

VILLAGE OF DOWNERS GROVE
Report for the Village
5/7/2024

SUBJECT:	SUBMITTED BY:
5133 Main Street - Special Use with a variation	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The petitioner is requesting approval of a Special Use in the Downtown Core (DC) zoning district for multi-family residences on the second floor of an existing building, with a parking variation.

STRATEGIC PLAN ALIGNMENT

The goals for the 2023-2025 Long Range Plan include *Strong and Diverse Local Economy* and *Steward of Financial, Environmental, and Neighborhood Sustainability*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the May 14, 2024 Active Agenda per the Plan Commission's unanimous 5:0 positive recommendation. The Plan Commission found that the proposed Special Use request is compatible with the Comprehensive Plan and meets the standards for a Special Use found in Section 28.12.050.h.

BACKGROUND

Property Information and Zoning Request

The petitioner is requesting approval for the reinstatement of a Special Use for multi-family residential on the second story of the subject property with a parking variation. The residential units have not been occupied since March 2023. Per Section 28.12.050(i)(4) of the Municipal Code, if any special use is discontinued or not in operation for a continuous period of six months or more, the Special Use for such use is void and may not be reestablished unless and until a new special use is obtained. The existing building complies with the Downtown Core (DC) zoning district bulk regulations, but a variance for the required parking has been requested. With seven units proposed the apartment/condominiums would require 10 spaces, with zero parking spaces provided. Historically, the subject property has never provided on-site parking.

The petitioner is proposing to renovate the formerly occupied eight units into seven units. The proposed concept will include five one-bedroom units and two two-bedroom units. All units are currently, and will remain, on the second floor of the structure. Access to the units is provided by stairs from the entrance off of Main Street and an external stairwell in the eastern alley which can be accessed from Curtiss Street. The eastern alley is also currently used for temporary storage by the first floor restaurant. To ensure the second means of egress is not impeded by the temporary storage, a condition of approval has been added that

requires the exit path is striped and painted leading residents to Curtiss Avenue. Lastly, façade changes include the replacement of existing windows and painting, which are not subject to the Downtown Design Guidelines.

Compliance with the Comprehensive Plan

The proposed development is compliant with the Comprehensive Plan. The Downtown Focus Area key concepts include:

- Development that is pedestrian-oriented and walkable
- Maintain a sense of enclosure
- Maintain a commitment to quality architecture

The Comprehensive Plan also places the subject site within the Downtown Functional Subarea – Downtown Core. The Comprehensive Plan notes this area should maintain the existing built form. The Comprehensive Plan identified the following key concepts for this subarea:

- Residential uses should be on the upper stories of mixed-use buildings
- Foster a walkable environment
- Building heights not to exceed three stories and be respectful of the existing structures
- Limited onsite parking, encouraging the use of parking decks

The Comprehensive Plan also encourages transit-oriented development to take advantage of transportation opportunities, such as the Main Street Metra and Pace stations, and encourages mixed use residential in the downtown area. The proposal is consistent with the intent of the Comprehensive Plan.

Compliance with the Zoning Ordinance

The property is zoned DC, Downtown Core. The property meets all requirements and is eligible for consideration of this Special Use, but a variance for the required parking has been requested. With seven units proposed, 10 parking spaces would be required, but this petition provides zero. Historically, the subject property has never provided on-site parking. To accommodate properties that historically have not offered on-site parking in the Downtown, the Village offers residential parking permits for the Village's Downtown parking deck. These are available for an annual fee and provide designated spots for permit holders. Previous residents of the units have obtained parking passes from the Village.

Public Comment

Prior to the public hearing staff received two public inquiries regarding the intended use and parking requirements. The members of the public were satisfied with response and had no additional questions.

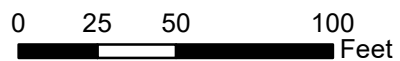
ATTACHMENTS

Aerial Map



Ordinance

Staff Report with attachments dated April 1, 2024

Draft Minutes of the Plan Commission



5133 Main Street - Location Map

-  Subject Property
-  Project Location

ORDINANCE NO. _____**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR
5133 MAIN STREET TO PERMIT MULTI-FAMILY UNITS ON
THE SECOND FLOOR AND A PARKING VARIATION**

WHEREAS, the following described property, to wit:

THE WEST 82 FEET AS MEASURED ALONG THE SOUTH LINE AND PARALLEL TO THE WEST LINE OF LOT 10 IN BLOCK 5 IN CURTISS ADDITION TO THE TOWN OF DOWNERS GROVE, BEING A SUBDIVISION OF PART OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 8, 1866 AS DOCUMENT 7317, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 5133 Main Street, Downers Grove, IL 60515
PIN: 09-08-303-013

(hereinafter referred to as the "Property") is presently zoned in the "*DC, Downtown Core District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.12.050 of the Zoning Ordinance be granted to permit multi-family units on the second floor of an existing building including the following Variation:

1. Variation per Section 28.7.030, *Parking*, to decrease the required parking spaces from ten (10) to zero (0).

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 for the petition on April 1, 2024 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, the Plan Commission has recommended approval of the Special Use, subject to certain conditions; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;
2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
3. That the proposed use will not, in the particular case, be detrimental to the health, safety or

general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish that the following standards for granting a variation per Section 28.12.090.G have been met:

- a. the subject property cannot yield a reasonable return if required to comply with the regulations that apply to it;
- b. the plight of the owner is due to unique circumstances; and
- c. the variation, if granted, will not alter the essential character of the locality.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. That Special Use of the Property is hereby granted to permit multi-family units on the second floor of an existing building including the parking variation.

SECTION 2. This approval is subject to the following conditions:

1. The Special Use shall substantially conform to the staff report dated April 1, 2024, renderings, architecture plans prepared by Batir Architecture, LTD., dated October 5, 2022 except as such plans may be modified to conform to the Village codes and ordinances.
2. Approval by the Community Development Director for a plan to keep the second means of egress, through the fire escape, clear and unobstructed to the public way, including painting a striped path to the Curtiss Avenue right-of-way.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use is granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and/or revocation of the Special Use granted herein.

SECTION 4. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

I:\mw\ord.22\SU-5133-Main-w-var-24-PCE-0006



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
APRIL 1, 2024 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
24-PCE-0006 5133 Main Street	Special Use – Apartments/Condominium and a Parking Variation	Emily Hepworth, AICP Development Planner

REQUEST

The petitioner is requesting approval of a Special Use in the Downtown Core (DC) zoning district for apartments/condominium units on the second floor of an existing building, with a parking variation at 5133 Main Street.

NOTICE

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

GENERAL INFORMATION

OWNER: 5133 Main, LLC
321 Center Street
Hillside, IL 60162

PETITIONER: Tim Winter
FS Real Estate LLC
321 Center Street
Hillside, IL 60162

PROPERTY INFORMATION

EXISTING ZONING: DC, Downtown Core
EXISTING LAND USE: Commercial (first floor), Residential (second floor)
PROPERTY SIZE: 0.12 acres (5,402.7 square feet)
PINS: 09-08-303-013

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	DC, Downtown Core	Downtown
SOUTH:	DC, Downtown Core	Downtown
EAST:	DC, Downtown Core	Downtown
WEST:	DC, Downtown Core	Downtown

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. Location Map
3. Project Narrative
4. Special Use Criteria
5. Variation Criteria
6. Plat of Survey
7. Architectural Drawings
8. Building Elevations

PROJECT DESCRIPTION

The petitioner is requesting reestablishment of a special use for an apartment/condominium on the second story of the subject property, with a parking variation. The subject property at 5133 Main Street is zoned DC, Downtown Core. The proposed use is an allowable special use in the DC zoning district.

The apartments located on the second floor of subject property have not been occupied since March 2023. Per Section 28.12.050(i)(4) of the Municipal Code, if any special use is discontinued or not in operation for a continuous period of six (6) months or more, the special use for such use is void, and such use may not be reestablished unless and until a new special use is obtained.

The petitioner is proposing to renovate the formerly occupied eight units into seven units. The proposed seven unit concept will include five one-bedroom units and two two-bedroom units. All units are currently, and will remain, on the second floor of the structure. Access to the units is provided by stairs from the entrance off of Main Street and an external stairwell in the eastern alley which can be accessed from Curtiss Street. The eastern alley is also currently used for temporary storage, by the first floor restaurant. To ensure the second means of egress is not impeded by the temporary storage, staff proposes a condition of approval that the exit path is striped and painted leading residents to Curtiss Avenue. Lastly, façade changes include the replacement of existing windows and painting, which are not subject to the Downtown Design Guidelines.

COMPLIANCE WITH THE ZONING ORDINANCE

The property is zoned Downtown Core (DC). Per Section 28.5.010 of the Zoning Ordinance, apartments/condominiums are allowed as an allowable Special Use in the DC zoning district. The existing building complies with the DC bulk regulations, but a variance for the required parking has been requested. With seven units proposed the apartment/condominiums would require 10 spaces, with zero parking spaces provided. Historically, the subject property has never provided on-site parking.

Per Municipal Code Section 28.7.030, residential uses in the DC zoning district are required to provide 1.4 parking spaces per dwelling unit. As mentioned above, designated parking has not historically been provided on site for the units. The requested parking relief is further discussed under Traffic and Parking.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan places this property within the Downtown Focus Area. The Downtown Focus Area key concepts include:

- Development that is pedestrian-oriented and walkable
- Maintain a sense of enclosure
- Maintain a commitment to quality architecture

The Comprehensive Plan also places the subject site within the Downtown Functional Subarea - Downtown Core. The Comprehensive Plan notes this area should maintain the existing built form. The Comprehensive Plan identified the following key concepts for this subarea:

- Residential uses should be on the upper stories of mixed-use buildings
- Foster a walkable environment
- Building heights not to exceed three stories and be respectful of the existing structures
- Limited onsite parking, encouraging the use of parking decks

The Comprehensive Plan also encourages transit oriented development to take advantage of transportation opportunities. The proposed development is consistent with the transit oriented development approach as it promotes residential uses within a 10-minute walk of the Main Street Metra station. The residential areas section of the Comprehensive Plan encourages modernizing and reinvesting in existing residential uses. Mixed use residential is especially encouraged in the Downtown area due to the proximity to goods, services, jobs, and public transportation.

The proposed improvements are consistent with the Comprehensive Plan.

ENGINEERING/PUBLIC IMPROVEMENTS

There are no proposed public improvements associated with this application.

TRAFFIC AND PARKING

Per Municipal Code Section 28.7.030, residential uses in the DC zoning district are required to provide 1.4 parking spaces per dwelling unit. As mentioned above, designated parking has not historically been provided on site for the units. The building's existing footprint does not provide for retrofitting parking on the site. To accommodate properties that historically have not offered on-site parking in the Downtown, the Village offers residential parking permits for the Village's Downtown parking deck. These are available for an annual fee and provide designated spots for permit holders. Previous residents of the apartments have obtained parking passes from the Village.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division reviewed the proposal. Minor safety upgrades will be required, including the installation of a fire-rated door and fire alarm upgrades. These items will be reviewed and finalized during the building permit review.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the subject property in addition to posting two the public hearing signs and publishing a legal notice in the *Daily Herald*. Staff received two public inquires prior to the public hearing, inquiring about the intended use and parking requirements.

STANDARDS OF APPROVAL

The petitioner is requesting approval of a Special Use in the Downtown Core (DC) zoning district for apartments/condominium units on the second floor of an existing building, with a parking variation. The petitioner has submitted a narrative that attempts to address all the standards of approval. The Plan Commission should consider the petitioner's documentation, the staff report and the discussion at the Plan Commission meeting in determining whether the standards for approval have been met:

Special Use

Section 28.12.050.H Approval Criteria – Special Uses

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the petitioner has presented evidence to support each of the following conclusions:

1. *That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;*

2. *That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.*
3. *That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.*

Variation

Section 28.12.090.G Standards and Review Criteria

Zoning Variations require evaluation per Section 28.12.090.G of the Zoning Ordinance, Standards and Review Criteria: “No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner. The consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:”

1. *The subject property cannot yield a reasonable return if required to comply with the regulations that apply to it.*
2. *The plight of the owner is due to unique circumstances.*
3. *The variation, if granted, will not alter the essential character of the locality.*
4. *That the particular physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*
5. *That the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification.*
6. *That the alleged difficulty or hardship was not created by the current property owner.*
7. *That the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.*
8. *That the proposed variation will not alter the essential character of the area.*
9. *That the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.*

DRAFT MOTION

Staff will provide a recommendation at the April 1, 2024 meeting. Should the Plan Commission find that the request meets the standards of approval for a Special Use staff has prepared a draft motion that the Plan Commission may make for the recommended approval of 24-PCE-0006:

Based on the petitioner’s submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for a Special Use and parking variation as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 24-PCE-0006, subject to the following conditions:

1. The Special Use shall substantially conform to the staff report, renderings, architecture plans prepared by Batir Architecture, LTD., dated August 26, 2022 except as such plans may be modified to conform to the Village codes and ordinances.
2. Approval by the Community Development Director for a plan to keep the second means of egress, through the fire escape, clear and unobstructed to the public way. This will involve painting a striped path to the Curtiss Avenue right-of-way.

24-PCE-00306, 5133 Main Street
April 1, 2024

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Staff Report Approved By:

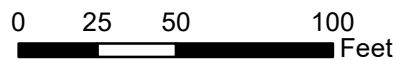
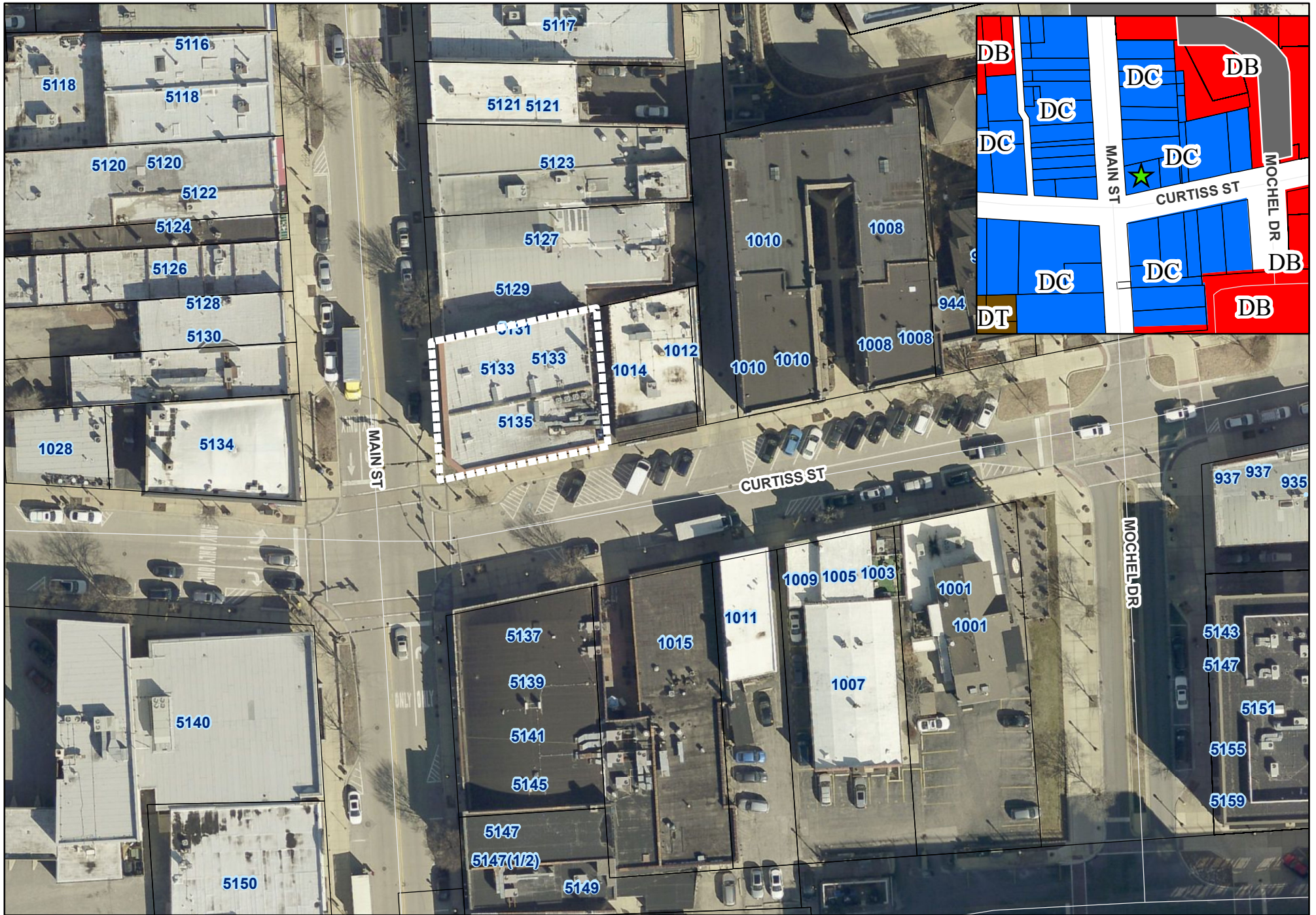


Stan Popovich, AICP
Director of Community Development



SP: eh

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5133 Main Street - Location Map

-  Subject Property
-  Project Location



Via: Electronic Submittal

March 13, 2024

Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60514

**RE: Special Use Proposal for 5133 Main St., Downers Grove
2nd Floor Apartments, Remodeling Project**

Dear Village of Downers Grove,

We are writing to formally notify the Village of Downers Grove of our intent to propose a remodel of the second story residential apartments located at 5133 Main Street (the "Property") located at the Northeast corner of Main Street and Curtiss. The Property is mixed-use with commercial uses on the first floor (Pierce Tavern and Style Studio), and vacant apartments located on the second floor.

The Property was acquired by 5135 Main, LLC (the "Owner") in March 2021. Upon acquiring the property, Owner undertook to complete remediation work to eliminate certain mold growth and asbestos containing building materials found on the second floor. Owner was able to vacate the second floor tenants, enabling Owner to address these conditions, which I am pleased to inform you, have been successfully mitigated.

Owner's plan for the second floor is to transform it into attractive residential apartments, contributing positively to the aesthetics and functionality of the neighborhood. The proposed remodel includes modern finishes that not only enhance the overall appeal of the building but also ensure a comfortable and safe living environment for its residents. The second floor residential use is consistent with the Downtown Core ("DC") zoning district regulations which are intended to maintain and promote a compact core within the downtown area for shopping, dining and entertainment with residential uses above.

Owner is requesting a variance to address the minimum parking requirements for residential uses in the DC zoning district. Current requirements provide for 1.4 off-street parking spaces per dwelling unit. The building does not have any off-street parking, and to Petitioner's knowledge has never had any off-street parking. Previously, the building had 8 apartment units on the second floor and no off-street parking. Owner's proposed plans are to reduce the number of residential units to 7 apartments. Due to the configuration of the building on the existing lot, no off-street parking can be added. The lack of off-street parking is a "nonconformity" under current zoning regulations for which Petitioner seeks relief through a variance waiving the off-street parking requirements..

321 Center Street
Hillside, Illinois 60162

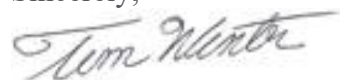
fsrealestatellc.com

We understand the importance of community involvement and collaboration. As such, we welcome the opportunity to discuss our proposal further and address any concerns and suggestions from the Village. We are committed to complying with all local regulations and codes, and we believe that our proposed remodel aligns with the vision and goals of the community.

Enclosed with this letter, you will find updated plans and exterior elevation renderings for the proposed remodel. We hope that these documents provide a comprehensive overview of our intentions.

Thank you for your time and consideration. We look forward to working together to bring our vision for 5133 Main Street to fruition and contribute positively to the Village of Downers Grove.

Sincerely,

A handwritten signature in cursive script that reads "Tim Winter".

Tim Winter, PE



Special Uses

Review and Approval Criteria

Form #PC02

Address of Project Site: _____

A detailed response to all of the standards shall be provided, specifying how each standard is or is not met.

Section 28.12.050.H. Approval Criteria (Special Uses)

No special use may be recommended for approval or approved unless the respective review or decision making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located.

The Project is located in the "Downtown Core" (DC) zoning district. Within the DC zoning district apartments are expressly authorized as a Special Use, provided the apartments are located on the second floor or above. (See Zoning Ordinance Allowed Uses Table 5-1; subject to Specific Limitation [17]). The second floor apartments within the building, once the remodeling project is completed, will be a continuation of the prior use of the second floor.

2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

The proposed use is both necessary and desirable. The use will restore the residential space that was vacated in order to remediate conditions within the building. The second floor multi-family use is consistent with the comprehensive plan and the mixed-use of the building. Restoring the second floor apartments will complement the Downtown Core district by providing substantial upgrades to the existing building and will re-establish the apartment residences in close proximity to public transit. These benefits are in the interest of public convenience and both contribute to the general welfare of the Downtown Core district. The apartments will also provide a residential option for those unable to afford a single family home within Downers Grove, promoting diversity within Downers Grove.

3. That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

The proposed second floor use will not be detrimental to the health, safety or general welfare or persons residing or working in the vicinity of the property, will not be injurious to property values or other improvements in the vicinity. Applicant is seeking to renovate and improve its existing building located in the Downtown Core area. The up-keep and reinvestment into the building will provide an overall benefit to the Downtown Core area. The residential apartments are a continuation of the prior use of the second floor and are a customary use for the mixed-use nature of the building and others in the Downtown Core area.



Variations

Review and Approval Criteria

Form #ZA3

Address of Project Site: _____

A detailed response to all of the standards shall be provided, specifying how each standard is or is not met.

Section 28.12.090.G. Approval Criteria (Variations)

Variations require evaluation per Section 28.12.090 of the Municipal Code, *Standards and Review Criteria*: “No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner. The consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:”

1. The subject property cannot yield a reasonable return if required to comply with the regulations that apply to it.

The property is mixed-use with commercial space on the first floor and residential apartments on the second floor. Under the existing configuration of the second floor, there are eight (8) apartments and Owner’s renovation plans are to convert the second floor to have a total of seven (7) apartments. There is no off-site parking associated with the property. Historically, to the best of Owner’s knowledge, there has never been any off-street parking for the property based on the configuration of the building on the subject lot and off-street parking cannot be added. If the Owner is not permitted to continue with the use of the second floor of the building as residential apartments due to the lack of off-street parking, it will not be able to yield a reasonable return with respect to the property due to the elimination of the income from the apartment rentals.

2. The plight of the owner is due to unique circumstances.

The Owner’s plight is unique in that the building is situated on a lot with no excess land area to provide off-street parking, but the property has historically benefited from its mixed-use characteristics, inclusive of the second floor residential apartments, for an extended period of time.

3. The variation, if granted, will not alter the essential character of the locality.

“In addition, the hearing body must also take into consideration the extent to which the following facts, favorable to the property owner, have been established by the evidence:”

1. That the particular physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

Based on the size of the lot on which the building is situated and its location, there is no ability for the Owner to satisfy any requirement for off-street parking at the property. Strict enforcement of the zoning requirements for parking would impose an undue hardship on the Owner since the requirement cannot be met.

2. That the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification.
Many of the buildings in the same area of downtown and along Main Street are similarly situated to the subject property in that the buildings have residential apartments are located on the second floor, with commercial use on the first floor. These are, predominantly, older buildings and were not constructed to accommodate, or provide, off-street parking. These other buildings continue to be used for their intended mixed-use (commercial and residential) purpose and are not required to provide off-street parking as a condition upon such continued use.
3. That the alleged difficulty or hardship was not created by the current property owner.

The current owner has not made any changes to the property such that the current hardship could be attributed to the current owner's acts. The building is the same size and configuration as it was when purchased by the current owner.

4. That the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The requested variance will not cause any impairment to any adjacent properties, will not create any public safety issues, and will not diminish or impair any property values. No changes are being made to the overall size or “foot-print” of the existing building the mixed-use characteristics of the building will remain the same, although the current owner plans one less apartment unit.

5. That the proposed variation will not alter the essential character of the area.

The proposed variance will not alter the essential character of the area. No changes are being made to change the size or foot-print of the building and the mixed-use will be the same as has existed in the past.

6. That the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.

The variance will not provide the Owner any special privilege or rights that differ from other properties in the same district. Many of the properties along main street in the same district have the same mixed-use (first floor commercial and second floor residential) and do not have off-street parking.

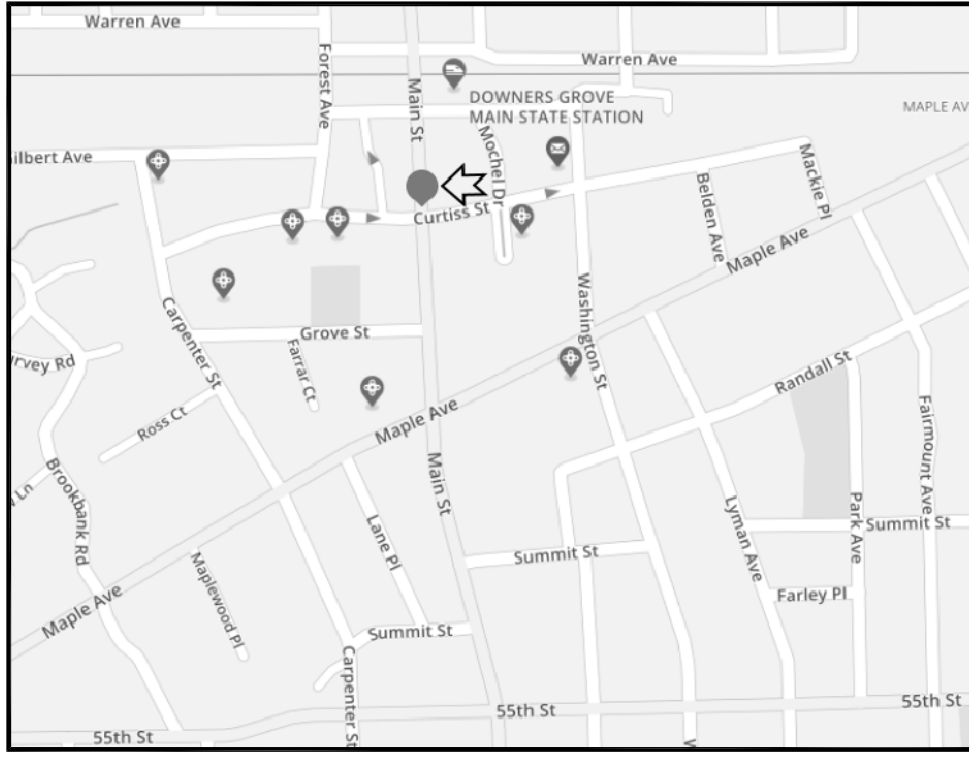
A.L.T.A. / N.S.P.S. LAND TITLE SURVEY

P.I.N. 09-08-303-013

OF
THE WEST 82 FEET AS MEASURED ALONG THE SOUTH LINE AND PARALLEL TO THE WEST LINE OF LOT 10 IN BLOCK 5 IN CURTISS ADDITION TO THE TOWN OF DOWNERS GROVE, BEING A SUBDIVISION OF PART OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 8, 1866 AS DOCUMENT 7317, IN DUPAGE COUNTY, ILLINOIS.

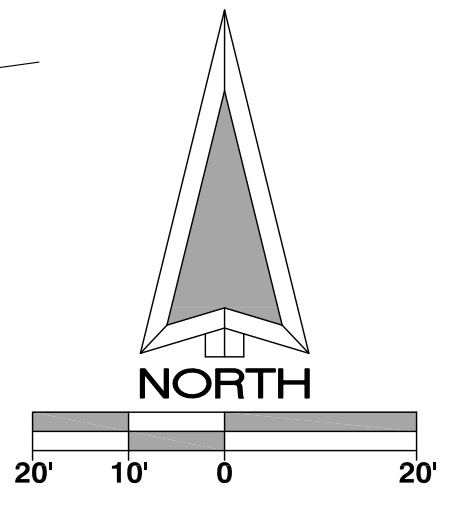
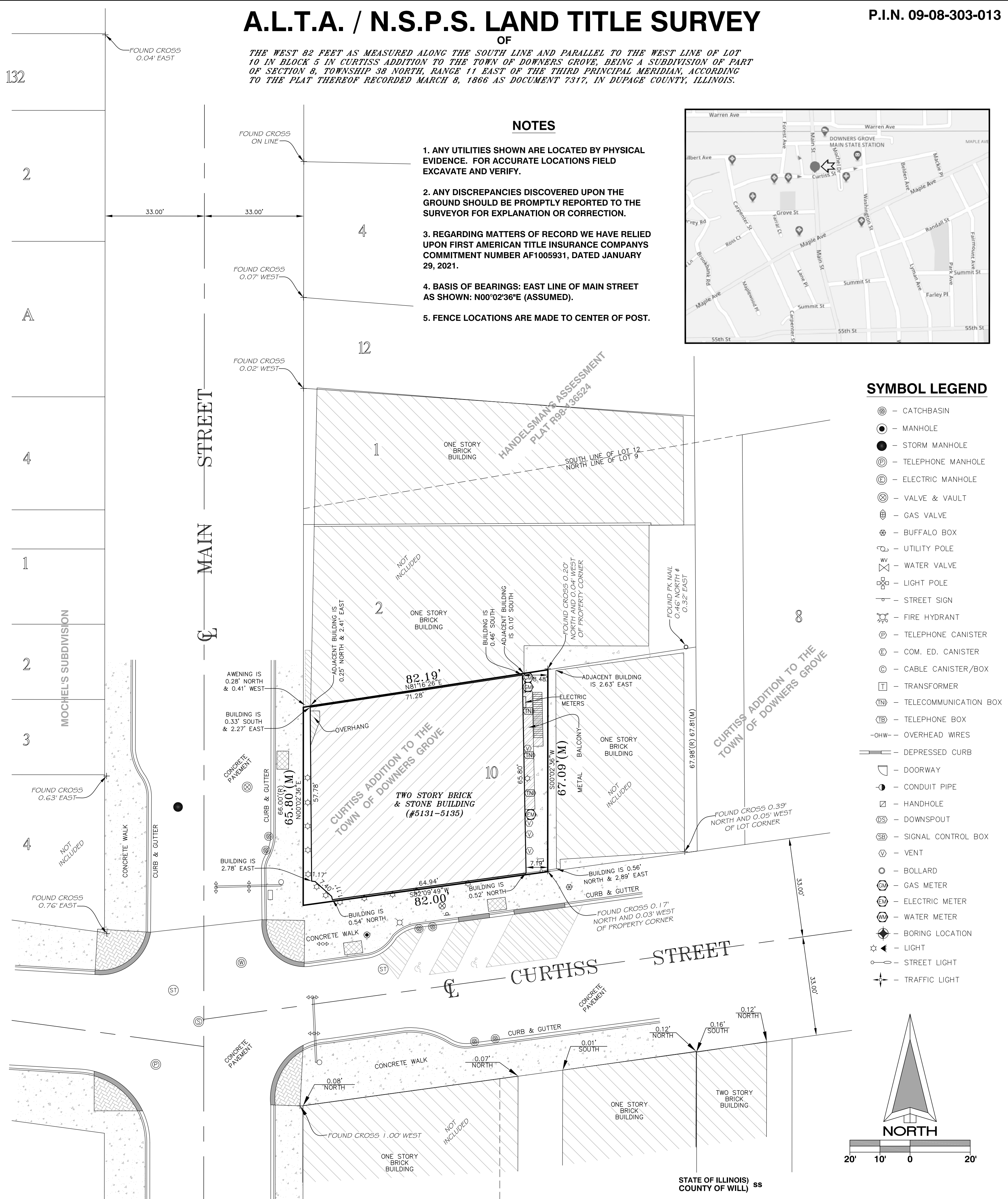
NOTES

1. ANY UTILITIES SHOWN ARE LOCATED BY PHYSICAL EVIDENCE. FOR ACCURATE LOCATIONS FIELD EXCAVATE AND VERIFY.
2. ANY DISCREPANCIES DISCOVERED UPON THE GROUND SHOULD BE PROMPTLY REPORTED TO THE SURVEYOR FOR EXPLANATION OR CORRECTION.
3. REGARDING MATTERS OF RECORD WE HAVE RELIED UPON FIRST AMERICAN TITLE INSURANCE COMPANYS COMMITMENT NUMBER AF1005931, DATED JANUARY 29, 2021.
4. BASIS OF BEARINGS: EAST LINE OF MAIN STREET AS SHOWN: N00°02'36"E (ASSUMED).
5. FENCE LOCATIONS ARE MADE TO CENTER OF POST.



SYMBOL LEGEND

- ⊙ - CATCHBASIN
- - MANHOLE
- - STORM MANHOLE
- ⊙ - TELEPHONE MANHOLE
- ⊙ - ELECTRIC MANHOLE
- ⊗ - VALVE & VAULT
- ⊕ - GAS VALVE
- ⊕ - BUFFALO BOX
- ⊕ - UTILITY POLE
- ⊕ - WATER VALVE
- ⊕ - LIGHT POLE
- ⊕ - STREET SIGN
- ⊕ - FIRE HYDRANT
- ⊕ - TELEPHONE CANISTER
- ⊕ - COM. ED. CANISTER
- ⊕ - CABLE CANISTER/BOX
- ⊕ - TRANSFORMER
- ⊕ - TELECOMMUNICATION BOX
- ⊕ - TELEPHONE BOX
- OHW- - OVERHEAD WIRES
- — — — — DEPRESSED CURB
- ⊕ - DOORWAY
- ⊕ - CONDUIT PIPE
- ⊕ - HANDHOLE
- ⊕ - DOWNSPOUT
- ⊕ - SIGNAL CONTROL BOX
- ⊕ - VENT
- ⊕ - BOLLARD
- ⊕ - GAS METER
- ⊕ - ELECTRIC METER
- ⊕ - WATER METER
- ⊕ - BORING LOCATION
- ⊕ - LIGHT
- ⊕ - STREET LIGHT
- ⊕ - TRAFFIC LIGHT



STATE OF ILLINOIS) ss
COUNTY OF WILL)

TO FIRST AMERICAN TITLE INSURANCE COMPANY AND SEAN CHAUDHRY PROPERTIES, LLC: THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 4, 7(a), 8, 11 (AS OBSERVED ONLY) AND 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON THE 8TH DAY OF MARCH, 2021.

DATE OF PLAT OR MAP: 10TH DAY OF MARCH, 2021.

NOTE:
SOME GROUND IMPROVEMENTS MAY NOT BE SHOWN DUE TO SNOW COVER.

SITE INFORMATION
LOT AREA = 5,397 SQ. FT.
BUILDING FOOTPRINT AREA = 4,607 SF/85%

PREPARED FOR: **TIM WINTER (PALGROUP INCORPORATED)**
JOB ADDRESS: **5131 MAIN ST., DOWNERS GROVE, IL.**
JOB NO.: **21-02-0117** DRAWN BY: **KAB**

NEKOLA SURVEY, INC.
PROFESSIONAL LAND SURVEYING SERVICES
WWW.NEKOLASURVEY.COM
400 N. SCHMIDT RD., STE. 203
BOLINGBROOK, ILLINOIS 60440
(630) 226-1530 PHONE (630) 226-1430 FAX
DESIGN FIRM NO. 184.005564
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IPLS No. 2923
LICENSE RENEWAL DATE: 30 NOVEMBER 2022.

PROJECT:
22004

5133 MAIN ST. APTS.
7 UNIT REMODEL

BATIR
BATIR ARCHITECTURE, LTD.
1121 E. MAIN ST. SUITE 220, ST. CHARLES, IL 60174
PHONE: 630-513-1099 FAX: 630-513-5919
WWW.BATIRARCH.COM

PLAN, NOTES, WALL TYPES

ISSUED:
09-02-22
ISSUED FOR OWNER REVIEW
10-05-22
ISSUED FOR BID

© COPYRIGHT 2022
BATIR ARCHITECTURE, LTD.

SCALE
1/4" = 1'-0"
UNLESS NOTED OTHERWISE

A201

NEW WINDOW SCHEDULE:

NOTE: ALL EXTERIOR WINDOWS TO BE REPLACED WITH NEW LOW-E, DUAL PANE, SINGLE HUNG VINYL WINDOWS. VERIFY ALL SIZES IN FIELD. COLOR : BLACK.

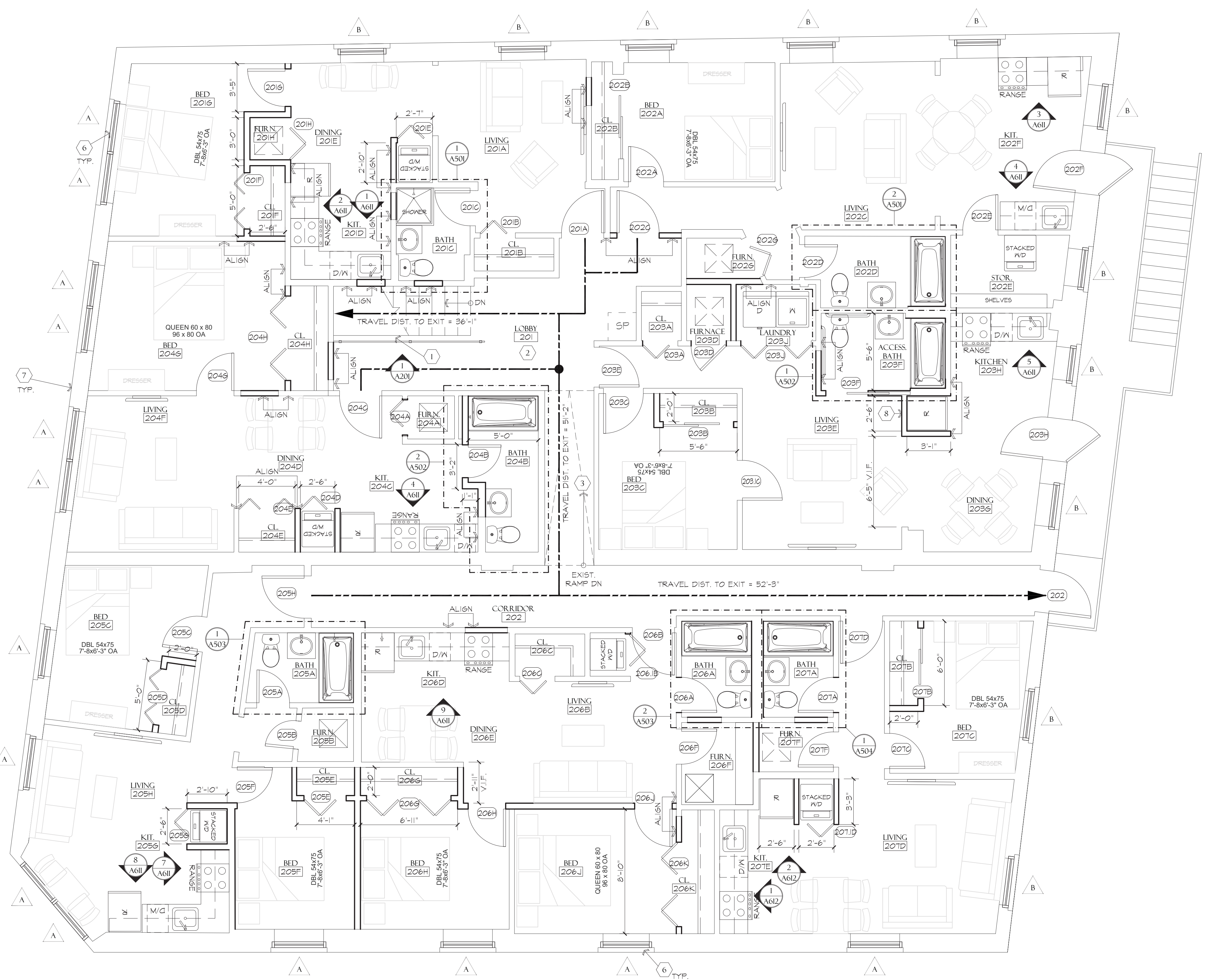
A	3'-8" W x 4'-10" H
B	3'-4" W x 6'-1" H

FLOOR PLAN LEGEND:

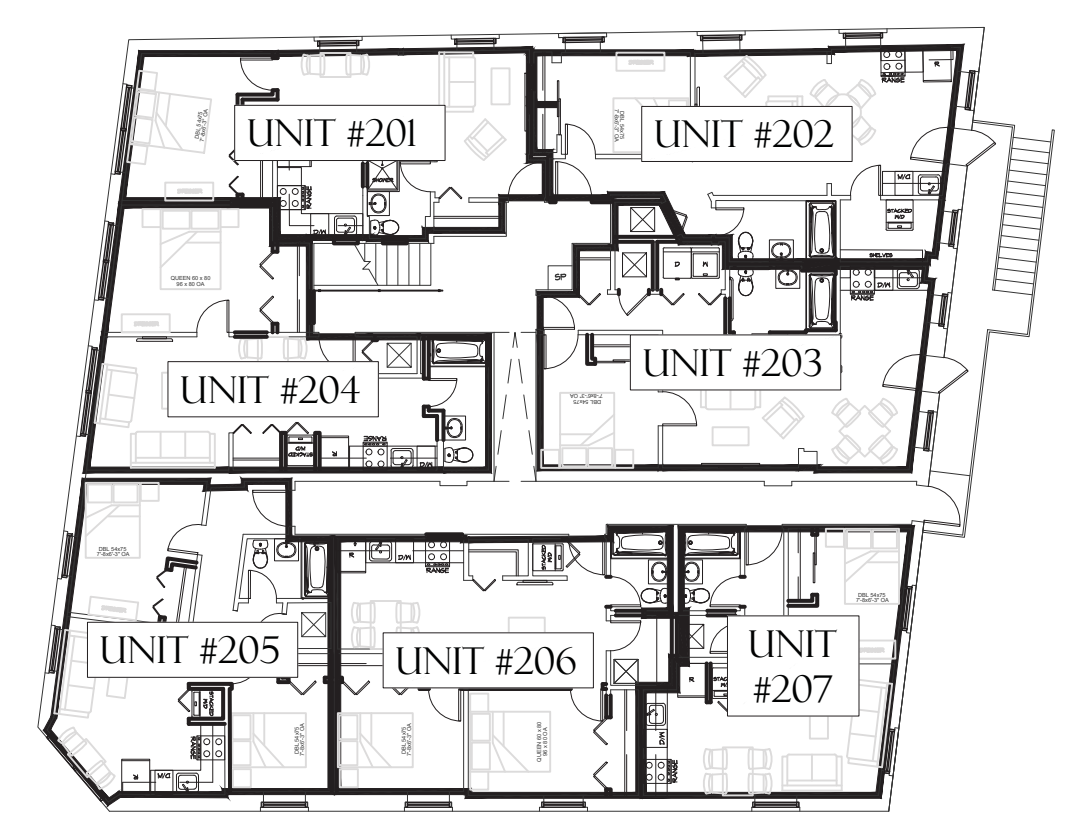
	EXISTING TO REMAIN
	NEW PARTITION
	WALL TYPE. SEE SHEET A201 NOTE: ALL NEW WALLS TO BE TYPE A. TENANT SEPARATION WALLS TO BE TYPE A2.
	KEY NOTE
	DOOR NUMBER. SEE SHEET A801.
	ROOM NUMBER

- PLAN KEY NOTES:**
- PROVIDE NEW GUARDRAIL, PAINTED BLACK.
 - PROVIDE NEW SUBFLOOR TO MATCH ADJACENT FLOOR ELEVATIONS.
 - PROVIDE NEW SUBFLOOR OVER EXISTING BUILT UP RAMP.
 - PROVIDE NEW SALSBUURY COMMERCIAL MAILBOXES, POWDER COAT 1 DOOR VERTICAL MAILBOX. VERIFY LOCATION WITH OWNER. COORDINATE FRAMING AND MOUNTING HEIGHT IN FIELD.
 - PROVIDE NEW HANDRAIL TO MATCH GUARDRAIL AT SECOND FLOOR.
 - MATCH EXISTING BUILDING TRIM COLOR (BLACK).
 - EXTERIOR CORNICE AT ROOF PERIMETER TO BE PAINTED. NEW COLOR TO BE DETERMINED.
 - ALIGN FACE OF WALL WITH EXISTING HEADER ABOVE. SEE REFLECTED CEILING PLAN ON A211.

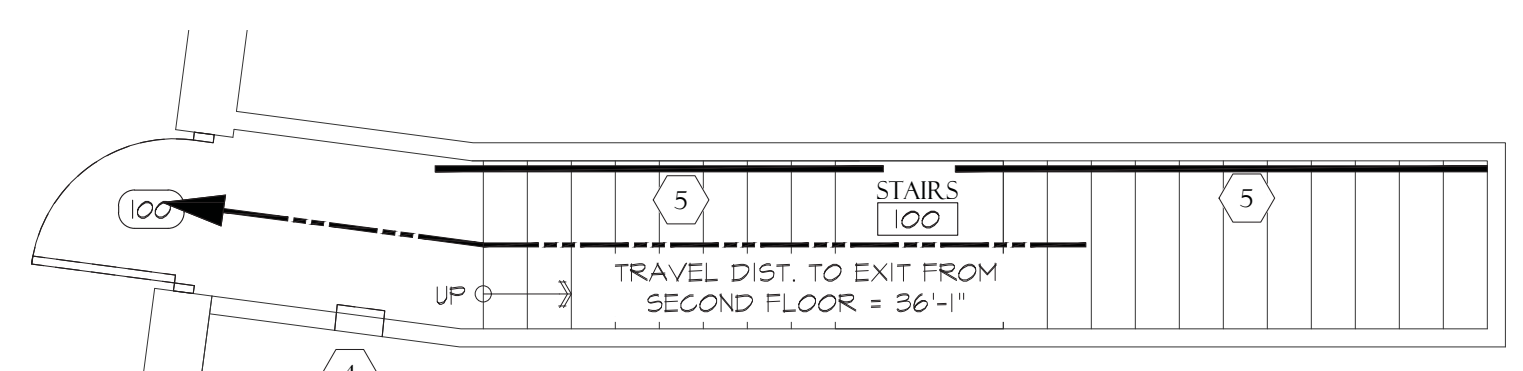
- GENERAL NOTES:**
- CONTRACTOR TO VERIFY CONDITION OF EXISTING WALLS THROUGHOUT. FOR AREAS WITH LIGHT DAMAGE, SKIM COAT AND SAND EXISTING DAMAGE AS REQUIRED. HEAVILY DAMAGED PORTIONS SHALL BE PATCHED OR OVERLAYS WITH NEW 1/2" GYP. BOARD, TAPED, MUDDLED AND SANDED.



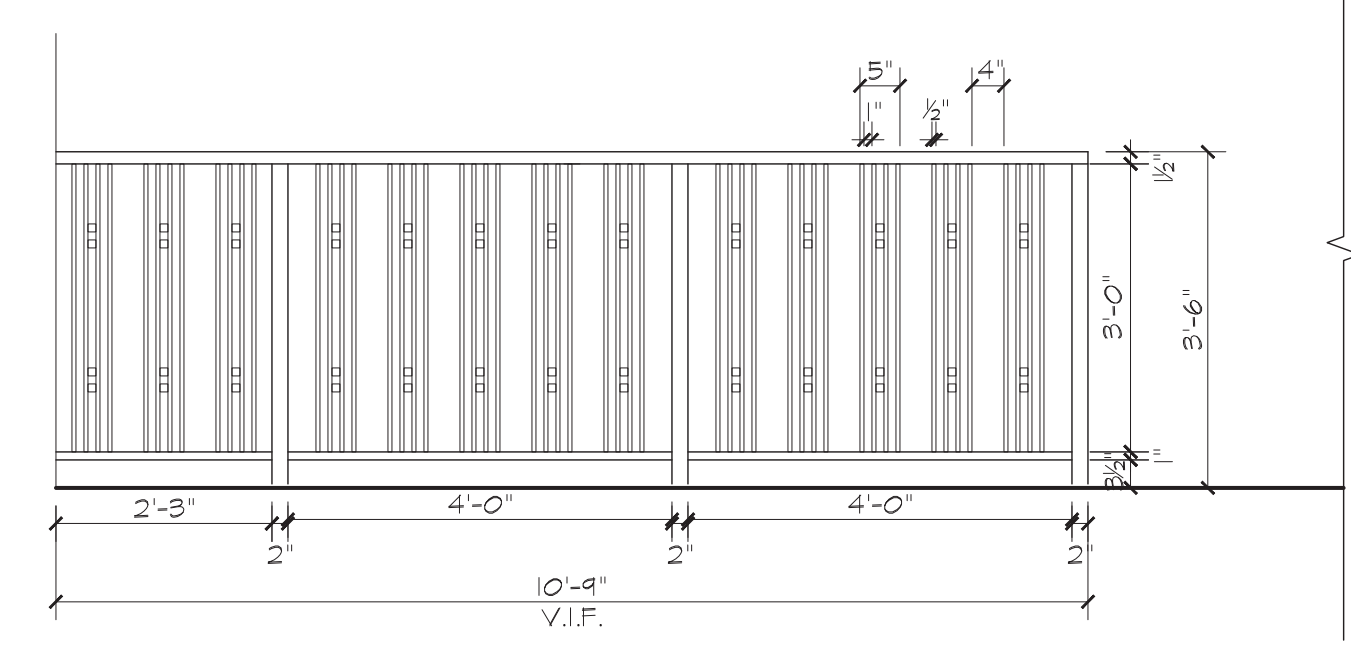
SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"
NORTH



KEY PLAN
SCALE: NOT TO SCALE
NORTH



FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"
NORTH



RAILING ELEVATION
SCALE: 1/2"=1'-0"



DRAFT

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING

April 1, 2024, 7:00 P.M.

24-PCE-0006: A PETITION SEEKING APPROVAL FOR A SPECIAL USE FOR APARTMENTS/CONDOS WITH A PARKING VARIATION. THE PROPOSAL IS FOR SEVEN (7) UNITS ON THE SECOND FLOOR. THE PROPERTY IS CURRENTLY ZONED DC, DOWNTOWN CORE. THE PROPERTY IS LOCATED 30 FEET NORTH OF THE INTERSECTION OF MAIN STREET AND CURTISS STREET, COMMONLY KNOWN AS 5133 MAIN STREET, DOWNERS GROVE, IL. (PINS: 09-08-303-031). TIM WINTER, PETITIONER AND 5135 MAIN, LLC, OWNER.

Tim Winter, petitioner, stated they purchased the building two years ago with eight apartments on the second level that were not in good shape with mold and asbestos, and took time to get the residents out so they can clean it up. He explained that when they came up with a plan they realized the existing use of apartments were no longer valid and that is the reason for the seeking a special use permit. He noted they were also requesting a variance for parking. He said the only real changes to the exterior are updating the pink molding around the windows and roof to black to match the surrounding colors and replace the storefront door going up to the second floor. He expressed there was a question that came up in the public process about the alley in the back, so they will make a straighter path. He expressed the existing lay out and construction was not the most functional, so they will redo the existing rooms to make two 2-bedroom units, and five 1-bedroom units, and add washers and dryers.

Chairman Rickard asked the commissioners for any questions. There were none.

Chairman Rickard asked for public comment.

Scott Richards said his biggest concern was what would be happening to the exterior, so he was happy to hear it would be minimal changes, because many people say the charm of downtown is what brings them there. He stated he would be surprised if people were willing to walk a block to and from the garage, and when restaurants open that would eliminate a lot of sidewalk parking.

Norm Kerr asked if the door on the north of the storefront is what is going to be effected as part of the plan. Chairman Rickard said his understanding was the door the feeds the units is the one that would be replaced and upgraded.

Chairman Rickard asked for the staff report.

Emily Hepworth, Development Planner, stated the property is located on the northeastern corner of Main Street and Curtiss Street and zoned Downtown Core. She said two public notice signs were posted at the site, all property owners within 250 feet of the property were provided a notice, and the notice was posted in Daily Herald. Staff received two public comments pertaining to the special use and requirements. She displayed the existing condition of the building and the proposed floorplan layout. She stated none of the changes being made to the property constitute a review of the

DRAFT

downtown design guidelines. She discussed the parking variation and said the resident will be offered the option of purchasing permits for parking. Ms. Hepworth provided the special use criteria and the variation criteria, and said staff found all criteria had been met.

Chairman Rickard asked for questions for staff. There were none.

Chairman Rickard called the petitioner back up to answer any questions or make any comments.

Mr. Winter agreed that he would not want to walk a block and a half to get his car either, but they want a transit oriented downtown area. He confirmed the entrance of the front door was just north of Pierce Tavern, and they would be providing key fobs for security for residents.

Chairman Rickard asked the commissioners for discussion.

Commissioner K. Patel stated it was a really good plan to bring life back to the building. He said the standards have been met and gave his recommendation.

Commissioner Toth said removing hazardous materials and upgrading windows sounded like a good step in the right direction.

Chairman Rickard expressed the existing conditions are existing and have been that way for a long time, and agreed that needing the special use after being vacant after six months was very warranted to clean it up. He said it seemed like a great project and intended to support it.

BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER TOTH MADE THE MOTION THAT FOUND THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR THE SPECIAL USES AND VARIATION AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST AND THEREFORE THAT THE PLANNING COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 24-PCE-0006, SUBJECT TO THE CONDITION 1 AND 2 STATED IN THE STAFF REPORT.

SECOND BY COMMISSIONER V. PATEL

ROLL CALL:

AYE: TOTH, BOYLE, K. PATEL, V. PATEL, CHAIRMAN RICKARD

NAY: NONE

MOTION APPROVED. VOTE: 5-0

/s/ Celeste K. Weilandt
Recording Secretary

(As transcribed by Ditto Transcripts)