

**VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY**

**INITIATED:** Applicant

**DATE:** March 5, 2002

**RECOMMENDATION FROM:** Zoning Board of Appeals

**FILE REF:** C-1-02

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

ORDINANCE

Motion to adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE PROVIDING FOR A PUBLIC PARK WITH AN INTERPRETIVE CENTER AND ACCESSORY PARKING, USES AND IMPROVEMENTS", as presented.

**SUMMARY OF ITEM:**

At their meeting of January 23, 2002 the Zoning Board of Appeals voted unanimously to recommend that a Special Use be granted for the Downers Grove DuPage County Forest Preserve District and the Downers Grove Park District Interpretive Center.

**RECORD OF ACTION TAKEN:**

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIAL USE PROVIDING  
FOR A PUBLIC PARK WITH AN INTERPRETIVE CENTER  
AND ACCESSORY PARKING, USES AND IMPROVEMENTS**

WHEREAS, the following described property, to wit:

Parcel 1:

Lot 1 in Forest Preserve District-Lyman Woods Assessment Plat No. 2, being an assessment plat of part of the North Half of Section 32, Township 39 North, Range 11, East of the Third Principal Meridian, according to the said Assessment Plat recorded September 9, 1997, as Document R97-135026, in DuPage County, Illinois (PIN 06-32-101-047)

Parcel 2:

That part of Lots 1 through 8 inclusive, in York Township Supervisor's Assessment Plat No. 4, also known as Butterfield Woods, of part of the Southwest Quarter of Section 29 and the Northwest Quarter of Section 32, all in Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded August 23, 1943 as Document 452578, more particularly described as follows: Commencing at the Northeast corner of Lot 31 in said York Township Supervisor's Assessment Plat; thence South 89 degrees 59 minutes 27 seconds West along the North line of Lots 3, 22, and 31 in said York Township Supervisor's Assessment Plat No. 4, a distance of 948.15 feet to the point of beginning; thence South 00 degrees 00 minutes 33 seconds East, 615.67 feet; thence North 88 degrees 28 minutes 02 seconds West, 126.75 feet; thence South 00 degrees 43 minutes 41 seconds West, 28.38 feet to a point of curvature; thence southwesterly along the arc of a curve concave to the Northwest, having a radius of 70.00 feet; having a chord bearing of South 45 degrees 19 minutes 04 seconds West for a distance of 108.95 feet to a point of tangency; thence South 89 degrees 54 minutes 27 seconds West, 105.49 feet to a point of curvature; thence southwesterly along the arc of a curve, being concave to the Southeast, having a radius of 35.00 feet, having a chord bearing South 44 degrees 54 minutes 27 seconds West for a distance of 54.98 feet to a point of tangency, being a point on the West line of said Lot 8; thence North 00 degrees 05 minutes 33 seconds West along the West line of said Lots 5, 6, 7 and 8, a distance of 344.94 feet to a point 50.00 feet northerly of the Southwest corner of said Lot 5; thence North 11 degrees 13 Minutes 14 seconds East, 50.98 feet to a point on the North line of said Lot 5 that is 10.00 feet East of the Northwest corner of said Lot 5; thence North 00 degrees 05 minutes 33 seconds West along a line 10.00 feet East of and parallel with the West line of Lots 1 and 4 in said York Township Supervisor's Assessment Plat No. 4 a distance of 215.00 feet to the most southerly corner of a parcel of land dedicated per Document No. R70-11086; thence North 12 degrees 54 minutes 23 seconds East along the East line of a parcel of land dedicated per Document No. R70-11086, a distance of 66.69 feet; thence North 79 degrees 22 minutes 21 seconds East along the South line of a parcel of land dedicated per Document No. R70-11086, a distance of 108.54 feet to the most easterly corner of a parcel of land dedicated per Document No. R70-11086, said point being on the East line of Lot 1 in said York Township Supervisor's Assessment Plat No. 4, 50.00 feet South of the Northeast corner thereof; thence South 89 degrees 59 minutes 27 seconds West along a line 50.00 feet South of and parallel with the North line of Lot 1 in said York Township Supervisor's Assessment Plat No. 4, a distance of 101.71 feet to a point on a line 30.00 feet East of and parallel with the West line of said Lot 1; thence North 00 degrees 05 minutes 33 seconds West along said parallel line, being 30.00 feet East of the West line of Lot 1 in said York Township

Supervisor's Assessment Plat No. 4, a distance of 50.00 feet to the North line of said Lot 1; thence North 89 degrees 59 minutes 27 seconds East along the North line of Lots 1, 2, and 3 in said York Township Supervisor's Assessment Plat No. 4, a distance of 308.49 feet to the point of beginning, all in DuPage County, Illinois (PIN Nos. 06-32-101-001,-002,-048, -049, -050, -051).

Parcel 3:

Lot 1 in Forest Preserve District-Lyman Woods Assessment Plat, being an assessment plat of part of the North Half of Section 32, Township 39 North, Range 11 East of the Third Principal Meridian, according to said Assessment Plat recorded October 16, 1995, as Document R95-142635, in DuPage County, Illinois (PIN No. 06-32-101-034),

[said property being located generally southeast of the intersection of Highland Avenue and 31st Street, Downers Grove, Illinois]

(hereinafter referred to as the "Property") is presently zoned "R-1 Single Family Residential" under the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code (which ordinance as heretofore amended, is hereinafter referred to as the "Zoning Ordinance"); and

WHEREAS, the DuPage County Forest Preserve District and the Downers Grove Park District have filed with the Secretary of the Zoning Board of Appeals, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use be granted for the Property to permit improvement of the Public Park with an Interpretive Visitor's Center as well as accessory parking, uses and improvements; and

WHEREAS, such request was referred to the Zoning Board of Appeals of the Village of Downers Grove, and said Zoning Board has given the required public notice, has conducted a public hearing respecting said petition 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 Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Zoning Board of Appeals, is such as to establish the following:

1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community. In particular, pursuant to the mandates of the Illinois Courts in Decatur Park Dist. v. Becker, 14 N.E.2d 490 (1938); Clement v. O'Malley, 420 N.E.2d 533 (1 Dist., 1981), and Wilmette Park Dist. v. Village of Wilmette, 490 N.E.2d 1282 (1986) the Council finds that this determination has been made by the DuPage County Forest Preserve District and the Downers Grove Park District Board and the Village Council has no authority to overrule this determination.

2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity. In particular, pursuant to the mandates of the Illinois Supreme Court in City of Chicago Heights v. Living Word Outreach Full Gospel Church and Ministries, Inc., 2001 WL 290835, March 22, 2001, the special use at this location will not have an adverse effects above and beyond those inherently associated with such a special use irrespective of its location within the zone.

3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.

4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use. Although the term "Public Park" is not expressly defined with the Downers Grove Zoning Ordinance, the proposed Interpretive Center as well as accessory parking, uses and improvements are permitted activities of the DuPage County Forest Preserve District and the Downers Grove Park District under Illinois law.

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

SECTION 1. That a Special Use is hereby authorized for the Property to permit improvement of the Park with a Interpretive Center as well as accessory parking, uses and improvements.

SECTION 2. This approval is granted subject to substantial compliance with the application materials and documents submitted by the DuPage County Forest Preserve District and the Downers Grove Park District in support of this petition including but not limited to the plans and documents which are hereby collectively referred to as the Downers Grove DuPage County Forest Preserve District and the Downers Grove Park District Interpretive Center Special Use Plans: (Reduced copies attached to and made a part of this Ordinance)

SECTION 3. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this ordinance be and are hereby repealed.

SECTION 4. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk