

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
12/1/2015

SUBJECT:	SUBMITTED BY:
Zoning Map Amendment at 1940 Elmore Avenue	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared to amend the zoning ordinance map to rezone the property at 1940 Elmore 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

UPDATE & RECOMMENDATION

This item was discussed at the November 17, 2015 Village Council meeting. Staff recommends approval on the December 1, 2015 Active Agenda.

BACKGROUND

The property currently consists of two 60-foot wide lots with a single house built over the common property line. The petitioner is proposing to redevelop the property with two new single family homes on the property's two existing sixty-foot wide lots. 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. The petitioner is requesting the rezoning to better match the lot width of the subject property with an appropriate zoning classification.

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 the two new detached single family homes 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 (two lots)
Minimum Lot Area	20,000 sq. ft.	7,500 sq. ft.	22,836 sq. ft. (each lot)
Minimum Lot Width	100 ft.	50 ft.	60 ft. (for each lot)

Zoning Ordinance Bulk Regulations	R-1 District Bulk Requirements	R-4 District Bulk Requirements
Front Setback	40 feet	25 feet
Side Setback	7 feet	6 feet
Rear Setback	20 feet	20 feet
Building Height	35 feet	35 feet
Building Coverage	32% max. (7,307 sq. ft.)	32% max. (7,307 sq. ft.)

The proposed R-4 zoning classification is more appropriate for this property as compared to the R-1 designation. The requested 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. The rezoning will bring the lots into conformance with the lot width standard of the R-4 zoning district. This will advance the Comprehensive Plan's goal to provide modern housing throughout the community. The proposed rezoning of the property from R-1 to R-4 is consistent with the Comprehensive Plan.

Public Comment

There were no public comments during the Plan Commission meeting in regards to this case.

ATTACHMENTS

Ordinance

Aerial Map

Staff Report with attachments dated November 2, 2015

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

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Petitioner DATE: December 1, 2015
(Name)

RECOMMENDATION FROM: _____ FILE REF: 15-PLC-0040
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 1940 ELMORE AVENUE", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance shall rezone 1940 Elmore Avenue from R-1, Residential Detached House 1 to R-4, Residential Detached House 4.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____**AN ORDINANCE REZONING CERTAIN PROPERTY
LOCATED AT 1940 ELMORE AVENUE**

WHEREAS, the real estate located at 1940 Elmore Avenue, on the north side of Elmore Avenue approximately 150 east of Challen Place, hereinafter described has been classified as "R-1, Residential Detached House 1" 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 November 2, 2015 and has made its findings and recommendations all 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" the zoning classification of the following described real estate, to wit:

THE EAST 60 FEET OF THE WEST 90 FEET OF LOT 12 OF ARTHUR T. MCINTOSH'S BELMONT FARMS, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN AND THE SOUTHEAST QUARTER OF SECTION 12 AND THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 10, 1918 AS DOCUMENT 134268, IN DUPAGE COUNTY, IL.

THE EAST 60 FEET OF THE WEST 150 FEET OF LOT 12 OF ARTHUR T. MCINTOSH'S BELMONT FARMS, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN AND THE SOUTHEAST QUARTER OF SECTION 12 AND THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 10, 1918 AS DOCUMENT 134268, IN DUPAGE COUNTY, IL.

Commonly known as: 1940 Elmore Avenue, Downers Grove, IL 60515
PINs 08-12-410-027 & -028

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. That the rezoning meets the requirements of the Zoning Ordinance as follows:

1. The existing use and zoning of nearby property;
2. The extent to which the particular zoning restrictions affect property values;
3. The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare;
4. The suitability of the subject property for the zoned purposes;
5. The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;
6. The value to the community of the proposed use; and
7. The comprehensive plan.

SECTION 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

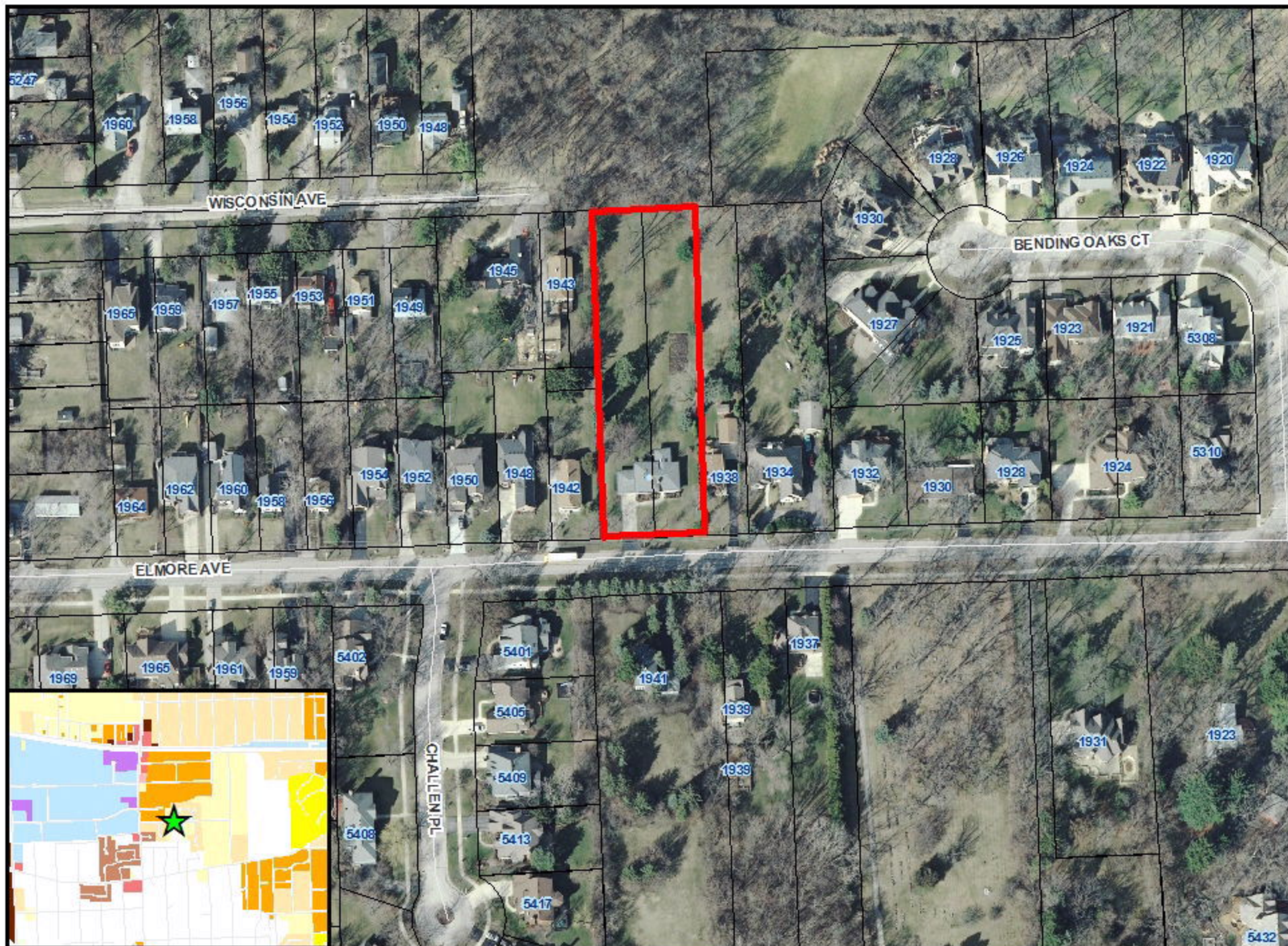
Mayor

Passed:

Published:

Attest: _____

Village Clerk



1940 Elmore Avenue Location Map





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

SUBJECT:	TYPE:	SUBMITTED BY:
15-PLC-0040 1940 Elmore 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/
APPLICANT:** Keith Neumann
Greenscape Homes, LLC
4355 Waver Parkway
Warrenville, IL 60555

PROPERTY INFORMATION

EXISTING ZONING: R-1, Residential Detached House 1
EXISTING LAND USE: Single Family Residential
PROPERTY SIZE: 45,671 square feet
PINS: 08-12-410-027 & -028

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4, Residential Detached House 4	Parks and Open Space
SOUTH:	R-1, Residential Detached House 1	Single Family Residential
EAST:	R-4, Single Family Residence (Unincorporated DuPage County)	Single Family Residential
WEST:	R-4, Residential Detached House 4	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
3. Proposal Narrative

PROJECT DESCRIPTION

The subject property, commonly known as 1940 Elmore Avenue, is located on the north side of Elmore Avenue approximately 150 feet east of Challen Place. Currently the property is zoned R-1, Residential Detached House 1 and is 45,671 square feet in size. The property is improved with a split-level, single family detached house on two lots of record. Each lot of record is 60 feet in width. The petitioner is requesting to rezone the property to R-4, Residential Detached House 4, in order to bring the two lots into compliance with the Zoning Ordinance.

The petitioner is proposing to raze the existing house and redevelop the property with two new single family dwelling units, one on each lot. Per Section 11.020.B. of the Zoning Ordinance, a single family house can be built on a non-conforming lot; however, the new home must follow the setbacks and bulk regulations of the current zoning designation. If the petitioner were to construct the new single family structures under the current R-1 classification, the house would have to be setback 40 feet from the south property line and seven feet from the side property lines.. Under the R-4 classification, the future homes can be constructed with a 25 foot street yard setback from the south property line and six feet from the side property lines.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan's Residential Areas Plan identifies the property as part of the modified grid type of residential development. This type of development is generally found outside of the downtown area and contains a greater range of lot sizes as compared to traditional grid lots. The subject property is within the range of adjacent lot sizes and widths as compared to the adjacent properties on the north side of Elmore Avenue. The rezoning request will allow the two existing subject lots to conform to the current Zoning Ordinance regulations. 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 two new single family dwelling units. The Comprehensive Plan recommends that the housing stock should be rejuvenated throughout the community. Redeveloping the subject property will continue to ensure that quality housing stock is available in the community. 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 permits single family detached structures. However, the measurements of the two lots of record do not meet the lot width 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 size requirements for both the R-1 and R-4 districts are found in the table below:

Zoning Ordinance Lot Regulations	R-1 District Lot Regulations	R-4 District Lot Regulations	Existing Measurements (two lots)
Minimum Lot Area	20,000 sq. ft.	7,500 sq. ft.	22,836 sq. ft. (each lot)
Minimum Lot Width	100 ft.	50 ft.	60 ft. (for each lot)

A comparative analysis of the bulk regulations for both the R-1 and R-4 districts are found in the table below:

Zoning Ordinance Bulk Regulations	R-1 District Bulk Requirements	R-4 District Bulk Requirements
Street Setback (Elmore Ave)	40 feet	25 feet
Side Setback	7 feet	6 feet
Rear Setback	20 feet	20 feet
Building Height	35 feet	35 feet
Building Coverage	32% max. (7,307 sq. ft.)	32% max. (7,307 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. The requested rezoning is consistent with the Zoning Ordinance.

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 regarding the rezoning. Note, a neighborhood meeting is not required per Section 12.030.B. of the Zoning Ordinance as the requested rezoning is from R-1 to R-4.

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 surrounded by single family residential lots that are zoned R-1 and R-4. If rezoned to R-4, the property will remain detached single family residential. The proposed use and zoning is consistent with the uses 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. Rezoning from R-1 to R-4 will allow the petitioner to construct two new single family homes that will conform to the Zoning Ordinance. The new single family homes may increase property values if the rezoning and the

redevelopment of the property occur. 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. The existing use is single family and the proposed use will remain single family residential. The proposed single family homes will be required to meet all Village codes and ordinances. 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 zoned R-4 require 50 feet in lot width and 7,500 square feet in lot area. As such, the 60 foot lot widths are more consistent with 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 two new detached single family residences. 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 one of the most important factors that contribute to the Village's character and identity. The future single family residential use contributes value to the community by assisting with modernizing the Village's 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 new single family detached homes 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 forward a positive recommendation to the Village Council regarding this petition.

Staff Report Approved By:

Stanley J. Popovich, AICP
Community Development Director

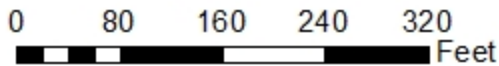
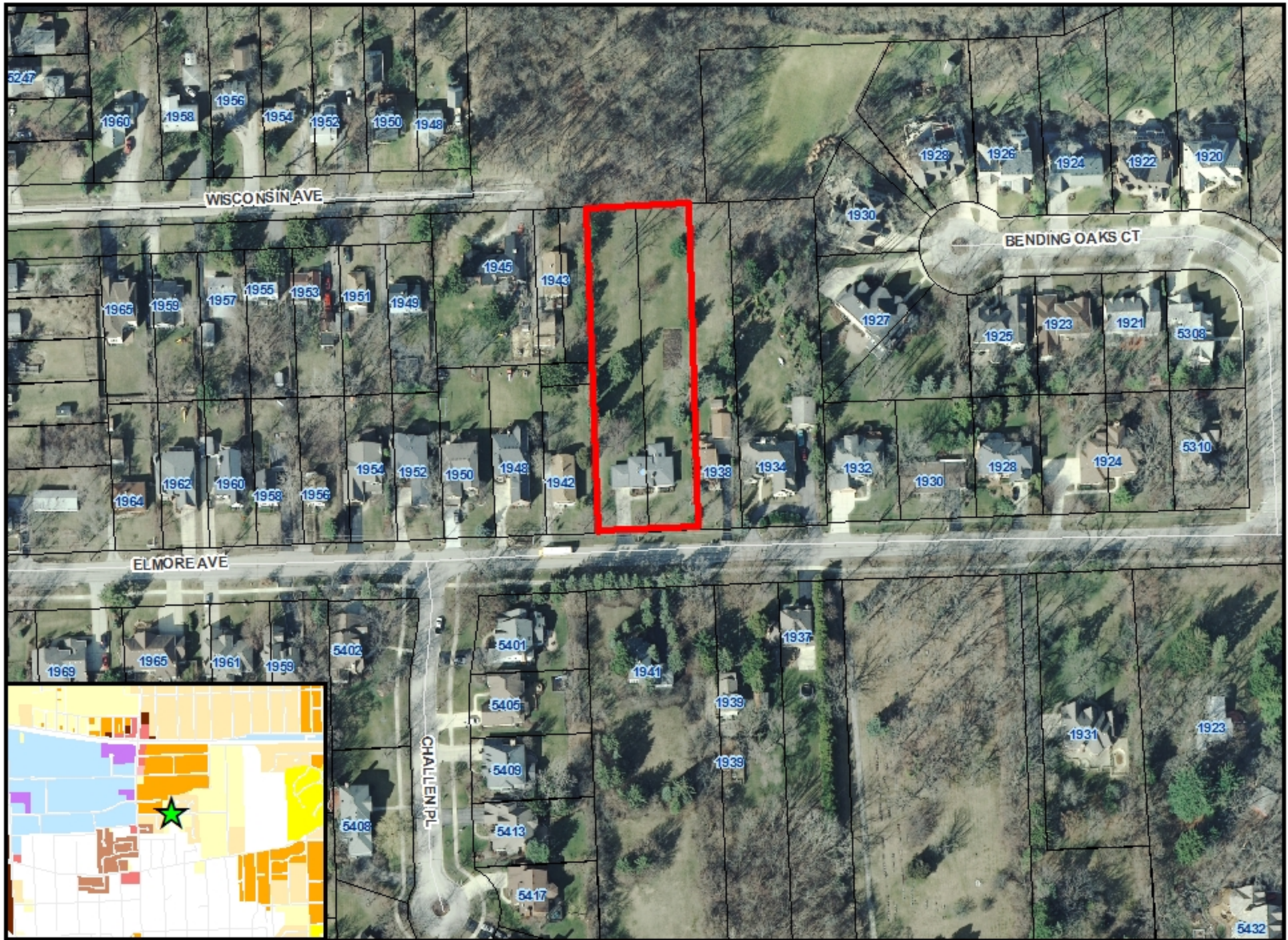
15-PLC-0040, 1940 Elmore Avenue
November 2, 2015

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SP:pa
-att



1 Existing house located at 1940 Elmore Avenue.



1940 Elmore Avenue Location Map





**GREENSCAPE
HOMES, LLC**

Project Summary

1940 Elmore Avenue is has a single family home sitting on two sixty foot lots. It is currently zoned 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-3 and R-4.

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

The rezoning of the property will allow for better use of the properties and help increase the overall streetscape and curb appeal of the area.

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 decent shape, but is one of the few dated homes left on the street. Adding new homes will increase the visual street scape. With a new homes comes a newly engineered sites which will better manage storm water flowing through these lots.

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

The new single family homes will fit well into the existing conditions as the existing home is one of the few dated homes remaining on the block.

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

The new homes will fit well within the context of the new development in the area.

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

The new homes will remove a dated home 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 have already been remodeled or replaced with new homes.

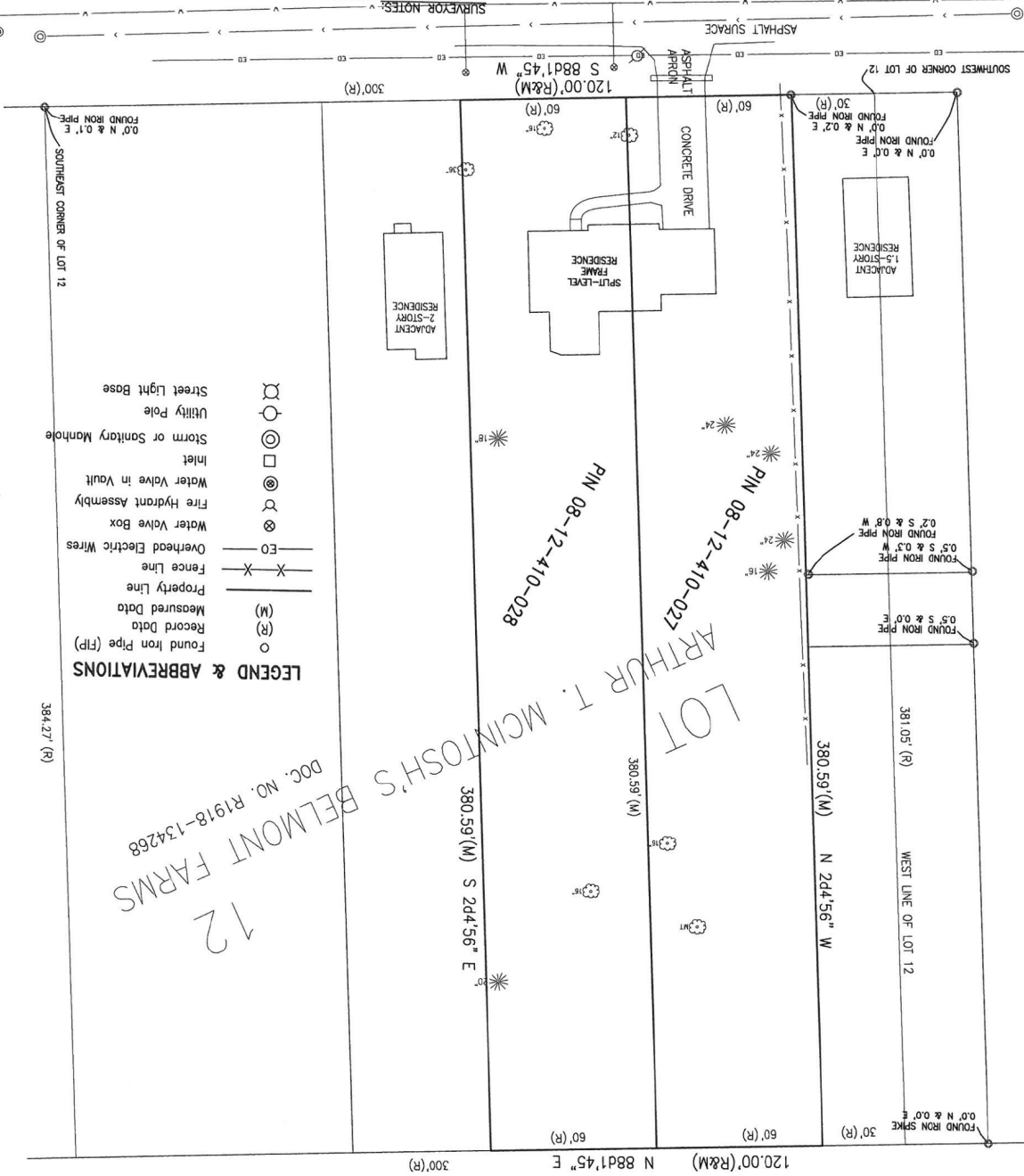
GREENSCAPE HOMES, LLC
4355 WEAVER PARKWAY
WARRENVILLE, IL 60555

FIELD WORK COMPLETED 8/7/15
AREA OF SURVEY 45671± SQ. FT.

DAVID M. RIENDEAU
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003819
LICENSE EXPIRES 11/30/2016

PREPARED BY:
GREENSCAPE HOMES, LLC
BASIC FOR BEARINGS SHOWN HEREON ARE ASSUMED.
BUILDING DIMENSIONS ARE NORMAL OR RADIAL TO PROPERTY LINES.
BUILDING DIMENSIONS SHOWN ARE TO OUTSIDE OF THE FOUNDATION WALLS.
ORDINANCE FOR ITEMS OF RECORD NOT SHOWN.
REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND LOCAL BUILDING AND ZONING EXISTENCE OF RECORD OR UNRECORDED UTILITY.
UTILITIES SHOWN ON THE SUBJECT PROPERTY MAY OR MAY NOT INDICATE THE FOOTINGS, UTILITIES AND ENCROACHMENTS ARE NOT LOCATED ON THIS SURVEY MAP. THIS SURVEY ONLY SHOWS IMPROVEMENTS FOUND ABOVE GROUND. UNDERGROUND OTHERS. THE SURVEY DOES NOT DETERMINE OR IMPLY OWNERSHIP.
DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
1. THE LEGAL DESCRIPTION USED TO PERFORM THIS SURVEY WAS SUPPLIED BY SUBSEVER NOTES.

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)
1940 ELMORE AVE.
DOWNERS GROVE, IL
PROPERTY ADDRESS:
ELMORE AVENUE
(66' R.O.W.)
THIS IS TO CERTIFY THAT THIS SURVEY CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY AND THE TRACT OF LAND DESCRIBED ABOVE WAS SURVEYED UNDER MY DIRECTION, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, HEREON DRAWN PLAN IS A TRUE AND ACCURATE REPRESENTATION THEREOF.
GIVEN UNDER MY HAND AND SEAL THIS 7TH DAY OF AUGUST, 2015 AT WARRENVILLE, IL.

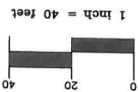


LEGEND & ABBREVIATIONS

- Found Iron Pipe (FIP)
- (R) Measured Data
- (M) Measured Data
- X— Property Line
- E— Overhead Electric Wires
- ⊗ Water Valve Box
- ⊕ Fire Hydrant Assembly
- ⊖ Water Valve in Vault
- Inlet
- ⊙ Storm or Sanitary Manhole
- Utility Pole
- Street Light Base

12
DOC. NO. R1918-134268
BELMONT FARMS
ARTHUR T. MCINTOSH'S

ASSUMED TO BE S 88°01'45\"



PLAT OF SURVEY

LEGAL DESCRIPTIONS:

PIN 08-12-410-027
THE EAST 60 FEET OF THE WEST 90 FEET OF LOT 12 OF ARTHUR T. MCINTOSH'S BELMONT FARMS, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN AND THE SOUTHWEST QUARTER OF SECTION 12 AND THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 10, 1918 AS DOCUMENT 134268, IN DUPAGE COUNTY, ILLINOIS.
PIL 08-12-410-028
THE EAST 60 FEET OF THE WEST 150 FEET OF LOT 12 OF ARTHUR T. MCINTOSH'S BELMONT FARMS, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN AND THE SOUTHWEST QUARTER OF SECTION 12 AND THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 10, 1918 AS DOCUMENT 134268, IN DUPAGE COUNTY, ILLINOIS.

DRAFT

15-PLC-0040: 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 north side of Elmore Avenue approximately 150 feet east of Challen Place, commonly known as 1940 Elmore Avenue, Downers Grove, IL (08-12-410-027 & -028). Keith Neumann, Greenscape Homes, LLC, Petitioner and Owner.

Planner Patrick Ainsworth reviewed the application for a zoning map amendment, as outlined in his staff report. He summarized the uses surrounding the existing property, reviewed the plat of survey, and the requirements for R-4 zoning. He noted the standards for rezoning were met.

Petitioner, Mr. Keith Neumann, Greenscape Homes, 4355 Weaver Parkway, Warrenville, summarized he was seeking to go from R-1 zoning to R-4 zoning and put the property into compliance.

No commissioner questions followed. The chairman opened up the meeting to public comment. No comments were received from the public. Public comment was closed. No real concerns or questions were raised by the commissioners except to note the setbacks were changing, but the application was not out of place, given the characteristics of the neighborhood.

WITH RESPECT TO FILE 15-PLC-0040, MS. HOGSTROM MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, AS PRESENTED.

SECONDED BY MR. THOMAN. ROLL CALL:

**AYE: MS. HOGSTROM, MR. THOMAN, MR. COZZO, MR. CRONIN, MRS. RABATAH,
CHAIRMAN RICKARD**

NAY: NONE

MOTION CARRIED. VOTE: 6-0