

**ITEM ORD 2015-6145**

**VILLAGE OF DOWNERS GROVE**  
 5/19/2015  
**REPORT FOR THE VILLAGE COUNCIL MEETING**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Annexation Agreement, Voluntary Annexation and Zoning Map Amendment for 502 Hitchcock Avenue	Stanley J. Popovich, AICP Planning Manager

**SYNOPSIS**

A resolution has been prepared to authorize the execution of an annexation agreement with the owners of the property located at 502 Hitchcock. Additionally, ordinances have been prepared for the voluntary annexation rezoning from R-1, Residential Detached House 1, to M-1, Light Manufacturing of 502 Hitchcock.

**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 12 Village Council meeting. Staff recommends approval on the May 19 Active Agenda.

**BACKGROUND**

The owner of the property at 502 Hitchcock Avenue has petitioned the Village for a voluntary annexation of the subject property which is contiguous and located within the Village's planning boundary. The 25,096 square foot property, is located in unincorporated Downers Grove on the north side of Hitchcock Avenue approximately 900 feet west of Walnut Avenue. A plat of annexation has been prepared and all necessary fees have been paid. The proper notices were sent to the Lisle-Woodridge Fire Protection District, Lisle Township and DuPage County on May 1, 2015.

The property contains a one-story industrial building with a gravel parking lot. The petitioner is currently occupying the space with a truck and transportation terminal business. However, the subject building is not serviced with water, sanitary connections and fire alarm services. As such, the petitioner has agreed to enter into an Annexation Agreement to install several improvements to bring the subject property to a level of service that matches other properties found in the Village. The Annexation Agreement details site and building improvements which include the following:

- Adding water service;
- Adding wash room(s) and drinking water facilities;

- Adding either a septic system or a sanitary sewer connection;
- Adding an automatic and manual fire alarm;
- Improving the property in accordance with the Stormwater and Flood Plain Ordinance;
- Adding paved parking areas, landscaped areas and screening in accordance with the Zoning Ordinance;
- Adding sidewalk, curb and gutter improvement to the adjacent Hitchcock Avenue right-of-way.

All properties are zoned R-1, Residential Detached House 1, upon annexation. Therefore, the petitioner is requesting to rezone the property from the default zoning classification of R-1, Residential Detached House 1, upon annexation, to M-1, Light Manufacturing. The M-1 designation will match the land use and zoning of contiguous properties to the south and east.

#### Compliance with the Zoning Ordinance

As such, the petitioner is proposing to rezone the property to align the land use and the zoning with the appropriate zoning classification. The existing use is not a permitted use in the R-1 zoning district, but is permitted in the M-1 zoning designation.

The existing lot and building meet the lot area requirements and all bulk and setback regulations of the M-1 zoning district. Based on the subject site's location, the M-1 zoning district is more appropriate than the default R-1 zoning.

#### Compliance with the Comprehensive Plan

The proposed rezoning is consistent with the Comprehensive Plan. The Future Land Use Plan calls for this property to be used for Light Manufacturing/Business Park purposes. If the property is annexed and rezoned, the petitioner will be able to continue the current business as a permitted use under the Zoning Ordinance. The proposed rezoning of the property from R-1 to M-1 is consistent with the Comprehensive Plan.

#### Public Comment

There were no concerns raised at the Plan Commission's public hearing.

#### **ATTACHMENTS**

Annexation Agreement Resolution

Annexation Agreement

Annexation Ordinance

Rezoning Ordinance

Aerial Map

Annexation Petition

Staff Report with attachments dated March 2, 2105

Draft Minutes of the Plan Commission Hearing dated March 2, 2015

VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: May 19, 2015  
(Name)

RECOMMENDATION FROM: \_\_\_\_\_ FILE REF: 15-PLC-0001  
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "A RESOLUTION AUTHORIZING EXECUTION OF AN ANNEXATION AGREEMENT FOR THE PROPERTY LOCATED AT 502 HITCHCOCK AVENUE", as presented.



**SUMMARY OF ITEM:**

Adoption of this resolution shall authorize execution of an annexation agreement for the property located at 502 Hitchcock Avenue.

**RECORD OF ACTION TAKEN:**

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**RESOLUTION \_\_\_\_\_****A RESOLUTION AUTHORIZING EXECUTION OF  
ANNEXATION AGREEMENT FOR THE PROPERTY  
LOCATED AT 502 HITCHCOCK AVENUE**

WHEREAS, there has been submitted for Village Council consideration proposed Annexation Agreement for the property commonly known as 502 Hitchcock Avenue; and,

WHEREAS, the Village Council held a public hearing on the proposed Annexation Agreement on May 12, 2015.

NOW, THEREFORE, be it resolved by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the provisions of the preamble are incorporated into and made a part of this resolution.
2. That the form and substance of the proposed Annexation Agreement between the Village of Downers Grove and the owner of the property described above as submitted to this meeting with the recommendation of the Village Manager, is hereby approved.
3. That the Mayor and the Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal, and deliver the Annexation Agreement substantially in the form approved in the foregoing paragraph of this resolution. The Village Clerk shall cause a copy of this Annexation Agreement to be recorded in the Office of the Recorder of Deeds of DuPage County, at the expense of the Owners.
4. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Annexation Agreement.
5. That this resolution shall be in full force and effect from and after its passage as provided by law.

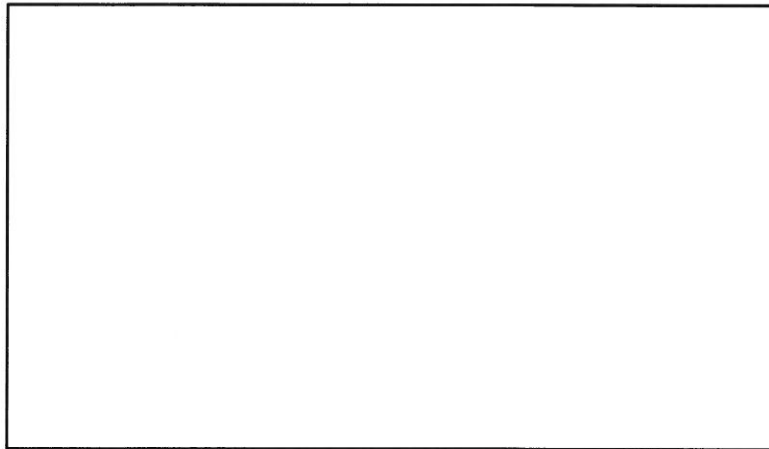
\_\_\_\_\_  
Mayor

Passed:

Attest: \_\_\_\_\_  
Village Clerk

ANNEXATION AGREEMENT

GENERAL CONTIGUOUS  
PROPERTY



This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_,  
by and between the Village of Downers Grove, an Illinois municipal corporation (hereinafter  
referred to as the "Village") and John K. & Bobbie J. Pemberton (hereinafter referred to as the  
"Owners"),

WITNESSETH:

WHEREAS, the Owners are the owners of record of certain real estate, described as  
follows:

THAT PART OF LOT 23, IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST  
ADDITION TO BELMONT, BEING A SUBDIVISION OF PART OF SECTIONS 1, 2, 11  
AND 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL  
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1919, AS  
DOCUMENT NO. 137824, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF LOT 23; THENCE SOUTH 87 DEGREES,  
56 MINUTES, 34 SECONDS WEST FOR A DISTANCE OF 85.41 FEET; THENCE NORTH  
01 DEGREES, 41 MINUTES, 17 SECONDS WEST, FOR A DISTANCE OF 296.55 FEET;  
THENCE NORTH 87 DEGREES, 55 MINUTES, 38 SECONDS EAST TO THE EAST LINE  
OF LOT 23 FOR A DISTANCE OF 83.84 FEET; THENCE SOUTH 02 DEGREES, 06  
MINUTES, 25 SECONDS EAST ALONG THE EAST LINE OF LOT 23, A DISTANCE OF

296.57 FEET TO THE POINT OF THE BEGINNING, ALL SITUATED IN THE COUNTY OF DUPAGE, STATE OF ILLINOIS.

COMMONLY KNOWN AS: 502 HITCHCOCK AVENUE, LISLE, ILLINOIS

(hereinafter referred to as the "Property"); and

WHEREAS, the parties hereto desire that the Property be annexed to the Village on the terms and under the conditions hereafter set forth; and

WHEREAS, the Property is not located within the corporate boundaries of any municipality, but is within the planning area of the Village, as established by boundary agreements with adjacent municipalities, and is contiguous to the Village; and

WHEREAS, the parties wish to enter into a binding agreement with respect to the annexation of the Property and to provide for various other matters related directly or indirectly to said annexation, in accordance with the provisions of Ill. Comp. Stat., 65 ILCS 5/11-15.1-1; and

WHEREAS, the Village Council has determined that the annexation of the Property would further the orderly growth of the Village and promote the general welfare of the Village,

NOW, THEREFORE, in consideration of the mutual covenants, agreements, terms and conditions herein set forth, the Owners and the Village agree as follows:

1. The provisions of the preamble herein above set forth are hereby restated and incorporated herein by reference.
2. The Owners shall submit to the Village together with this Agreement an executed Petition for Annexation. The Owners shall pay all fees associated with the Petition for Annexation and this Agreement including publication fees and recording fees.
3. Upon passage of an annexation ordinance, Owners agree to submit to the Village a Plat of Annexation in the form provided by law.
4. This Agreement shall be binding upon the Owners, as well as the Owners'

successors, assigns and heirs. This Agreement shall constitute a covenant running with the land and shall be binding upon all persons taking any interest or right in the Property after the date of this Agreement is executed by the Village. Any person acquiring any rights or interest in the Property after the date of this Agreement shall be bound by the terms thereof and shall be deemed to have accepted and approved this Agreement in full.

5. The Village shall record the Agreement in the office of the Recorder of Deeds of DuPage County.

6. Upon annexation Owner(s) agrees to reimburse the Village for their portion of the real estate taxes due and owing to the respective fire protection district in accordance with Section 705/20 of the Illinois Fire Protection Act (70 ILCS 705/20).

7. The Owners shall connect to the Village water system, if such system is available to the Property upon payment of the water rates and connection fees in effect on the date of application for water service or submittal of this Agreement to the Village, whichever is later. The fees and costs to be paid include, but are not necessarily limited to water system capacity charge, inspection fee, recapture fee, tap fee, connection charge, meter charge, cost of a street opening permit if connection is made after completion of construction of the water mains, and the cost of for a water service line from the main to the structure, property or any private line. This water connection shall be completed within six months from the date of adoption of this Agreement.

8. Owners agree to comply with the following conditions:

a. The Owners shall install an automatic and manual fire alarm in the one story concrete building located on the Property and shall connect to the Village of

Downers Grove Dispatch Center in accordance with Chapter 17 of the Downers Grove Municipal Code no later than six months from the date of annexation.

b. The Owners shall install washroom(s) and drinking water facilities in the one story concrete building located on the Property in accordance with the Illinois Plumbing Code and the Downers Grove Municipal Code no later than six months from the date of annexation.

c. The Owners shall install a septic field or a connection to the Downers Grove Sanitary District in a manner that is acceptable and permitted through the appropriate governing agency no later than six months from the date of annexation.

d. The Owners shall submit a plan to the Village at the time of annexation outlining the details and plan for providing temporary washroom and drinking facilities while the permanent facilities are installed.

e. The Owners shall install parking and outside storage areas with a hard dust-free surface and appropriate landscaping in accordance with the Downers Grove Municipal Code no later than six months from the date of annexation.

f. The Owners shall install screening for all outside storage areas, roof-mounted and ground-mounted mechanical equipment and trash refuse areas in accordance with the Downers Grove Municipal Code no later than six months from the date of annexation.

g. The Owners shall install curb and gutter as well as sidewalk on the Hitchcock Avenue right-of-way for the full width of the subject property as approved by the Village Engineer.



h. The Owners shall submit architectural and engineering drawings, obtain the necessary permit(s) and install the site improvements in accordance with all applicable ordinances, laws and regulations.

i. Upon annexation the Owners shall post a letter of credit to be held by the Village for all site and public improvements that are proposed to take place. The amount shall be determined based on an engineer's estimate of probable costs. The engineer's estimate shall be submitted by the applicant for review and approval by the Village Engineer.

9. Failure to comply with paragraphs 7 and 8 within the specified timeframes shall constitute a breach of this agreement and the Village shall have the right to issue ordinance violation citations in the amount of \$75-\$750 per day per violation.

10. Upon annexation Owners shall be subject to and abide by all regulations, codes and ordinances of the Village of Downers Grove and all subsequent amendments thereto, as they may from time to time apply to the Property.

11. The parties to this Agreement or their successors or assigns, may, in either law or equity, by suit, action, mandamus, injunction, or other proceedings in court, enforce and compel the performance of this Agreement, including suits for specific performance. The parties agree that any such action must be brought in the Circuit Court of DuPage County, Illinois.

12. Owners acknowledge and agree that the Village is not, and shall not be, in any way liable for any damages or injuries that may be sustained as the result of the Village's review and approval of any plans for the Property or any improvements thereon, or the issuance of any approvals, permits or acceptances for the development or use of the Property or any improvements thereon, and that the Village's review and approval of any such plans and any

improvements and issuance of any such approvals or permits does not, and shall not, in any way, be deemed to insure the Owner, or any of its heirs, successors, assigns or tenants, against damage or injury of any kind.

Owners acknowledge and agree that all notices, meetings and hearings have been properly given and held by the Village with respect to approval of this Agreement and the Petition for Annexation and agrees not to challenge such approval on the grounds of any procedural defect or of any denial of any procedural right.

13. Owners agree to and do hereby hold harmless and indemnify the Village, the Corporate Authorities, the Plan Commission, and all Village elected and appointed officials, officers, employees, agents and representatives, from any and all claims that may be asserted at any time against any of such parties in connection with 1) the Village's review and approval of any plans for the Property and any improvements thereon; 2) the issuance of any approval, permit, or acceptance for the Property or any improvements thereon; 3) the development, construction, maintenance or the use of the Property or the improvements thereon; and, 4) the zoning of the Property. Owners further agree to pay all expenses, including legal fees and administrative expenses, incurred by the Village in defending itself with regard to any and all of the above referenced claims.

14. This Agreement may only be amended by written instruments signed by both parties.

15. If any portion of this Agreement or ordinance enacted pursuant hereto shall be declared invalid, the same shall not affect the validity of this Agreement as a whole, other than the part so declared invalid.

16. This Agreement may be executed in multiple counterparts of duplicate originals

or with multiple signature pages each of which shall constitute and be deemed one and the same document.

17. The undersigned Owners warrant that they constitute all owners of the Property and that they have full authority and power to sign the Agreement and the petition submitted herewith and that they have not and will not take any action to change ownership in the Property until after this Agreement is recorded.

IN WITNESS WHEREOF this Agreement has been duly executed by whose names are subscribed below or on the signature pages attached hereto from time to time, and which pages are specifically incorporated herein.

OWNER(S)

By: John Pemberton  
John Pemberton  
(print name)

By: Bobbie A Pemberton  
Bobbie Pemberton  
(print name)

By: \_\_\_\_\_  
\_\_\_\_\_  
(print name)

VILLAGE OF DOWNERS GROVE

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Village Clerk

Subscribed and sworn to before me

this 27<sup>th</sup> day of MARCH, 2015.

Donna M Clemens  
Notary Public



VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY

INITIATED:     Petitioner     DATE:     May 19, 2015      
(Name)

RECOMMENDATION FROM: \_\_\_\_\_ FILE REF:     15-PLC-0001      
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE ANNEXING 502 Hitchcock AVENUE TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS", as presented.

**SUMMARY OF ITEM:**

Adoption of this ordinance shall annex 502 Hitchcock Avenue into the Village.

**RECORD OF ACTION TAKEN:**

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**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE ANNEXING 502 HITCHCOCK AVENUE 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 502 Hitchcock Avenue, as hereinafter described and hereafter referred to as the "Territory"; 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 has 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:

THAT PART OF LOT 23, IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO BELMONT, BEING A SUBDIVISION OF PART OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1919, AS DOCUMENT NO. 137824, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 23; THENCE SOUTH 87 DEGREES, 56 MINUTES, 34 SECONDS WEST FOR A DISTANCE OF 85.41 FEET; THENCE NORTH 01 DEGREES, 41 MINUTES, 17 SECONDS WEST, FOR A DISTANCE OF 296.55 FEET; THENCE NORTH 87 DEGREES, 55 MINUTES, 38 SECONDS EAST TO THE EAST LINE OF LOT 23 FOR A DISTANCE OF 83.84 FEET; THENCE SOUTH 02 DEGREES, 06 MINUTES, 25 SECONDS EAST ALONG THE EAST LINE OF LOT 23, A DISTANCE OF 296.57 FEET TO THE POINT OF THE BEGINNING, ALL SITUATED IN THE COUNTY OF DUPAGE, STATE OF ILLINOIS.

Commonly known as 502 Hitchcock Avenue, Lisle, IL 60532 (PIN 08-11-210-018)

**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.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk



**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE REZONING CERTAIN PROPERTY  
LOCATED AT 502 HITCHCOCK AVENUE**

WHEREAS, the real estate located at 502 Hitchcock Avenue, on the north side of Hitchcock Avenue approximately 900 feet west of Walnut Avenue, hereinafter described has been classified as "R-1 Residential Detached House 1 District" under the 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 2, 2015 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 Zoning Map of the Village, pursuant to Section 28.12.030 of the Downers Grove Municipal Code, is hereby further amended by rezoning to "M-1, Light Manufacturing District" the zoning classification of the following described real estate, to wit:

THAT PART OF LOT 23, IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO BELMONT, BEING A SUBDIVISION OF PART OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1919, AS DOCUMENT NO. 137824, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 23; THENCE SOUTH 87 DEGREES, 56 MINUTES, 34 SECONDS WEST FOR A DISTANCE OF 85.41 FEET; THENCE NORTH 01 DEGREES, 41 MINUTES, 17 SECONDS WEST, FOR A DISTANCE OF 296.55 FEET; THENCE NORTH 87 DEGREES, 55 MINUTES, 38 SECONDS EAST TO THE EAST LINE OF LOT 23 FOR A DISTANCE OF 83.84 FEET; THENCE SOUTH 02 DEGREES, 06 MINUTES, 25 SECONDS EAST ALONG THE EAST LINE OF LOT 23, A DISTANCE OF 296.57 FEET TO THE POINT OF THE BEGINNING, ALL SITUATED IN THE COUNTY OF DUPAGE, STATE OF ILLINOIS.

Commonly known as 502 Hitchcock Avenue, Lisle, IL 60532 (PIN 08-11-210-018)

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. The petitioners shall enter into an Annexation Agreement prior to Village Council Consideration.
2. The petitioners shall make a payment of five (5) years of Fire Protection District taxes for the subject property prior to Village Council consideration in the amount of \$2,021.40.

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.

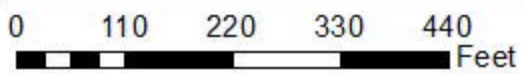
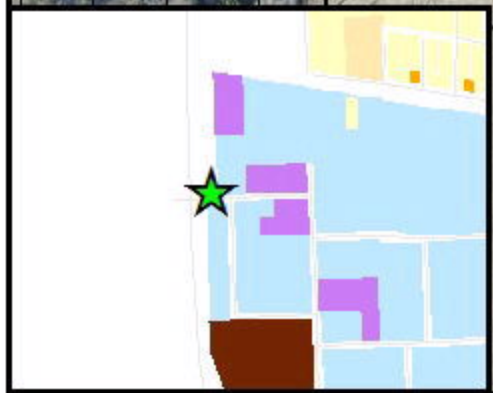
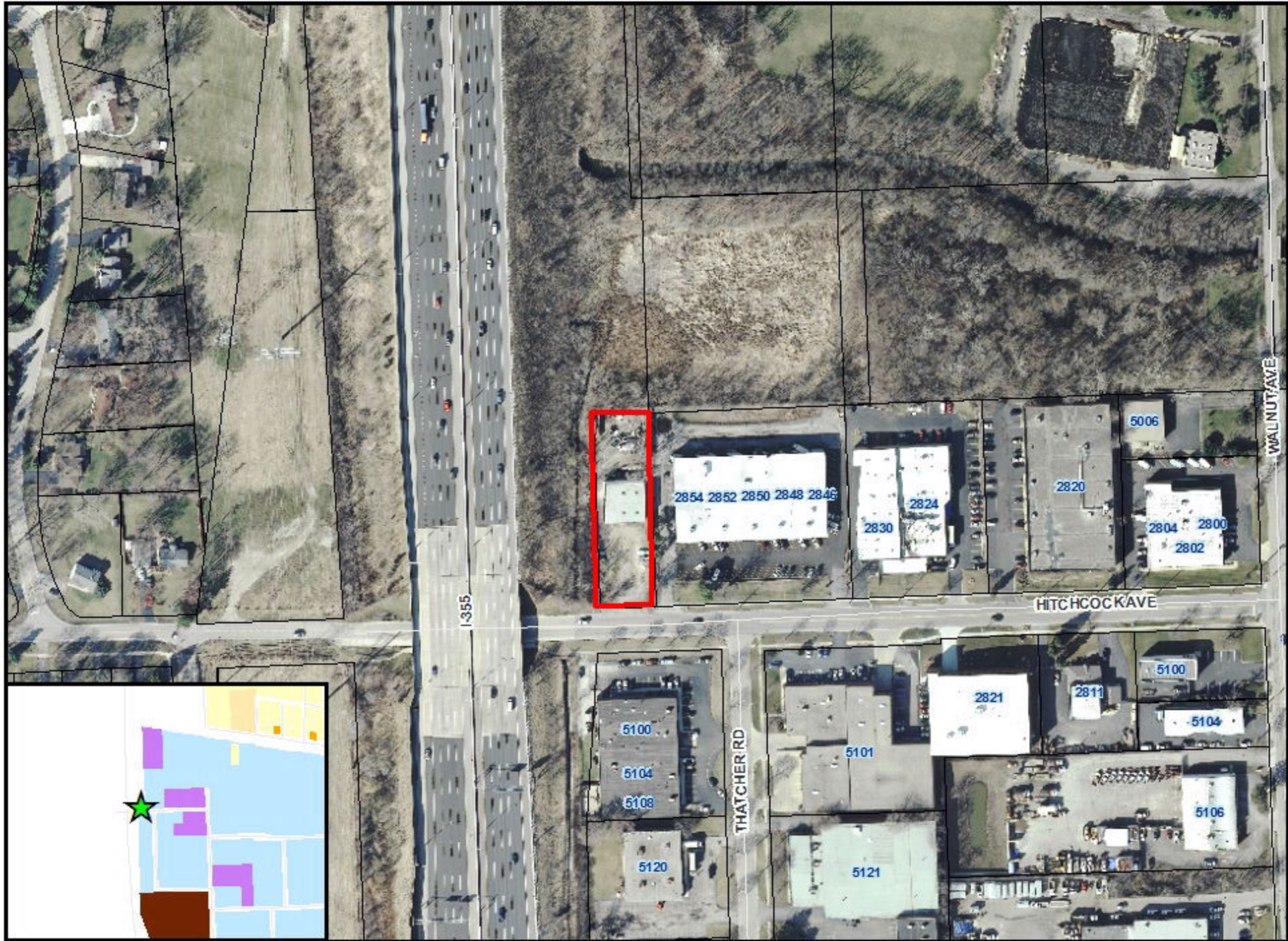
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Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk



**502 Hitchcock Avenue Location Map**





\$901 Processing Fee  
 (Annexation & Rezoning)  
 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)

THAT PART OF LOT 23, IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO BELMONT, BEING A SUBDIVISION OF PART OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1919, AS DOCUMENT NO.137824, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOW:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 23; THENCE SOUTH 87 DEGREES, 56 MINUTES, 34 SECONDS WEST FOR A DISTANCE OF 85.41 FEET; THENCE NORTH 01 DEGREES, 48 MINUTES, 17 SECONDS WEST, FOR A DISTANCE OF 296.55 FEET; THENCE NORTH 87 DEGREES, 55 MINUTES, 38 SECONDS EAST TO THE EAST LINE OF LOT 23 FOR A DISTANCE OF 83.84 FEET; THENCE SOUTH 02 DEGREES, 06 MINUTES, 25 SECONDS EAST ALONG THE EAST LINE OF LOT 23, A DISTANCE OF 296.57 FEET TO THE POINT OF BEGINNING.

COMMONLY KNOWN AS: 502 HITCHCOCK AVENUE, LISLE, ILLINOIS

Permanent Index Number(s) (PIN): 08-11-210-018

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: 1/20/15

Respectfully Submitted,

Owners:

John K. Pentecost  
Eddie J. Remington

Mailing Address:

4007 N. Washington Street  
Westmont, IL 60559

Telephone Numbers: 630-960-5330 office

630-417-5364 cell

Subscribed and sworn to before me

This 20<sup>th</sup> day of January  
2015.

Donna M Clemens  
 Notary Public

NOTARY SEAL



NONE

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

Electors (if any)



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
MARCH 2, 2015 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
15-PLC-0001 502 Hitchcock Avenue	Zoning Ordinance Map Amendment (Upon Annexation)	Patrick Ainsworth, AICP Planner

### REQUEST

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-1, Residential Detached House 1 to M-1, Light Manufacturing, upon annexation, under VODG Section 28.12.030.

### NOTICE

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

### GENERAL INFORMATION

**OWNERS/  
APPLICANTS:** John K. & Bobbie J. Pemberton  
4007 N. Washington Street  
Westmont, IL 60559

### PROPERTY INFORMATION

**EXISTING ZONING:** R-3, Single Family Residence (DuPage County)  
R-1, Residential Detached House 1 (upon annexation)  
**EXISTING LAND USE:** Vehicle Towing Service  
**PROPERTY SIZE:** 25,096 square feet (0.58 acres)  
**PINS:** 08-11-210-018

#### SURROUNDING ZONING AND LAND USES

##### ZONING

**NORTH:** R-3, Single Family Residence (DuPage County)  
**SOUTH:** M-1, Light Manufacturing  
**EAST:** M-1, Light Manufacturing  
**WEST:** R-3, Single Family Residence (DuPage County)

##### FUTURE LAND USE

Transportation & Utilities  
Light Industrial/Business Park  
Light Industrial/Business Park  
Transportation & Utilities

### 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. Petition for Annexation

3. Plat of Annexation
4. Plat of Survey
5. Location Map (Exhibit A)
6. Project Narrative (Exhibit B)
7. Letter of Acknowledgement (Exhibit C)
8. Proposed Site Plan (Exhibit D)
9. Proposed Floor Plan (Exhibit E)
10. Neighborhood Meeting Summary (Exhibit F)

### **PROJECT DESCRIPTION**

The subject property, commonly known as 502 Hitchcock Avenue, is located in unincorporated DuPage County on the north side of Hitchcock Avenue approximately 900 feet west of Walnut Avenue (Exhibit A). While the property is not currently within in the Village, this property is within the Ellsworth Industrial Park. The 25,096 square foot property is currently improved with a gravel parking lot and a one-story masonry building that measures 3,635 square feet in area.

The owners of the subject property have petitioned the Village for a voluntary annexation as this property is contiguous to the Village's municipal boundary. As part of the annexation process, the petitioners will be required to pay for five years of Fire Protection District taxes in the amount of \$2,021.40. If approved, the newly annexed property will be assigned the default zoning classification of R-1, Residential Detached House 1. As such, the petitioners are requesting to rezone the property to M-1, Light Manufacturing in order to bring the property into the same zoning classification as the neighboring properties to the south and the east.

The petitioners are currently operating a towing service business out of the subject space as described in their Project Narrative (Exhibit B). The business use would be classified as "Trucking and Transportation Terminal" which is permitted in the M-1, Light Manufacturing zoning district.

In addition to the voluntary annexation and rezoning request, the petitioners will be entering into an Annexation Agreement with the Village of Downers Grove as noted in their Letter of Acknowledgement (Exhibit C). The Annexation Agreement details site and building improvements that will occur as shown in Exhibits D and E. However, the submitted plans may be modified in order to comply with all applicable codes and ordinances during the permit process. These improvements include:

- Adding water service.
- Adding wash room(s) and drinking water facilities.
- Adding either a septic system or a sanitary sewer connection.
- Adding an automatic and manual fire alarm.
- Improving the subject property in accordance with the Stormwater and Flood Plain Ordinance.
- Adding paved parking areas, landscaped areas and screening in accordance with the Zoning Ordinance.
- Adding sidewalk, curb and gutter improvements to the adjacent Hitchcock Avenue right-of-way.

The proposed improvements will provide the property a level of service that is consistent with all other properties found in the Village and the Ellsworth Industrial Park.

**COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan's Commercial Areas Plan section characterizes the land use of the subject property as light industrial/business park. The subject property is part of the Ellsworth Industrial Park. Generally, this area is served by uses that include design, assembly, packaging, storage and transportation of products. The petitioners are currently operating out of the subject property with a towing service business which is a permitted use in the M-1, Light Manufacturing zoning district.

The Comprehensive Plan also recommends that this area should continue to be enhanced with improvements to the existing buildings, parking lots, and the public right-of-ways. The petitioners will be improving the site and the adjacent public right-of-way under the Annexation Agreement. These improvements will enhance this property and the Ellsworth Industrial Park. As such, the rezoning is consistent with the Comprehensive Plan.

**COMPLIANCE WITH THE ZONING ORDINANCE**

The property will be automatically zoned to R-1, Residential Detached House 1 zoning designation upon annexation. However, the petitioner is requesting to rezone the property to M-1 in order to bring the current use and building bulk regulations closer to compliance under the Zoning Ordinance. The lot area regulations of both the R-1 and M-1 zoning classification and the subject property are compared in the table below:

	<b>R-1 District Lot Regulations</b>	<b>M-1 District Lot Regulations</b>	<b>502 Hitchcock Ave (Existing)</b>
Min. Lot Area	20,000 sq. ft.	20,000 sq. ft.	25,096 sq. ft.

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

	<b>R-1 District Building Regulations</b>	<b>M-1 District Building Regulations</b>	<b>502 Hitchcock Avenue</b>
Street Yard Setback	40 feet	35 feet	130.8 feet
Side Yard Setback	10 feet	10 feet	11 & 12.53 feet
Rear Yard Setback	20 feet	10 feet	52 feet
Building Height	35 feet	37.5 feet	Approx. 25 feet
Floor Area Ratio (FAR)	Not Applicable	1.00	0.14
Building Coverage	32% maximum	60% maximum	14.5% (3,635 sq. ft.)
Minimum Landscaped Open Space	Not Applicable	10%	7,470 sq. ft. proposed (2,501 sq. ft. required)

The proposed M-1, Light Manufacturing, zoning classification is appropriate for this property as it meets the bulk and use regulations.

**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*. The petitioners held a neighborhood meeting, as required by VODG Section 28.12.010.F.3. on February 19, 2015 at the subject property; there were no neighbors present at this meeting. The petitioner provided a summary of the meeting (Exhibit F).

**FINDINGS OF FACT**

***Section 12.030.I 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 and has a county zoning designation of R-3. Currently the subject property houses a towing service business which is a permitted use in the Village's M-1, Light Manufacturing zoning district. If rezoned to M-1, the property will continue to house a towing service business. The subject property also contains a one-story masonry industrial building which is consistent with the adjacent M-1 zoned lots throughout the Ellsworth Industrial Park. 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 as the neighboring properties are industrial in nature. By rezoning from R-1 to M-1, the property owner can continue to operate the existing business as a permitted use. The M-1 zoning designation is a more appropriate zoning district as compared to the default R-1 zoning designation. This standard has been 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. The site improvements will improve the subject property and provide water, sanitary and fire safety services which in turn increases the public health, safety and welfare as well as increases property values. This standard has been met.

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

The property is currently zoned single family residence, but is currently being used as a towing service business. The default R-1 zoning will not be suitable for the subject property when annexed into the Village. Moreover, the property is surrounded by industrial uses and zoning. As such, the current lot area and subject building is more consistent with the M-1 zoning designation as compared to the default R-1 zoning. The M-1 zoning designation and 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 subject property is currently improved with a one-story masonry industrial building and is being occupied by the petitioners. The property's one-story building follows the trend of development in the neighboring properties and the Ellsworth Industrial Park. The petitioners are operating a towing service business which is a permitted use in the M-1 zoning classification. The proposed M-1 zoning classification is more appropriate for the subject property than the default R-1 zoning when considering the context of the area. This standard has been met.

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

The Comprehensive Plan identifies goals to expand the range of goods and services provided throughout the Village, but also to enhance the quality and appearance of existing commercial areas and proposed commercial developments. The proposed use will be a value to the community once all of the conditions in the Annexation Agreement have been installed. The proposed site improvements



will increase the public health, safety and welfare of the users and to the public. This standard has been 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 light manufacturing/business park, which can only occur if the property is rezoned. This standard has been met.

## **RECOMMENDATION**

---

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 with the following conditions:

- 1) The petitioners shall enter into an Annexation Agreement prior to Village Council Consideration.
- 2) The petitioners shall make a payment of five (5) years of Fire Protection District taxes for the subject property prior to Village Council consideration in the amount of \$2,021.40.

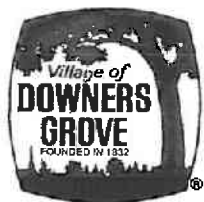
Staff Report Approved By:



---

Stanley J. Popovich, AICP  
Planning Manager

SP:pa  
-att



\$901 Processing Fee  
 (Annexation & Rezoning)  
 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)

THAT PART OF LOT 23, IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO BELMONT, BEING A SUBDIVISION OF PART OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1919, AS DOCUMENT NO.137824, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOW:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 23; THENCE SOUTH 87 DEGREES, 56 MINUTES, 34 SECONDS WEST FOR A DISTANCE OF 85.41 FEET; THENCE NORTH 01 DEGREES, 48 MINUTES, 17 SECONDS WEST, FOR A DISTANCE OF 296.55 FEET; THENCE NORTH 87 DEGREES, 55 MINUTES, 38 SECONDS EAST TO THE EAST LINE OF LOT 23 FOR A DISTANCE OF 83.84 FEET; THENCE SOUTH 02 DEGREES, 06 MINUTES, 25 SECONDS EAST ALONG THE EAST LINE OF LOT 23, A DISTANCE OF 296.57 FEET TO THE POINT OF BEGINNING.

COMMONLY KNOWN AS: 502 HITCHCOCK AVENUE, LISLE, ILLINOIS

Permanent Index Number(s) (PIN): 08-11-210-018

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: 1/20/15

Respectfully Submitted,

Owners:

John K. Pustinos  
Reddie Q. Pustinos

Mailing Address:

4007 N. Washington Street  
Westmont, IL 60559

Telephone Numbers: 630-960-5330 office

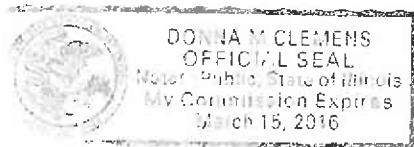
630-417-5364 cell

Subscribed and sworn to before me

This 20<sup>th</sup> day of January  
2015

Donna M Clemens  
 Notary Public

NOTARY SEAL



NONE

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

Electors (if any)

# PLAT OF SURVEY

OF

THAT PART OF LOT 23, IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO BELMONT, BEING A SUBDIVISION OF PART OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1919, AS DOCUMENT NO. 137824, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

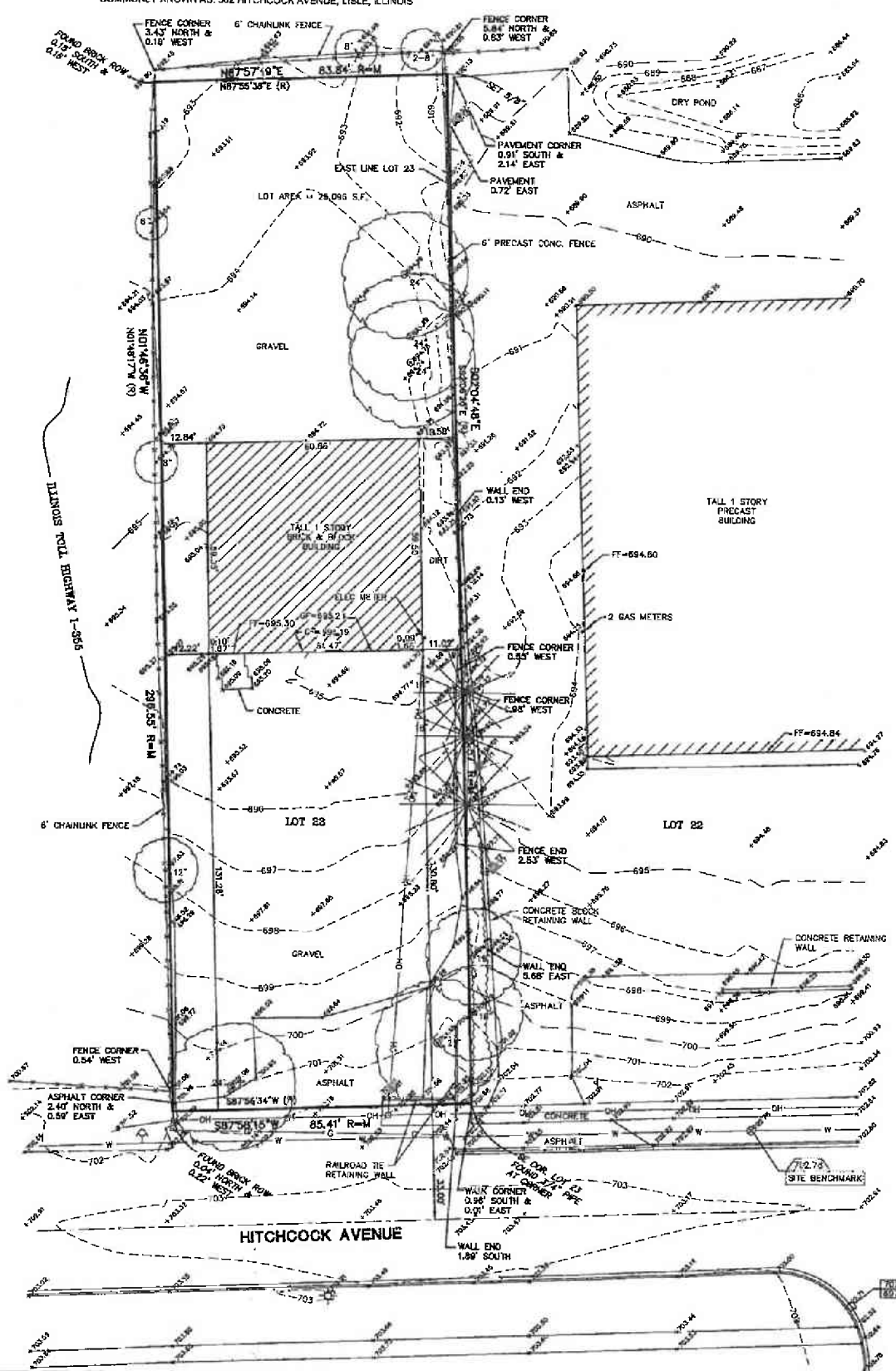
BEGINNING AT THE SOUTHEAST CORNER OF LOT 23; THENCE SOUTH 87 DEGREES, 55 MINUTES, 34 SECONDS WEST FOR A DISTANCE OF 85.41 FEET; THENCE NORTH 01 DEGREES, 46 MINUTES, 17 SECONDS WEST, FOR A DISTANCE OF 294.55 FEET; THENCE NORTH 87 DEGREES, 55 MINUTES, 34 SECONDS EAST TO THE EAST LINE OF LOT 23 FOR A DISTANCE OF 83.94 FEET; THENCE SOUTH 02 DEGREES, 06 MINUTES, 25 SECONDS EAST ALONG THE EAST LINE OF LOT 23, A DISTANCE OF 298.57 FEET TO THE POINT OF BEGINNING.

COMMONLY KNOWN AS: 502 HITCHCOCK AVENUE, LISLE, ILLINOIS



SCALE: 1" = 20'  
BASIS OF BEARING - ASSUMED

LEGEND	
<b>EXISTING</b>	
— W —	WATERMAIN
— OH —	OVERHEAD WIRES
— G —	GAS LINE
— F —	FENCE
⊙	FIRE HYDRANT
⊕	VALVE IN VAULT
⊖	INLET
⊕	LIGHT POLE
⊕	POWER POLE
⊕	GUY WIRE
⊕	SIGN
—	CURB & GUTTER
x 000.00	SPOT ELEVATION
—	CONTOUR
○	TREE
⊙	PINE
⊕	BUSHES
⊕	CALLOUT FOR WATER STRUCTURE
⊕	CALLOUT FOR STORM STRUCTURE



**BENCHMARK:**  
 DUPAGE COUNTY GEODETIC SURVEY MONUMENT: 0166  
 STATION IS LOCATED ALONG THE EAST SIDE OF FINLEY ROAD AT THE OVERPASS FOR INTERSTATE 88. MONUMENT IS A 3.5" BRASS DISK ON THE SOUTH END OF THE EAST BRIDGE WALL FOR THE OVERPASS.  
 ELEVATION 771.01 (NAVD 88)

**SITE BENCHMARK:**  
 RIM OF WATER VALVE VAULT LOCATED SOUTHEAST OF PROPERTY.  
 ELEVATION 702.78

**SURVEYOR'S CERTIFICATE**

STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF DU PAGE)

WE, INTECH CONSULTANTS, INC. HEREBY STATE THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF THE SAME.

DATED THIS 8<sup>TH</sup> DAY OF OCTOBER A.D. 20 14  
 Mark S. Strienc  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2587  
 MY LICENSE EXPIRES IN 2015



**ABBREVIATIONS**  
 M = MEASURED DIMENSION  
 R = RECORDED DIMENSION

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

ORDERED BY: FIRE TOW'NG

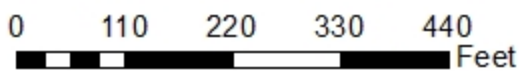
NOTE: COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCE AT ONCE. EASEMENTS AND BUILDING LINES INDICATED ARE TAKEN FROM ORIGINAL RECORDED SUBDIVISION PLAT. FOR SURVEYED POINT EQUIVOCALITY AND IN CASE OF ANY DISCREPANCY, AS SHOWN ON ANY RECORDED SUBDIVISION PLAT, REFER TO TITLE POLICY, DEED OR INSTRUMENT CREATING SAME.

PREPARED: 10-8-14

**INTECH CONSULTANTS, INC.**  
 1899 UNIVERSITY LANE, SUITE D ENGINEERS - SURVEYORS  
 LISLE, ILLINOIS 60532  
 PHONE: 630-964-6656 ILLINOIS REGISTRATION NO. 184-001040

SHEET No. 1 of 1 JOB No.: 2014-014

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502 Hitchcock Avenue Location Map



**Exhibit B**

Narrative for annexation and Zoning of property located on the north side of Hitchcock Avenue immediately east of the east line of I-355 commonly known as 502 Hitchcock Avenue, unincorporated Lisle Township.

The petitioners are the owners of the subject property, which is located on the north side of Hitchcock Avenue immediately east of the east right of way line of I-355. They are requesting that the Village rezone the subject property to Village M-1 Light Manufacturing upon annexation.

The Village's Comprehensive Plan has designated the subject property with the land use designation of Light Industrial/Business Park. The requested M-1 zoning designation is consistent with the proposed land use designation as stated in the Comprehensive Plan. The subject property is located on the Downers Grove side of the Boundary Agreement, which was established between the Village of Downers Grove and the Village of Lisle.

The bulk provisions of the Village's zoning ordinance for the M-1 zoning district specifies a minimum lot area of 20,000 ft<sup>2</sup>, a minimum front setback of 35 feet, a maximum floor area ratio of 0.60 and a maximum building height of 37.5 feet.

The subject property has an area of 25,096 ft<sup>2</sup> or 0.5761 acres, and has dimensions as follows: the width of the property ranges from 85.41 feet as measured on the south along the north right of way line of Hitchcock Avenue to 83.84 feet as measured along the north and it has a depth ranging between 296.55 feet as measured on the west and a depth of 296.57 feet as measured on the east.

The property is improved with a one-story approximately 25 foot tall brick and masonry block building. The building is set back approximately 131 feet north of the north line of the Hitchcock Avenue right of way. The building measures approximately 61 feet wide by approximately 59 feet deep and has a floor area of approximately 3,635 ft<sup>2</sup>, which equals a floor area ratio of approximately 0.145. This building was built for and during its existence has been utilized for the storage and maintenance of trucks and construction equipment. Access to the building includes two overhead doors as well as a man door, which are located on the south side of the building. There are gravel parking areas located both to the north and the south of the building.

The subject property is currently zoned DuPage County R-3 single family residential. As part of the current owners due diligence concerning the zoning of the subject property, an inquiry was made to the Zoning Administrative Coordinator of DuPage County. The County Staff researched the zoning history of this property and determined that although the property had been constructed and originally occupied in a manner that was in compliance with the County's zoning ordinance, it apparently became legal non-conforming due to what appears to be an oversight by the County. When the County undertook its comprehensive rezoning in 1985 it

appears that an assumption was made that the subject property was part of the I-355 right of way. When the 1985 comprehensive rezoning was implemented, the County assigned a zoning designation of R-3 single family residential to the Tollway right of way. The County has concluded that the subject property is considered to be legal non-conforming and that it enjoys the ability to continue being utilized as a legal non-conforming use. Given the legal non-conforming status of their property, the owners have with the full knowledge of the County, taken legal occupancy of the building and are parking their tow trucks inside the building and are utilizing the building for their auto towing business.

As noted, the owners of the subject property are also the owners of Fire Towing Services. Fire Towing Services has been in business for 25 years and has until recently operated from Westmont. The owners intend to use the subject property to store their tow trucks out of the weather and to maintain and repair them from the subject property. They also intend to utilize the existing office area within the building as their company offices. Fire Towing will be providing only short-term automobile storage on the property and will offer no long-term storage.

Typically, cars that are towed by Fire Towing Services are taken to a mechanical garage or to a body and fender business from wherever they are picked up. In the event of after-hour towing, the customer's vehicles will be stored within a gated area to the north of the building and then promptly relocated to a service facility for repair or will be relocated to a place of long term storage.

Prior to purchasing the subject property, the petitioner made inquiries with the Village concerning their intended use of the property if they sought annexation and zoning to the Village of Downers Grove. The Village Staff determined and has advised the property owners that this type of business is a permitted land use within the M-1 zoning district according to Table 5.2 Allowed Uses, under use category "Wholesale, Distribution & Storage", and more specifically under "Trucking and Transportation Terminals."

The petitioners are requesting that the Village approve their petition to rezone the subject property to M-1 Light Manufacturing, upon annexation. This request is being made as the subject property has been used in a manner consistent with the purpose of the M-1 zoning district and as the property and has been utilized in a similar manner since it was constructed under the jurisdiction of DuPage County. It should be noted that for approximately the past 30 years the property has operated as a legal non-conforming use through no fault of either the previous owner or the current owner. It appears that the Village of Downers Grove's Comprehensive Land Use Plan has designated the subject property with a land use designation of Light Industrial/Business Park, which is a designation consistent with the requested M-1 zoning. Finally, the proposed request for M-1 zoning is consistent with the zoning of neighboring properties to the general north, east and south, which are zoned either Village M-1 or O-R-M. The closest residential zoning to the subject property,

notwithstanding the zoning of the I-355 right of way, is located approximately 600 feet to the west, on the west side of the I-355 right of way, in the Village of Lisle.





**DUPAGE COUNTY  
ECONOMIC DEVELOPMENT & PLANNING**

Daniel J. Cronin, County Board Chairman

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BUILDING & ZONING ♦ ECONOMIC DEVELOPMENT ♦ ENVIRONMENTAL INITIATIVES ♦  
PLANNING ♦ LAND USE ♦ PERMITTING

421 N. County Farm Road  
Wheaton, IL 60187

(630) 407-6700 Phone  
(630) 407-6702 Fax  
www.dupageco.org/edp

*Via electronic mail*

January 6, 2015

Ken Rathje  
Rathje Planning Service  
412 Chicago Ave.  
Downers Grove, IL 60515

**RE: 502 Hitchcock Ave., Lisle, IL 60532 (PIN: 08-11-210-018)**

Mr. Rathje,

Please be advised the address referenced above lies within unincorporated DuPage County and carries a zoning classification of R-3 Single Family Residential. The site is bounded by the I-355 right-of-way to the north and west, and industrial style uses located within incorporated Downers Grove to the south and east. County records indicate a site improved with a 61 ft. x 61 ft. building constructed prior to 1985 and a storage yard to the north of the building. Additional records indicate the site has maintained an industrial use continuously dating to a period in time prior to 1985.

County staff has also affirmed that there are no open violations or pending permits. Accordingly, the site is considered "legal-non conforming" and enjoys the ability to continue its current use. Any change in use will require review by County staff to ensure compliance with applicable County codes. A building permit is required for any and all construction.

Please contact me if you have any questions, or need anything else in addition. Thank you.

Sincerely,

Paul J. Lauricella  
Zoning Administrative Coordinator  
DuPage County, Illinois

# FIRE TOWING, Inc.

4007 N Washington  
Westmont, IL 60559-1332  
630-960-5330  
FireTowing@hotmail.com

Stanley Popovich  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, IL 60515

Re Annexation and Zoning of 502 Hitchcock Avenue (Downers Grove address: 2860 Hitchcock Avenue)

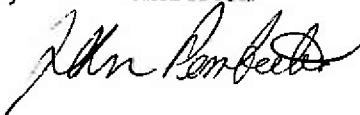
Dear Mr. Popovich:

As specified in the Village's letter of February 6, 2015 we the owners of the above referenced property do hereby acknowledge our intention to enter into an annexation agreement with the Village of Downers Grove, which is to be signed prior to the Village Council acting upon our petition for annexation and rezoning to M-1 light manufacturing.

We understand that the annexation agreement will obligate us to pursue and complete certain site work and building improvements as described in the February 6, 2015 letter, which are of a manner consistent with the applicable regulations of the Downers Grove Zoning Ordinance and the Downers Grove building codes.

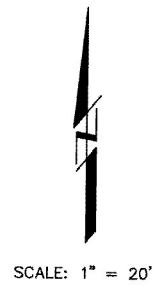
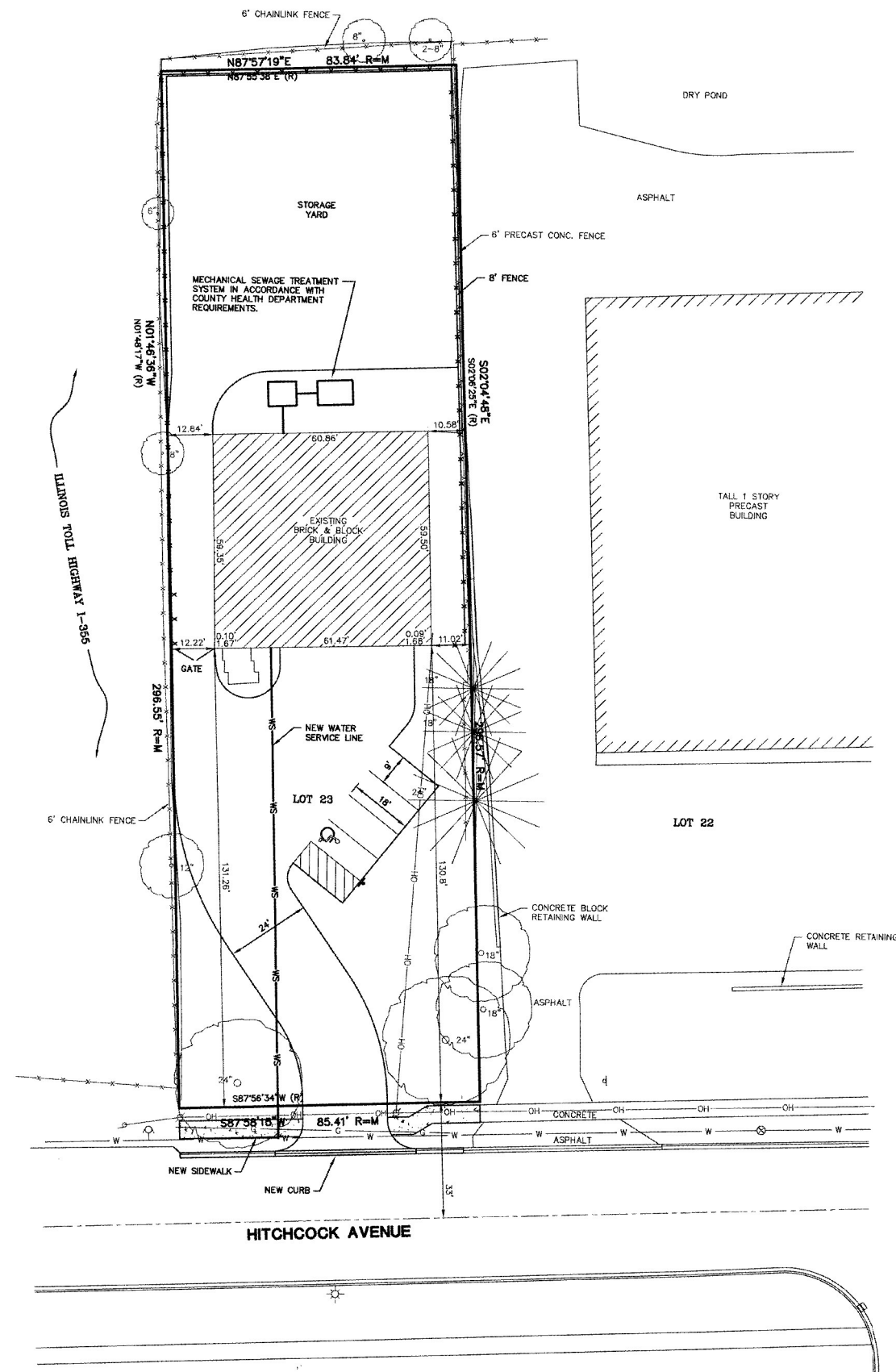
Sincerely,

John K. Pemberton

 2/11/15

Bobbie J. Pemberton

 2/11/15



**LEGEND**

EXISTING	
W	WATERMAIN
OH	OVERHEAD WIRES
G	GAS LINE
---	FENCE
⊙	FIRE HYDRANT
⊕	VALVE IN VAULT
⊞	INLET
⊙	LIGHT POLE
⊕	POWER POLE
b	GUY WIRE
p	SIGN
---	CURB & GUTTER
○	TREE
⊙	PINE
⊞	CALLOUT FOR WATER STRUCTURE
⊞	CALLOUT FOR STORM STRUCTURE

**SITE DATA**

SITE AREA :	25,096 SQUARE FEET = 0.5761 ACRES
EXISTING ZONING :	R-3 (DUPAGE COUNTY)
PROPOSED ZONING :	M-1 (VILLAGE OF DOWNERS GROVE)
AREA OF BUILDING :	3,737 SQUARE FEET
REQUIRED PARKING :	0.67 SPACES PER 1,000 SQUARE FEET = 2 STALLS
PROPOSED PARKING :	4 STALLS
REQUIRED GREEN SPACE :	10% OF LOT AREA WITH 50% IN FRONT YARD TOTAL AREA REQUIRED = 2,510 SQUARE FEET REQUIRED IN FRONT YARD = 1,255 SQUARE FEET
PROPOSED GREEN SPACE :	TOTAL AREA PROVIDED = 7,470 SQUARE FEET AREA IN FRONT YARD = 1,805 SQUARE FEET

DATE	INC.	BY

**INTECH CONSULTANTS, INC.**  
 ENGINEERS - SURVEYORS  
 1988 UNIVERSITY LANE, SUITE D  
 LISLE, ILLINOIS 60532  
 PHONE: 630-964-5656  
 ILLINOIS REGISTRATION NO. 194-01046

**FIRE TOWING**  
 4007 N. WASHINGTON  
 WESTMONT, IL 60559

502 HITCHCOCK AVE, LISLE  
 2860 HITCHCOCK AVE,  
 DOWNERS GROVE

**SITE PLAN**

SCALE	1"=20'
DATE	2-10-15
DRAWN	SJP
DESIGNED	EFS
PROJECT NO.	2014-014
SHEET	OF
1	1

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February 19, 2015

Summary of the Neighborhood Meeting convened in conjunction with the rezoning petition for property commonly known as 502 Hitchcock Avenue unincorporated Lisle Township. (Future Downers Grove address: 2860 Hitchcock Avenue)

Notice was mailed on February 11, 2015 to the property owners located within 250 feet of the above referenced property, inviting them to a neighborhood informational meeting scheduled to be held at the subject property for Thursday February 19<sup>th</sup> at 2:00 P.M. This meeting was convened consistent with the provisions of Section 28.12.030.B., of the Downers Grove Zoning Ordinance.

The letter of invitation included a detailed description of the nature of the property owners' proposed rezoning petition, as well as contact information so that questions about the proposed rezoning could be made to a representative of the petitioners/property owners. A copy of the letter that was mailed to the neighboring property owners and a copy of the mailing list has been submitted to the Community Development Director.

Kenneth J. Rathje of Rathje Planning Services, Inc., and Mr. David Stark of Fire Towing were the representatives of the owner. The owners' representatives arrived at the subject property at 1:45 P.M. on Thursday February 11, 2015 and waited for the arrival of the invited neighboring property owners until 2:30 P.M.

None of the invited neighboring property owners attended the scheduled meeting. As of the writing of this report, none of the neighboring property have called the owners representative either to ask any questions or to offer any comments about the proposed rezoning petition.

## DRAFT

**FILE 15-PLC-0001:** A petition seeking rezoning, upon annexation, from R-1, Residential Detached House 1, to M-1 Light Manufacturing. The property will be annexed with the default zoning of R-1, Residential Detached House 1. The property is located on the north side of Hitchcock Avenue approximately 900 feet west of Walnut Avenue, commonly known as 502 Hitchcock Avenue, Lisle, IL (08-11-210-018). John K. and Bobbie J. Pemberton, Petitioners and Owners.

Chairperson Urban swore in those individuals that would be speaking on the above petition.

Village Planner Patrick Ainsworth located the parcel on the overhead county map stating the property was located in unincorporated Du Page County and was contiguous with the village's municipal boundary. Located to the south and east were incorporated properties zoned M-1 Light Manufacturing zoning. Per Mr. Ainsworth, the petitioner was seeking a voluntary annexation to the village noting when annexation takes place the property comes in with an automatic R-1, Residential Detached House 1 zoning. However, he explained that the petitioner was requesting a zoning map amendment from R-1 to M-1 Light Manufacturing, which was the current zoning to the east and south. With the zoning map amendment petition and with the new zoning ordinance, the petitioner was required to hold a neighborhood meeting at the site, which did occur, but no one attended.

Turning to the subject site on the overhead, Mr. Ainsworth noted the current front gravel lot, the one-story masonry structure on the site, and a rear storage yard. Currently there was no water and sanitary sewer connection to the site. Due to the village having concerns about this, staff spoke to the petitioners and requested that they submit a letter of acknowledgement to enter into an annexation agreement with the Village.

Per staff, the petitioners did provide a site plan with proposed improvements -- landscaping, impervious storage area, and off-street parking. Mr. Ainsworth pointed out the site plan was not fully reviewed by village staff yet and could change. He reported the building footprint was not going to expand. A review of the M-1 bulk requirements then followed with Mr. Ainsworth confirming that the proposal met or exceeded the bulk requirements and was an appropriate zoning designation for the property. Currently, the petitioner was operating as a towing service out of the building which was a permitted use in the M-1 zoning district.

Staff found that all standards had been met regarding the application, with the assumption that the annexation agreement would be executed. The proposal met the village's Comprehensive Plan and was consistent with the uses to the east and south. Staff recommended that the Plan Commission forward a positive recommendation to council, with the two conditions cited in its report.

Per Mr. Matejczyk's question, Mr. Ainsworth explained that the rear lot was currently not paved and staff was requesting that it be improved with a hard, dustless material, especially for on-site storage. Details followed. Mr. Ainsworth discussed that the sanitary system will be self-contained but the petitioner does have the option to go with the sanitary district (Downers Grove) or a septic system (DuPage County) as indicated in the annexation agreement. The petitioner was working with Du Page County to use a septic system. Discussion followed on whether other septic systems existed in the Ellsworth Park development, if any, and throughout the village.

## DRAFT

Plan Commissioner Mr. Rickard asked if this petition is for both annexation and rezoning or just for rezoning. Clarification followed by Mr. Ainsworth that just the rezoning portion would be reviewed by this commission. The village council would review the annexation portion of the request. Further explanation of the process followed, noting that the proposal was not a site plan review at this time. As pointed out by staff, while this parcel had a mailing address as Lisle, it was located within the village's planning boundary. After annexation it would be re-addressed as 2860 Hitchcock.

Petitioner's representative, Mr. Ken Rathje, Rathje Planning Services, Downers Grove, introduced petitioner Mr. John Pemberton, who closed on the property last year. Mr. Rathje summarized that the petitioners were seeking a pre-annexation zoning request asking for M-1 zoning upon annexation. The form of the annexation agreement required that the zoning that was being requested would be approved in order for the annexation to be valid. If the zoning was not approved, the annexation returned to the standard village form. Mr. Rathje described the property's location, size and confirmed a building existed on-site. He further shared the history of how this originally R-3 zoned property came to have a building with a commercial use on it going back to 1985 -- an error on DuPage County's part. Details followed.

Mr. Rathje pointed out that the parcel was located on the Downers Grove side of the boundary agreement between the Village of Lisle and Downers Grove, the comprehensive plan reflected the subject area as appropriate for an industrial land use, and the bulk standards were met. In general, the property will be used for indoor storage of tow trucks and normal truck maintenance -- basically oil changes and cleaning the trucks.

Lastly, Mr. Rathje indicated his clients were not in opposition to the annexation agreement and planned to install an aerobic digester with a mechanical septic plant. Proposed improvements include paving the front parking area, adding curbs, gutters, and sidewalks onto Hitchcock, and improving the building's interior. The petitioners did hold a neighborhood meeting but no one attended the meeting due to inclement weather; however, the property owner directly to the east of the parcel called Mr. Rathje and expressed support for the petition.

Mr. Matejczyk asked about the maintenance of the septic system and its use if someone decided to change and add an office building. Mr. Rathje discussed that his understanding was that such a septic system was required to be inspected by the DuPage Health Department, and, if there was a change in occupancy, Mr. Rathje stated he would have to speak with the county health department and the village about it. If the capacity of the property increased, he hoped to receive approval for a larger digester. If not, a land use decision would have to be made and a cost benefit analysis would have to be completed to see if it was worthwhile to pursue such a project.

Mr. Matejczyk voiced concern that the septic system may become inadequate unless inspected, since it was a stand-alone digester. Mr. Rathje explained that the overall area was served with good surface drainage but also that there would be a small amount of water release on the ground from the digester.

Chairperson Urban asked for public comment; none followed.

Mr. Rathje's asked for the commissioners' support, as his closing statement.

DRAFT

Chairperson Urban closed the public hearing.

Commissioner comments were positive: the proposal was compatible with the comprehensive plan and the standards were met. The proposed improvements -- the sidewalks, water service connection, and the fire alarm would be an improvement to the property. Staff also presented the standards to grant the rezoning and they were met. A motion was entertained by Chairperson Urban.

**WITH RESPECT TO FILE 15 PLC-0001, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING TWO CONDITIONS:**

- 1. THE PETITIONERS SHALL ENTER INTO AN ANNEXATION AGREEMENT PRIOR TO VILLAGE COUNCIL CONSIDERATION; AND**
- 2. THE PETITIONER SHALL MAKE A PAYMENT OF FIVE (5) YEAR OF FIRE PROTECTION DISTRICT TAXES FOR THE SUBJECT PROPERTY PRIOR TO VILLAGE COUNCIL CONSIDERATION IN THE AMOUNT OF \$2,021.40**

**SECONDED BY MR. RICKARD. ROLL CALL:**

**AYE: MR. COZZO, MR. RICKARD, MR. BASSLER, MR. MATEJCZYK,  
MRS. RABATAH, CHAIRPERSON URBAN**

**NAY: NONE**

**MOTION CARRIED. VOTE: 6-0**