

ITEM ORD 2015-6225

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
5/19/2015

| | |
|--|---|
| SUBJECT: | SUBMITTED BY: |
| Rezoning of 4933 Rose Avenue from R-1 to R-4 | Stanley J. Popovich, AICP Planning Manager |

SYNOPSIS

An ordinance has been prepared to rezone the property at 4933 Rose Avenue from R-1, Residential Detached House 1, to R-4, Residential Detached House 4.

STRATEGIC PLAN ALIGNMENT

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

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the June 2, 2015 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 Map Amendment found in Section 28.12.030.

BACKGROUND

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-1, Residential Detached House 1, to R-4, Residential Detached House 4, to redevelop the property into a new single family dwelling. The rezoning will bring the property closer to conformance with the Zoning Ordinance. This property was annexed on January 1, 2012 and was zoned R-1, Residential Detached House 1, the default zoning for all annexed properties. Most surrounding properties were annexed into the Village at the same time and are also zoned R-1; however, several nearby properties have rezoned to R-4 because this zoning designation more closely matches the property characteristics of this neighborhood.

The petitioner is proposing to redevelop the property with a new single family dwelling. Per Section 11.020.B. of the Zoning Ordinance, a single family house can be built on a lawfully created non-conforming lot; however, the new home must follow the setbacks and bulk regulations of the current zoning designation.

Compliance with the Zoning Ordinance

The property is currently zoned R-1, Residential Detached House 1, which permits single family detached dwellings. The petitioner is proposing to rezone the property to establish setbacks for a new detached single family home that matches the setbacks found throughout this neighborhood.

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

| Zoning Ordinance Lot Regulations | R-1 District Lot Regulations | R-4 District Lot Regulations | Existing Measurements (4933 Rose Avenue) |
|---|-------------------------------------|-------------------------------------|---|
| Minimum Lot Area | 20,000 sq. ft. | 7,500 sq. ft. | 6,253 sq. ft. |
| Minimum Lot Width | 100 ft. | 50 ft. | 50 ft. |

| Zoning Ordinance Bulk Regulations | R-1 District Bulk Requirements | R-4 District Bulk Requirements |
|--|---------------------------------------|---------------------------------------|
| Front Setback | 40 feet | 25 feet |
| Side Setback | 7 feet | 5 feet |
| Rear Setback | 20 feet | 20 feet |
| Building Height | 35 feet | 35 feet |
| Building Coverage | 32% max. (2,001 sq. ft.) | 32% max. (2,001 sq. ft.) |

The proposed rezoning is consistent with the Zoning Ordinance.

Compliance with the Comprehensive Plan

The Future Land Use Plan calls for this property to remain single family residential which is the intention of the petitioner. If the property is rezoned, the petitioner will be able to construct a single family home of similar size and setbacks as adjacent properties. The proposed rezoning of the property from R-1 to R-4 is consistent with the Comprehensive Plan.

Public Comment

An adjacent property owner asked if there could be a comprehensive rezoning of the neighborhood.

ATTACHMENTS

Ordinance

Aerial Map

Staff Report with attachments dated May 4, 2015

Draft Minutes of the Plan Commission Hearing dated May 4, 2015

ORDINANCE NO. _____**AN ORDINANCE REZONING CERTAIN PROPERTY
LOCATED AT 4933 ROSE AVENUE**

WHEREAS, the real estate located at 4933 Rose Avenue, on the on the east side of Rose Avenue approximately 170 feet south of Haddow 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 May 4, 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 "R-4, Residential Detached House 4 District" the zoning classification of the following described real estate, to wit:

Lots 26 & 27 in Block 11 in Carpenter's Addition to Lacton, Being a Subdivision in the Northwest 1/4 of Section 12, Township 38 North, Range 10 East of the Third Principal Meridian, According to the Plat Thereof Recorded June 12, 1890 as Document 42886, in DuPage County, Illinois.

Commonly known as 4933 Rose Avenue, Downers Grove, IL 60515 (PIN 08-12-111-005)

SECTION 2. The official zoning map shall be amended to reflect the change in zoning classification effected by Section 1 of this ordinance, subject to the following conditions:

1. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and
2. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this

ordinance are hereby repealed.

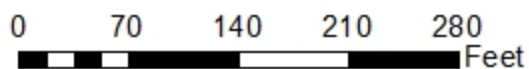
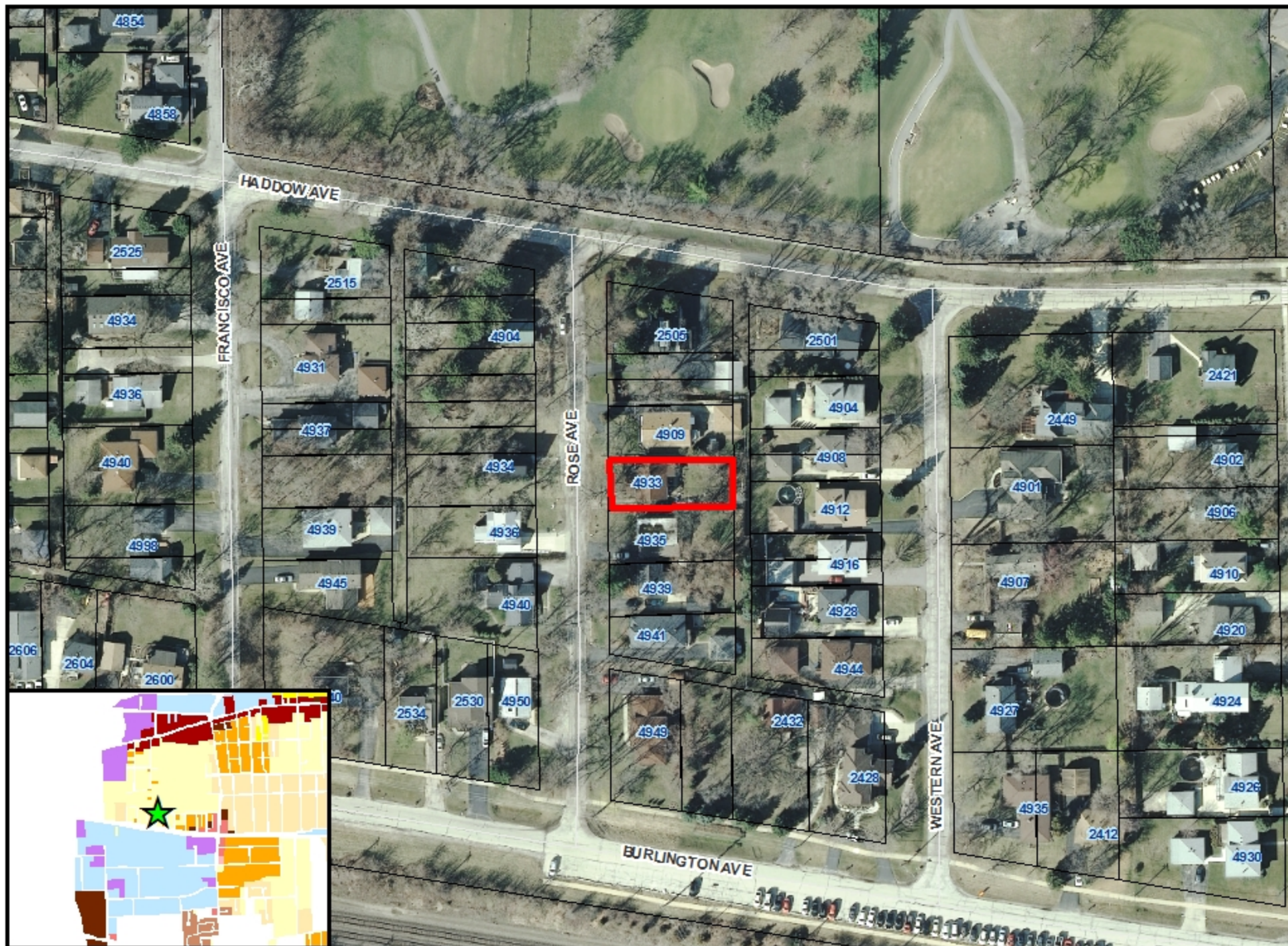
SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk



4933 Rose Avenue Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
MAY 4, 2015 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---------------------------------|----------------------|------------------------------------|
| 15-PLC-0014 4933 Rose Avenue | Zoning Map Amendment | 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 R-4, Residential Detached House 4.

NOTICE

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

GENERAL INFORMATION

OWNER: John Pergler
116 60th Street
Downers Grove, IL 60516

APPLICANT: Keith Neumann
Greenscape Homes, LLC
4355 Weaver Parkway
Warrenville, IL 60555

PROPERTY INFORMATION

EXISTING ZONING: R-1, Residential Detached House 1
EXISTING LAND USE: Single Family Residential
PROPERTY SIZE: 6,253 square feet
PIN: 08-12-111-005

SURROUNDING ZONING AND LAND USES

| | ZONING | FUTURE LAND USE |
|---------------|-----------------------------------|---------------------------|
| NORTH: | R-1, Residential Detached House 1 | Single Family Residential |
| SOUTH: | R-1, Residential Detached House 1 | Single Family Residential |
| EAST: | R-1, Residential Detached House 1 | Single Family Residential |
| WEST: | R-1, Residential Detached House 1 | Single Family Residential |

ANALYSIS**SUBMITTALS**

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Plat of Survey (Exhibit A)
3. Proposal Narrative (Exhibit B)

PROJECT DESCRIPTION

The 6,253 square foot property, commonly known as 4933 Rose Avenue, is located on the east side of Rose Avenue approximately 170 feet south of Haddow Avenue. Currently the property is zoned R-1, Residential Detached House 1 and is improved with a one story house and a gravel driveway on two lots of record. The petitioner is requesting to rezone the property to R-4, Residential Detached House 4, in order to bring the current property conditions closer into compliance with the Zoning Ordinance and to redevelop the property with a new single family dwelling unit.

The subject property was annexed into the Village on January 1, 2012 as part of a larger annexation program. Under State Statute, the property was automatically zoned to R-1 upon annexation. Most surrounding properties were annexed into the Village at the same time and are also zoned R-1; however, several nearby properties have rezoned to R-4 because this zoning designation more closely matches the property characteristics of this neighborhood.

The petitioner is proposing to redevelop the property with a new single family dwelling. Per Section 11.020.B. of the Zoning Ordinance, a single family house can be built on a lawfully created non-conforming lot; however, the new home must follow the setbacks and bulk regulations of the current zoning designation. For example, under the current R-1 classification, the petitioner would be constructing a house with a 40 foot street yard setback and interior side yard setbacks of seven feet. Under the R-4 classification, the future home can be constructed with a 25 foot street yard setback and interior side yard setbacks of five feet.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan's Residential Areas Plan identifies the property as part of the traditional grid type of residential development. This area contains grid style street layouts with uniform lots. The subject property is similar in lot size and width to the adjacent residential lots. The proposed rezoning will have no impact on the existing development patterns of this area as the land use will remain single family residential.

The petitioner is proposing to redevelop this property with a new single family dwelling unit. The Comprehensive Plan recommends that new housing units be sensitive to the local context of the built environment by maintaining the setback, height, bulk, and orientation similar to that of neighboring properties. If the property is rezoned to R-4, the petitioner will be able to construct a single family home that contains similar bulk regulations and setbacks of the adjacent properties as compared to constructing a home with the R-1 designation. Therefore, the proposed rezoning from R-1 to R-4 is consistent with the Comprehensive Plan.

COMPLIANCE WITH THE ZONING ORDINANCE

The property is currently zoned R-1, Residential Detached House 1 which allows for a single family structure. However, the measurements of the subject property do not meet the zoning regulations associated with the R-1 designation. As such, the petitioner is proposing to rezone the property in order to more closely match the size of the property with an appropriate zoning classification. A comparative analysis of the lot and bulk requirements for both the R-1 and R-4 districts are found in the tables below:

| Zoning Ordinance Lot Regulations | R-1 District Lot Regulations | R-4 District Lot Regulations | Existing Measurements (4933 Rose Avenue) |
|----------------------------------|------------------------------|------------------------------|--|
| Minimum Lot Area | 20,000 sq. ft. | 7,500 sq. ft. | 6,253 sq. ft. |
| Minimum Lot Width | 100 ft. | 75 ft. | 50 ft. |

| Zoning Ordinance Bulk Regulations | R-1 District Bulk Requirements | R-4 District Bulk Requirements |
|-----------------------------------|--------------------------------|--------------------------------|
| Front Setback | 40 feet | 25 feet |
| Side Setback | 7 feet | 5 feet |
| Rear Setback | 20 feet | 20 feet |
| Building Height | 35 feet | 35 feet |
| Building Coverage | 32% max. (2,001 sq. ft.) | 32% max. (2,001 sq. ft.) |

The proposed R-4, Residential Detached House 4, zoning classification is more appropriate for this property as compared to the R-1 designation and is consistent with the area.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners within 250 feet from the property in addition to posting the public hearing notice sign and publishing the legal notice in *Downers Grove Suburban Life*. Staff spoke with a few residents who inquired about the difference between the two zoning classifications, but there were no concerns.

FINDINGS OF FACT

Section 28.12.030.I. Review and Approval Criteria for Zoning Map Amendments

The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations and decisions about zoning map amendments, review and decision making bodies must consider at least the following factors:

(1) ***The existing uses and zoning of nearby property.***

The property is completely surrounded by single family residential lots with similar lot widths and lot area. If rezoned to R-4, the property would be used as detached single family residential. The proposed use and zoning is consistent with the uses and sizes of the nearby properties. This standard has been met.

(2) ***The extent to which the particular zoning restrictions affect property values.***

The proposed rezoning will not negatively affect property values. By rezoning from R-1 to R-4, the petitioner will be able to construct a new single family home on the lot that is comparable to that on neighboring properties. This standard has been met.

(3) ***The extent to which any determination in property value is offset by an increase in the public health, safety and welfare.***

The proposed rezoning will not impact property values or the public health, safety and welfare of the community. This standard has been met.

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

The property is currently zoned single family residential and will remain a single family residence district if rezoned from R-1 to R-4. However, the two zoning designations contain differences with their associated regulations. Properties located within the R-1 zoning classification require 100 feet in lot width and 20,000 square feet in lot area, where properties R-4 zoned properties require 50 in

lot width and 7,500 square feet in lot area. As such, the 50 foot lot width and 6,253 square foot lot area of the subject property are closer to the regulations associated with lots zoned R-4. This standard has been met.

(5) ***The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.***

The property is not currently vacant, but the petitioner is proposing to tear down the subject house and redevelop the property with a new detached single family residence. If the house were constructed under the R-1 designation, then the new house would not consider the context of the land development in the vicinity due to the required 40 foot front yard setback. The proposed R-4 zoning classification is more appropriate for the subject property than R-1 zoning considering the context of the neighborhood. This standard has been met.

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

The Comprehensive Plan identifies quality housing stock as being the most important factor that contributes to the Village's character and identity. The future single family residential use provides value to the community as part of the Village's overall quality housing stock. This standard has been met.

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

The Village has carefully planned its land use development as evidenced by the adoption of the Comprehensive Plan in 2011. The subject property is designated for detached single family residential use as identified in the Comprehensive Plan. The petitioner is proposing to redevelop this property with a new single family detached house which follows the Comprehensive Plan. This standard has been met.

RECOMMENDATIONS

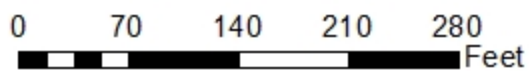
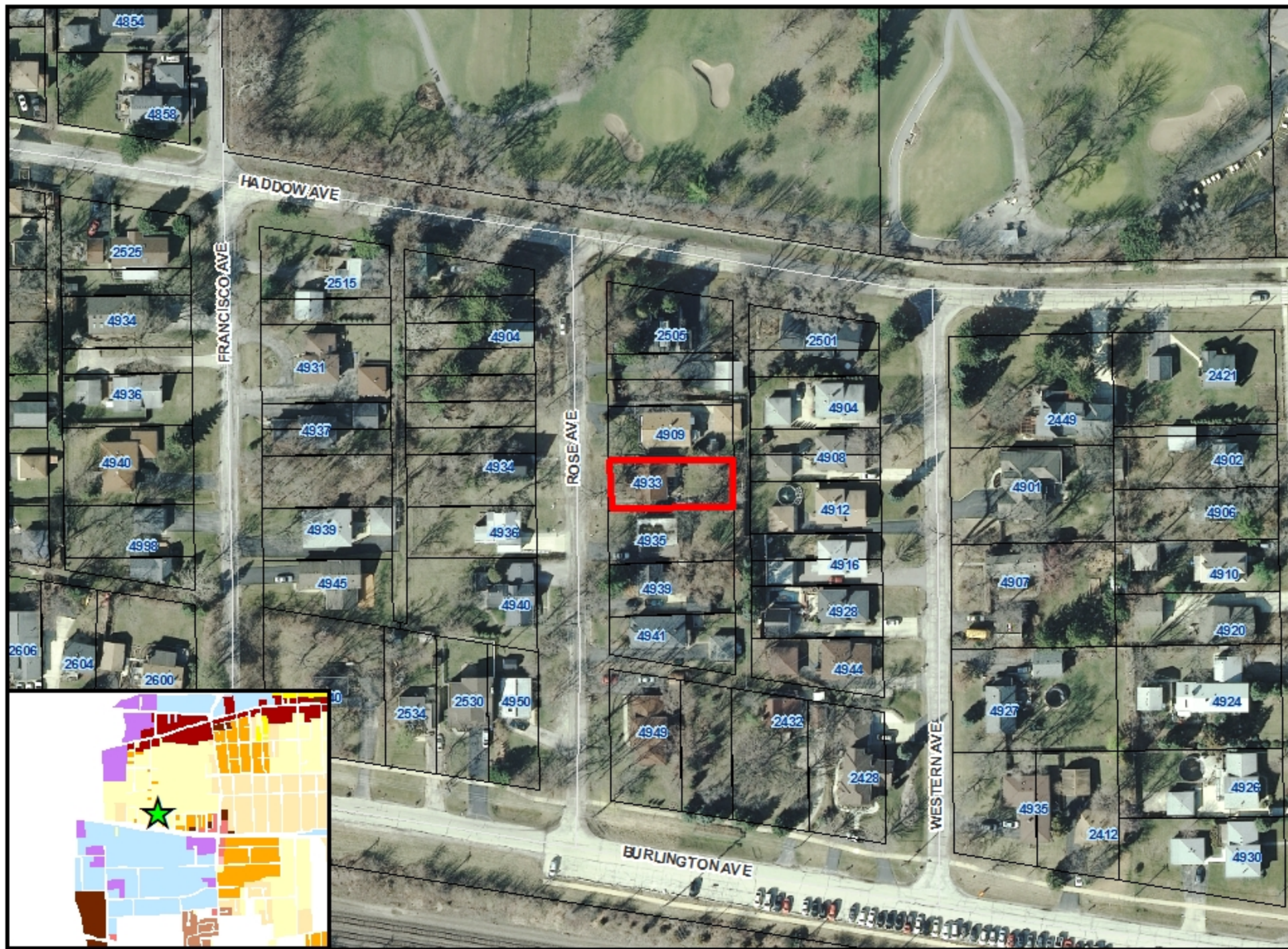
The proposed rezoning of the property is compatible with the Comprehensive Plan and surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition.

Staff Report Approved By:



Stanley J. Popovich, AICP
Planning Manager

SP:pa
-att



4933 Rose Avenue Location Map



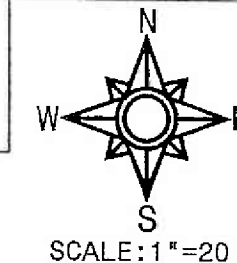


1229 LAKEVIEW COURT
ROMEOVILLE, ILLINOIS 60446
PH: (630) 226-9200 FAX: (630) 226-9234
EMAIL: SURVEY@ARSSURVEY.COM

PLAT OF SURVEY

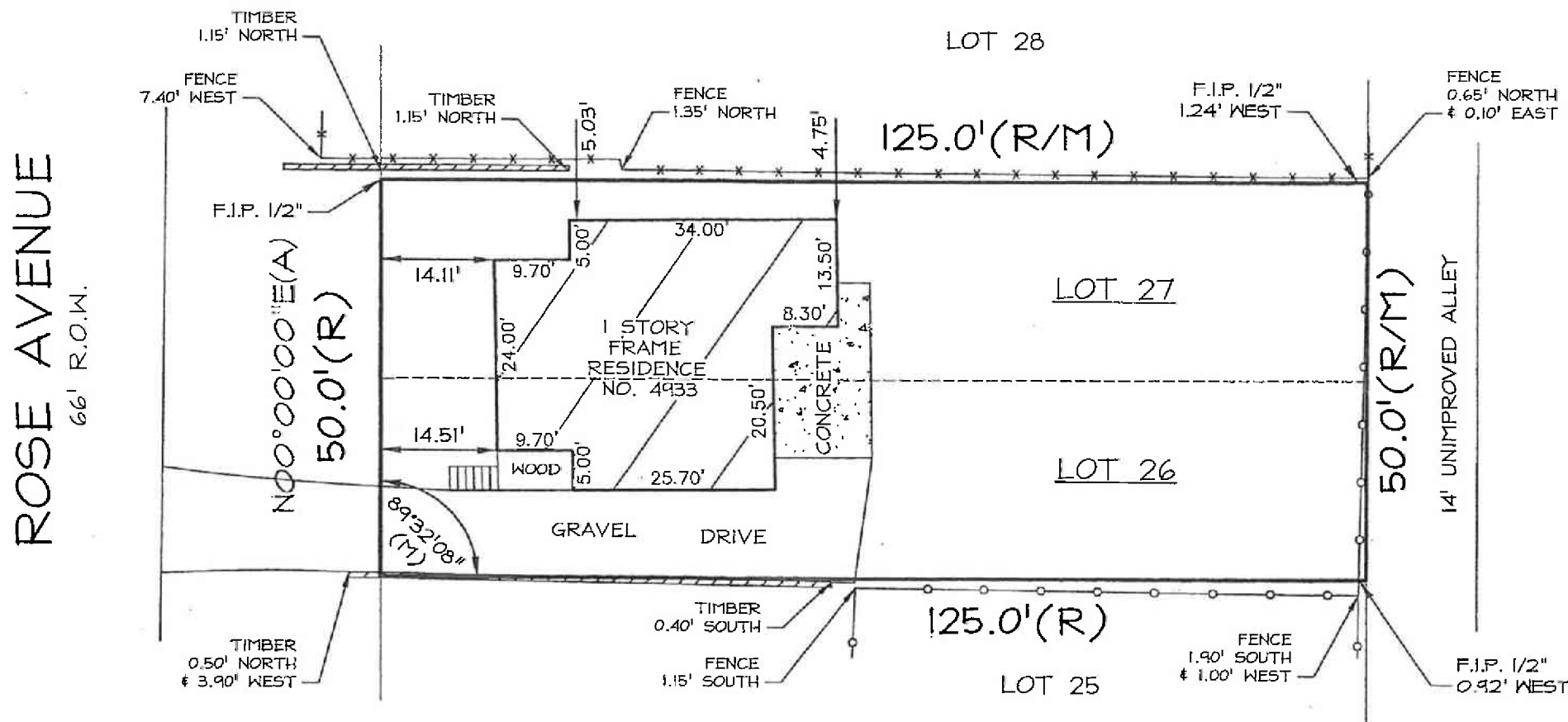
Exhibit A

BASIS OF BEARING:
EAST LINE OF ROSE AVENUE AS MONUMENTED AND
OCCUPIED PER RECORDED SUBDIVISION PLAT
N 00°00'00"E(A).



LOTS 26 AND 27 IN BLOCK 11 IN CARPENTER'S ADDITION TO LACTON, BEING A SUBDIVISION IN THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH,
RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 12, 1890 AS DOCUMENT 42886, IN DUPAGE COUNTY,
ILLINOIS.

AREA OF SURVEY:
CONTAINING 6,253 SQ. FT. 0.144 ACRES MORE OR LESS"



STATE OF ILLINOIS }
COUNTY OF WILL }SS

I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY," AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

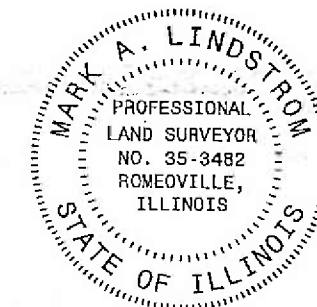
DATED, THIS 17TH DAY OF FEBRUARY, A.D., 2014, AT ROMEOVILLE, ILLINOIS.

Mark A. Lindstrom
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3482

CLIENT FAGERSON
JOB NO. 20759-15
FIELDWORK DATE. 02-16-15

ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-2961

LEGEND table with symbols for various survey features like fences, drives, and bearings.



LICENSE EXPIRES ON NOVEMBER 30, 2014



GREENSCAPE HOMES, LLC

Project Summary

Greenscape Homes, LLC, Petitioner, is requesting to rezone this property to an R4 as currently this is zoned an R1. This property was part of the large annexation done in 2012 which gave it the standard R1 zoning. If approved, the lot will then conform to the minimum width requirements in the R4 district as it and most lots in this area are only 50' wide.

Thank you,

Greenscape Homes, LLC



Project Summary

4933 Rose Avenue was part of a large annexation in 2012. As a result of the annexation, this and many other properties in this area were put under the default zoning of R-1.

1. the existing use and zoning of nearby property;

The existing use of the property is single family as is the surrounding residences. The surrounding properties are generally zoned R-1 with a few being R-4 (and the R-4 were rezoned from R-1).

2. the extent to which the particular zoning restrictions affect property values;

No properties in the surrounding area meet the current R-1 Zoning as it requires a minimum lot square footage of 20,000 and a width of 100'. Most of the properties are 50' wide and only 125' deep for a total of 6,250 sqft.

3. the extent to which any diminution in property value is offset by an increase in the public health, safety and welfare;

The current home that is on the property is in rough shape. It has some broken windows and a door that could easily be broken into. We are proposing to build a new 2 story home that will increase the property value from potentially (if the house was fixed up) the mid \$200's to the higher 500's. With a new home comes a newly engineered site which will better manage storm water flowing through this lot.

4. the suitability of the subject property for the zoned purposes;

The new single family home will fit well into the existing conditions as the density is not increasing.

5. the length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;

There are a few new homes in the vicinity and this will be yet another step to reinvigorating the neighborhood.

6. the value to the community of the proposed use; and

The new home will remove a house in disrepair and add more curb appeal and interest to the street.

7. the comprehensive plan.

This rezoning appears to fit well within the comprehensive plan as most of the surrounding residences do not meet the default R-1 zoning and ultimately at some point should be rezoned so they come closer to meeting the appropriate zoning district regulations.

DRAFT

15-PLC-0014: A petition seeking approval for a zoning map amendment from R-1 Residential Detached House 1 to R-4 Residential Detached House 4. The property is located on the east side of Rose Avenue approximately 170 feet south of Hadow Avenue, commonly known as 4933 Rose Avenue, Downers Grove, IL (08-12-111-005). Greenscape Homes, LLC, Petitioner; John Pergler, Owner.

Mr. Ainsworth discussed that this parcel was part of a larger parcel that was annexed to the village between 2011 and 2012 and was automatically designated as an R-1 zoning district, per state statute. A vacant home currently sits on the property currently and was under contract. The plat of survey followed with setbacks noted. The petitioner was seeking an R-4 zoning request to come closer to compliance with the village's zoning ordinance. Other R-4 zoned properties were pointed out on the overhead. While the property would not be in full compliance with the village's zoning code, Mr. Ainsworth explained that that a single-family detached home could be constructed on a non-conforming lot of record as long as the setback requirements were met. He shared how this parcel would fit better into the context of the neighborhood.

Planning staff supported the request and recommended forwarding a positive recommendation to village council, finding that all seven criteria for rezoning were met.

Per the chairwoman's question, front yard setbacks of the adjacent properties were noted by staff.

Petitioner, Mr. Keith Neumann with Greenscape Homes, 4355 Wyndam Parkway, Warrenville agreed that he was trying to bring the lot into conformance and acknowledged that the parcel was part of a larger parcel annexation in 2011-2012. Mr. Neumann stated he held a neighborhood meeting and three neighbors attended the meeting who had general questions.

No questions followed from the commissioners. Chairperson Urban invited the public to speak.

Ms. Carol Kempf, 4935 Rose Avenue, Downers Grove, stated she never was contacted by the petitioner. She asked if the village was planning to rezone the area to which Mr. Popovich stated the village would be reviewing all zoning areas at some future time. Lastly, she asked what the next steps were after the rezoning; staff responded.

Hearing no further comments, the public hearing was closed. Comments followed that the zoning appeared appropriate and was the trend for the neighborhood.

WITH RESPECT TO FILE 15-PLC-0014 MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL.

SECONDED BY MR. BASSLER. ROLL CALL:

AYE: MR. MATEJCZYK, MR. BASSLER, MR. QUIRK, MR. RICKARD, MR. WEBSTER, CHAIRPERSON URBAN

NAY: NONE

MOTION CARRIED. VOTE: 6-0