

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
SEPTEMBER 2, 2014 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Voluntary Annexation and Zoning Map Amendment 332-334 39 <sup>th</sup> Street	Resolution ✓ Ordinance Motion Discussion Only	Stanley J. Popovich, AICP Planning Manager

**SYNOPSIS**

An ordinance has been prepared for the annexation of 332-334 39<sup>th</sup> Street. Additionally, an ordinance has been prepared to rezone the property from R-1, Residential Detached House 1 District, to R-3, Residential Detached House District.

**STRATEGIC PLAN ALIGNMENT**

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

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the September 9, 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 28.12.030I.

**BACKGROUND**

The property consists of two lots, one of which has a single family home while the other lot is vacant. Under the current zoning ordinance, both would be R-1 upon annexation. In order to build on the vacant lot, the property needs to be zoned R-3 to meet all requirements. If the property remains R-1, the lots would need to be consolidated.

The owner of the subject property has petitioned the Village for a voluntary annexation of the subject property which is contiguous and located within the Village’s planning boundary. The plat of annexation has been prepared and all necessary fees have been paid. The subject property is already connected to the Village’s water system and receiving fire protection from the Village.

Compliance with the Zoning Ordinance

The property will be zoned R-1, Residential Detached House 1 District, upon annexation. The petitioner is proposing to rezone the property to establish two buildable lots by matching the size of the existing lots with the appropriate zoning classification. Single family homes are permitted uses in this district.

The lot regulations of both the R-1 and R-3 zoning classification and the individual lots of the subject property are compared in the table below:

	<b>R-1 District Lot Regulations</b>	<b>R-3 District Lot Regulations</b>	<b>332 39<sup>th</sup> Street (Lot 10 - Existing)</b>	<b>334 39<sup>th</sup> Street (Lot 11 - Existing)</b>
Min. Lot Area	20,000 sq. ft.	10,500 sq. ft.	12,952 sq. ft.	14,211 sq. ft.
Min. Lot Width	100 feet	75 feet	91.54 feet	100 feet

The proposed R-3, Residential Detached House 3 District, zoning classification is appropriate for this property and is consistent with adjacent zoning classifications.

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 annexed and rezoned, the petitioner will be able to construct a new single family home on Lot 11 of similar size and setbacks as compared to adjacent properties. The proposed rezoning of the property from R-1 to R-3 is consistent with the Comprehensive Plan.

Public Comment

There were no concerns raised at the public hearing.

**ATTACHMENTS**

Annexation Ordinance

Rezoning Ordinance

Aerial Map

Staff Report with attachments dated August 4, 2014

Draft Minutes of the Plan Commission Hearing dated August 4, 2014

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ANNEXING 332-334 39<sup>TH</sup> STREET TO THE  
VILLAGE OF DOWNERS GROVE, ILLINOIS**

WHEREAS, there has been filed with the Clerk of the Village of Downers Grove, in DuPage County, Illinois, a verified petition requesting annexation to said Village of a parcel of land commonly known as 332-334 39<sup>th</sup> Street, as hereinafter described and hereafter referred to as the "Territory"; and

WHEREAS, it appears that the owner or owners of record of each parcel of land within the Territory and at least fifty-one percent (51%) of the electors, if any, residing therein, have joined in said petition; and

WHEREAS, it appears to be in the best interests of the Village of Downers Grove to annex the Territory; and

WHEREAS, the owners of record and the Village of Downers Grove have filed a petition for annexation; and

WHEREAS, all required submittals, fees and payments have been submitted to the Village prior to the approval of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. The following described real estate, together with any public streets or highways adjacent to or within the Territory described that have not been previously annexed to any municipality, is hereby annexed to the Village of Downers Grove, to wit:

LOTS 10 AND 11 IN BLOCK 3 IN SUNNY HILLS ESTATE, IN SECTION 4, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN OF AFORESAID TOWNSHIP AND RANGE ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1959 AS DOCUMENT 936465, IN DUPAGE COUNTY, ILLINOIS AND THAT PART OF FAIRVIEW AVENUE LYING WESTERLY OF AND ADJACENT TO SAID LOT 11.

Commonly known as 332-334 39<sup>th</sup> Street, Downers Grove, IL 60516 (PIN 06-33-301-014; -015)

SECTION 2. A certified copy of this ordinance, together with an accurate map of the Territory hereby annexed shall be recorded in the office of the Recorder of DuPage County and shall be filed with the County Clerk of DuPage County by the Clerk of the Village.

SECTION 3. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this ordinance be and are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk



0 50 100 Feet

# 332-334 39th Street - Location Map





\$875 Processing Fee  
Property Address:

## PETITION FOR ANNEXATION TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS

STATE OF ILLINOIS            )  
  ) SS  
COUNTY OF DU PAGE        )

TO : The Mayor and Village Council of the  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, Illinois 60515

The undersigned petitioner(s) (hereinafter referred to as the "Petitioners"), being first duly sworn on oath, hereby respectfully represent and petition as follows:

1. The Petitioners are and include (i) the owner(s) of record of all land within the territory (the "Territory") hereinafter more particularly described, to be annexed to the Village of Downers Grove, Illinois, pursuant to this Petition, and (ii) at least 51% of the electors, if any, residing in the Territory;
2. The Territory is contiguous to the Village of Downers Grove, Illinois, and is not included within the corporate limits of any municipality;
3. The Petitioner request that the Territory, more particularly described as follows to-wit:

(Insert Legal Description of Subject Property)

LOT 10 AND 11 IN BLOCK 3 IN SUNNY HILLS ESTATE, IN SECTION 4,  
TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN  
AND SECTION 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD  
PRINCIPAL MERIDIAN OF AFORESAID TOWNSHIP AND RANGE ACCORDING  
TO THE PLAT THEREOF RECORDED AUGUST 20 1959 AS DOCUMENT 936465,  
IN DUPAGE COUNTY, ILLINOIS AND THAT PART OF FAIRVIEW AVENUE LYING  
WESTERLY OF AND ADJACENT TO SAID LOT 11


Permanent Index Number(s) (PIN): 06-33-301-014  
06-33-301-015

together with any public streets or highway adjacent to or within the Territory that have not previously been annexed to any municipality to be annexed to and become a part of the Village of Downers Grove, Illinois.

4. A plat of annexation certified by a Registered Illinois Land Surveyor and including the Permanent Index Number(s) (PIN) of the Territory has been or will be prepared and attached hereto as an exhibit.
5. That this annexation is contingent upon granting zoning as requested in the petition herewith.

WHEREFORE, the Petitioners respectfully request that an ordinance be adopted by the Council of the Village of Downers Grove, Illinois, annexing the Territory to said Village and that all such other proceedings be had as are required by law to effect the annexation of the Territory to the Village of Downers Grove, Illinois.

Dated: 6/19/14

Respectfully Submitted,  
Owners: Sunway Realty, LLC   
Woon Lee

Mailing Address: 1433 W Fullerton Ave, Suite B  
Addison, IL 60101

Telephone Numbers: 630 352 1857

Subscribed and sworn to before me

This 19 day of June

  
Notary Public

NOTARY SEAL



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Electors (if any)



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
AUGUST 4, 2014 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
PC-21-14 332-334 39 <sup>th</sup> Street	Zoning Ordinance Map Amendment (Upon Annexation)	Kelley Chrissie Planner

**REQUEST**

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-1, Single Family Residence, to R-3, Single Family Residence, upon annexation.

**NOTICE**

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

**GENERAL INFORMATION**

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**OWNER:** Sunway Realty LLC  
1433 W. Fullerton Ave., Suite B  
Addison, IL 60101

**APPLICANT:** Weng M. Foong  
1433 W. Fullerton Ave., Suite B  
Addison, IL 60101

**PROPERTY INFORMATION**

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**EXISTING ZONING:** R-4, Single Family Residence (DuPage County)  
R-1, Single Family Residence (upon annexation)

**EXISTING LAND USE:** Single Family Residential

**PROPERTY SIZE:** 27,163 square feet (0.62 acres)

**PINS:** 06-33-301-014, -015

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	R-4, Single Family Residence (DuPage County)	Single Family Residential
<b>SOUTH:</b>	R-3, Single Family Residence	Single Family Residential
<b>EAST:</b>	R-4, Single Family Residence (DuPage County)	Single Family Residential
<b>WEST:</b>	R-4, Single Family Residence (DuPage County)	Single Family Residential

**ANALYSIS**

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**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
5. Petition for Annexation
6. Plat of Annexation

### **PROJECT DESCRIPTION**

The approximately 27,000 square foot property, commonly known as 332 and 334 39<sup>th</sup> Street, is located in unincorporated Downers Grove at the northeast corner of 39<sup>th</sup> Street and Fairview Avenue. The owner of the subject property has petitioned the Village for a voluntary annexation. If approved, the property will be annexed with the default zoning classification of R-1, Single Family Residence. The property consists of two lots, where lot 10 (332 39<sup>th</sup> Street) is improved with a single family home but lot 11 (334 39<sup>th</sup> Street) is undeveloped. The petitioner is requesting to rezone the property to R-3, Single Family Residence, to establish buildable lots by matching the size of the existing lots with the appropriate zoning classification.

The petitioner is proposing to renovate the existing single family home on lot 10 (332 39<sup>th</sup> Street) and construct a new single family home on lot 11 (334 39<sup>th</sup> Street). The subject property is currently connected to the Village's water system and receives fire protection from the Downers Grove Fire Department. (The fee to reimburse the Fire Protection District was not collected with the annexation petition, as the property is already served by the Downers Grove Fire Department.) The construction of the new single family home will require a new water tap to connect to the existing water system upon building permit issuance.

Under the current R-1 classification and per Section 11.020B(1) of the Zoning Ordinance, the lots would need to be consolidated because they do not individually comply with the lot area and lot width requirements of the R-1 zoning district and the lots are held in common ownership. Under an R-3 classification, both lots will be conforming and buildable.

### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The Residential Areas Plan section of the Comprehensive Plan characterizes the property as subdivision/curvilinear where detached single family residences are organized in cul-de-sacs. The integrity of the residential subdivision will not be impacted by the rezoning, as the property will remain zoned for detached single family residences.

The Comprehensive Plan recommends that 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 maintain and 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-3 is consistent with the Comprehensive Plan.

### **COMPLIANCE WITH THE ZONING ORDINANCE**

The property will be zoned R-1, Single Family Residence, upon annexation. Single family homes are permitted uses in this district. The petitioner is proposing to rezone the property to establish two buildable lots by matching the size of the existing lots with the appropriate zoning classification.

The lot regulations of both the R-1 and R-3 zoning classification and the individual lots of the subject property are compared in the table below:



	<b>R-1 District Lot Regulations</b>	<b>R-3 District Lot Regulations</b>	<b>332 39<sup>th</sup> Street (Lot 10 - Existing)</b>	<b>334 39<sup>th</sup> Street (Lot 11 - Existing)</b>
Min. Lot Area	20,000 sq. ft.	10,500 sq. ft.	12,952 sq. ft.	14,211 sq. ft.
Min. Lot Width	100 feet	75 feet	91.54 feet	100 feet

The building regulations for the R-1 and R-3 zoning districts are compared and applied to the subject property in the table below:

	<b>R-1 District Building Regulations (Both Lots Combined)</b>	<b>R-3 District Building Regulations (Lots 10/11 Individually)</b>
Street Setback (39 <sup>th</sup> Street)	40 foot building line	
Street Setback (Fairview Ave.)	40 feet	30 feet
Side Setback	10 feet	(9.2 feet/10 feet)
Rear Setback	20 feet	
Height	35 feet	
Building Coverage	32% maximum (8,692 sq. ft.)	32% maximum (4,144 sq. ft./4,548 sq. ft.)

The proposed R-3, Single Family Residential, zoning classification is appropriate for this property and is consistent with adjacent zoning classifications.

**NEIGHBORHOOD COMMENT**

Notice was provided to all adjacent property owners 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 12.030I Review and Approval Criteria of Zoning Map Amendments to the Zoning Ordinance Village Council and Plan Commission consideration and approval of any map amendment is a matter of legislative discretion that is not controlled by any single standard. However, in making recommendations and decisions about zoning map amendments, the Village Council and Plan Commission shall consider the following factors:*

- (1) ***The existing use and zoning of nearby properties.***  
 The property is located in unincorporated DuPage County in a detached single family residential neighborhood that primarily has a county zoning designation (R-4) that is consistent to the adjacent Village R-3 zoning, where lot widths range from 90 to 110 feet. If rezoned to R-3, the property would be used as detached single family residential, which is consistent with the use and zoning on adjacent lots of similar sizes. This standard is 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-3, the property owner will be able to construct a single family home on the undeveloped lot (lot 11) that is comparable to that on neighboring properties, potentially enhancing property values. This standard is met.
- (3) ***The extent to which any diminution 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 use will remain single family residential if the rezoning takes place. This standard is met.

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

The property is currently zoned single family residence and is proposed to remain in 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-3 zoning classification are typically 75 to 85 feet wide and 10,500 square feet in area. As such, the width and area of the subject property is more consistent with lots zoned R-3 than those zoned R-1. The R-3 zoning regulations are more appropriate for this property. This standard is 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 two lots on the subject property were legally established and the owner intends to use the property as two separate lots. Lot 11 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-3 zoning classification has similar development restrictions to those that are currently in place prior to annexation. The proposed R-3 zoning classification is more appropriate for the subject property than R-1 zoning considering the context of the neighborhood. This standard is 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 is met.

**(7) *The Comprehensive Plan.***

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 is met.

## **RECOMMENDATION**

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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:

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Stanley J. Popovich, AICP  
Acting Director of Community Development

SP:kc  
-att

7/7/2014

Weng Foong  
1433 West Fullerton Avenue  
Suite B  
Addison, Illinois 60101

Department of Community Development  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, Illinois 60515

Subject: Annexation and Rezoning Petition Narrative/Summary

I respectfully request the Village of Downers Grove Department of Community Development to consider my application for annexation and the rezoning to R3 for properties at 332 and 334 39<sup>th</sup> Street, Downers Grove, Illinois with PIN number 0633301015 and 0633301014 respectively. These side by side properties are located on the northeast boundary of Village of Downers Grove on the north side of 39<sup>th</sup> Street and east of Fairview Avenue and were determined by village planner as Contiguous Properties.

Currently, properties on the south of 39<sup>th</sup> Street across from the applicant's address are Zoned R3 and the applicant's lots are measured at 12900 square feet with 91.5 feet frontage (for 332 39<sup>th</sup> street) and 14200 square feet with 100 feet frontage (for 334 39<sup>th</sup> Street) will satisfy the requirement of R3 zoned lot of a minimum of 10500 square feet and 75 feet frontage per zoning ordinance.

The properties being contiguous with the village boundary and the request to be zoned to R3 are not exceptional but fully in line with precedents along 39<sup>th</sup> Street and R3 zoned properties across 39<sup>th</sup> Street inside Village of Downers Grove boundary. I hope the Village of Downers Grove will review this application with care and consideration and approve the application.

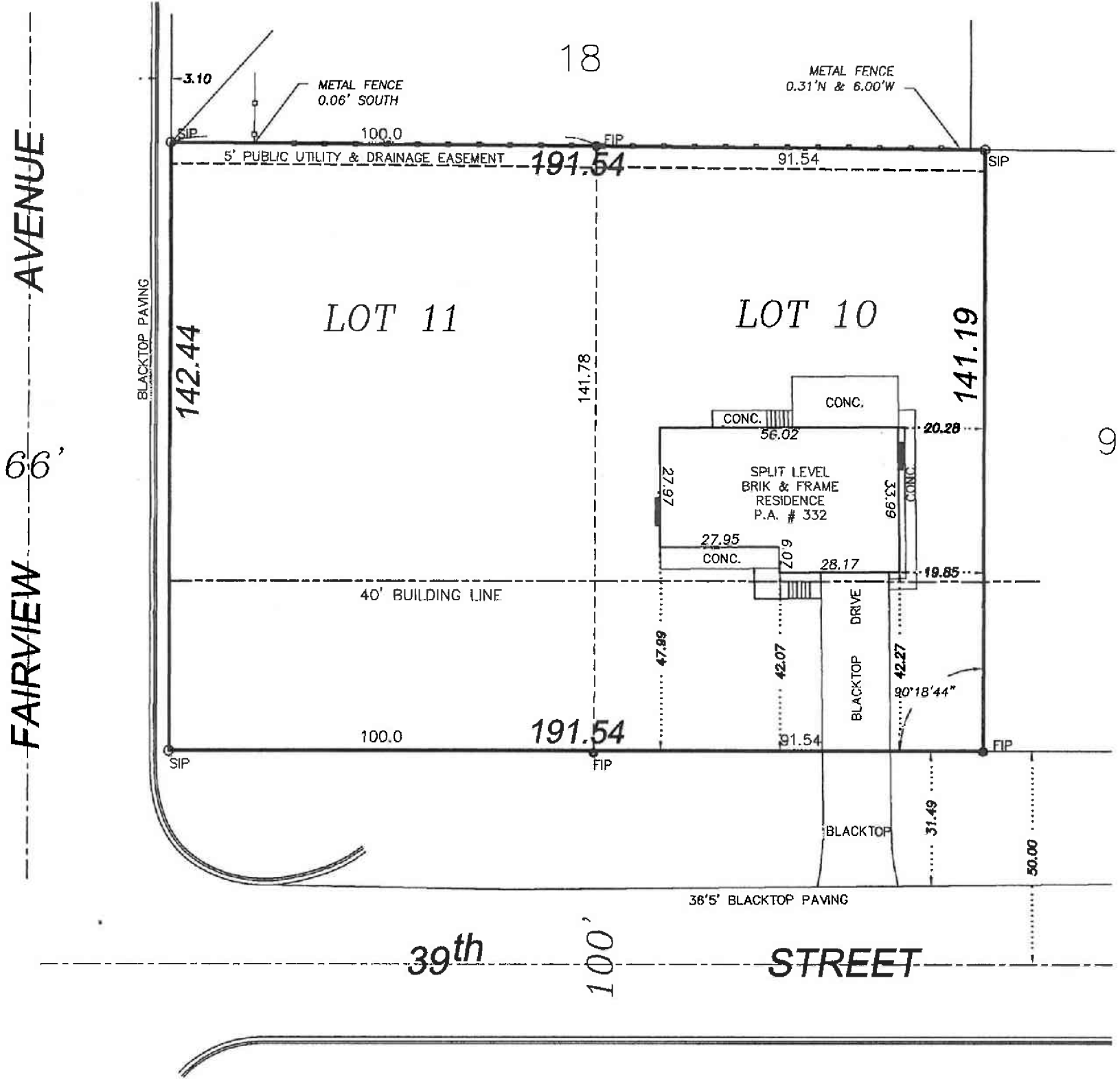
Thank you.

A handwritten signature in black ink, appearing to read 'Weng M. Foong', written in a cursive style with a horizontal line underneath.

Weng M. Foong

# PLAT OF SURVEY

LOTS 10 AND 11 IN BLOCK 3 IN SUNNY HILLS ESTATE, IN SECTION 4, TOWNSHIP 38 NORTH NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND SECTION 33, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 21, 1959 AS DOCUMENT 936465, IN DUPAGE COUNTY, ILLINOIS.



STATE OF ILLINOIS } S.S.  
COUNTY OF DU PAGE }

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 17TH DAY OF APRIL, A.D. 2014.

*Norbert V. Lambert, Jr.*  
ILLINOIS LAND SURVEYOR NO. 1863; LICENSE EXPIRES 11/30/14  
ILLINOIS DESIGN FIRM NO. 184-006511

REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY.  
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.  
COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES TO THE SURVEYOR.

ORDERED BY: JEFFERS, FRANK ORDER NO. 14 D 017 FILE NO. 140173

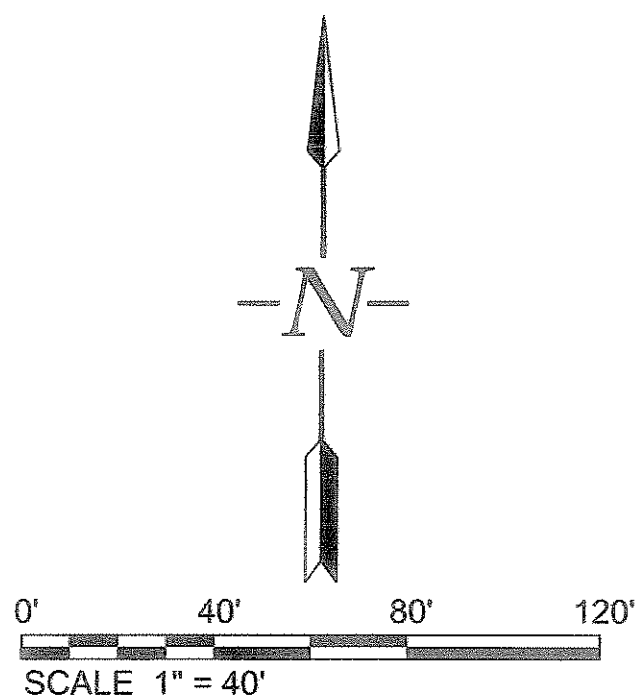
**LAMBERT & ASSOCIATES**  
LAND SURVEYORS

955 WEST LIBERTY DR., WHEATON, IL. 60187  
PHONE: (630) 653-6331 FAX: (630) 653-6396

- = FOUND IRON STAKE
- = SET IRON STAKE

# PLAT OF ANNEXATION TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS

TAX PARCEL NUMBER: LOT 10 = 06-33-301-015  
LOT 11 = 06-33-301-014



**LEGAL DESCRIPTION**  
LOTS 10 AND 11 IN BLOCK 3 IN SUNNY HILLS ESTATE, IN SECTION 4, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN AND SECTION 33, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN OF AFORESAID TOWNSHIP AND RANGE ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20 1959 AS DOCUMENT 936465, IN DUPAGE COUNTY, ILLINOIS AND THAT PART OF FAIRVIEW AVENUE LYING WESTERLY OF AND ADJACENT TO SAID LOT 11.

**SURVEYOR'S CERTIFICATE**

STATE OF ILLINOIS )  
                          )SS  
COUNTY OF KENDALL )

I, RONALD D. BAUER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 35-2352, EXPIRING NOVEMBER 30, 2014, DO HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT FROM EXISTING PLATS AND RECORDS FOR THE PURPOSE OF ANNEXATION TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS.

GIVEN UNDER MY HAND AND SEAL AT PLANO, ILLINOIS THIS 13th DAY OF JUNE, 2014 A.D.



ILLINOIS PROFESSIONAL LAND SURVEYOR #2352  
REGISTRATION EXPIRES 11-30-2014

**VILLAGE COUNCIL CERTIFICATE**

STATE OF ILLINOIS )  
                          )SS  
COUNTY OF DUPAGE )

THE ANNEXED PROPERTY SHOWN ON THE ABOVE PLAT OF ANNEXATION IS IDENTIFIED AS THAT INCORPORATED AND MADE A PART OF THE VILLAGE OF DOWNERS GROVE BY ORDINANCE NO. \_\_\_\_\_ ADOPTED BY THE COUNCIL OF SAID VILLAGE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ OF A.D. 2014.

MAYOR: MARTIN T. TULLY

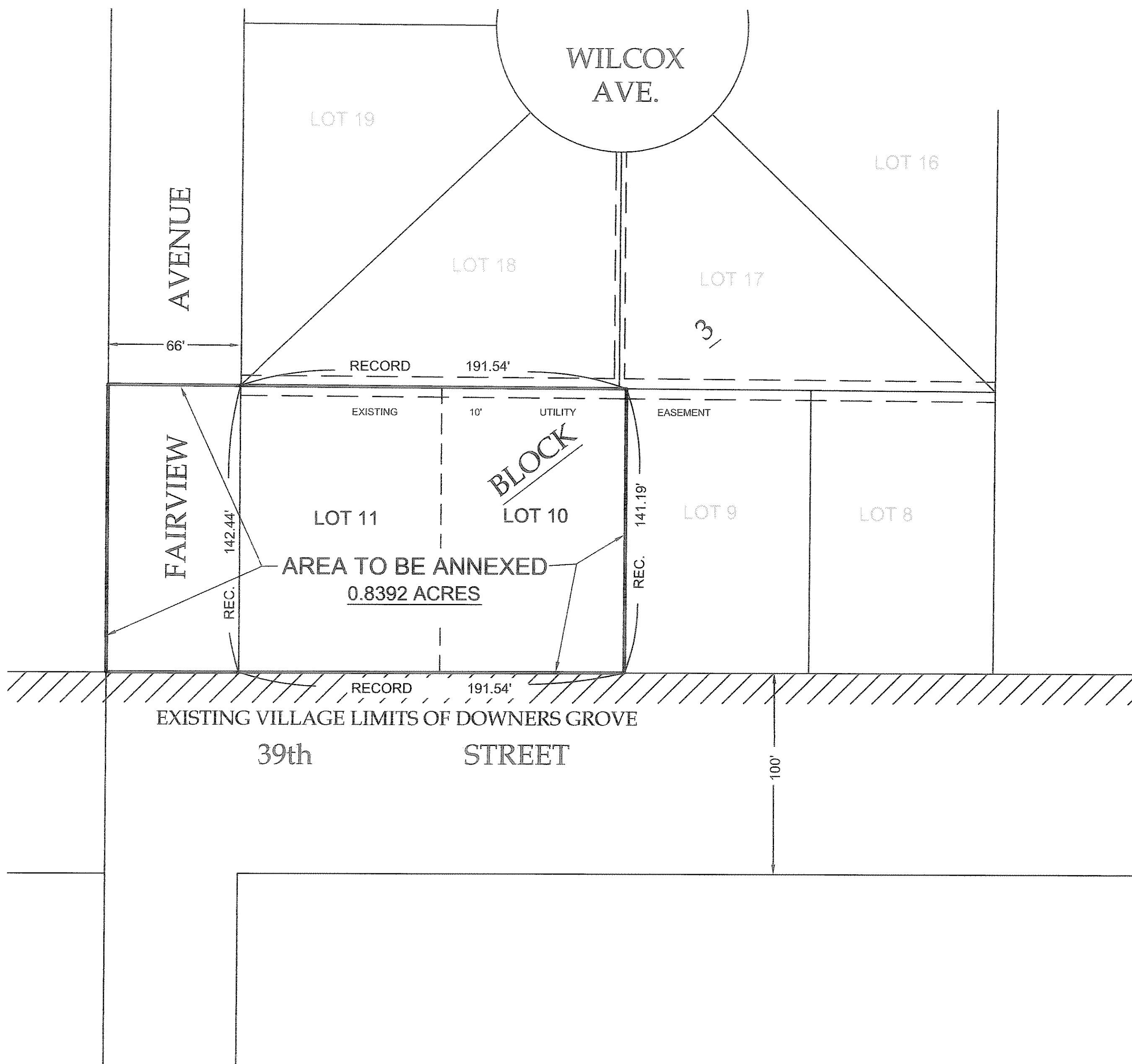
VILLAGE CLERK: APRIL HOLDEN

STATE OF ILLINOIS )  
                          )SS  
COUNTY OF DUPAGE )

**CERTIFICATE OF THE COUNTY RECORDER:**

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014 A.D., AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. AS DOCUMENT NUMBER \_\_\_\_\_.

RECORDER OF DEEDS





**RB & ASSOCIATES  
CONSULTING, INC**

4 W MAIN STREET  
PLANO, IL 60545  
(630) 552-7452

DESIGN FIRM #  
184-004475  
www.rb-associates.net

DRAFT

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

AUGUST 4, 2014, 7:00 P.M.

Chairman Pro tem Webster called the August 4, 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:** Commissioners Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Rickard, Mr. Waechtler, Chairman Pro tem Webster; ex-officio Ms. Lupescu

**ABSENT:** Chairperson Urban (ex-officios Mr. Menninga, Mr. Souter)

**STAFF:** Planning Manger Stan Popovich and Planners Patrick Ainsworth and Kelley Chrisse

**VISITORS:** Mr. Tim Leoren, 545 Chicago Ave., Downers Grove; Mr. Tom Szot, 3848 Florence, Downers Grove; Mr. Melvin Lee, 3840 Florence, Downers Grove; Mr. Michael Ferrandino, 3848 Wilcox, Downers Grove; Mr. Weng Foong, 1433 Fullerton Ave., #B, Addison, IL; Ms. Dawn Rhodes and Penny Ewanic with Chicago Tribune; Mr. David Schafer, Architect, 2500 S. Highland Ave., Lombard, IL; Dr. Kenneth Eisenberg, petitioner; Mr. Frank Wislowski, 4941 Forest, Downers Grove

**APPROVAL OF JULY 7, 2014 MINUTES**

**MINUTES OF JULY 7, 2014 WERE APPROVED ON MOTION BY MR. WAECHTLER, SECONDED BY MR. QUIRK. MOTION CARRIED BY VOICE VOTE OF 7-0.**

**PUBLIC HEARINGS:**

Chairman Pro tem Webster reviewed the protocol for the meeting and swore in those individuals that would be speaking on the following petitions:

**FILE PC-21-14:** A petition seeking annexation and rezoning from R-1, Single Family Residence, to R-3, Single Family Residence. The property will be annexed with the default zoning of R-1, Single Family Residence. The property is located at the northeast corner of 39th Street and Fairview Avenue, Downers Grove, IL (PINs 06-33-301-014, -015). Weng M. Foong, Petitioner; Sunway Realty LLC, Owner.

Village Planner Kelley Chrisse reminded the commissioners that with the new zoning ordinance in place, neighbor communications can be required for rezonings. The proposal before them, however, did not because the request was to rezone to from single family to single family. A review of the petition followed noting the voluntary annexation portion would be heard by the village council separately. Continuing, Ms. Chrisse reported the parcel consists of two lots (Lots 10

## DRAFT

& 11) and is located on the northeast corner of 39<sup>th</sup> Street and Fairview Avenue. If the annexation was approved, it would render an R-1 zoning classification by default. Adjacent zoning was pointed out, noting there were R-3 zonings to the south. A single-family home currently sat on Lot 10 and the petitioner was requesting the rezoning to construct a new single-family home on Lot 11. Photos of the site and neighborhood followed.

Ms. Chrise pointed out that any lots that are non-conforming and are adjacent to lots are held in common ownership, the lots must be consolidated to meet the minimum lot area and width requirements. Without the rezoning, the petitioner could not build a single family home on Lot 11. Bulk regulations were then reviewed with Ms. Chrise pointing out that regardless of the zoning designation, the petitioner would have to meet the 40-foot building line along 39<sup>th</sup> Street to maintain consistent street presence. One benefit, however, was that along Fairview Avenue, the petitioner could have a 30 ft. setback instead of a 40 ft. setback. Bulk standards were reviewed along with the benefits of the rezoning.

Per Ms. Chrise, the proposal was consistent with the village's Zoning Ordinance, Comprehensive Plan, and surrounding zoning and land use classification. Staff recommended the Plan Commission forward a positive recommendation to the Village Council.

Mr. Quirk inquired as to why the owners actually wanted to annex into the village; Mr. Waechtler confirmed the default R-1 District zoning when a property is annexed into the village; and Ms. Chrise explained that with the R-1 zoning, the owners would not be able to use Lot 11 as a separate buildable lot. Staff proceeded to clarify what properties were annexed in the area and the fact that when annexation occurs, rights-of-ways are included in the annexation. (A dialog followed regarding boundary agreements and contiguous properties and properties in other villages.)

Petitioner, Mr. Weng M. Foong, 1433 W. Fullerton Avenue, Addison, IL representing Mr. Woon Lee of Sunway Realities (owner), appeared before the Plan Commission noting that Mr. Lee was out of the country at the time. Mr. Foong discussed comparisons of the subject properties against other properties along 39<sup>th</sup> Street. He stated the owner wanted to annex because it gave the sense of belonging to a community and the sites were already receiving exceptional municipal services. He noted the positive services he received from Ms. Chrise and the village's Planning Division overall. He asked for consideration and hoped the commissioners would provide a favorable recommendation.

Chairman Pro tem Webster invited the public to speak.

Mr. Michael Ferrandino, 3848 Wilcox, Downers Grove, resides just north of the petitioner and was concerned about the height of the structure and whether a driveway would be created off of Fairview, which was a traffic hazard. He would not support the proposal if it did.

Ms. Chrise indicated that the maximum height for either lot is 35 feet according to the village's ordinance. As to the driveway, Mr. Foong stated he intends to construct a 2,000 square foot house on Lot 11 with a side-loading garage and driveway accessible from 39<sup>th</sup> Street. He intends to construct to village code and have the height less than 35 feet. Structure materials would include siding on three-sides with a brick front facade. Although he intends to keep as much vegetation as possible, some of the trees on Lot 11 will have to be removed. The current home would be renovated.

DRAFT

Hearing no further comments, public comment was closed. Mr. Foong had no closing remark. Deliberation was entertained.

Mr. Cozzo stated that the review and approval criteria had been met; the chairman pro tem concurred. Questions followed whether the commission could approve the rezoning before the annexation wherein staff indicated it could, citing prior examples.

**WITH RESPECT TO FILE PC 21-14, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THIS REQUEST.**

**SECONDED BY MR. RICKARD.**

**ROLL CALL:**

**AYE: MR. COZZO, MR. RICKARD, MR. MATEJZYK, MR. QUIRK, MRS. RABATAH, MR. WAECHTLER, CHAIRMAN PRO TEM WEBSTER.**

**NAY: NONE**

**MOTION CARRIED: VOTE: 7-0**

**NEW BUSINESS**

Planning Manger Popovich announced that staff will be providing an update on some of the projects that have come before the commissioners. (Ms. Lupesco exits chambers). Mr. Waechtler shared that prior staff used to provide of recap of what the commissioners previously recommended and what was approved/ denied by village counsel. He stated that report was very helpful.

Ms. Chrissie then shared a development update on the following previous projects: the Sheltered Care Facility at 4200 Lacey Road; Starbucks at 1149 Ogden Ave; Dunham Townhouses; McDonalds at 2535 Ogden Ave., the Fresh Thyme development; and Midwestern University. Commissioners agreed frequent updates were beneficial.

Other discussion followed regarding the status of a business located at Belmont and Ogden; a special use that was approved prior; and the status of the extension of James Avenue.

Mr. Popovich announced the following: he will contact the commissioners as to whether there will or will not be a September 8, 2014 commission meeting; the village is moving towards electronic packets starting at the next meeting; that commissioners contact him if they need a laptop to use for the electronic packets; and that one opening exists on the Plan Commission, since Mr. Beggs has resigned.

**THE MEETING WAS ADJOURNED AT 8:58 P.M. ON MOTION BY MR. QUIRK, SECONDED BY MR. RICKARD. MOTION CARRIED BY VOICE VOTE OF 7-0.**

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)