

## COUNCIL WORKSHOP ITEM

**ITEM:** Zoning Commission recommendation regarding Case 2002-01: proposed amendment to the Zoning Ordinance to expand the boundary of the Concentrated Business District to include properties located on the east side of Forest Avenue bounded by Franklin Street on the north and by Warren Avenue on the south; Joseph Pepitone, Petitioner through his attorney James Russ, Jr.

**DATE:** April 2, 2002

**PREPARED BY:** Amanda G. Browne, Department of Planning Services

**PURPOSE:** To consider approval of the requested text amendment.

### **DISCUSSION:**

At their February 21, 2002 meeting, the Zoning Commission conducted its public hearing regarding the proposed text amendment in this case.

As outlined in the minutes, the Zoning Commission unanimously forwarded a positive recommendation to the Village Council in favor of the proposed text amendment.

### **ATTACHMENTS:**

1. Correspondence from Chairman Musielak, dated March 13, 2002
2. Minutes of Zoning Commission public hearing dated February 21, 2002
3. Staff Report, with attachments, dated February 14, 2002

### **RECOMMENDATION:**

To place an Ordinance approving the requested text amendment on an Active Agenda, as recommended by the Zoning Commission.



Village of  
DOWNERS GROVE  
ILLINOIS

*Civic Center*

801 Burlington Avenue  
Downers Grove  
Illinois 60515-4776

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*Village of*

Downers Grove Website

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Community Response Center

630.434.CALL (2255)

March 13, 2002

Mayor Brian Krajewski and Village Council  
Village of Downers Grove  
801 Burlington  
Downers Grove, IL 60515

RE: File No. 2002-01: A text amendment to the Zoning Ordinance amending the boundary of the Concentrated Business District to include properties located on the east side of Forest Avenue bounded by Franklin Street on the north and by Warren Avenue on the south.

Dear Mayor Krajewski and Council Members:

At their February 21, 2002 meeting the Zoning Commission reviewed a proposed amendment to the Zoning Ordinance amending the boundary of the Concentrated Business District to include properties located on the east side of Forest Avenue bounded by Franklin Street on the north and by Warren Avenue on the south.

**MR. STEELE MOVED THAT THE ZONING COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING CASE 2002-01: TO AMEND THE BOUNDARY OF THE CONCENTRATED BUSINESS DISTRICT TO INCLUDE PROPERTIES LOCATED ON THE EAST SIDE OF FOREST AVENUE BOUNDED BY FRANKLIN STREET ON THE NORTH AND BY WARREN AVENUE ON THE SOUTH. MR. GRIESBAUM SECONDED THE MOTION.**

**VOTE: Aye: Mr. Steele, Mr. Griesbaum, Mr. Levin, Ms. Rabatah**

**Nay: None**

**Abstain: None**

**MOTION PASSED: 4:0:0**

Further discussion of these recommendations can be found on pages 2-12 of the February 21, 2002 minutes.

Sincerely,

*Lawrence Musielak*  
(km)

Lawrence Musielak, Chairman  
Zoning Commission

:km

**VILLAGE OF DOWNERS GROVE ZONING COMMISSION  
VILLAGE HALL, COUNCIL CHAMBERS  
801 BURLINGTON AVENUE**

Thursday, February 21, 2002

In the absence of Chairman Musielak, Ms. Rabatah called the meeting of the Zoning Commission to order at 7:30 p.m.

ROLL CALL

**PRESENT:** Mr. Griesbaum, Mr. Levin, Ms. Rabatah, Mr. Steele

**ABSENT:** Mr. Pappalardo, Chairman Musielak

**STAFF:** Amanda Browne, Planner, Department of Planning Services  
Karen Mudra, Recording Secretary

**OTHERS**

**PRESENT:** James Russ, Jr., Joseph Pepitone, Richard Doria, John Kloster, John LeDonne,  
David Tatterson

Ms. Rabatah stated that the first order of business was consideration of approval of the minutes of the November 15, 2001 meeting. She asked if there were any additions or corrections to the minutes. Hearing none, she asked for a motion to accept the minutes as presented.

**MR. GRIESBAUM MOVED THAT THE MINUTES OF THE NOVEMBER 15, 2001 ZONING COMMISSION MEETING BE ACCEPTED AS PRESENTED. MR. LEVIN SECONDED THE MOTION.**

**VOTE: Aye:** Mr. Griesbaum, Mr. Levin, Ms. Rabatah, Mr. Steele

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 4:0:0**

Ms. Rabatah said that a part of tonight's meeting is public hearing on Case 2002-01: to consider a text amendment to the Zoning Ordinance amending the boundary of the Concentrated Business District. She added that the meeting is being recorded on Village-owned equipment.

Ms. Rabatah asked Ms. Browne to enter the legal notice into the record. Ms. Browne said the following legal notice was published in the Downers Grove Reporter on Wednesday, February 6, 2002:

Legal Notice: Village of Downers Grove Notice of Public Hearing - Notice is hereby given that a public hearing will be conducted by the Zoning Commission of the Village of Downers Grove on Thursday, February 21, 2002 at 7:30 p.m. in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, IL.

The purpose of the public hearing is to review the following proposed text amendment to the Zoning Ordinance: Case 2002-01, a request to amend the boundary of the Concentrated Business District to include properties located on the east side of Forest Avenue bounded by Franklin Street on the north and by Warren Avenue on the south.

All interested parties should attend this hearing and will be given an opportunity to be heard. The hearing may be continued from time to time without further public notice. Individuals with a disability requiring reasonable accommodations in order to participate should contact the Community Relations Department at (630) 434-5560 prior to the meeting. Wheelchair access may be gained through the south (side) entrance of the Village Hall. Zoning Commission, Mr. Lawrence Musielak, Chairman. Published in the Downers Grove Reporter, February 6, 2002.

Case 2002-01 :

Mr. Jim Russ of the law firm of Wiedel, Hudzik and Russ, said that he was representing the petitioner in this case, Mr. Joseph Pepitone. He added that Mr. Pepitone and other property owners from the subject area along Forest Avenue were in attendance as well.

Mr. Russ explained that this petition is to amend the boundary of the Concentrated Business District to include the property on the east side of Forest Avenue, south of Franklin Street and north of the first property on the northeast corner of Warren and Forest. He said the entire block is zoned B-2, which is consistent with the zoning for all other properties that are currently located within the boundary of the Concentrated Business District.

Mr. Russ pointed out that at this time, all but three or four of the parcels in the subject area have been converted to commercial uses or are vacant and anticipating future commercial development.

Mr. Russ explained that the Concentrated Business District is an overlay zoning district which allows certain exceptions to the normal zoning requirements in other B-2 zoning districts, such as setback, parking, building height, and greenspace requirements. He said the overlay district was created because of the uniqueness of the downtown area and the nature of the development within that area.

Mr. Russ said that the traditional downtown has businesses that are typically built from property line to property line without much greenspace present on private property. Mr. Russ also noted that the building heights in the downtown area vary from one to three or four stories, and that there are some condominiums on the perimeter of the downtown area that are four or five stories in height.

Mr. Russ said that although these buildings might not have been allowed to develop in the B-2 zoning district elsewhere in the Village, they are permitted in the downtown area because buildings

of that height and with little greenspace are considered typical for traditional downtown developments.

Mr. Russ added that the Concentrated Business District overlay was created to permit this type of development in the downtown area. In addition, Mr. Russ explained that the overlay district is essential to preserving the downtown, as it was designed to foster traditional downtown-like developments rather than eliminating any non-conformities that would exist if the requirements of the underlying B-2 zoning district were enforced. Mr. Russ said that this is an advantage of the overlay district because it permits downtown buildings to be rebuilt or redeveloped. This would not be allowed if the downtown area was restricted to traditional B-2 zoning requirements.

Mr. Russ said the properties on Forest Avenue that are being proposed to be included in the Concentrated Business District are currently zoned B-2, as is the rest of the downtown. In addition, the property uses along this section of Forest Avenue are similar to the uses that have developed on Main Street north of Warren Avenue.

Mr. Russ said most of the properties in the subject area are homes which have been converted to office space. Mr. Russ said that at this time, Mr. Pepitone has no plans to redevelop the property on Forest Avenue; however, in the future there may be an opportunity to develop a portion if not all of the entire section. Mr. Russ said that at this point in time it is Mr. Pepitone's intention to leave the properties as they currently exist and create opportunities for office and/or restaurant uses, which would be appropriate business uses for the converted older homes which exist in the area.

Mr. Russ said they feel that this amendment is needed in order to maintain these properties as viable, income-producing properties which add to the overall economic development of the downtown. He said this block has been viewed as a transition area from the residential areas to its north and west to the commercial uses of the downtown. Mr. Russ said that given the presence of the sound residential areas to the north and west, they do not feel that there is an opportunity for continued expansion of the Concentrated Business District any further than these properties. He said everything beyond the subject block is residential in use and it appears that it will remain so at this time.

Mr. Russ noted that the inclusion of these parcels on the east side of Forest will bring the remainder of the block bounded by Warren on the south, Franklin on the north, Main Street on the east and Forest on the west, into the Concentrated Business District.

Mr. Russ submitted letters from three of the property owners within the subject area along Forest Avenue, all of whom indicated their agreement with Mr. Pepitone's petition. Mr. Russ added that he has spoken to Mr. John Kloster, the owner of the property on the southeast corner of Franklin and Forest, who is also in the audience this evening. Mr. Russ noted that Mr. Kloster has experience in attempting to convert a residential use to a commercial use within the restrictions of the B-2 zoning district.

Mr. Russ asked if the Commissioners had any questions.

Mr. Levin asked if Mr. Russ thought that the subject property was a little out of the way, or off the "main drag" to be considered for inclusion in the Concentrated Business District. He asked how Mr. Pepitone will deal with parking shortages in the area. Mr. Levin wondered if it would be better to table this amendment until the parking deck has been built in the Concentrated Business District.

In response, Mr. Russ said that he does not feel the subject area is that far removed from Main Street. He said he feels these properties have been converted to non-residential uses and have become associated as being part of the downtown area. Mr. Russ noted that all but two of the existing residential structures on this block have already been converted to some type of commercial use. He added that the businesses are located in older residential structures, similar to those on Main Street north of Rogers, which are currently part of the Concentrated Business District.

With regard to Mr. Levin's question regarding parking, Mr. Russ agreed that it is an issue that will have to be addressed. Although he is not aware of any plans at this time for the construction of a parking deck on the north side of the railroad tracks, he pointed out that the economic viability of the uses on this block will depend on some type of parking solution no matter how the properties are used.

Mr. Russ said he feels the property owners will have to provide some degree of off-street parking in order to keep their businesses viable. This could be done either by designating one or more parcels as a common parking lot for the area, or by providing parking on each parcel.

Mr. Levin pointed out that if the area is included in the Concentrated Business District, property owners would not be required to comply with the standard parking requirements. Mr. Russ replied that although commercial uses within the Concentrated Business District are not required to provide off-street parking, he feels that in making good business decisions, businesses will not locate in areas in which there is not adequate parking for their customers and their employees.

Mr. Russ said it is an economic reality that some type of parking will have to be developed for the area. He pointed out that although there is no requirement for any of the businesses along Main Street to provide parking, each business has provided some parking either on their own property, or by purchasing additional property to be used for parking. Mr. Russ said the property owners on Forest will have to solve the problem of providing adequate parking in order to attract businesses to the area.

Mr. Levin suggested adding a parking requirement for this area to the current amendment or tabling the amendment until Mr. Pepitone has a planned development for the area. Mr. Russ explained that Mr. Pepitone currently owns property on Forest that he has not been able to lease because the uses have not been able to meet the current B-2 parking requirements. Thus, instead of having the ability to share parking with other property owners in the area, Mr. Pepitone has been unable to lease the property and it remains vacant.

Mr. Russ said he feels it is more important for buildings to be used and occupied now, rather than waiting until some undetermined point in the future for parking that may or may not be developed for the area. Mr. Russ said the properties along Main Street have always had to deal with a parking shortage and have always managed to come up with a solution to the parking issue. He noted that his office is on the east side of Main Street, north of Warren. The property owners in that area provide a shared common parking lot behind the buildings on that block. Mr. Russ said he believes the property owners along Forest could provide adequate parking in a similar manner. The inclusion of the properties within the CBD will allow them that flexibility to come up with similar types of solutions.

Concerning Mr. Levin's suggestion to add a parking provision to the current proposed amendment, Mr. Russ said that he believes to do so would require a separate petition to amend the particular requirements of the Concentrated Business District, and that the amendment would apply to the entire Concentrated Business District. Mr. Levin said he would rather vote against the proposed amendment until a plan development with adequate parking is submitted.

Mr. Russ said he felt that requiring such a proposal would be forcing an immediate redevelopment of Forest Avenue, which may not be necessary. Mr. Levin said he did not feel that the existing buildings had to be torn down immediately; however, he would like to see a planned development submitted that would be implemented in the future. That way the Commission would have some assurance that there would be adequate parking along Forest.

Mr. Levin asked if on-street parking is permitted on Forest Avenue. Mr. Russ said parking is permitted on the west side of Forest, south of Franklin. In addition, there is parking on the east and west sides of Forest closer to the intersection of Warren and Forest. Mr. Levin asked if the subject property is opposite the AT&T building and the two condominium buildings on Forest. Mr. Russ replied yes.

Ms. Rabatah asked if there were any other questions for Mr. Russ. Hearing none, she asked Ms. Browne to present the staff report.

Ms. Browne said that this is a proposal to amend the text of the Zoning Ordinance to expand the boundary of the Concentrated Business District to include the east side of Forest, south of Franklin and north of Warren Avenue. Ms. Browne said that the Concentrated Business District is a defined overlay that encompasses the core of the downtown. All of the properties within its boundaries are zoned B-2, General Retail Business.

Ms. Browne explained that within the Concentrated Business District overlay there are certain zoning modifications and development opportunities that are allowed that are not otherwise permitted in the B-2 district or in other commercial zoning districts in the Village. She clarified that the Concentrated Business District overlay zoning district does not replace the underlying zoning, rather, it defines an area within which modifications to the zoning requirements have been made.

Ms. Browne said she included the history of the downtown area and its zoning, and the purpose of the Concentrated Business District in the staff report, and if there were no questions, she would forego further review of that information.

Mr. Steele asked what the sizes of the lots are in the area in question. Referring to the overhead projection of the subject area, Ms. Browne said the lots are typically 50 feet by 180 feet. Mr. Steele commented that lots that size is difficult to develop given the requirements for setbacks, greenspace, and parking.

Ms. Browne displayed and reviewed two charts on the overhead projector, both of which were included in the staff report. The first chart was entitled "Applicable Zoning Ordinance Regulations," which she outlined as a comparison of the requirements within the Concentrated Business District and the requirements in other B-2 zoning districts. The second chart was entitled "Parking Ratio Requirements," which was a comparison of parking requirements according to use classification.

Regarding the Zoning Ordinance regulations, Ms. Browne pointed out that the maximum building height requirement in the B-2 zoning district is 35 feet; however, in the Concentrated Business District it is increased to 60 feet. The minimum open space/landscaped greenspace requirement in the B-2 district is 10% of the total lot area, with 50% of that requirement located within the front yard. However, there are no open space/landscaped greenspace requirements in the Concentrated Business District.

Ms. Browne continued that the maximum floor area ratio in the B-2 district is .75 (ie: for every 1,000 square feet of land area, 750 square feet of floor area is permitted). Within the Concentrated Business District the maximum floor area ratio is 3.0 (ie: for every 1,000 square feet of land area, 3,000 square of floor area is permitted.)

Ms. Browne noted that there is no side yard requirement in the B-2 District, nor is one required within the Concentrated Business District. Regarding front yards, in the B-2 District, the front setback is 25 feet plus one additional foot of setback for every two feet in height in excess of 20 feet. However, there is no minimum front setback in the Concentrated Business District.

Regarding the parking comparison chart, Ms. Browne said that the parking requirements of the Ordinance are based upon type of use. Within the Concentrated Business District, properties are exempt from providing off-street parking except in cases where an increase in residential density has been authorized by way of a Planned Development or Special Use. In such a case, parking is required only for that portion of residential density that would otherwise be permitted by the underlying district regulations.

Regarding the specific proposal in this case, Ms. Browne explained that the petition proposes to include 13 properties located along the east side of Forest Avenue between Franklin and Warren in the defined boundary of the Concentrated Business District. She said with the inclusion of these properties, the entire block bounded by Warren Avenue, Main Street, Forest Avenue, and Franklin Street, would be part of the Concentrated Business District. In addition, all of the 13 subject properties are currently zoned B-2, the same as the other properties in the Concentrated Business

District. Ms. Browne distributed an aerial photo of the area, which she also displayed on the overhead projector.

Mr. Levin referred to the aerial photo and noted that most of the businesses along Main Street have some sort of parking provided on their property. Ms. Browne agreed, and Mr. Russ added that properties on the east side of Main Street have provided parking in the rear; however, not all of the businesses on the west side of Main Street have much off-street parking available to them.

Mr. Griesbaum said he feels that in order for any type of development on Forest Avenue to be viable, some parking will have to be provided. Ms. Browne agreed, and added that a good business owner knows what is necessary to create a good business, and will provide some type of parking for his customers and his employees. Mr. Griesbaum noted that Mr. Pepitone has put in parking for his own business on Forest Avenue.

Ms. Browne pointed out that inclusion within in the CBD allows relief from the strict parking requirements of the Ordinance, and it also exempts property owners from the requirement of having to provide a set amount of landscaped greenspace. Those two items coupled together allow the property owners flexibility in accommodating development in this area which was originally developed for single family residential purposes, but which has been designated with a commercial zoning classification and has transitioned into commercial uses.

Mr. Steele asked if, as currently configured, commercial use of these buildings is more trouble than it is worth.

In reply, Mr. Joe Pepitone, 4921 Forest, said that with respect to his own business which is located on this block, he feels it is worth the trouble because he has 13 agents and 6 or 7 staff members and he feels that they provide good service and do a good business. He said he is trying to make the property viable. He pointed out that the B-2 greenspace requirement presents a hardship, as it limits the amount of parking he is currently able to provide on his properties. Concerning future plans for the area, Mr. Pepitone said he hopes his business will remain at its current Forest Avenue location and has no intentions of relocating it at this time. He added that he has leased one building on Forest Avenue to a veterinarian for five years. Mr. Pepitone said he is not looking to do anything by way of a complete redevelopment, rather, he simply wants the ability to make the street more viable.

Concerning long range plans for the area, Mr. Steele asked if Mr. Pepitone feels it is worthwhile to continue to utilize a building that is functionally obsolete for its existing use, rather than putting up a new building specifically designed for commercial use. Mr. Pepitone said he is not sure; he cannot see that far in advance. He added that the area seems to work now for the businesses that are located there. He said he and other business owners in the area have spent considerable amounts of money improving their property. He added that the individual converted homes give the block more character than having one or two large brick buildings, and he feels that character is important to maintain, but it is difficult to do given all of the Zoning Ordinance requirements that apply. Mr. Pepitone concluded that he does feel it is worthwhile to convert and use older residential homes for commercial use.

With regard to the front yard greenspace requirement limiting Mr. Pepitone's ability to provide more parking on his property, Mr. Levin asked if it would help if the Commission recommended a reduction in the front yard greenspace requirement. Ms. Browne interjected that a variation of that type would be under the purview of the Zoning Board of Appeals, and therefore the Zoning Commission could not make that type of recommendation regarding this proposal.

Mr. Levin noted that at the November Zoning Commission meeting, the Commission recommended a reduction in the required front yard greenspace for certain properties located along the I-355 tollway. He asked how this situation differed.

Ms. Browne explained that at the November meeting, the Commission voted to change the text of the Zoning Ordinance as it applies in a particular zoning district, and did so only for a particular location. She said that what is being proposed here is a different type of text amendment. Ms. Browne clarified that the question this evening is whether or not to include the properties along Forest Avenue in the Concentrated Business District. If these properties are included in the Concentrated Business District, they will be afforded all of the zoning modifications allowed to all of the other properties within the Concentrated Business District. Ms. Browne said under the current petition, she does not see an opportunity for the Commission to create a specialized zoning modification area, as one is already in place, namely the Concentrated Business District. It is the petitioner's desire to be located within its boundaries, and for these properties to be subject to the same regulations as the properties already located within its boundaries.

Mr. Pepitone said the definition of real estate is to find the highest and best use of the land. He said he does not feel that this section of Forest Avenue is any different than any other area in the Concentrated Business District, and he feels it should be afforded the same business courtesies and rules and regulations as are afforded to the other properties in the Concentrated Business District.

Mr. Levin said he would normally agree with Mr. Pepitone, except that there is a parking shortage in this area. Mr. Pepitone said he has utilized all the space behind his building to provide parking for his customers and employees and he would like to create more parking. However, given the minimum greenspace requirements he can not do so. If he were located within the CBD, he could find a meeting point between the two issues. He also pointed out that on-street parking is permitted on west side of Forest from Franklin to Warren and for a least half that distance on the east side of Forest.

Mr. Levin asked if it would be better if Mr. Pepitone applied for a reduction in greenspace, rather than inclusion in the Concentrated Business District. Mr. Pepitone replied no. He said they would like to have the same benefits as other businesses in the Concentrated Business District. Mr. Pepitone said he has already leveled the structure that was located on the property that he owns next to the former train store, in the hopes of renting the store to a restaurant and using the adjacent vacant property as a parking lot for several of the businesses in the area.

Mr. Levin asked why he cannot pave the property now and use it as a parking lot. Mr. Pepitone said the greenspace requirement and other restrictions prevent him from doing so.

With respect to Mr. Levin's earlier question regarding a variation on the greenspace requirement from the Zoning Board of Appeals, Ms. Browne said it is not as simple as requesting a reduction or elimination of that requirement. The Ordinance establishes certain criteria that must be satisfied when variations are requested. Additionally, the Ordinance contains additional requirements for particular types of variations. In the case of proposed greenspace reductions, there is a provision in the Ordinance that states that an alternative amount of greenspace must be located elsewhere on the property to the extent that it is practical to do so. Thus, Ms. Browne said that if property owners in this area are trying to provide parking in the back and parking in the front, a greenspace variation may not be a sufficient solution.

Ms. Rabatah asked if any one in the audience wished to comment on this petition.

Mr. John Kloster said he owns the property on the southeast corner of Forest and Franklin. It is an older Victorian style home that he renovated a few years ago with the intent of keeping the Victorian style, but converting the home into office space. Although the renovations were costly, he said he felt it was worth the expense to work in a nice environment. Mr. Kloster asked Mr. Pepitone which of the 13 properties on the block he owns or has contracts to buy.

Mr. Pepitone replied that he owns seven of the 13 properties in question and he pointed them out on the aerial photo supplied by Ms. Browne. Mr. Pepitone added that three of the other property owners on the block, Graham Mosey, 4925 Forest; E. & M. Wonsowski, 4909 Forest; and Joseph Townsend, 4913 Forest, have submitted letters stating that they have no objection to his petition.

Ms. Rabatah said that the fact that Mr. Pepitone owns seven of the 13 properties is positive for providing some sort of parking solution.

Regarding Mr. Levin's concern about parking in the area, Mr. Russ pointed out the existing parking accommodations that have already been made on each of the commercial properties on the block. He said parking is necessary for these businesses to operate and remain viable. However, the existing B-2 zoning district restrictions have somewhat limited the amount of parking that business owners have been able to provide in this area due to greenspace and setback requirements.

Mr. Russ asked Mr. Pepitone and Mr. Kloster if there is currently sufficient parking on the street and on the properties, or if parking has been a problem for their clients. Mr. Kloster replied that they have seven parking spaces in the rear of their building. Mr. Russ added that there is an alley behind all of these properties, which allows access to parking areas located behind the buildings.

Mr. Levin asked if he may assume that for the present Mr. Pepitone is not planning to construct a 6 story building with stores on the first floor and offices above, which would require a great number of parking spaces.

Mr. Pepitone said that at this point, he has no intention to do so. He said he would like to see what happens with Station Crossing before he decides to do anything. He added that he is happy with the current development on the block, and simply wants to be able to make reasonable accommodations for off-street parking which can not be accommodated with all of the other applicable requirements.

Sheriff Richard Doria, said his wife, MaryEllen Provenzale, owns the vacant property at 4941 Forest Avenue. Mr. Doria said she is planning to build a legal office on the property. However, the greenspace and parking restrictions have slowed the process significantly, and have increased the cost of redevelopment. Mr. Doria said he felt it would be better for the Village and for them if the property was utilized, rather than remaining vacant. The inclusion of the property within the CBD will better allow that property to be utilized.

Mr. John LeDonne, 1221 Parkway, commented that the buildings are located fairly close to the sidewalk along that section of Forest Avenue, and he wondered how much additional parking could be provided in the front yards and how it would be accessed with the existing curb cuts. Mr. Pepitone said that every property on the block has a driveway for access to front yard parking and an alley behind the property for access to parking in the rear.

Mr. Russ said there are no plans at this time to put extensive parking in front of every building on Forest Avenue. He said he feels the purpose of including this area in the Concentrated Business District is to allow businesses to move into these properties without having to meet the strict parking requirement of the Ordinance. Currently businesses have been unable to meet these requirements and the property continues to remain vacant.

Mr. Russ said he believes that the main reason for this petition is that this block along Forest is being developed into a commercial area similar to the one located on Main Street, north of the railroad tracks. This petition probably would never have been submitted if these properties had remained residential uses. However, because of the evolution of commercial development along Forest Avenue, this petition becomes viable.

Mr. Dave Tatterson, 1240 Gilbert expressed a general concern about the expansion of the Central Business District into surrounding residential areas. He said he is also concerned that water on this property, as well as on other property north of the railroad tracks, drains through the storm sewers and eventually ends up flooding his backyard on Gilbert Avenue on a regular basis. Mr. Tatterson said his property is on Gilbert Avenue, abutting the railroad tracks. He said that this property on Forest, as well as Block 117, the White Hen Pantry on Main Street, and a large residential area all drain through his backyard. He said his personal concern is for the future development of the area along Forest and the issue of water retention.

Mr. Tatterson said he hopes that if the property is redeveloped at some time, adequate water retention provisions will be made to ensure that he and his neighbors are afforded some relief from the flooding problems, which they have had to endure. Mr. Tatterson said if the property along Forest is redeveloped at some time in the future, he would like the Village to enforce the existing ordinances to protect those who are located downstream in the watershed.

Mr. Levin asked how water from Mr. Pepitone's property along Forest could drain across the railroad tracks and into Mr. Tatterson's yard on Gilbert Avenue. Mr. Tatterson said the water drains through a pipe under the railroad tracks and eventually into St. Joseph's Creek.

Mr. Levin asked if the Commission's decision can be modified by Mr. Tatterson's concerns. Ms. Browne explained that stormwater management review is outside the purview of this Commission, and added that all permits to pave or construct are reviewed by the Engineering Department according to the Stormwater Management Ordinance.

Mr. Steele said he too is concerned about the loss of impervious area. He asked if this petition is approved and if a number of the parcels are redeveloped, would they have to submit a stormwater plan during the approval process. Ms. Browne replied yes, and added that whenever additional paving or new structures are proposed, whether it is for a single lot or for numerous lots under a Planned Development, a stormwater management submittal is required.

Ms. Rabatah said she hoped that Ms. Browne's assurance that all development and redevelopment is subject to review for adequate stormwater management would alleviate Mr. Tatterson's concerns about possible flooding on his property. Regarding his concern about the expansion of the Concentrated Business District, Ms. Rabatah pointed out that most of the properties in question are already commercial in use and thus, she feels it is just a question of whether or not to include this commercial area in the Concentrated Business District.

Ms. Griesbaum said he feels the issue is the ability to include these businesses along Forest in the Concentrated Business District in order to make them more viable for the future. He added that he feels inclusion of the properties in the Concentrated Business District will help the entire business district as well as the businesses on Forest.

Mr. Steele said that overall he feels that the Commission should recommend approval of this petition to the Village Council. Concerning the expansion of the Concentrated Business District, he noted that there are several three or four story buildings on the west side of this block of Forest Avenue, which he feels serves as a high density residential buffer for the single family residential area to the west of Forest. Mr. Steele said that he feels some of these properties will eventually be reconfigured and redeveloped, because the existing lots are too small to be functional for long term commercial use. He added that this block is no longer a residential location.

Ms. Rabatah asked if there is any further discussion. Hearing none, she asked for a motion on Case 2002-01.

**MR. STEELE MOVED THAT THE ZONING COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING CASE 2002-01: TO AMEND THE BOUNDARY OF THE CONCENTRATED BUSINESS DISTRICT TO INCLUDE PROPERTIES LOCATED ON THE EAST SIDE OF FOREST AVENUE BOUNDED BY FRANKLIN STREET ON THE NORTH AND BY WARREN AVENUE ON THE SOUTH. MR. GRIESBAUM SECONDED THE MOTION.**

**VOTE:           Aye:           Mr. Steele, Mr. Griesbaum, Mr. Levin, Ms. Rabatah**

**Nay:           None**

**Abstain:** None

**MOTION PASSED: 4:0:0**

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Ms. Rabatah asked if there was any other business to discuss.

Ms. Browne said that at this time there is only one item on the agenda for the March 14, 2002 meeting.

Ms. Browne informed the audience that the Commission's motion was a recommendation to the Village Council, who has the final authority with respect to the proposed text amendment. Although the date of the Council meeting at which this item would be workshopped has yet to be determined, she told those present in the audience that they may contact her in two or three weeks, at which time she would know the date of the Council's workshop meeting.

Ms. Rabatah asked if there was any other business to discuss. Hearing none, she called for a motion to adjourn.

**MR. STEELE MOVED TO ADJOURN THE MEETING. MR. LEVIN SECONDED THE MOTION.**

**VOTE: Aye: Mr. Steele, Mr. Levin, Mr. Griesbaum, Ms. Rabatah**

**Nay: None**

**Abstain: None**

**MOTION PASSED: 4:0:0**

The meeting was adjourned at 8:28 p.m.

**VILLAGE OF DOWNERS GROVE  
DEPARTMENTAL CORRESPONDENCE**

**TO:** Zoning Commission Members

**FROM:** Amanda G. Browne, Planner  
Department of Planning Services

**DATE:** February 14, 2002

**RE:** **Case 2002-02. A proposed text amendment to Section 28-201 of the Zoning Ordinance to amend the definition of the boundary of the Concentrated Business District to include properties located on the east side of Forest Avenue bounded by Franklin Street on the north and by Warren Avenue on the south.**

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**Introduction:**

Through his attorney, the petitioner is seeking approval of a text amendment to the Zoning Ordinance to amend Section 28-201 with respect to the definition of the boundary of the Concentrated Business District. Specifically, the boundary of the Concentrated Business District is proposed to be expanded to include 13 properties located on the east side of Forest Avenue between Franklin Street on the north and Warren Avenue on the south.

As a matter of background information, the downtown core is subject to a defined overlay district called the Concentrated Business District (CBD). Within this overlay district, certain zoning modifications and development opportunities are permitted that are not otherwise permitted elsewhere within the Village. The overlay district does not, however, replace the underlying zoning classification. All properties within the CBD overlay district are zoned B-2, General Retail Business, and this is the only zoning district within which the zoning modifications apply.

Unlike a zoning district boundary which is established on a map, the boundary of the Concentrated Business District overlay is established in the definitions section of the Zoning Ordinance, specifically Section 28-201. Amendments to the boundary of the Concentrated Business District must therefore be pursued by way of a text amendment to the Ordinance, which requires a public hearing before the Zoning Commission and ultimate approval by the Village Council.

**Zoning History of the Downtown Area:**

The Village's downtown area can be characterized as an older, traditional downtown business district that for the most part was originally established prior to the era of the automobile, and was therefore developed with few privately owned off-street parking facilities. Over the years,

the Village has invested in establishing municipal parking areas throughout the downtown, and also anticipates the construction of a 750-car multi-level parking deck southwest of the intersection of Main Street and Curtiss Street.

In addition to being established prior to the era of the automobile, a significant number of the downtown buildings were constructed either prior to or during the very early years of Village zoning control, which was established in 1923. These buildings typically have little to no front setbacks provided, little to no greenspace, and often share common party-wall construction.

When considering zoning control options in the 1960's when the Village transitioned from the 1923 Zoning Ordinance to a more modern form of the Zoning Ordinance, the Village saw two possible courses of action available to address the downtown area. The first alternative was to establish a uniform set of zoning regulations that would be universally applicable to B-2 zoned properties both in and out of the downtown area. In this scenario, off-street parking, setback and greenspace non-conformities would be required to be rectified as renovations and/or new construction took place, with the understanding that such non-conformities might preclude modifications or additions to existing structures.

The second alternative, and the one chosen by the Village, was to classify the downtown with a zoning district of B-2, but to protect the character of the downtown through the creation of the Concentrated Business District overlay. The Village chose this approach as it's deliberate course of action and drafted the Zoning Ordinance in a manner which ultimately complimented the character of the downtown's buildings and uses rather than attempting to eliminate them over time.

#### **Purpose of the Concentrated Business District:**

In recognition of the character of the downtown and its improvements, and in a deliberate attempt to foster the survival of the downtown, properties within the defined boundary of the Concentrated Business District are afforded certain zoning modifications as compared to the generally applicable regulations of the B-2 District.

Most notably, properties within the Concentrated Business District are exempt from the parking requirements of Article XIV (except in certain multi-family residential developments where an increase in residential density is requested), the front setback requirements of Section 28-1110, and the landscaped greenspace requirements of Section 28-1106. Building height and floor area ratio requirements are also modified within the Concentrated Business District to reflect the district's characteristics.

The following chart outlines the provisions of the Zoning Ordinance as they pertain to the B-2 District in general and as compared to the modified rules for properties located within the Concentrated Business District:

| <b>APPLICABLE ZONING ORDINANCE REGULATIONS</b> |                              |  |
|--|------------------------------|--|
|  | <b>CBD with B-2 District</b> | <b>B-2 District</b>  |
| <b>Maximum Height in feet</b>                  | 60 feet                      | 35 feet  |
| <b>Minimum Required Open Space</b>             | No Requirement in CBD        | 10% of the total lot area, with 50% located within the front yard                              |
| <b>Maximum Floor Area Ratio (FAR)</b>          | 3.0                          | .75  |
| <b>Minimum Side Yard Setback</b>               | No requirement.              | No requirement.  |
| <b>Minimum Front Setback</b>                   | None Required in CBD         | 25 feet plus one additional foot of setback for every two feet of building height over 20 feet |

With respect to off-street parking within the CBD, the parking ratio requirements of Section 28-1410 are not applied to properties within the CBD (except for certain residential developments where an increase in residential density is requested). For informational purposes, the following chart lists the parking ratio requirements for typical uses as required in the B-2 Zoning District as compared to properties within the CBD:

| <b>Use Category</b>                    | <b>PARKING RATIO REQUIREMENTS</b> |  |
|--|-----------------------------------|--|
|  | <b>Within CBD</b>                 | <b>B-2 Zoning District Outside of CBD</b>  |
| <b>Commercial</b>                      | None required                     | 1 space per 300 sq.ft. of gross floor area   |
| <b>Medical offices or clinics</b>      | None required                     | 1 space per 100 sq.ft. of gross floor area for the first 5,000 sq.ft.; 1 per 200 for the next 20,000 sq. ft.; 1 per 400 sq.ft. for the remainder above 25,000 sq.ft. |
| <b>Restaurants (without lounges)</b>   | None required                     | 1 space per 100 sq.ft. of gross floor area   |
| <b>Restaurants with lounges</b>        | None required                     | 1 space per 100 sq.ft. of gross floor area of the restaurant plus 3 per 100 sq.ft. of gross floor area of the lounge   |
| <b>Offices, banks or public admin.</b> | None required                     | 1 per 400 sq.ft. of gross floor area   |
| <b>Residential</b>                     | None required*                    | 2 per dwelling unit  |

\* Except where an increase in residential density is requested by way of a Special Use, which requires a public hearing as well as approval of the Village Council. In such cases, two parking spaces per dwelling unit must be provided for those dwelling units beyond the maximum number of dwelling units that would otherwise be permitted in the B-2 District. (Section 28-1009).

**Proposal to Amend the Boundary of the Concentrated Business District:**

This proposal to expand the boundary of the CBD includes 13 properties located to the immediate north and west of the current boundary of the CBD. The proposal to include these properties would result in the inclusion of the entire block bounded by Franklin Street on the north, Warren Avenue on the south, Main Street on the east and Forest Avenue on the west, as the remainder of the block is currently within the boundary of the CBD.

The subject properties are zoned B-2, General Business District, and have been zoned as such since the adoption of the current form of the Zoning Ordinance in 1965. With the exception of one lot which is currently vacant, the structures within the subject area were originally constructed as single family residences. These structures have been modified over the years to accommodate non-residential uses permitted in the B-2 Zoning District. It is also noteworthy that Forest Avenue is classified as a Collector Roadway.

**Specific Text of the Amendment:**

As previously indicated, the boundary of the CBD is established in Section 28-201 of the Zoning Ordinance, which is the definitions section. The following language represents the specific changes proposed to accommodate the two proposed expansions. Stricken items are proposed to be deleted, double-underlined items are proposed to be added.

*Concentrated Business District.* The Concentrated Business District includes the following areas:

~~(a) Frontage along Main Street from Warren Avenue to Franklin Street, and frontage on the north side of Warren Avenue from Highland Avenue to Forest and frontage on the west side of Highland Avenue from Rogers Street to Warren Avenue;~~

(a) The block bounded by Main Street, Forest Avenue, Franklin Street and Warren Avenue.

(b) Frontage along the east side of Main Street from Franklin Street to Rogers Street.

(c) The block bounded by Main Street, Highland Avenue, Rogers Street and Warren Avenue.

(b) (d) The blocks bounded by Main Street, Warren Avenue, Forest Avenue and Curtiss Street, and the blocks bounded by Main Street, Warren Avenue, Washington Street and Curtiss Street;

(e) (e) Beginning at a point on the south line of Curtiss Street, 465.52 feet west of Main Street; thence south 196.68 feet to a point at the southwest corner of Lot 55 of the Assessor's Subdivision of Section 8, Township 38 North, Range 11 east of the Third Principal Meridian, thence east along the south line thereof 245.52 feet;

thence south to the south line of Grove Street; thence east along said south line to the northwest corner of Lot 1 of Hoefert's Subdivision of Lot 47 of the Assessor's Subdivision of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, thence south along the west line of Lots 1, 2, 3, and 4 of said Hoefert's Subdivision to the southwest corner of said Lot 4, thence east along the south line of said Lot 4 to the west line of Main Street; thence north along said west line of Main Street to the south line of Curtiss Street; thence west along the south line of Curtiss Street to the point of beginning; and

- (d) (f) Frontage along the east side of Main Street from the north line of Lot 20 in Assessors Subdivision of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian to the south line of Grove Street, extended; and
- (e) (g) That part of Outlot 1 in Curtiss' Addition to Downers Grove as recorded as Document Number 7317 lying south of Lot 22 in Assessors Subdivision of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian and lying West of Lot 18 in said Assessors Subdivision; also, Lots 20, 21 and 22 in said Assessors Subdivision; also that part of Lot 18 in said Assessors Subdivision described by beginning on the North line of Maple Avenue at the southwest corner of Lot 18; thence North 1-1/2 degrees West along the West line of said Lot 18 a distance of 118.9 feet; thence North 77 degrees East a distance of 44.2 feet; thence South 4-3/4 degrees East a distance of 107.4 feet to the North line of said Maple Avenue; thence South 65-1/2 degrees West along said North line a distance of 54.2 feet to the place of beginning.
- (f) (h) Beginning at a point on the east line of Main Street at the intersection with the south line of Curtiss Street; thence south along said east line of Main Street to the south line of Grove Street, extended; thence east along said south line of Grove Street, extended, a distance of 380 feet east of the east line of Main Street; thence north along a line parallel to the east line of Main Street to the south line of Tract 2 of Albert P. Nelson's Assessment Plat, a part of Lot 52 of Assessor's Subdivision of Part of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded March 27, 1945 as Document 475345, in DuPage County, Illinois; thence easterly along the south line of said Tract 2 to the southeast corner of said Tract 2; thence continuing east along the extended south line of said Tract 2 to the west line of Washington Street; thence north along said west line of Washington Street to the south line of Curtiss Street; thence west along said south line of Curtiss Street to the point of beginning; and
- (g) (i) Beginning at a point on the northeast corner of the rights-of-way of Warren Street and Highland Avenue; thence east along the north right-of-way line of Warren Street, a distance of 154 feet, east of the east line of Highland Avenue; thence north a distance of 124 feet; thence east, a distance of 60 feet; thence north to the south right-of-way line of Rogers Avenue, thence west to the east right-of-way line of Highland Avenue; thence south to the point of beginning.

**Staff Recommendation:**

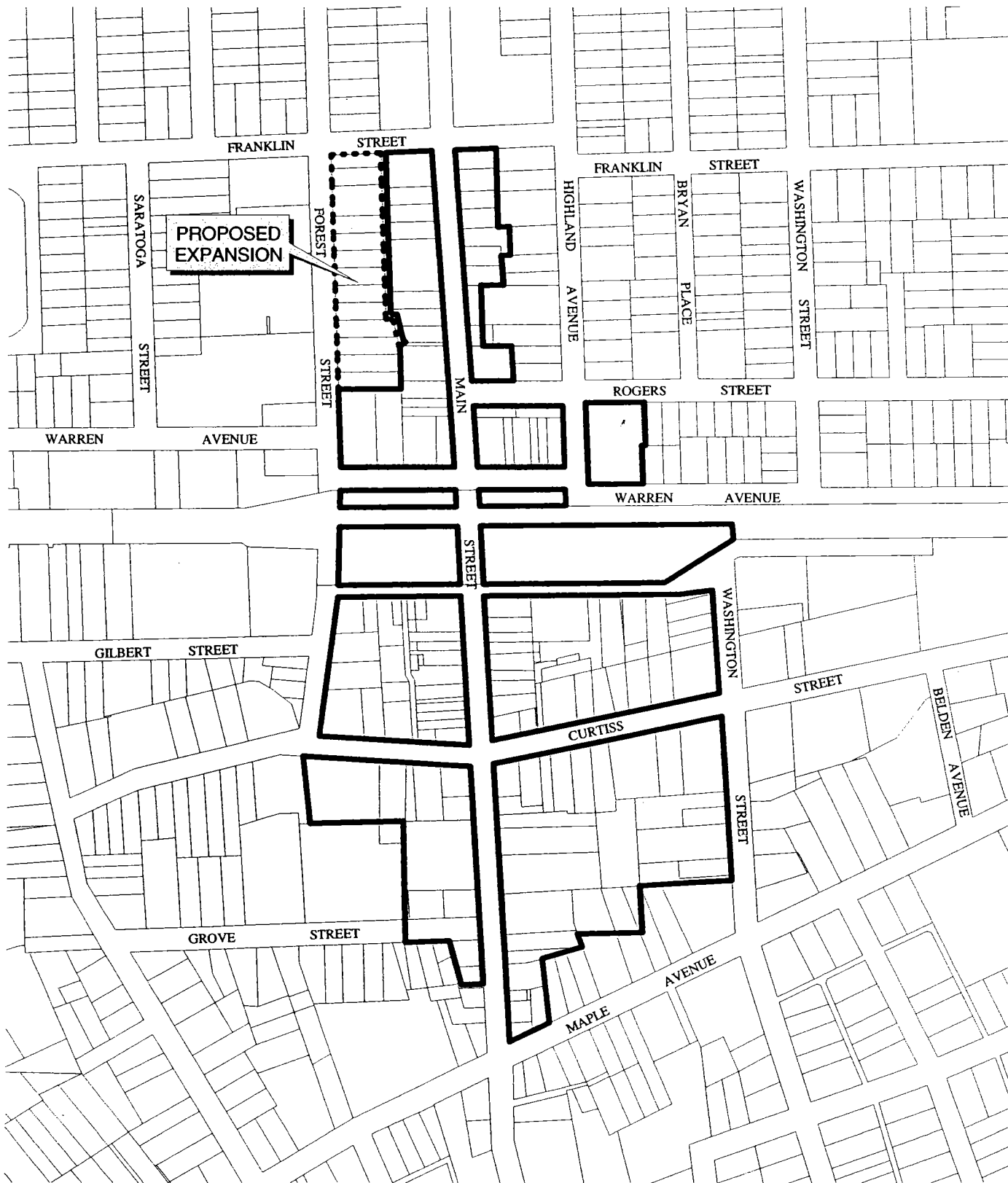
Staff recommends that the proposed amendment be forwarded to Council for approval, and supports the inclusion of the properties within the defined boundary of the Concentrated Business District.

# Village of Downers Grove Concentrated Business District

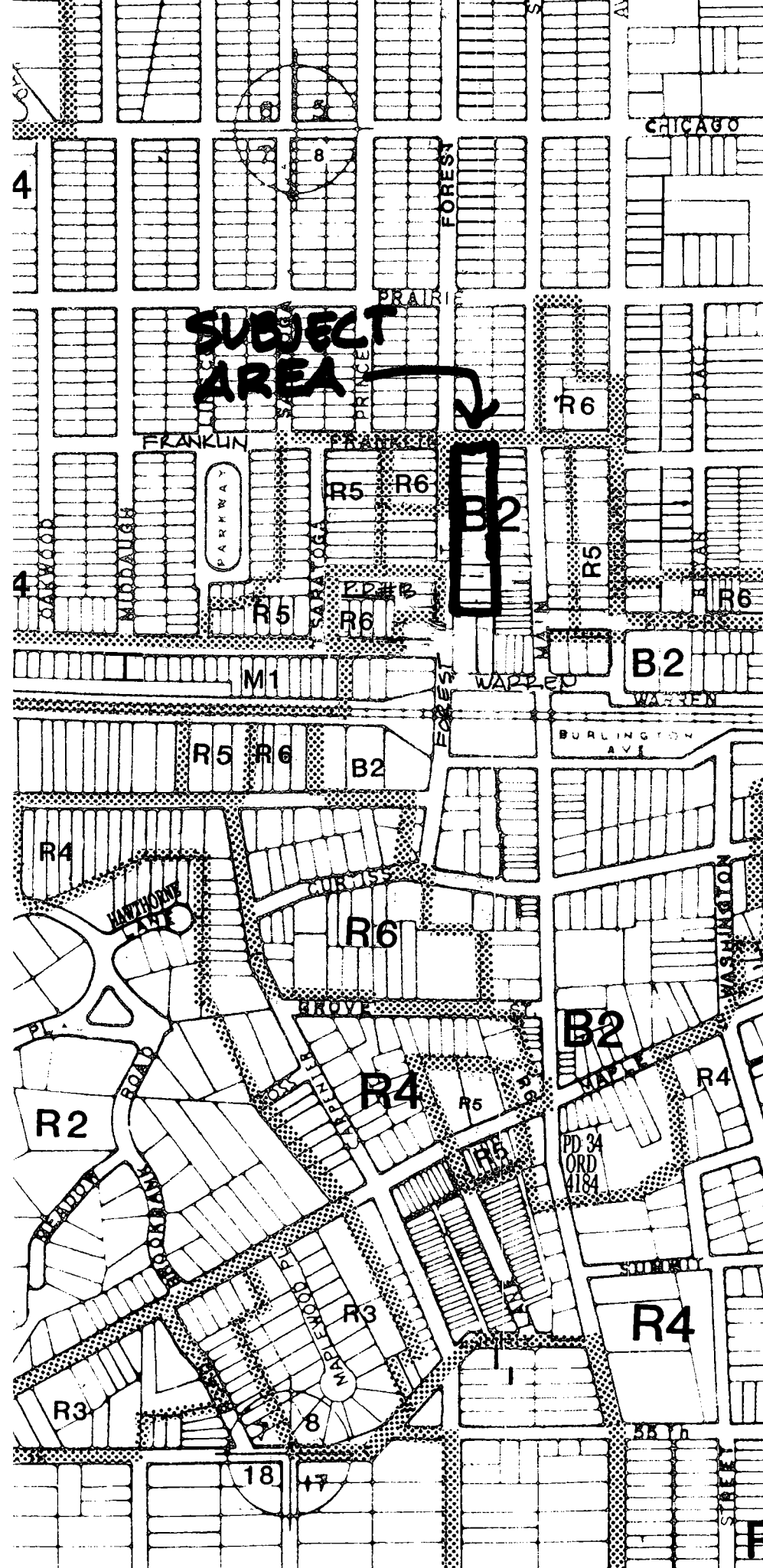
Case 2002-01  
Proposed Expansion To  
Concentrated Business District



Concentrated Business District



SHERIDAN  
R4 2002-C  
**ZONING MAP**  
(FOR INFORMATION ONLY)  
SIRCH AVI



**SUBJECT AREA**

**B2**

R4

R6

R5 R6

R5 R6

B2

R4

M1

R5 R6

R5 R6

B2

M1

R4

R6

R6

R2

R4

B2

R4

R3

R3B

R4

18

17

R4

Date: Feb 17, 2002

To whom it may concern:

I, GRAHAM MUSEY, currently reside at  
4925 FOREST. I am familiar with a Petition by  
Joe Pepitone to expand the concentrated business district boundaries to include the east side of  
Forest Avenue between Florence Avenue and Franklin Street. I have no objection to Mr.  
Pepitone's Petition and am in support of that Petition.

Graham Musey

Date: Feb 18, 2002

To whom it may concern:

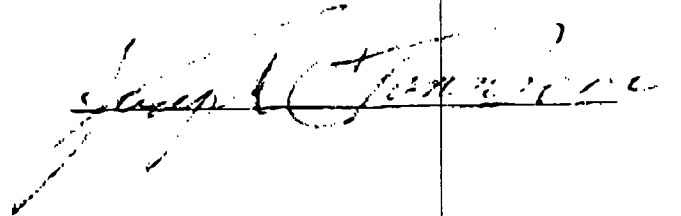
I, Marcello K. Wonsowski, currently reside at  
4909 Forest Ave. Downers Grove, IL. I am familiar with a Petition by  
Joe Pepitone to expand the concentrated business district boundaries to include the east side of  
Forest Avenue between Florence Avenue and Franklin Street. I have no objection to Mr.  
Pepitone's Petition and am in support of that Petition.

Marcello K. Wonsowski

Date: Feb 13, 2002

To whom it may concern:

I, Joseph Townsend, currently reside at  
4913 Forest. I am familiar with a Petition by  
Joe Pepitone to expand the concentrated business district boundaries to include the east side of  
Forest Avenue between Florence Avenue and Franklin Street. I have no objection to Mr.  
Pepitone's Petition and am in support of that Petition.



**MARYELLEN PROVENZALE**  
**ATTORNEY AT LAW**  
1225 Candlewood Drive  
Downers Grove, Illinois 60515

TELEPHONE  
(630)852-2200

TELECOPIER  
(630)852-6363

February 21, 2002

To: The Zoning Commission  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, Illinois 60515

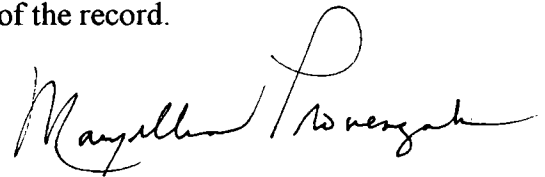
From: MaryEllen Provenzale  
1225 Candlewood Drive; Downers Grove  
Holder of Beneficial Interest of  
4941 Forest Avenue  
Downers Grove, Illinois 60515

Re: Petition for Text Amendment to Zoning Ordinance  
Petitioner: Joseph Pepitone

Members of the Zoning Commission:

I have no objection to the Petition now pending, but this statement is made subject to the absence of any conflict of interest which may have existed, does now exist, or may exist in the future which would accrue to the detriment of the undersigned.

I request that this letter be made part of the record.



MaryEllen Provenzale  
1225 Candlewood Drive  
Downers Grove, Illinois