

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

SUBJECT:	SUBMITTED BY:
Ordinance Rezoning 4825 Cross Street	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared to rezone the property at 4825 Cross Street 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 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 rezoning 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 property consists of an existing one-story house with a detached garage on two legally platted lots. The petitioner is proposing to redevelop the property with a new single family home on each lot.

Compliance with the Zoning Ordinance

The property is currently zoned R-1, Residential Detached House 1, which permits single family detached dwellings. The property consists of two lots of record. The petitioner is proposing to rezone the property to establish setbacks for the two new detached single family homes that match 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 Per Lot (4825 Cross Street)
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 the properties to remain single family residential which is the intention of the petitioner. The rezoning will bring the lots 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

A neighbor asked about the necessity of the rezoning. It was discussed that the petitioner could lawfully construct a house on each of the lots of record without the rezoning. The only difference from R-1 to R-4 are the bulk requirements highlighted above. The dimensions of other lots in the surrounding area were shown on a map to demonstrate compatibility with the R-4 zoning classification

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 4825 CROSS STREET**

WHEREAS, the real estate located at 4825 Cross Street, on the east side of Cross Street, between Prairie Avenue and Haddow 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 19 AND 20 IN TOMICEKS ADDITION TO BELMONT, 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 AUGUST 7, 1925 AS DOCUMENT 197521 IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 4825 Cross Street, Downers Grove, IL 60515
PIN: 08-12-105-034 & -035

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.

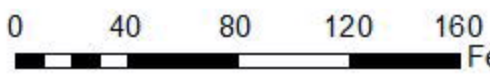
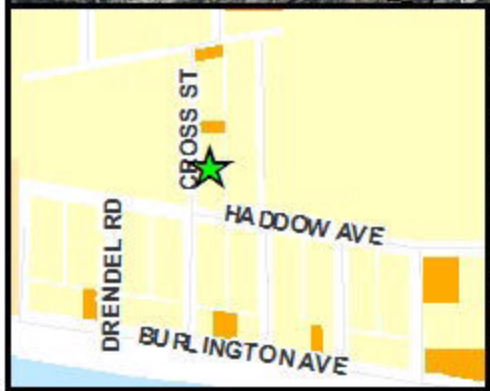
Mayor

Passed:

Published:

Attest: _____

Village Clerk



4825 Cross Street- Location Map





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

SUBJECT:	TYPE:	SUBMITTED BY:
16-PLC-0003 4825 Cross Street	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/
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: 12,500 square feet
PINS: 08-12-105-034, -035

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4, Residential Detached House 4	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 4825 Cross Street, is located on the east side of Cross Street, between Prairie Avenue and Haddow Avenue. Currently the property is zoned R-1, Residential Detached House 1 and is 12,500 square feet in size. The property is improved with a one-story single family detached house and a detached garage. The property consists of two legally platted lots. 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 both parcels with a new single family dwelling unit.

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 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 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 homes 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 PER LOT (4825 Cross Street)
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 various lot widths and lot area. The majority of properties to the north, south, and east are zoned R-1 with the lot widths of 50 feet and lot areas of 6,250 square feet. The property to the west is zoned R-1, owned by the Downers Grove Park District. Since the annexation, a handful of properties have rezoned to R-4. The existing use is single family and the proposed use will remain 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 is bringing the two lots closer to conformance with 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 two parcels with 50 foot lot width and 6,250 square foot lot area each are closer to the regulations associated with lots zoned R-4 and are consistent with the conditions of surrounding properties. 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 improved with a home and detached garage, but has been vacant since October. The petitioner is proposing to demolish the existing improvements in order to facilitate redevelopment. 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 proposed zoning map amendment affords the opportunity for two modernized single family residences while remaining compatible with surrounding bulk zoning and lot conditions, 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 two new single family detached houses 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

SP:rl
-att

FILE 16-PLC-0003 - 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 the east side of Cross Street between Prairie and Haddow Avenue, commonly known as **4825 Cross Street**, Downers Grove, IL (08-12-105-043 & -035). Greenscapes Homes LLC, Petitioner and Owner.

Planner Williams walked through the proposal, explaining it was similar in nature as the one above but different in that a one-story detached home and detached garage existed on two legally platted lots. The petitioner was seeking to rezone the two legally platted properties to R-4 Residential Detached House-4, bringing them closer into compliance in order to construct new single-family homes. Current photographs and plat of survey were referenced, as were the setbacks to be followed. Mr. Williams pointed out other R-4 lots in the neighborhood. He confirmed public and legal notice was provided and he spoke to one resident, explaining the difference in the two zoning classifications.

Per Mr. Quirk's question as to why the petitioner was seeking the rezoning when he could just construct a home on the R-1 parcel just as he could on the R-4 parcel, commissioners and staff pointed out it was due to the different setback requirements, even though the petitioner could, technically, construct on the R-1 lot. Ms. Leitschuh reminded him that the rezoning allowed the lots to become more compatible with the developed properties in the immediate area. The chairman reminded the commissioners it allowed the property owner more buildable area and made the frontage look more uniform. Lot widths for the surrounding properties were pointed out on the overhead.

Ms. Gassen confirmed with staff that the petitioner was seeking to construct one home on each lot.

Petitioner, Mr. Keith Neumann, Greenscape Homes, LLC, 4355 Parkway, Warrenville, IL, confirmed he pursued the lots with the intention of constructing a single-family homes on each lot since they were similar in size as the rest of the area and which was why he did not seek to consolidate the two lots. Additionally, he pointed out that a dedicated, unimproved 14-ft. alley existed behind the property and could eventually be vacated and added to either one of the properties.

No commissioner questions followed. Chairman Rickard opened the meeting to public comment.

Mr. Dave VanVorn, 4918 Cross Street, Downers Grove, was sworn in and described the difference between R-1 and R-4 zoning and inquired what the petitioner's hardship was for the change in zoning.

In response, Mr. Neumann explained in general it was not a matter of hardship but, rather, it was the intention of the rezoning to bring the lots closer to conformance. Mr. Neumann explained how decreasing the side yards and allowing the 40 ft. buildable width helped "the livability of the lots."

The chairman also clarified/confirmed with staff that no hardship needed to be proven with a rezoning map amendment; rather, it was something an owner could request.

Mr. Cronin inquired of the petitioner whether the proposed lot would, if divided into two lots, double the taxable value of each of them versus just having the single lot, wherein Mr. Neumann confirmed that the value would come close to doubling with homes built on the lots.

No further comments followed; public comment was closed. No further discussion. A motion was entertained.

WITH RESPECT TO FILE 16-PLC-0003, MR. CRONIN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, AS PRESENTED.

SECONDED BY MS. GASSEN. ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0