

## **Staff Responses to Council Questions**

### **November 18, 2014**

#### **9. FIRST READING AGENDA**

##### **A. Ordinance: Authorize a Special Use to Permit a Residential Condominium Development in the Downtown Business Zoning District - 936 and 942 Maple Avenue**

*An objector noted that the "Petitioners have shown no evidence, such as a market analysis, that their proposed project is financially sound." Does this issue of financial soundness relate to the Special Use standards?*

The Special Use standards do not take into account the financial stability of the applicant or the financial soundness of the project.

*How long has the subject property and neighboring properties been zoned DB District? What types of uses are permitted in the zoning district?*

The subject property has been zoned DB since 2005 when the entire downtown area was rezoned from primarily B-2, General Retail Business to DB and DT, Downtown Transition. The subject property and those immediately to the north, east, south and west of the subject property had been zoned B-2 since 1965. Uses including retail establishments, offices and other commercial uses are permitted in these districts. The complete list of permitted and special uses in the DB district can be found in Section 5 of the Zoning Ordinance.

<http://www.downers.us/public/docs/code/Chapter28.pdf>

*The Comprehensive Plan contains many recommendations and statements. Some of them could appear to be contradictory when applied to this petition. How should these statements be applied to the petition?*

The recommendations found in the Comprehensive Plan should be used as a guide while the regulations and standards in the Zoning Ordinance must be applied as the legal document when making the decision on whether or not to approve or deny the petition for Special Use.

The Comprehensive Plan is a long-range guide for the maintenance and enhancement of existing community areas, and for improvements, developments and redevelopments within the Village. The Plan provides numerous recommendations that are designed to help the Village achieve its overall vision. It is a vision of what a community wants to become and roadmap of how to get there. It is not a definitive course of action or a legally binding obligation of what must be done. Although comprehensive plans are required to be adopted by communities, their legal authority is limited. They are documents that guide future development of a community; they are not, themselves, development plans. The Plan is intended to inform regulatory tools (such as a zoning ordinance) and also a community's decisions as leaders determine courses of action and the most appropriate forms of development and growth for a community. The Comprehensive Plan is a guiding document. The Zoning Ordinance is the legal document that must be adhered to.

The Comprehensive Plan contains many recommendations which may be applied to the petition for Special Use for multi-family residential. When considering which recommendations are most applicable to this petition, staff identified the recommendations that are included in the portions of the Comprehensive Plan that apply specifically to the subject site and the petition for Special Use that has been filed.

The Comprehensive Plan identifies the property in question as being within the Downtown / Mixed Use future land use plan (see page 26, Land Use Plan). This designation is discussed in Section 5 (Commercial Areas Plan) and Section 9 (Key Focus Areas Plan) of the Comprehensive Plan. Recommendations found in other sections of the Comprehensive Plan, such as those in the Section 4 (Residential Areas Plan), may also be applicable to the petition. The recommendations in Section 4 that address multi-family residential may also be considered especially the recommendations that pertain to the construction of new multi-family residential units.

When considering these recommendations it should be noted that the the property in question is zoned DB Downtown Business District and the Zoning Ordinance rules and regulations of the DB District apply to the property. The proposed development complies with all bulk, setback and use regulations in the district. The existing two structures located on the subject property do not comply with all bulk, setback and use regulations. The single family house located at 936 Maple does not comply with the DB setback regulations (the structure is set back 36 feet from the front lot line while a front yard setback of 0 to 10 feet is required) and use regulations (the structure is a single family detached house and single family detached houses are not permitted in the DB district). The structure at 942 Maple does not comply with DB setback regulations (the structure is set back 66 feet from the front lot line while a front yard setback of 0 to 10 feet is required).

*Has the Downtown Management Corporation submitted comments on the petition?*

The Downtown Management Corporation has not submitted comments on this petition.

*What the heights of other multi-story buildings in the Downtown?*

<b>Residential Buildings</b>			
Address	Building Name	Zoning District	Building Height
950 Rogers	Station Crossing	DB- PD #36	71.5'
5101 Main - 935 Burlington	Acadia on the Green	DB - PD #37	70'
5329 Main	Morningside Square	DT- PD #34	57.75' (parapet)
5323 Main	Mixed-use building	DB	36'
4929 Forest	4929 Forest Condominiums	DB	70'
922 Warren	The New 922	DB - PD	49'
1122 Gilbert	Immanuel Residence	DT	63'
<b>Commercial Buildings</b>			

Address	Building Name	Zoning District	Building Height
935 Maple	Lincoln Center	DT	35'
921 Maple	First Baptist Church	DT	35'
925 Maple	Downers Grove Christian School	DT	30'
1000 Maple	Sievers Building	DB	35'
5100 Main	US Bank Building	DB	48'
945 Mochel	Parking Garage	DB	52'
DB - Downtown Business			
DT - Downtown Transition			
PD - Planned Development			

**Online Comments**

Online Comments are attached.



**rRemarks Data for November 18, 2014 Village Council Meeting**

Agenda Section	Agenda Item	Comment	Commenter
4. Public Comments	Comments of a General Nature	Can't we save money by not having an Assistant Village Attorney? Is our highly paid Village Attorney overworked?	Wayne Enerson 4805 Cross
9. First Reading	A. Ordinance: Authorize a Special Use to Permit a Residential Condominium Development in the Downtown Business Zoning District - 936 and 942 Maple Avenue	I am very opposed to the apartment building proposed on the site of an important and historic house in our neighborhood. We have already destroyed some of the beauty of the downtown area with the large and ugly parking garage that looms over the downtown area. We are fortunate to be able to counter that with a lovely street of beautiful Victorian buildings on Maple and surrounding streets. Let us preserve the beauty of our village and not add more blight.	Kelly Stokes 1218 Blanchard Street
9. First Reading	A. Ordinance: Authorize a Special Use to Permit a Residential Condominium Development in the Downtown Business Zoning District - 936 and 942 Maple Avenue	The Village Zoning Map does now label as - Historic - properties that are listed in the Historical Survey Report including several in the Village's Downtown area. The Village needs to analyze and update the zoning district boundaries in the downtown area in light of historic preservation policy recommendations in the Comprehensive Plan and the new data of the recent Historical Survey Report. Please do not approve any massive redevelopments along Maple Avenue until these updates are complete	Gordon Goodman 5834 Middaugh
9. First Reading	A. Ordinance: Authorize a Special Use to Permit a Residential Condominium Development in the Downtown Business Zoning District - 936 and 942 Maple Avenue	I understand the complexity of the question surrounding the Edwards House and proposed condos. Would the Council please consider implementing a stricter ruling? that from now on would allow certain homes/districts that define the cultural historical nature of Downers to be maintained? I moved here almost 30 years ago for just that quality and continue to treasure its presence here. It has deepened our roots here. Please contact me for further ideas if you would like. Would the Council please consider adopting a stricter ordinance in the near future that would maintain the cultural-historical nature of our village? We moved here 30 years ago for just that feeling and it has deepened our roots here and made living in Downers a richer experience. We need to maintain our residential neighborhoods and areas where original homes were built and continue to provide character and history to all. Let's try to maintain our family-friendly village character.	Nancy Clark 4716 Stonewall
9. First Reading	A. Ordinance: Authorize a Special Use to Permit a Residential Condominium Development in the Downtown Business Zoning District - 936 and 942 Maple Avenue	I object to approval of a special use permit for the 936/ 942 maple ave property. I believe it to be unjustified and not in the interests of DG residents. In addition to such a development being unneeded it has many negative aspects including loss of historical property, loss of century old trees, increased traffic congestion and an eyesore to the south side of the business district. Given other condo units on the market there appears to be no need for or demand for such a project.	David Schulz 5509 Washington
9. First Reading	A. Ordinance: Authorize a Special Use to Permit a Residential Condominium Development in the Downtown Business Zoning District - 936 and 942 Maple Avenue	I urge the council to deny the special use permit for a condo development at 936-942 Maple Avenue. This project does not fit in with the character of the surrounding neighborhood nor does it meet the criteria for a special use permit.	Dawn Koehlinger 5750 Woodward Ave
9. First Reading	D. Ordinance: Adopt an Institutional Master Plan for the Property Located at 3815 Highland Avenue Commonly Known as Advocate Good Samaritan Hospital	The 20-year-long lack of any management of invasive species in the Hospital owned buffer areas that adjoin the highest quality portion of the Lyman Woods Preserve is a growing source of concern about the future of the Preserve. Please add a fourth condition for approval of the IMP, such as: 4. The petitioner shall develop and implement a program to identify and remove invasive species of vegetation from the Do Not Disturb and the Do Not Build Zones that border the Lyman Woods Preserve.	Gordon Goodman 5834 Middaugh