

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
3/8/2016

SUBJECT:	SUBMITTED BY:
Ordinance Rezoning the Property at 4915 Drendel Road	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared to rezone the property at 4915 Drendel Road 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

UPDATE & RECOMMENDATION

This item was discussed at the March 1, 2016 Village Council meeting. Staff recommends approval on the March 8, 2016 Active Agenda.

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. 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 currently consists of two vacant lots of record. The petitioner is proposing to consolidate the two existing lots into a single lot of record and redevelop the property with one new single family home.

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 (4915 Drendel Road)
Minimum Lot Area	20,000 sq. ft.	7,500 sq. ft.	5,850 sq. ft.
Minimum Lot Width	100 ft.	50 ft.	42 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 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 question was presented regarding the vacation of the adjacent alley. There is no alley vacation proposed as part of this request.

ATTACHMENTS

Ordinance

Aerial Map

Staff Report with attachments dated February 1, 2016

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

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Petitioner
(Name)

DATE: March 8, 2016

RECOMMENDATION FROM: _____ FILE REF: 16-PLC-0004
(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 4915 DRENDEL ROAD", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance shall rezone 4915 Drendel Road 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 4915 DRENDEL ROAD**

WHEREAS, the real estate located at 4915 Drendel Road, on the east side of Drendel Road approximately 186 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 20 AND 21 IN BLOCK 8 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: 4915 Drendel Road, Downers Grove, IL 60515
PIN: 08-12-108-013 &- 014

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.

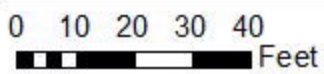
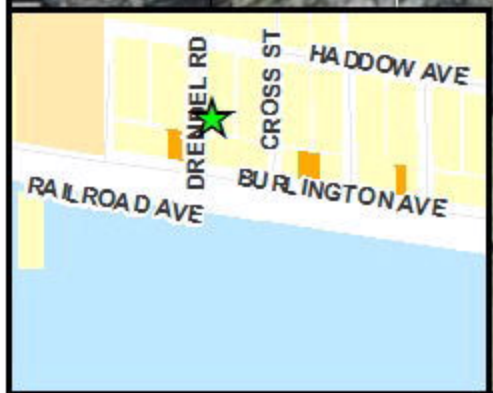
Mayor

Passed:

Published:

Attest: _____

Village Clerk



4915 Drendel Road- Location Map





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

SUBJECT:	TYPE:	SUBMITTED BY:
16-PLC-0004 4915 Drendel Road	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: 5,850 square feet (approximately)
PIN: 08-12-108-013 & -014

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-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 4915 Drendel Road, is located on the east side of Drendel Road, north of Burlington Avenue by approximately 186 feet. Currently the property is zoned R-1, Residential Detached House 1 and is around 5,850 square feet in size. The property is vacant and consists of two lots: Lot 20 and Lot 21. 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 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 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 and north 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 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 (4915 Drendel Road)
Minimum Lot Area	20,000 sq. ft.	7,500 sq. ft.	5,850 sq. ft.
Minimum Lot Width	100 ft.	50 ft.	42 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 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.

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 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 bring the existing lot closer to conformance with the lot standards in 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. The property is irregularly shaped as it borders a public unimproved alley. As such, the 42-foot lot width and 5,850-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 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 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
Director of Community Development

16-PLC-0004 - 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 two vacant parcels on the east side of Drendel Road north of Burlington Avenue by approximately 186 feet, commonly known as **4915 Drendel Road**, Downers Grove, IL (08-12-108-013 & -014). Greenscapes Homes LLC, Petitioner and Paul Gerald, Owner.

Senior Planner Leitschuh walked through the petitioner's proposal, noting the property was in the general area as the previously discussed agenda except it was located on Drendel Road. The difference with this proposal was that the lot was irregularly shaped. An explanation followed on how the lot was measured. The parcel contained two lots under one ownership and would be consolidated into one lot. An unimproved alley existed to the south of the lot as well as to the rear. Photographs were depicted on the overhead and setbacks were pointed out. Ms. Leitschuh described how the parcel fit into the village's comprehensive plan, i.e., by encouraging housing variety. Staff recommended approval of this petition.

Mr. Thoman queried staff whether other unusually-shaped lots existed within the area's five blocks and whether those lots were 5,000 square feet to which Ms. Leitschuh stated there were and it was common. She pointed out some of those lots. Mr. Quirk stated that the property to the east appeared to be used by nearby property owners as a driveway and asked whether there was interest from them to improve the alley for their own use. Ms. Leitschuh indicated such a proposal would have to be reviewed by Public Works and other departments, but instances, such as that described, existed. Contrarily, she said other cases existed where owners would request to vacate an alley to keep it as part of their own property. Mr. Quirk asked why the Plan Commission was not vacating the alley between Drendel and Cross Streets, wherein Ms. Leitschuh indicated that the future owners or neighbors could come to the city and request the vacation. Further discussion on this topic followed.

Mr. Neumann returned and stated he was considering the vacation of the alley but had not started the process. He figured he would most likely return seeking that request.

Hearing no further questions, Chairman Rickard opened up the meeting to public comment.

Mr. Dave VanVorn, 4918 Cross Street, Downers Grove, stated he resides to the east of the property and owns two lots – 4918 Cross Street and his garage on a separate lot. The only access he had to the garage was by way of the public alley that he maintained/improved. Mr. VanVorn indicated that if the petitioner wished to vacate the unimproved alley, he could vacate the unimproved portion of the alley that was adjacent to Lot 20 and not have to deal with any vacation of the alley that provided access to his separate lot in the rear of his property. Mr. Quirk indicated that all owners touching the alley would have to agree and come before the village to vacate the alley.

Ms. Nancy Johnson, 4852 Francisco, Downers Grove, was sworn in and stated she had an alley on the back of her property but that utility poles existed on it. She voiced concern about the land being vacated and asked if the property owners would be notified, wherein the chairman

explained that various scenarios existed and nothing would be done until all the neighbors were heard. Mr. Quirk also provided additional information to ease Ms. Johnson's mind.

No further comments from the commissioners. Mr. Neumann explained that the alley he would possibly consider for vacating was immediately south of the parcels. As to vacating an alley with utility poles, Mr. Neumann briefly explained the process to Ms. Johnson.

Public comment was closed.

Mr. Quirk briefly shared what he knew of the village's vacating process. Mr. Cozzo stated he believed the standards for the proposal were met. A motion was entertained by the chairman.

WITH RESPECT TO FILE 16-PLC-0004, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, AS PRESENTED.

SECONDED BY MS. HOGSTROM. ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0