

1
2 **VILLAGE OF DOWNERS GROVE**
3 **ZONING BOARD OF APPEALS**
4 **JANUARY 23, 2002 MINUTES**
5

6 **Call to Order**
7

8 Chairman White called the meeting to order at 7:30 PM.
9

10 **Roll call**
11

12 Present: Mr. Benes, Mr. Gray, Mr. Lukas, Mr. Sleeter, Ch. White

13 Absent: Mr. Detjen, Mr. Domijan
14

15 A quorum was present.
16

17 **Approval of minutes of December 5, 2001 meeting**
18

19 Chairman White asked if there were any corrections or additions to the
20 minutes as submitted. There being none, he called for a Motion.
21

22 Mr. Benes said that in line 22 of the minutes, page 1, Mr. Gray is shown as
23 voting twice, while Mr. Benes is not shown at voting all.
24

25 Mr. Sleeter said that although he will not vote on the minutes of the December
26 5th, 2001 meeting as he was not present, he noted that the vote was 3:2, but
27 the letter of notification said it was a unanimous vote for Case MC-13-01.
28

29 Mr. Sleeter said that as long as he has been on the Board, they have had a
30 requirement that a quorum was four members. He also understood that it
31 required four votes to pass anything. Since Case MC-13-01 passed on a 3:2
32 vote, he thought that should be clarified.
33

34 Mr. Rathje responded that the only time four votes are required to pass a
35 motion for a variation where the Board has final authority and, therefore,
36 requires a majority of the Board members. Anything else being voted on by
37 the Board requires a simple majority of those present at the meeting.
38

1 **Mr. Benes moved to approve the minutes of December 5, 2001 as**
2 **corrected. Mr. Lukas seconded the motion.**

3
4 **Ayes: Mr. Benes, Mr. Lukas, Mr. Gray, Ch. White**

5
6 **Nays: None**

7
8 **Abstain: Mr. Sleeter**

9
10 **Chairman White declared the motion carried 4:0:1.**

11
12 **Meeting Procedures**

13
14 Chairman White explained the procedures to be followed for the meeting,
15 reviewing the four petitions before the Board. He then asked anyone in the
16 audience who intended to testify in any of the petitions in this public hearing
17 to rise and be sworn in.

18
19 Chairman White then asked Ms. Browne to read the published public hearing
20 notice for the first petition.

21
22
23

24 **MC-1-02** A petition seeking annexation and rezoning from County R-4,
25 Single Family Residence District to Village R-3, Single Family Residence
26 District for property located on the West side of Fairview Avenue approximately
27 460.23 feet North of the North line of Buckingham Place, commonly known as
28 6818 and 6822 Fairview Avenue, Downers Grove, IL (PIN NOS. 09-20-419-029,
29 030); Stephen Gawlik, President Custom Venture Homes, Inc.,
30 Owner/Petitioner

31
32 **LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC**

33 **HEARING** - Notice is hereby given that a public hearing will be held by the
34 Zoning Board of Appeals at 7:30 p.m. on Wednesday, January 23, 2002 in the
35 Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove,
36 Illinois, on a petition seeking to rezone property from County R-4, Single
37 Family Residence District to Village R-3, Single Family Residence District
38 upon annexation The properties are located on the West side of Fairview
39 Avenue approximately 460.23 feet North of the North line of Buckingham
40 Place. The properties have addresses of 6818 Fairview Avenue (PIN 09-20-419-

1 029) and 6822 Fairview Avenue (PIN 09-20-419-030), and are legally described
2 as follows:

3 The South Quarter of the South Half of the North Half of the East Half of
4 the Southeast Quarter, excepting the West 4.0 acres thereof and
5 excepting the East 50.0 feet thereof, and except the North 83.0 feet
6 thereof in Section 20, Township 38 North, Range 11, East of the Third
7 Principal Meridian, in DuPage County, Illinois;

8 and

9 The North 83.0 feet of the South Quarter of the South Half of the North
10 Half of the East Half of the Southeast Quarter, excepting the West 4.0
11 acres thereof and excepting the East 50.0 feet thereof, in Section 20,
12 Township 38 North, Range 11, East of the Third Principal Meridian, in
13 DuPage County, Illinois

14 Individuals with a disability requiring a reasonable accommodation in order to
15 participate in any meeting should contact the Community Information Officer
16 at (630) 434-5500 prior to the meeting. Wheelchair access may be gained
17 through the side (South) entrance of Village Hall.

18 All interested persons should attend this hearing and will be given an
19 opportunity to be heard. The hearing may be continued from time to time
20 without further public notice. Zoning Board of Appeals, William White,
21 Chairman. Published in the Downers Grove Reporter, Friday, January 4,
22 2002.

23
24 **Petitioner's Presentation:**

25
26 Steve Gawlik of 4955 Fairview Avenue said that this petition is to annex the
27 property to the Village and rezone it from County R-4, Single Family
28 Residential to Village R-3, Single Family Residential. Mr. Gawlik said the
29 property is currently surrounded on two sides by Village R-3, Single Family
30 Residential zoning. He said the opposite side of Fairview Avenue is
31 incorporated Darien. He summarized by saying they want to annex and
32 rezone the two parcels of property in the Village.

33
34 There being no questions from the Board at this time, Chairman White asked
35 Staff to make its presentation

36
37 **Staff Presentation:**

38
39 Ms. Amanda Browne, Planner, stated that the petitioner has filed a pre-
40 annexation rezoning petition for two parcels of land located on the west side of

1 Fairview Avenue approximately 460 feet north of Buckingham Place. The
2 petitioner is requesting that the subject parcels be zoned R-3, Single Family
3 Residence upon annexation.

4
5 Ms. Browne said the two subject parcels encompass approximately .867 acres
6 of total land area. The northerly parcel has a width of 83.00 feet as measured
7 along its easterly property line along Fairview Avenue, a depth measuring
8 228.26 feet along its northerly property line and 228.06 along its southerly
9 property line, and is approximately .435 acres or 18,948.6 square feet in area.
10 The southerly parcel has a width of 82.71 feet as measured along its easterly
11 property line along Fairview Avenue, a depth measuring 228.06 feet along its
12 northerly property line and 227.8 feet along its southerly property line and is
13 approximately .432 acres or 18,871.92 square feet in area.

14
15 Ms. Browne noted that both subject parcels are currently vacant, and the
16 petitioner has indicated on the rezoning petition that it is his desire to
17 construct one single family residence upon each parcel.

18
19 Ms. Browne said that the subject parcels are shown on the Village's Future
20 Land Use Plan with a land use designation of Residential at 0-6 dwelling units
21 per acre. This land use designation is comparable to the Village's R-1 through
22 R-4, single family residential zoning districts. The subject parcels front on
23 Fairview Avenue which is classified on the Village's Future Land Use Plan as a
24 Minor Arterial roadway.

25
26 Regarding the surrounding property. Ms. Browne said that immediately to the
27 south of the subject parcels is an unincorporated parcel of approximately .96
28 acres in area which is zoned County R-4, Single Family Residential. The land
29 to the north, west and south of the subject area is zoned Village R-3, Single
30 Family Residential. The properties to the east of the subject area across
31 Fairview Avenue are within the corporate limits of the City of Darien, and are
32 zoned R-2, Single Family Residential. She indicated that the petitioner's
33 request for R-3, Single Family Residential zoning upon annexation is
34 consistent with the Village's Future Land Use Plan and with other zoning
35 designations of properties in the surrounding area.

36
37 There being no further questions from the Board, Chairman White called upon
38 anyone from the public who wished to testify either in favor of, or in opposition
39 to the petition. There being none, and no questions from the Board,
40 Chairman White closed the opportunity for further public comment.

1
2 **Board's Deliberation:**

3
4 Mr. Sleeter said the petition seems to be rather clear-cut with the surrounding
5 R-3 properties.

6
7 **Mr. Lukas moved to recommend that in case MC-1-02 the Council approve**
8 **the requested rezoning, upon annexation. Mr. Gray seconded the Motion.**

9
10 **AYES: Mr. Lukas, Mr. Gray, Mr. Benes, Mr. Sleeter, Ch. White**

11
12 **NAYS: None**

13
14 **Chairman White declared the Motion carried unanimously.**

15
16
17

18 Chairman White then asked Mr. Rathje to read the published public hearing
19 notice for the next two petitions as they are related and pertain to the same
20 property.

21
22 **MC-2-02** A petition seeking a rezoning from O-R, Office Research and R-5A,
23 Townhouse Residence District to R-1, Single Family Residence District for
24 property located at the Southeast corner of the intersection of Highland
25 Avenue and 31st Street, Downers Grove, IL (PIN NO. 06-32-101-034); Forest
26 Preserve District of DuPage County and Downers Grove Park District,
27 Owners/Petitioners

28
29 **C-1-02** A petition seeking a special use for a public park to be improved with
30 an Interpretative (Visitors') Center and accessory parking facilities for property
31 located at the Southeast corner of the intersection of Highland Avenue and
32 31st Street, Downers Grove, IL (PIN NOS. 06-32-101-001, -002, -034, -047, -
33 048, -049, -050, -051); Forest Preserve District of DuPage County and Downers
34 Grove Park District; Owners/Petitioners

35
36 **LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC**
37 **HEARING** - Notice is hereby given that a public hearing will be held by the
38 Zoning Board of Appeals at 7:30 p.m. on Wednesday, January 23, 2002 in the
39 Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove,
40 Illinois, on a petition (Case #C-01-02) seeking a special use for an
41 Interpretative (Visitors') Center as well as a petition (Case #MC-2-02) seeking

1 rezoning from O-R, Office Research and R-5A, Townhouse Residence District
2 to R-1, Single Family Residence District. The property is located at the
3 Southeast corner of the intersection of Highland Avenue and 31st Street,
4 Downers Grove, Illinois and is legally described as follows:

5 Parcel 1: Lot 1 in Forest Preserve District-Lyman Woods Assessment
6 Plat No. 2, being an assessment plat of part of the North Half of Section
7 32, Township 39 North, Range 11, East of the Third Principal Meridian,
8 according to the said Assessment Plat recorded September 9, 1997, as
9 Document R97-135026, in DuPage County, Illinois (PIN 06-32-101-047)

10 Parcel 2:

11 That part of Lots 1 through 5 inclusive, in York Township Supervisor's
12 Assessment Plat No. 4, also known as Butterfield Woods, of part of the
13 Southwest Quarter of Section 29 and the Northwest Quarter of Section
14 32, all in Township 39 North, Range 11 East of the Third Principal
15 Meridian, according to the plat thereof recorded August 23, 1943 as
16 Document 452578, more particularly described as follows:

17 Commencing at the Northeast corner of Lot 31 in said York Township
18 Supervisor's Assessment Plat, thence South 89 degrees 59 minutes 27
19 seconds West along the North line of Lots 3, 22, and 31 in said York
20 Township Supervisor's Assessment Plat No. 4, a distance of 948.18 feet
21 to the point of beginning; thence South 00 degrees 00 minutes 33
22 seconds East, 615.67 feet; thence North 88 degrees 28 minutes 02
23 seconds West, 126.75 feet; thence South 00 degrees 43 Minutes 41
24 seconds West, 28.18 feet to a point of curvature; thence southwesterly
25 along the arc of a curve concave to the Northwest, having a radius of
26 70.00 feet; having a chord bearing of South 45 degrees 19 minutes 04
27 seconds West for a distance of 108.95 feet to a point of tangency; thence
28 South 89 degrees 54 minutes 27 seconds West, 105.49 feet to a point of
29 curvature; thence southwesterly along the arc of a curve, being concave
30 to the Southeast, having a radius of 35.00 feet, having a chord bearing
31 South 44 degrees 54 minutes 27 seconds West for a distance of 54.98
32 feet to a point of tangency, being a point on the West line of said Lot 8;
33 thence North 00 degrees 05 minutes 33 seconds West along the West
34 line of said Lots 5, 6, 7 and 8, a distance of 344.94 feet to a point 50.00
35 feet northerly of the Southwest corner of said Lot 5; thence North 11
36 degrees 13 minutes 14 seconds East, 50.98 feet to a point on the North
37 line of said Lot 5 that is 10.00 feet East of the Northwest corner of said
38 Lot 5; thence North 00 degrees 05 minutes 33 seconds West along a line
39 10.00 feet East of and parallel with the West line of Lots 1 and 4 in said
40 York Township Supervisor's Assessment Plat No. 4 a distance of 215.00

1 feet to the most southerly corner of a parcel of land dedicated per
2 Document No. R70-11086; thence North 12 degrees 54 minutes 23
3 seconds East along the East line of a parcel of land dedicated per
4 Document No. R70-11086, a distance of 66.69 feet; thence North 79
5 degrees 22 minutes 21 seconds East along the South line of a parcel of
6 land dedicated per Document No. R70-11086, a distance of 108.54 feet
7 to the most easterly corner of a parcel of land dedicated per Document
8 No. R70-11086, said point being on the East line of Lot 1 in said York
9 Township Supervisor's Assessment Plat No. 4, 50.00 feet South of the
10 Northeast corner thereof; thence South 89 degrees 59 minutes 27
11 seconds West along a line 50.00 feet South of and parallel with the
12 North line of Lot 1 in said York Township Supervisor's Assessment Plat
13 No. 4, a distance of 101.71 feet to a point on a line 30.00 feet East of and
14 parallel with the West line of said Lot 1; thence North 00 degrees 05
15 minutes 33 seconds West along said parallel line, being 30.00 feet East
16 of the West line of Lot 1 in said York Township Supervisor's Assessment
17 Plat No. 4, a distance of 50.00 feet to the North line of said Lot 1; thence
18 North 89 degrees 59 minutes 27 seconds East along the North line of
19 Lots 1, 2 and 3 in said York Township Supervisor's Assessment Plat No.
20 4, a distance of 308.49 feet to the point of beginning, all in DuPage
21 County, Illinois (PIN Nos. 06-32-101-001, -002, -048, -049,-050, -051).

22 Parcel 3:

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

28 Individuals with a disability requiring a reasonable accommodation in order to
29 participate in any meeting should contact the Community Relations
30 Department (630) 434-5560 prior to the meeting. Wheelchair access may be
31 gained through the side (south) entrance of Village Hall.

32 All interested persons should attend this hearing and will be given an
33 opportunity to be heard. The hearing may be continued from time to time
34 without further public notice. Zoning Board of Appeals, William White,
35 Chairman. Published in the Downers Grove Reporter, Friday, January 4,
36 2004.

37
38 **Petitioner's Presentation:**

1 Mr. Paul Mitchell said he was an attorney acting as the representative the
2 petitioner, the DuPage County Forest Preserve District. He indicated that
3 representatives from the Downers Grove Park District were present as was the
4 architect for the project. Mr. Mitchell described the property which is located
5 at the southeast corner of 31st Street and Highland Avenue. He said it was
6 originally proposed for development several years ago as the Town & Country
7 project; however, the Park District and the Forest Preserve District jointly
8 acquired the property instead. Mr. Mitchell said they are requesting a special
9 use permit for a Visitors' Center building. The Visitors' Center would not
10 change the passive use of the property.

11
12 Mr. Mitchell said that the petitioners' desire is to down zone the property from
13 O-R Office, Research and R-5A, Townhouse Residence District to R-1, Single
14 Family Residential. He noted because they intend to build the Visitors'
15 Center, they must also obtain a special use permit from the Village. Mr.
16 Mitchell said that there are also two other petitions before the Village
17 concerning the subject property which are not before the Zoning Board of
18 Appeals this evening. A small portion of the property is not currently within
19 the limits of the Village and was subject the provisions of Planned
20 Development No. 27. The staff has also suggested that the District request
21 excluding this property from Planned Development No. 27.

22
23 Mr. Mitchell said the petitioners wish to construct a learning center building
24 which would be a small passive use project. The learning center would serve
25 as an entryway to the preserve. It would be used to view exhibits and for
26 instructional programs. Mr. Mitchell indicated that the entire site would be
27 operated by the Downers Grove Park District. They anticipate having school
28 groups come to the site for specific programs. He said this is a relatively
29 passive use and was designed to be the least intrusive on the site. Access to
30 the property is off 31st Street, and all the utilities are present along 31st
31 Street. He pointed out that there is some cleared vacant land at the southeast
32 corner of the 31st and Highland intersection, but that is not the appropriate
33 location for the learning center. They have located the proposed access so that
34 it lines up with the access to the office buildings to the north. In addition, the
35 Visitor's Center has been specifically designed to be placed in the proposed
36 location as there are the fewest number of trees which will need to be removed
37 there. They are proposing to provide 24 spaces for parking. Since they
38 anticipate classes coming by bus, there is room to park two buses as well.
39 General public parking would be in the parking lot.

40

1 Regarding stormwater engineering, Mr. Mitchell said they have made several
2 presentations to the Village Engineers as well as the County Stormwater
3 Department. They understand that final engineering should be approved
4 shortly. The timetable is based on a State Grant which will pay for this
5 project.

6
7 Mr. Mitchell displayed an architectural drawing of the Visitors'/Learning
8 Center stating they have tried to blend the design into the Forest Preserve
9 area. The exterior will be constructed of a synthetic cement based material
10 that looks like wood. The roof will be metal with a minimum slope. They are
11 looking into bids on a variety of roofing styles. He displayed a floor plan
12 design for the Visitors'/Learning Center which contains two ADA-accessible
13 restrooms. The building is comprised of 2,800 square feet of interior space,
14 and 1,000 square feet in the porch area. Mr. Mitchell said they anticipate
15 having exhibits on the walls in the lobby area. There is also a multi-purpose
16 room for instruction classes which has a divider to make it into two separate
17 classrooms. No other improvements are anticipated except for the driveway
18 and sidewalk. The improvements which they are proposing to make will take
19 up less than two acres of the forty acre site.

20
21 Mr. Mitchell then reviewed the four findings of fact which the Zoning
22 Ordinance provides for in order to approve a special use permit as follows:

- 23
24 “(i) That the proposed use at the particular location requested is
25 necessary or desirable to provide a service or a facility which is in
26 the interest of the public convenience and will contribute to the
27 general welfare of the neighborhood or community.”

28
29 Mr. Mitchell said that this is an exhibit for the public with a learning facility
30 for the schools.

- 31
32 “(ii) That such use will not, under the circumstances of the particular
33 case, be detrimental to the health, safety, morals, or general
34 welfare of persons residing or working in the vicinity or injurious
35 to property values or improvements in the vicinity.”

36
37 Mr. Mitchell stated that considering the prior proposed uses of an office park
38 and a residential development, this project has minimal impact on the
39 surrounding area. This is the most passive use they could have in the general
40 area of this intersection. The learning center is approximately 530 feet west of

1 Highland Avenue, 240 feet south of 31st Street, 240 feet east of the residences
2 adjoining the property, with 900 feet of Forest Preserve land to the south.
3 They believe no one will be able to see the improvement except from the 31st
4 Street area. He noted that across 31st Street there is a six story office
5 building.

6
7 “(iii) That the proposed use will comply with the regulations specified in
8 this Zoning Ordinance for the district in which the proposed use is
9 to be located.”

10
11 Mr. Mitchell said the plans submitted comply with the Ordinance
12 requirements.

13
14 “(iv) That it is one of the special uses specifically listed for the district
15 in which it is to be located.”

16
17 Mr. Mitchell said the use is listed as an allowable special use in the residential
18 zoning classification. He stated that the Ordinance allows government
19 facilities, public parks and playgrounds, and municipal community centers, all
20 of which apply to the proposed visitors’ center.

21
22 Mr. Mitchell indicated there were several people present to answer any other
23 questions the Board might have regarding the project, including Jerry
24 Cibulka, architect for the project.

25
26 Mr. Lukas asked about the Saturday hours of operation from 9:00 a.m. to 1:00
27 p.m., and asked whether someone could rent this place out for something like
28 a wedding reception in the afternoon. Ms. Karen Shannon of the Park District
29 said that is not being considered as this is a passive use and not a public
30 facility per se.

31
32 Mr. Gray asked which area would be used for assembly. Mr. Cibulka,
33 architect for the project, showed the site plan and pointed out the location
34 within the building which would be used for assembly. Any assemblies would
35 take place in one of the two rooms provided.

36
37 Mr. Gray asked what the capacity of the building would be, and Ms. Shannon
38 said it comfortably accommodate about 25 people at a time.

1 Mr. Cibulka said they have gone through the Building Department and
2 received reviews for all of their permits. They are now waiting for their
3 contractor to come on board.

4
5 Mr. Gray asked about building codes. Chairman White noted that regardless
6 of what is approved, nothing would be built without total compliance being
7 required with all Village regulations and permit requirements.

8
9 Mr. Cibulka added that they have had a review by the Fire Prevention Bureau
10 and received their approval. He said it is essentially an all metal building that
11 meets all fire safety requirements as well as sanitary requirements.

12
13 Chairman White stated that the Board's purpose in these petitions is only one
14 small piece in the entire project.

15
16 Mr. Sleeter said he assumed there would be paths and trails connected with
17 the visitors' center and the original portion of Lyman Woods. If that were
18 correct, he asked if the people visiting Lyman Woods would be parking in the
19 parking lot rather than in the parking lot area that occupies vacated 33rd
20 Street off of Highland Avenue, opposite the entrance of Mistwood. Ms.
21 Shannon said they could use the new parking lot, and added that there would
22 be adequate parking as well as the additional potential overflow use of the
23 33rd Street parking lot.

24
25 There being no further questions at this time, Chairman White asked Mr.
26 Rathje to make the Staff's presentation:

27
28 **Staff's Presentation:**

29
30 Mr. Kenneth Rathje, Director of Planning, said that the DuPage County Forest
31 Preserve District has filed a series of four petitions with the Village regarding
32 the land area located to the southeast of the intersection of 31st Street and
33 Highland Avenue. The essential objective of the District is to receive approval
34 of a Special Use in order to construct an Interpretive Center that is to be
35 available to visitors of the Lyman Woods Forest Preserve. The specific objective
36 of the subject petition is to seek the rezoning of those portions of the Lyman
37 Woods Forest Preserve which currently carry either R-5A, Townhouse
38 Residential zoning or O-R, Office-Research zoning to R-1, Single Family
39 Residential. This rezoning is being sought for two reasons. First, the O-R,
40 Office-Research zoning district does not list parks as an authorized use and

1 second, it is appropriate for the Lyman Woods parcel to fall all into one zoning
2 designation.

3
4 As background, Mr. Rathje noted that the four petitions that the District has
5 submitted to the Village include the subject rezoning petition File MC-2-02, a
6 special use petition under Case C-1-02, an annexation petition for a 6,182
7 square foot parcel of land and a request which is to be considered by the
8 Village Council to vacate the planned development designation over that
9 portion of the Highland Woods Planned Development which is still designated
10 as a planned development.

11
12 Mr. Rathje said the proposed rezoning petition and the request to vacate the
13 Highland Woods Planned Development revolve at least somewhat around the
14 zoning history of the Highland Woods Planned Development. The original
15 Highland Woods Planned Development was zoned O-R, Office Research and
16 was approved as an Office Research Planned Development. A subsequent
17 planned development petition proposed the development of a portion of the
18 original Highland Woods property for development as townhomes, and there
19 was a rezoning of a portion of the land area to R-5A, Townhouse.

20
21 Mr. Rathje stated that the portions of the District's site which make up the O-
22 R, Office Research zoned land are generally located along the southerly and
23 easterly areas and at the northwesterly corner of the Highland Woods Planned
24 Development. The R-5A, Townhouse zoned lands cover the remainder of the
25 Highland Woods Planned Development portion of the Forest Preserve's land.

26
27 Mr. Rathje explained that parks are listed as a special use in the residential
28 zoning districts; however, they are not listed as either a permitted use or a
29 special use in the O-R, Office Research zoning district.

30
31 The Future Land Use Plan has the subject property identified either as
32 Residential @ 0-6 dwelling units per acre or as Open Space. The proposed
33 rezoning would be consistent with either of the Future Land Use Plan
34 designations.

35
36 Mr. Rathje said the proposed rezoning of portions of the Lyman Woods Forest
37 Preserve property from O-R, Office Research and R-5A, Townhouse to R-1,
38 Single Family Residential should be considered to be consistent with the
39 Village's Future Land Use Plan for the subject property and would be more
40 reflective of the actual use of the subject property. In addition, having the

1 subject areas rezoned to R-1, Single Family Residential would result in zoning
2 consistency with the balance of the Lyman Woods Forest Preserve.

3
4 Concerning the request for a special use, Mr. Rathje explained that the Forest
5 Preserve District, as co-owner of the subject property with the Downers Grove
6 Park District, has submitted a request for a special use so they may construct
7 an Interpretative (Visitors') Center which will serve the Lyman Woods Forest
8 Preserve. The Zoning Ordinance lists, "Public parks and playgrounds...
9 special use in the R-1, Single Family Residential zoning district under Section
10 28-502 (q).

11
12 Mr. Rathje said the Forest Preserve District is preparing to construct a one-
13 story building which is to include space for exhibitions, a multi-purpose
14 gathering area, offices, storage facilities and bathroom facilities. In addition to
15 the interior space, the petitioner's plans indicate that the structure will
16 include covered porches. The plans indicate that the overall square footage of
17 the building is to be 3,820 square feet, of which 2,800 square feet of floor area
18 will be interior space with the remaining 1,020 square feet of floor area being
19 covered porch area.

20
21 Mr. Rathje stated the proposed building has been depicted on the site plan as
22 being located approximately 620 feet east of the east right-of-way line of
23 Highland Avenue and approximately 231 feet south of the south right-of-way
24 line of 31st Street.

25
26 The petitioner's plans show the structure as somewhat "T" shaped, and it will
27 be constructed of a masonry material which has been described by the
28 petitioner's documentation as a colored cementitious panel siding with
29 aluminum trim. The building is to have a maximum width of 84 feet and a
30 maximum depth of 47 feet 10 inches exclusive of the covered porch. The
31 covered porch adds approximately 12 feet 6 inches to the depth of the
32 proposed structure. With respect to building height, the plans indicate that
33 the building is partially to be built into a berm with a maximum vertical
34 exposure of approximately 14 feet 11 inches.

35
36 Mr. Rathje said that in addition to the building, the petitioner's plans propose
37 the construction of a 24 space parking lot. The proposed parking lot will be
38 accessed via 31st Street. The proposed driveway is to be located opposite of
39 the westerly driveway serving the Highland Landmark planned development to
40 the north. He explained, as 31st Street is a County roadway, an access permit

1 must be issued by the County's Division of Transportation. Representatives of
2 the Forest Preserve have contacted the County Highway Department to
3 determine their criteria for issuing an access permit. It has been determined
4 that the Division of Transportation has provided a list of modifications to the
5 petitioner's street access engineering plans that must be made prior to the
6 County Division of Transportation issuing an access permit to 31st Street. The
7 Planning Staff called Robert Kolar, Permits Administrator for the Division of
8 Transportation, on January 11, 2002. Mr. Kolar confirmed that the Forest
9 Preserve District will be issued an access permit for a full access driveway in
10 the location depicted on the petitioner's plans once the corrections, which are
11 essentially details, are made and, of course, subject to the satisfaction of
12 normal permitting details, such as bonding, etc.

13
14 Regarding the proposed parking facilities, Mr. Rathje said they have been
15 designed to meet the Village's parking space dimensional criteria with spaces
16 measuring 9 feet x 18.5 feet with access to be provided by a 24 foot wide aisle.
17 At the rate of one parking space per 300 square feet using a very conservative
18 approach of including the floor area of the covered porch area, a minimum of
19 13 spaces should be provided for a 3,920 square foot building. The proposed
20 plans indicate that there are to be 24 spaces, of which one space is to be
21 configured to meet the State's Handicap Accessibility parking space
22 requirements. Based upon the total number of spaces to be provided, a
23 minimum of one space must be a handicap accessible space.

24
25 Mr. Rathje pointed out that the petitioner has designed the driveway in order
26 to accommodate bus access and egress as it is anticipated that the proposed
27 Interpretive Center will be utilized for environmental and nature education
28 programs. The driveway facility is to have capacity for several buses to park
29 while students are visiting the Interpretive Center and the Forest Preserve.

30
31 Mr. Rathje said the petitioner's plans indicate that there are to be three light
32 standards for purposes of illuminating the parking lot and driveway area
33 installed as part of the construction of this facility. Two of the lights are to be
34 located at the south edge of the parking lot, and one light is to be located at
35 the southwesterly edge of the driveway adjacent to the building. The lights are
36 to be installed with cut-offs that will shield the area located to the south of the
37 lights. According to the plans submitted by the petitioner, lighting levels are
38 to be fairly moderate with a light level of 1.0 foot candles or less as measured
39 at a distance beyond approximately 40 feet from the base of the lighting
40 structures.

1
2 With respect to stormwater engineering issues, Mr. Rathje stated that the
3 petitioner's representative has been working with the Village's Stormwater
4 Engineer with respect to the design for a stormwater detention facility for the
5 proposed development. The materials, which were submitted by the
6 petitioner, depict that there are to be two detention areas. The one located to
7 the northeast of the site will have a volume of approximately 18,787 cubic feet
8 or 0.431 acre feet with a second basin to be located near the westerly
9 boundary of the site which is to have a capacity of approximately 10,460 cubic
10 feet or .240 acre feet.

11
12 Mr. Rathje said the Village's stormwater management consultant has reviewed
13 the petitioner's stormwater management plans and has provided a written
14 analysis indicating how the plans comply with the Village's stormwater control
15 ordinance.

16
17 Mr. Rathje indicated that Mr. Mitchell, in his presentation, outlined the four
18 conditions that are necessary for the granting of a special use as enumerated
19 under Section 28-1902 (i) through (iv). He then reminded the Board of those
20 conditions as follows:

- 21 “(i) That the proposed use at the particular location requested is
22 necessary or desirable to provide a service or a facility which is in
23 the interest of the public convenience and will contribute to the
24 general welfare of the neighborhood or community.
25
- 26 (ii) That such use will not, under the circumstances of the particular
27 case, be detrimental to the health, safety, morals, or general
28 welfare of persons residing or working in the vicinity or injurious
29 to property values or improvements in the vicinity.
30
- 31 (iii) That the proposed use will comply with the regulations specified in
32 this Zoning Ordinance for the district in which the proposed use is
33 to be located.
34
- 35 (iv) That it is one of the special uses specifically listed for the district
36 in which it is to be located.”
37

38 Mr. Rathje summarized that the DuPage County Forest Preserve District,
39 together with the Downers Grove Park District, is pursuing approval of a
40 special use so that they may develop an Interpretative Center and parking

1 facilities for the use of visitors to this Forest Preserve. The District has
2 prepared plans which are consistent with the requirements of the Village's
3 Zoning Ordinance with respect to the proposed use as a special use and with
4 respect to setback, number and size of parking spaces. Additionally, the
5 District, through its consultants, have prepared preliminary drainage
6 engineering plans for the proposed development which have been reviewed by
7 the Village Staff and the Village's stormwater engineering consultants who
8 have determined that the plans have been prepared in a manner that is
9 consistent with the requirements of the Ordinance.

10
11 Mr. Rathje said it would be appropriate for the Board to forward a
12 recommendation to the Village Council regarding the rezoning of the property
13 as well as the proposed special use petition, provided that the Board is in
14 agreement regarding the proposed rezoning and provided that the Board is
15 able to make the necessary findings for the special use as such are
16 enumerated under Section 28-1902 of the Zoning Ordinance.

17
18 Mr. Benes asked about the stormwater detention ponds and where they drain.
19 Mr. Rathje said they would drain to the surface and into the overland
20 channels, eventually draining into the Lacy Creek watershed. He said there
21 would be restrictors limiting the rate of flow from the detention pond.
22 Stormwater from the site will drain into the detention areas and then will flow
23 out of the detention area via the restrictors. He said flooding is controlled by
24 regulating the release rate to allow the drainage area to assimilate the flow of
25 stormwater at a regulated rate. Mr. Benes said his thought is that the natural
26 drainage route flows to the south, and there is no way it can create any
27 flooding along 31st street and Highland. Mr. Rathje said that was correct. Due
28 to the limited scope of this project, even if the ponds were not provided, it
29 would not affect 31st Street. It might affect the downstream area but not the
30 upstream area.

31
32 Mr. Benes asked about the hours of operation for the facility. He asked if the
33 District wanted to have evening hours whether that would affect the use. Mr.
34 Rathje said typically the Village would not restrict the hours of operation for a
35 facility like this particularly given its proximity to the neighbors. He added,
36 however, that limiting the hours would be something the Zoning Board of
37 Appeals could recommend if there is some very good reason. However, if the
38 District wanted to have night classes, limitations could pose a problem. He
39 referred to Mr. Mitchell's letter stating there may be a few evenings per week
40 where classes would be conducted from 7:00 PM to 10:00 PM. Mr. Benes said

1 (Permanent Index Numbers 09-20-100-003, -004, -008 through -014,
2 and -017 through -022); and

3 Lots 1 through 5, Lots 8 through 12, and Lot 20 in Block 3 in Downers
4 Grove Estates being a subdivision of the West Half of the Northwest
5 Quarter of Section 20, Township 38 North, Range 11, East of the Third
6 Principal Meridian in DuPage County, Illinois; (Permanent Index
7 Numbers 09-20-101-001, -002, -003, -004, -009, -010, -011, -012, -020,
8 and -023); and

9 Lots 1 through 12, 14, 19, 20, and 21 in Block 4 in Downers Grove
10 Estates being a subdivision of the West Half of the Northwest Quarter of
11 Section 20, Township 38 North, Range 11, East of the Third Principal
12 Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-
13 108-001, -003 through 009, -014, -015, -016, and -019 through -023);
14 and

15 Lots 6, 7, 10 through 16, and Lot 23 and the east half of Lot 22 in Block
16 5 in Downers Grove Estates being a subdivision of the West Half of the
17 Northwest Quarter of Section 20, Township 38 North, Range 11, East of
18 the Third Principal Meridian in DuPage County, Illinois; (Permanent
19 Index Numbers 09-20-109-001 through -005, -008, -009, -015, -021,
20 and -022); and

21 Lots 5, 8, 10, 12 through 16, 21, and 22 in Block 6 in Downers Grove
22 Estates being a subdivision of the West Half of the Northwest Quarter of
23 Section 20, Township 38 North, Range 11, East of the Third Principal
24 Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-
25 102-002, -004, -007, -013, -016, -017, -021, -022, and -023); and

26 Lots 1, 6, 10, 11, 12, 13, 20, 21, and 22 in Block 7 in Downers Grove
27 Estates being a subdivision of the West Half of the Northwest Quarter of
28 Section 20, Township 38 North, Range 11, East of the Third Principal
29 Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-
30 103-001, -002, -006, -017, -018, -019, and -023); and

31 Lots 1, 3, 4, 5, the east half of Lot 9, Lots 11 through 19, 22 and 23 in
32 Block 8 in Downers Grove Estates being a subdivision of the West Half of
33 the Northwest Quarter of Section 20, Township 38 North, Range 11, East
34 of the Third Principal Meridian in DuPage County, Illinois; (Permanent
35 Index Numbers 09-20-110-001, -002, -003, -004, -010 through -014, -
36 017, -018, -020, -021, -022, -024, and -026); and

37 Lots 1, 2, 3 and 5, Lot 6 and the east 32 feet of Lot 7, Lot 8 and the west
38 18 feet of Lot 7, Lots 9 through 17, Lot 18 and the west 16.67 feet of Lot
39 19, the east 33.33 feet of Lot 19 and the west 33.33 feet of Lot 20, Lot 21
40 and the east 16.67 feet of Lot 20, and Lot 22 in Block 9 in Downers

1 Grove Estates being a subdivision of the West Half of the Northwest
2 Quarter of Section 20, Township 38 North, Range 11, East of the Third
3 Principal Meridian in DuPage County, Illinois; (Permanent Index
4 Numbers 09-20-111-001 through -006, -010 through -016, -018, -019, -
5 020, -023, -025 and -026); and

6 Lots 1 through 11, and Lots 14 through 22 in Block 10 in Downers
7 Grove Estates being a subdivision of the West Half of the Northwest
8 Quarter of Section 20, Township 38 North, Range 11, East of the Third
9 Principal Meridian in DuPage County, Illinois; (Permanent Index
10 Numbers 09-20-104-001 through -011, and -014 through -021); and

11 Lots 1 through 12, and Lots 14 through 22 in Block 11 in Downers
12 Grove Estates being a subdivision of the West Half of the Northwest
13 Quarter of Section 20, Township 38 North, Range 11, East of the Third
14 Principal Meridian in DuPage County, Illinois; (Permanent Index
15 Numbers 09-20-105-001 through -011, -013 through -019, and -022);
16 and

17 Lots 2, 4, and 5, and Lots 8 through 23 in Block 12 in Downers Grove
18 Estates being a subdivision of the West Half of the Northwest Quarter of
19 Section 20, Township 38 North, Range 11, East of the Third Principal
20 Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-
21 112-001 -through -006, -009 through -017, -019, -021, and -022); and

22 Lots 1, 2, 3, and 4, and Lots 7 through 16, and Lots 18, 19, 21, 22 and
23 23 in Block 13 in Downers Grove Estates being a subdivision of the West
24 Half of the Northwest Quarter of Section 20, Township 38 North, Range
25 11, East of the Third Principal Meridian in DuPage County, Illinois;
26 (Permanent Index Numbers 09-20-113-001 through -007, -009, -012
27 through -018, -022, and -023); and

28 Lots 1 through 8, Lots 11, 14, and 15, Lot 17 and the west 26.5 feet of
29 Lot 18, Lot 19 and the east 26.5 feet of Lot 18, and Lot 22 in Block 14 in
30 Downers Grove Estates being a subdivision of the West Half of the
31 Northwest Quarter of Section 20, Township 38 North, Range 11, East of
32 the Third Principal Meridian in DuPage County, Illinois; (Permanent
33 Index Numbers 09-20-106-001, -004 through -011, -017, -018, -021,
34 and -023); and

35 **From R-1, Single Family Residential to R-3, Single Family**
36 **Residential:**

37 Lot A, and Lots 1 through 7, Lots 11, 12, 13, 16, 17, 18, 19, and Lots 23
38 through 29 in Downers Grove Meadow Lawn being a subdivision of the
39 East Half of the Northwest Quarter of Section 20, Township 38 North,
40 Range 11, East of the Third Principal Meridian, in DuPage County,

1 Illinois; (Permanent Index Numbers 09-20-118-001, -002 and -003; 09-
2 20-114-004 through -010, and -013 through -016; 09-20-115-001
3 through -008); and

4 Lot 1 in Buzek's First Plat of Survey of that part of the Northeast Quarter
5 of the Northwest Quarter of Section 20, Township 38 North, Range 11,
6 East of the Third Principal Meridian described by commencing at the
7 Northwest Corner of said Northeast Quarter of the Northwest Quarter
8 and running thence east along the North Line of said Section 20, 1167.0
9 feet to the Northeast Corner of Downers Grove Meadow Lawn, a
10 subdivision recorded as Document 628245; thence south along the east
11 line of said Downers Grove Meadow Lawn and along said East Line
12 extended (being also along the west line of a tract of land heretofore
13 conveyed to Clarence Black) 496.0 feet to the South Line of Meadow
14 Lawn Avenue extended east for a Place of Beginning; thence continuing
15 south along the West Line of said Clarence Black tract 100.0 feet; thence
16 west at right angles with said West Line 185.5 feet to a line that is
17 parallel with and 66.0 feet east of the East Line of Lot 22 in said
18 Downers Grove Meadow Lawn; thence north along said line 100.0 feet to
19 said South Line of Meadow Lawn Avenue extended east; thence east
20 along said extended line 185.5 feet to the Place of Beginning in DuPage
21 County, Illinois; and also a strip of land lying north of and adjoining Lot
22 1 in Buzek's survey lying southerly of Lot 2 in Downers Grove Meadow
23 Lawn, lying westerly of the easterly line of Lot 1 aforesaid, extended
24 northerly and easterly of the east line of Washington Street, as
25 dedicated in the Plat of Downers Grove Meadow Lawn, by Document
26 628245, all in the Northeast Quarter of the Northwest Quarter of Section
27 20, Township 38 North, Range 11, East of the Third Principal Meridian,
28 in DuPage County, Illinois, (Permanent Index Numbers 09-20-118-007
29 and 09-20-119-001); and

30 Lot 1 in Buzek's Second Survey being a subdivision of the East Half of
31 the Northwest Quarter of Section 20, Township 38 North, Range 11, East
32 of the Third Principal Meridian in DuPage County, Illinois; (Permanent
33 Index Number 09-20-119-002).

34 **From R-1, Single Family Residential to B-2, General Retail Business:**

35 Lots 1 through 10 of Block 1 of Downers Grove Estates, being a
36 subdivision of the West Half of the Northwest Quarter of Section 20,
37 Township 38 North, Range 11, East of the Third Principal Meridian in
38 DuPage County, Illinois (Permanent Index Numbers 09-20-107-023, -
39 024, and -028); and

1 Lot 9, the west 150 feet of Lot 10, and the east 50 feet of Lot 10 in
2 Downers Grove Meadow Lawn being a subdivision of the East Half of the
3 Northwest Quarter of Section 20, Township 38 North, Range 11, East of
4 the Third Principal Meridian, in DuPage County, Illinois; (Permanent
5 Index Numbers 09-20-114-002, -017, and -018.

6 Individuals with a disability requiring a reasonable accommodation in order to
7 participate in any meeting should contact the Community Information Officer
8 (630) 434-5550 prior to the meeting. Wheelchair access may be gained
9 through the side (South) entrance of Village Hall.

10 All interested persons should attend this hearing and will be given an
11 opportunity to be heard. Please call (630) 434-5531 with questions regarding
12 this rezoning petition. The hearing may be continued from time to time
13 without prior public notice. Zoning Board of Appeals, William White,
14 Chairman. Published in the Downers Grove Reporter Friday, January 4, 2002.

15
16 **Staff's Presentation:**

17
18 Ms. Browne said that the Village is acting as petitioner in this second and final
19 phase of proposals to rezone certain recently annexed properties within the
20 Downers Grove Estates and Meadow Lawn Subdivisions located generally
21 south of the intersection of 63rd Street and Main Street.

22
23 Ms. Browne said the Village proposes to rezone the residential properties on
24 the west side of Main Street to R-4, Single Family Residence; the residential
25 properties on the east side of Main Street to R-3, Single Family Residence; and
26 the commercial properties located at the southeast and southwest corners of
27 the intersection of 63rd Street and Main Street to B-2, General Retail Business.

28
29
30 As a matter of background information, Ms. Browne said that the Downers
31 Grove Estates and Meadow Lawn Subdivisions were subdivided and developed
32 under the jurisdiction of DuPage County, and were annexed in two phases.
33 On May 15, 2001, the annexation of approximately 1/3 of the properties
34 within these subdivisions was authorized as a result of the execution of pre-
35 annexation agreements which were signed by the owners of the properties in
36 order to connect to Village water services. The properties that comprised that
37 first phase of the annexation were the subject of a rezoning petition in Zoning
38 Board of Appeals Case MC-9-01 which was considered by the Zoning Board of
39 Appeals on July 25, 2001 and received a unanimous recommendation for
40 approval.

1
2 Ms. Browne said the properties within the second phase of the annexation,
3 which became effective on January 10, 2002, were zoned to the default zoning
4 classification of R-1, Single Family Residence upon their annexation pursuant
5 to Section 28-402 of the Zoning Ordinance. The R-1 District carries a
6 minimum lot area requirement of 20,000 square feet; a minimum lot width
7 requirement of 100 feet; and a front yard setback requirement of 40 feet plus
8 one additional foot of setback for every two feet in average height over 20 feet.

9
10 With respect to the residential properties, Ms. Browne said that because the
11 existing lot sizes and the setbacks of the existing homes in the area are
12 typically much less than is required by the default R-1 District, this rezoning
13 petition is being sought by the Village in order to make the underlying zoning
14 district requirements more consistent with the typical characteristics of the
15 area.

16
17 Ms. Browne then described the properties on the west side of Main Street,
18 which are proposed to be rezoned to R-4, Single Family Residence, as having
19 the following typical characteristics. The properties which front the east-west
20 streets are typically 50 to 53 feet in width and approximately 155 feet in
21 depth, with lot areas of approximately 7,750 to 8,215 square feet in area. The
22 properties which front Main Street are typically approximately 60 feet wide
23 and 131 feet in depth, with lot areas of approximately 7,860 square feet.
24 Residences in Downers Grove Estates were typically constructed with front
25 setbacks of approximately 30 feet. Given these lot area and structure setback
26 characteristics, the residential properties within this area on the west side of
27 Main Street are proposed to be rezoned to R-4, Single Family Residence,
28 which carries a minimum lot area requirement of 7,500 square feet; a
29 minimum lot width requirement of 50 feet; and a front yard setback
30 requirement of 25 feet plus one additional foot of setback for every two feet in
31 average height over 20 feet.

32
33 Ms. Browne said the residential properties within the Meadow Lawn and
34 Busek's First Subdivisions on the east side of Main Street are typically 95 to
35 100 feet in width, 185 to 190 feet in depth, with lot areas of approximately
36 18,500 to 19,000 square feet. Residences in this area were constructed with
37 typical front setbacks ranging from 30 to 40 feet. Therefore, the residential
38 properties within this area on the east side of Main Street are proposed to be
39 rezoned to R-3, Single Family Residence. This district carries a minimum lot
40 area requirement of 10,500 square feet; a minimum lot width requirement of

1 75 feet; and a minimum front yard setback requirement of 30 feet plus one
2 additional foot of setback for every two feet in average height over 20 feet.

3
4 Ms. Browne indicated that this petition also includes the rezoning of six
5 commercial properties located at the southeast and southwest corners of the
6 intersection of 63rd Street and Main Street. While under the zoning
7 jurisdiction of DuPage County, these properties were previously zoned County
8 B-2, General Business. Upon their annexation, the zoning designation of
9 these non-residential properties defaulted to R-1, Single Family Residence,
10 and the Village is proposing that they be rezoned to Village B-2, General Retail
11 Business. This zoning district is the closest comparable Village zoning district
12 which will accommodate the existing businesses as either a permitted use or
13 as a special use.

14 With respect to the number of subject properties within each subdivision, the
15 Downers Grove Estates Subdivision located on the west side of Main Street
16 consists of approximately 283 residential properties, and three commercial
17 properties located at the southwest corner of the intersection of 63rd and Main.

18
19 Within Downers Grove Estates, 62 residential properties were annexed in
20 Phase I on May 15, 2001, and were petitioned to be rezoned from R-1, Single
21 Family Residence to R-4, Single Family Residence in Case MC-9-01.

22
23 There are also 18 residential properties in Downers Grove Estates which were
24 voluntarily annexed by their owners prior to the Village acting upon either
25 phases of the annexation. Of these 18 previously annexed properties, eight
26 were petitioned by their owners to be rezoned to R-4, Single Family Residence.
27 However, ten properties have retained the default R-1, Single Family
28 Residence classification since their annexation and are, therefore, included in
29 this rezoning petition to R-4, Single Family Residence.

30
31 The remaining 202 residential properties in Downers Grove Estates which
32 were annexed in the second and final phase of the annexation are also being
33 proposed to be rezoned from R-1, Single Family Residence to R-4, Single
34 Family Residence.

35
36 Ms. Browne stated that the Meadow Lawn Subdivision area, which also
37 includes two lots within Busek's First and Second Subdivisions, located on the
38 east side of Main Street is comprised of 30 residential properties, as well as
39 three commercial properties located at the southeast corner of the intersection
40 of 63rd and Main, two of which are held in common ownership.

1
2 Within the Meadow Lawn Subdivision area, six residential properties were
3 annexed in Phase I on May 15, 2001, and were petitioned to be rezoned from
4 R-1, Single Family Residence to R-3, Single Family Residence in Case MC-9-
5 01.

6
7 Ms. Browne said there are also three residential properties within the Meadow
8 Lawn subdivision area which were voluntarily annexed by their owners prior to
9 the Village acting upon either phases of the annexation. Since all three of
10 these previously annexed properties have retained the default R-1, Single
11 Family Residence classification since their annexation, they are also included
12 in this rezoning petition to rezone them to R-3, Single Family Residence.

13
14 The remaining 27 residential properties which were annexed in the second
15 and final phase of the annexation are also being proposed to be rezoned from
16 R-1, Single Family Residence to R-3, Single Family Residence.

17
18 The Village's Future Land Use Map designates the residential lots which are
19 proposed to be rezoned to R-3 and R-4 as "Residential at 0-6 dwelling units
20 per acre." This Land Use designation is consistent with the Village's R-1
21 through R-4 Single Family Residence Zoning Districts.

22
23 With respect to the three commercial properties located at the southwest
24 corner of 63rd and Main within the Downers Grove Estates Subdivision, Ms.
25 Browne said the proposed rezoning to B-2, General Retail Business is
26 consistent with the County B-2 zoning district which was applicable when the
27 properties were under County zoning jurisdiction. Additionally, the proposed
28 rezoning to B-2, General Retail Business is consistent with the Village's
29 Future Land Use Map which indicates a land use designation of "Commercial."

30
31 With respect to the three commercial properties located at the southeast
32 corner of 63rd and Main in the Meadow Lawn Subdivision, Ms. Browne
33 indicated that the proposed B-2, General Retail Business zoning district is
34 consistent with the County B-2 zoning district which was applicable when the
35 properties were under County zoning jurisdiction. The proposed B-2, General
36 Retail Business zoning district does, however, extend one lot further to the
37 east than those properties designated Commercial on the Village's Future
38 Land Use Map. She said it is Staff's opinion that the proposed rezoning of the
39 one additional lot to B-2, General Retail Business as compared to the Future
40 Land Use Map is a minimal departure because all three lots are currently used

1 for commercial purposes, and also because all three lots carried a commercial
2 zoning classification while under the jurisdiction of DuPage County.
3 Additionally, the third lot is held in common ownership and is used in
4 conjunction with the adjacent lot to the west which is designated as
5 Commercial on the Village's Future Land Use Map.

6
7 Ms. Browne informed the Board that the legal notice of the public hearing
8 regarding this rezoning petition was sent by regular mail to all property
9 owners within the Downers Grove Estates and Meadow Lawn Subdivisions, as
10 well as all property owners within 250 feet of the entire area. The distribution
11 list includes over 500 property owners and is available for inspection at the
12 Planning Services Department.

13
14 She further said that the Planning Staff is of the opinion that the proposed
15 rezoning will make the underlying zoning district requirements more
16 consistent with the lot sizes of the properties and the setback characteristics of
17 the existing residences, as well as with the previously approved rezoning for
18 the properties within the first phase of the annexation of the subject area.

19
20 The properties to be rezoned to B-2, General Retail Business are consistent
21 with the previous B-2 zoning classification which was applicable when the
22 properties were under the zoning jurisdiction of DuPage County. Additionally,
23 the existing commercial uses located on these properties will be authorized
24 within the proposed B-2 District as either permitted uses or as special uses.

25
26 The proposed rezoning is also consistent with the of the provisions of the
27 Village's Future Land Use Plan, with the exception of one minor departure
28 regarding the commercial properties located at the southeast corner of the
29 intersection of 63rd and Main.

30
31 Mr. Benes asked if this rezoning will include all of the properties annexed, and
32 Ms. Browne said they would all be rezoned upon completion of this second
33 and final phase.

34
35 Mr. Sleeter said he was concerned about enlarging the commercially zoned
36 section along 63rd Street and asked for an explanation of the common
37 ownership and how it currently is used. Ms. Browne responded that the first
38 property right at the corner is the Shell gas station. The next two lots to the
39 east are occupied by a veterinary clinic. These two parcels are in common
40 ownership and used for one commercial purpose and also were both zoned B-2

1 in the County. Only one of these two parcels is shown on the Future Land
2 Use Map as Commercial; however, she clarified that this is not a commercial
3 use expansion from what already exists.

4
5 Mr. Gray asked her to display the previous zoning map on the overhead
6 projector. He then asked about the corner of Palmer and Saratoga on the map
7 and asked what the "4" represented. Ms. Browne said that particular property
8 was previously voluntarily annexed and its owners petitioned to have it zoned
9 R-4, single family residential which is what is shown on the map. That
10 property is not included in this rezoning, as it was rezoned upon its prior
11 annexation.

12
13 In response to Mr. Benes' question concerning the church on 63rd Street, east
14 of Washington, Ms. Browne said the church and its parish house were already
15 incorporated into the Village and are zoned R-1, single family residential. She
16 indicated that the church is legally non-conforming and recognized as having
17 been issued a special use since they were there prior to being incorporated
18 into the Village.

19
20 There being no further questions from the Board, Chairman White called upon
21 those in the audience wishing to speak in favor of the petition. There being
22 none, he called for those in opposition to the petition. There being none,
23 Chairman White closed the opportunity for further public comment.

1 **Board's Deliberations:**
2

3 Mr. Sleeter said it was a clear-cut petition, and he was comfortable with it.
4

5 **Mr. Sleeter moved that in case MC-3-02, the Board recommend to the**
6 **Village Council approval of the proposal to rezone the properties in the**
7 **Downers Grove Estates, Meadow Lawn and Buzek's First and Second**
8 **Survey Subdivisions to Village R-3, R-4 and B-2 zoning classifications as**
9 **presented. Mr. Lukas seconded the Motion.**

10
11 **AYES: Mr. Sleeter, Mr. Lukas, Mr. Benes, Mr. Gray, Ch. White**

12
13 **NAYS: None**
14

15 **Chairman White declared the Motion passed unanimously.**
16

17 **.....**

18
19 Ms. Browne informed the Board that as of this date, no petitions have been
20 filed for the February meeting. She indicated that the deadline for filing is
21 February 1.
22

23 There being no further questions or discussion, Chairman White adjourned
24 the meeting at 8:38 PM.
25

26 Respectfully submitted,
27

28
29
30 Tonie Harrington
31 Recording Secretary