burden (1) is in furtherance of a compelling governmental interest and (2) is the least restrictive means of furthering that compelling governmental interest.
3. In the event that a substantial burden (on the exercise of religion) is claimed, the applicant for religious assembly special use approval must submit materials and evidence describing:
 - a. the alleged burden in detail, including why such burden is of such a substantial nature so as to justify modification of the zoning regulations;
 - b. efforts employed by the applicant to avoid or reduce the burden;
 - c. the minimal modification requested to avoid or reduce the burden;
 - d. any adverse impacts of the requested modification on the area involved and efforts to reduce such impact; and
 - e. other information or factors the applicant may deem relevant or as requested by the community development director, the plan commission or the village council related to the alleged burden or requested modification.
4. If the village council determines that there is a substantial burden, and that the regulation at issue is not in furtherance of a compelling governmental interest or is not the least restrictive means of furthering that compelling governmental interest, the plan commission may recommend and the village council may authorize modification of the lot and building regulations of the subject zoning district, subject to the following:
 - a. The modification must be the smallest adjustment needed so that the regulation no longer substantially burdens the exercise of religion.



rRemarks Data for May 13, 2014 Village Council Meeting

Agenda Section	Agenda Item	Comment	Commenter
Active Agenda	F. ORD 00-05549 An ordinance designating Planned Development #52 and authorizing construction of a grocery store and 4,500 square foot out-lot building	In regard to the new store, Fresh Thyme, we would like to know what you do to protect our street from excess traffic. We do have a weight limit, which should help, but this area is already like Racewysy Park, and we would like assurance that you will protect us from further problems. Remember, too, that this street is where small children walk home from Lester School. Please help us protect our residential street from being compromised.	Betty North 324 Grant St