

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
3/1/2016

SUBJECT:	SUBMITTED BY:
Ordinance Rezoning 4935 Francisco Avenue	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared to rezone the property at 4935 Francisco Avenue from R-1, Residential Detached House 1, to R-4, Residential Detached House 4.

STRATEGIC PLAN ALIGNMENT

The goals for 2015-2017 include *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the March 8, 2016 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 found in Section 28.12.030.

BACKGROUND

The petitioner is requesting to rezone the subject property from R-1, Residential Detached House 1, to R-4, Residential Detached House 4. The petitioner is requesting to rezone the property to R-4 to better match the lot width, area, and required setbacks of the subject property with an appropriate zoning classification. The petitioner is proposing to redevelop the property with one new single family home. Under the existing R-1 zoning classification, the new home will be required to be setback further than the typical residential street setback in the neighborhood. Rezoning would allow the petitioner to bring the bulk requirements for this property in conformance with the existing conditions of the neighborhood.

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 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 (4935 Francisco Avenue)
Minimum Lot Area	20,000 sq. ft.	7,500 sq. ft.	6,250 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
Street Setback	40 feet	25 feet
Side Setback	7 feet	5 feet
Rear Setback	20 feet	20 feet

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 lot closer 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

One resident inquired into the non-sequential addressing of the property. As the consecutive numbering options were already assigned, the closest matching address was chosen for this location.

ATTACHMENTS

Ordinance

Aerial Map

Staff Report with attachments dated February 1, 2016

Draft Minutes of the Plan Commission Hearing dated February 1, 2016

ORDINANCE NO. _____**AN ORDINANCE REZONING CERTAIN PROPERTY
LOCATED AT 4935 FRANCISCO AVENUE**

WHEREAS, the real estate located at 4935 Francisco Avenue, on the east side of Francisco Avenue approximately 240 feet south of Haddow Avenue and 265 feet north of Burlington Avenue, 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 February 1, 2016 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:

LOTS 24 AND 25 IN BLOCK 10 OF CARPENTER'S ADDITION TO LACTON, BEING A SUBDIVISION IN THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1890 AS DOCUMENT 42886, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 4935 Francisco Avenue, Downers Grove, IL 60515
PIN: 08-12-110-008

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



4935 Francisco Avenue- Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
FEBRUARY 1, 2016 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
16-PLC-0002 4935 Francisco Avenue	Zoning Map Amendment	Rebecca Leitschuh, AICP Senior 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: Paul Geraldts
4904 Rose Avenue
Downers Grove, IL 60515

APPLICANT: 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: 6,250 square feet
PIN: 08-12-110-008

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
3. Proposal Narrative

PROJECT DESCRIPTION

The subject property, commonly known as 4935 Francisco Avenue, is located on the east side of Francisco Avenue, approximately 240 feet south of Haddow Avenue and 265 feet north of Burlington Avenue. Currently the property is zoned R-1, Residential Detached House 1 and is 6,250 square feet in size. The property is vacant and consists of two 25-foot wide lots: Lot 24 and Lot 25. 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 develop the property with a new single family dwelling unit. The petitioner will be required to administratively consolidate both lots prior to the issuance of a building permit for a new single family home.

The subject property was annexed in 2012 as part of a larger annexation program. Under Illinois State Statute, the property was automatically zoned to R-1, Residential Detached House 1 upon annexation. Other surrounding properties were annexed into the Village at the same time and are also zoned R-1. Several nearby properties have rezoned to R-4 because this zoning designation more closely matches the width, depth and area of these properties.

The petitioner is proposing to develop 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 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 structure under the current R-1 classification, the house would have to be setback 40 feet from the west property line. Under the R-4 classification, the future home can be constructed with a 25 foot street yard setback from the west property line.

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. The subject property is similar in lot size and width to the neighboring 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 and existing homes do not conform to the default R-1 classification. 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 bulk 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 (4935 Francisco Avenue)
Minimum Lot Area	20,000 sq. ft.	7,500 sq. ft.	6,250 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
Street Setback	40 feet	25 feet
Side Setback	7 feet	5 feet
Rear Setback	20 feet	20 feet

The proposed R-4, Residential Detached House 4, zoning classification is appropriate for this property. 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 one resident 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 surrounded by single family residential lots with similar lot widths and lot area. If rezoned to R-4, the property will remain detached single family residential. The proposed use and zoning are 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 bring the existing lot closer to lot standards within the Zoning Ordinance. 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. 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 50 foot lot width and 6,250 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 an unimproved vacant parcel, and has remained as such since its annexation in 2012. 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 increasing 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 develop this property with a new single family detached house which follows the Comprehensive Plan. This standard has been met.

RECOMMENDATIONS

The proposed zoning map amendment 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 subject to the following conditions:

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development

FILE 16-PLC-0002 - A petition seeking approval for a Zoning Ordinance Map Amendment to rezone the property from R-1, Residential Detached House 1, to R-4, Residential Detached House 4. The property is currently zoned R-1, Residential Detached House 1. The property is located on a vacant parcel on the east side of Francisco Avenue between Haddow and Burlington Avenue, Downers Grove, IL. The property is located approximately 240 feet south of Haddow and 265 feet north of Burlington, commonly known as **4935 Francisco Avenue**, Downers Grove, IL (08-12- 110-008). Greenscapes Homes LLC, Petitioner and Paul Gerald, Owner.

Planner Pandey drew commissioners' attention to the overhead and reviewed the request to rezone the subject property from R-1 Residential Detached House-1 to R-4 Residential Detached House-4. Size and location of the two-lot (25 ft. width each), vacant parcel on Francisco was noted. The petitioner was seeking to consolidate the two parcels and bring the parcel into compliance. This property was part of an earlier annexation. Setbacks were also noted. Ms. Pandey reported that staff believed the proposal was in compliance with the village's Comprehensive Plan, complied with the existing development patterns of the area and would remain as a single-family residential use. Based on the above findings, staff recommended the commission forward a positive recommendation to the village council.

Planner Leitschuh added that staff was in support of the amended rezoning because the lots were already platted years ago, they were not part of a subdivision, and the zoning district that was being proposed was compatible with the existing setbacks of the existing area. Details followed.

Comments/questions from the commissioners followed, specifically with staff confirming that when land is annexed into the village it typically comes in as R-1 zoning, following state statute, unless an alternative/specific zoning classification is provided at the time of annexation. Mrs. Rabatah inquired about the lot widths of those parcels that had already been rezoned R-4, wherein Planner Leitschuh responded that many of the lots in the area were 50-foot wide and many of the homes that were constructed years ago were built across the lot line of two 25-ft. lots.

Petitioner, Mr. Keith Neumann, Greenscape Homes, LLC, 4355 Parkway, Warrenville, IL, stated that he has rezoned some of the lots in the area under discussion, noting many of the lots were already 50 feet or a combination of 25-ft. lots that needed to be consolidated. The parcels were also part of a 2012 village annexation.

No further questions followed. The chairman opened up the meeting to public comment.

Marsha Nania (phonetic), 4931 Francisco, Downers Grove, was sworn in. She asked for clarification of the lot's address.

Nancy Kaserowski, 4939 Francisco, was sworn in and voiced concern that the storm sewer underneath the street would not be compromised. (The chairman reminded her that the commission was only reviewing the rezoning at this time.)

Ms. Leitschuh indicated that engineers within the Community Development department would be charged with reviewing permits to comply with the stormwater ordinance and would provide comment to the applicant/petitioner.

Hearing no further comment, public comment was closed. Mr. Neumann had no closing statement.

Mr. Thoman confirmed with staff whether a survey was done as to the location the neighbor's garage at 4939 Francisco and whether it was straddling the property line, wherein Ms. Leitschuh cautioned the commissioners and explained that the aerial views on the overhead were just "approximates" and legal plats of survey were required before any permits are issued. However, the garage was not on the neighbor's property. Regarding the physical look of the utility easement running down the middle of block and whether it was designed to catch water, Ms. Leitschuh said she was not sure, and that the request was for the rezoning only at this time and topography/stormwater would be reviewed later.

Mr. Cozzo then asked staff to provide an explanation about the village's stormwater best practices for commissioners and the public, wherein Ms. Leitschuh explained the village's practice in more detail pointing out the village's requirements were higher than that of the state and Du Page County.

Ms. Hogstrom asked staff to explain why the commission was allowing 6,250 square feet to be approved, wherein Ms. Leitschuh explained the difference between already legally platted lot versus subdividing a lot into smaller lots and the minimum square footage needed to do so.

For the record, Mr. Cozzo stated he believed the standards for approval of the rezoning were met; other commissioners concurred.

WITH RESPECT TO FILE 16-PLC-0002 MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, AS PRESENTED.

SECONDED BY MR. THOMAN. ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0