

COUNCIL WORKSHOP ITEM

ITEM: Zoning Board of Appeals recommendation regarding Case MC-1-03, the proposed rezoning of property located on the south side of 66th Street approximately 432 feet west of Fairview Avenue from R-1, Single Family Residence to R-3, Single Family Residence.

DATE: February 17, 2003

PREPARED BY: Kenneth J. Rathje, Director
Department of Planning Services

PURPOSE: To obtain approval of an Ordinance rezoning the subject property.

DISCUSSION:

At its January 22, 2003 meeting, the Zoning Board of Appeals conducted its public hearing regarding the petitioner's request to rezone the subject property R-1, Single Family Residence to R-3 Single Family Residence.

The property is located on the south side of 66th Street approximately 432 feet west of Fairview Avenue, and is currently vacant.

The Zoning Board of Appeals unanimously recommended that the Village Council approve the requested rezoning based upon the fact that the proposed rezoning was consistent with the zoning pattern of the surrounding area and with the Village's Future Land Use Plan.

ATTACHMENTS:

1. Letter to Mayor and Council, dated February 17, 2003
2. Draft Zoning Board of Appeals Minutes, dated January 22, 2003
3. Staff Findings, with attachments, dated January 16, 2003
4. Draft Ordinance prepared by Legal Department to rezone the subject properties to R-3, Single Family Residence

RECOMMENDATION:

Approval of an Ordinance to rezone the subject property from R-1, Single Family Residence to R-3, Single Family Residence.



Village of
DOWNERS GROVE
ILLINOIS

Civic Center
801 Burlington Avenue
Downers Grove
Illinois 60515-4776
630.434.5500
TDD 630.434.5511
FAX 630.434.5571

CBD Redevelopment Office
1015 Curtiss Street
Downers Grove
Illinois 60515
630.434.5940
FAX 630.968.6346

*Fire Department
Administration*
3900 Highland Avenue
Downers Grove
Illinois 60515-1506
630.434.5980
FAX 630.434.5988

Police Department
825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

Public Works Department
5101 Walnut Avenue
Downers Grove
Illinois 60515-4074
630.434.5460
FAX 630.434.5495

*Department of
Social & Health Services*
842 Curtiss Street
Downers Grove
Illinois 60515-4761
630.434.5595
FAX 630.434.5599

*Village of
Downers Grove Web site*
<http://www.vil.downers-grove.il.us>

Info Line
630.434.6800

February 17, 2003

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

RE: **MC-1-03** A petition seeking rezoning from Village R-1, single family residential to Village R-3, single family residential for property located on the south side of 66th Street approximately 432 feet west of Fairview Avenue (PIN 09-20-211-016); Downers Grove Community Church Owner; WXR & Associates, Ltd., Petitioner

Dear Mayor Krajewski and Village Council:

At its January 22, 2003 meeting, the Zoning Board of Appeals made the following recommendation in case MC-1-03:

Mr. Lukas moved that in case MC-1-03 the Zoning Board of Appeals recommend that the Village Council approve this request for a rezoning from Village R-1 to Village R-3 single-family residential zoning for the subject property. Mr. Sleeter seconded the Motion.

**AYES: Mr. Lukas, Mr. Sleeter, Mr. Baker, Mr. Gray,
Ch. White**

NAYS: None

Chairman White declared the Motion passed.

The Board based its decision upon the fact that the requested rezoning was consistent with the Village's Future Land Use Plan as well as with the surrounding zoning.

Sincerely,

William White
/KR

William White, Chairman
Zoning Board of Appeals

WW/tmh

VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
JANUARY 22, 2002

Call to Order

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

Roll call

Present: Mr. Baker, Mr. Gray, Mr. Lukas, Mr. Sleeter, Ch. White

Absent: Mr. Benes, Mr. Domijan

A quorum was established.

Minutes

Mr. Gray moved to accept the minutes of the December 18th, 2002 meeting as presented. Mr. Lukas seconded the Motion.

Mr. Sleeter said that on page 16 he was quoted as saying "the proposal will not reflect the deterioration", which does not make sense. He intended to say "the proposal will not result in a deterioration."

AYES: Mr. Gray, Mr. Lukas, Mr. Baker, Mr. Sleeter, Ch. White

NAYS: None

Chairman White declared the minutes accepted as corrected.

Meeting Procedures

Chairman White explained the procedures to be followed for the meeting, reviewing the petition before the Board. He said that the Board will make a recommendation on this requested rezoning, and the final decision will be made by the Village Council. Chairman White then asked anyone in the audience who intended to testify in this public hearing to rise and be sworn in.

Chairman White asked Mr. Rathje to read the published public hearing notice for the first petition.

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MC-1-03 A petition seeking rezoning from Village R-1, single family residential to Village R-3, single family residential for property located on the south side of 66th Street approximately 432 feet west of Fairview Avenue (PIN 09-20-211-016); Downers Grove Community Church Owner; WXR & Associates, Ltd., Petitioner

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING –

Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals at 7:30 p.m. on January 22, 2003 at the Village of Downers Grove Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, to consider a petition seeking rezoning from Village R-1, Single Family Residence District to Village R-3, Single Family Residence District for property located on the south side of 66th Street, approximately 432 feet west of Fairview Avenue, Downers Grove (PIN 09-20-211-016). The property is legally described as follows:

The west 184 feet of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter, lying north of Janda's Subdivision, (except that part taken or used for 66th Street), in Section 20, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois.

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Relations Department (630 434-5560) prior to the meeting. Wheelchair access may be gained through the entrance on the south side of the Village Hall. 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. Zoning Board of Appeals, William White, Chairman. Published in the Downers Grove Reporter, Wednesday, January 8, 2003.

Petitioner's Presentation:

Mr. George Johnson, attorney with Hultman & Johnson located at 1303 Ogden Avenue in Downers Grove, stated he was representing the Petitioner, WXR & Associates, Ltd. Mr. Johnson stated that his clients are the contract purchaser for the property owned by Downers Grove Community Church. The subject site is located on 66th Street, approximately 432 feet west of Fairview Avenue, and the property is vacant. They are requesting a zoning change from R-1 zoning to R-3 zoning. He noted that the proposed rezoning is being requested in anticipation of a subdivision of the property into two lots. They desire to build two single-family residences. Mr. Johnson said that the requested R-3 zoning is consistent with the surrounding zoning.

There being no questions from the Board at this time, Chairman White asked Mr. Rathje to present the staff's findings.

Staff Presentation:

Mr. Rathje stated the petitioner is seeking approval of a petition to rezone the subject property from R-1, Single Family Residential to R-3, Single Family Residential. The subject property is located on the south side of 66th Street, approximately 432 feet west of Fairview Avenue.

Mr. Rathje noted that the petitioners are the contract purchasers of the subject property from the Downers Grove Community Church, which is located immediately to the south and east of the subject property. Although the Church owns the subject property, the subject property has never been part of the Church's special use. The petitioners have indicated their intent to further subdivide the subject property into two single-family

residential zoning lots, the proposal for which would be presented in the future to the Plan Commission and Village Council separate from this rezoning petition.

Mr. Rathje described the subject property as approximately 184 feet in width as measured along 66th Street, and approximately 131.98 feet deep as measured on its westerly property line, with a depth of approximately 131.79 feet as measured on its easterly property line. The area of the subject property is approximately 24,206.4 square feet or .577 acres. The property is currently unimproved.

Mr. Rathje said the property is zoned R-1, Single Family Residential and has been zoned as such since the property and its surrounding area were annexed into the Village in August of 1994. Pursuant to Section 28-402 of the Zoning Ordinance, unless requested at the time of annexation, annexed properties are assigned R-1, single family residential zoning. He explained that the existing R-1 zoning district is a single family residential district which requires a minimum lot width of 100 feet and a minimum lot area of 20,000 square feet. The proposed R-3 zoning district is also a single-family residential zoning district. This zoning district requires a minimum lot width of 75 feet and a minimum lot area of 10,500 square feet.

Mr. Rathje then described the surrounding zoning in the area of the subject property as follows: the Downers Grove Community Church located immediately south and east of the subject property is zoned R-1, Single Family Residential. The single family residential lots located along St. James Court to the west, and along Berrywood Street, Davane Lane and 66th Street to the northwest and north are zoned R-3, Single Family Residential. The single family residential lots in this area have been developed with lot dimensions and lot areas consistent with the requirements of the R-3 zoning district.

Mr. Rathje said the Village's Future Land Use Plan depicts the subject property with a land use designation of "Residential at 0-6 dwelling units per acre," which is consistent with the R-1 through R-4 single family residential zoning districts, and he explained that that the requested R-3 rezoning is consistent with the Village's Future Land Use Plan and with the zoning of land in the surrounding area.

Chairman White asked about the nearby pockets of R-1 zoning and whether those parcels were zoned as such by default. Mr. Rathje used the overhead projection to explain that all of the property which Chairman White asked about was annexed under a forced annexation by the Village. He noted there is R-1 zoning north of 65th Street which is the MCI property which was also default zoning. Additional R-1 property north of 65th Street is still unincorporated.

There being no further questions from the Board, Chairman White called upon anyone in the audience who wished to speak either in favor of or in opposition to the petitioner.

Mr. Anthony Ruggiero said he resides at 6601 James Court, and requested that the tree line between the subject property and his property adjacent to the west be maintained. He also asked that if any development is planned in the future for the larger church property, that any possible street would be precluded from extending from Devane Lane if the subject lots were built on.

Mr. George Johnson said his client is interested in saving whatever trees are possible.

There being no further discussion, Chairman White closed the opportunity for further public comment.

Board's Deliberation:

Chairman White said this petition does not affect what the petitioner will place on the lots as the request is to rezone the property.

Mr. Lukas said the petition is consistent with the Village's Future Land Use Plan and is also consistent with the zoning of the area, so he would see nothing else to do but to recommend approval of the request.

Mr. Sleeter concurred with Mr. Lukas' statement as did Mr. Gray.

Chairman White said that the Village has many overlapping areas of jurisdiction in order to eventually obtain a building permit for construction. This rezoning designation is one narrow piece in the process, and there are many other rules which must be satisfied regarding matters that are outside the purview of the Zoning Board of Appeals.

Mr. Lukas moved that in case MC-1-03 the Zoning Board of Appeals recommend that the Village Council approve this request for a rezoning from Village R-1 to Village R-3 single-family residential zoning for the subject property. Mr. Sleeter seconded the Motion.

AYES: Mr. Lukas, Mr. Sleeter, Mr. Baker, Mr. Gray, Ch. White

NAYS: None

Chairman White declared the Motion passed.

Chairman White declared the Motion passed and adjourned the meeting at 7:49 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary

PUBLIC HEARING: **MC-1-03** A petition seeking rezoning from Village R-1, single family residential to Village R-3, single family residential for property located on the south side of 66th Street approximately 432 feet west of Fairview Avenue (PIN 09-20-211-016); Downers Grove Community Church Owner; WCR & Associates, Ltd., Petitioner

FINDINGS:

1. The petitioner is seeking approval of a rezoning petition to rezone the subject property from R-1, Single Family Residential to R-3, Single Family Residential. The subject property is located on the south side of 66th Street, approximately 432 feet west of Fairview Avenue.

The petitioners recently purchased the subject property from the Downers Grove Community Church, which is located immediately to the south and east of the subject property. The petitioners have indicated their intent to further subdivide the subject property into two single family residential zoning lots, the proposal for which would be presented to the Plan Commission and Village Council separate from this rezoning petition.

2. The subject property is approximately 184 feet in width as measured along 66th Street, and has a depth of approximately 131.98 feet as measured on its westerly property line and a depth of approximately 131.79 feet as measured on its easterly property line. The area of the subject property is approximately 24,206.4 square feet or .577 acres. The property is currently unimproved.
3. The property is zoned R-1, Single Family Residential and has been zoned as such since the property and its surrounding area were annexed into the Village in August of 1994. Pursuant to Section 28-402 of the Zoning Ordinance, unless requested at the time of annexation, annexed properties are assigned R-1, single family residential zoning

The existing R-1 zoning district is a single family residential district which requires a minimum lot width of 100 feet and a minimum lot area of 20,000 square feet. The proposed R-3 zoning district is also a single family residential zoning district. This zoning district requires a minimum lot width of 75 feet and a minimum lot area of 10,500 square feet.

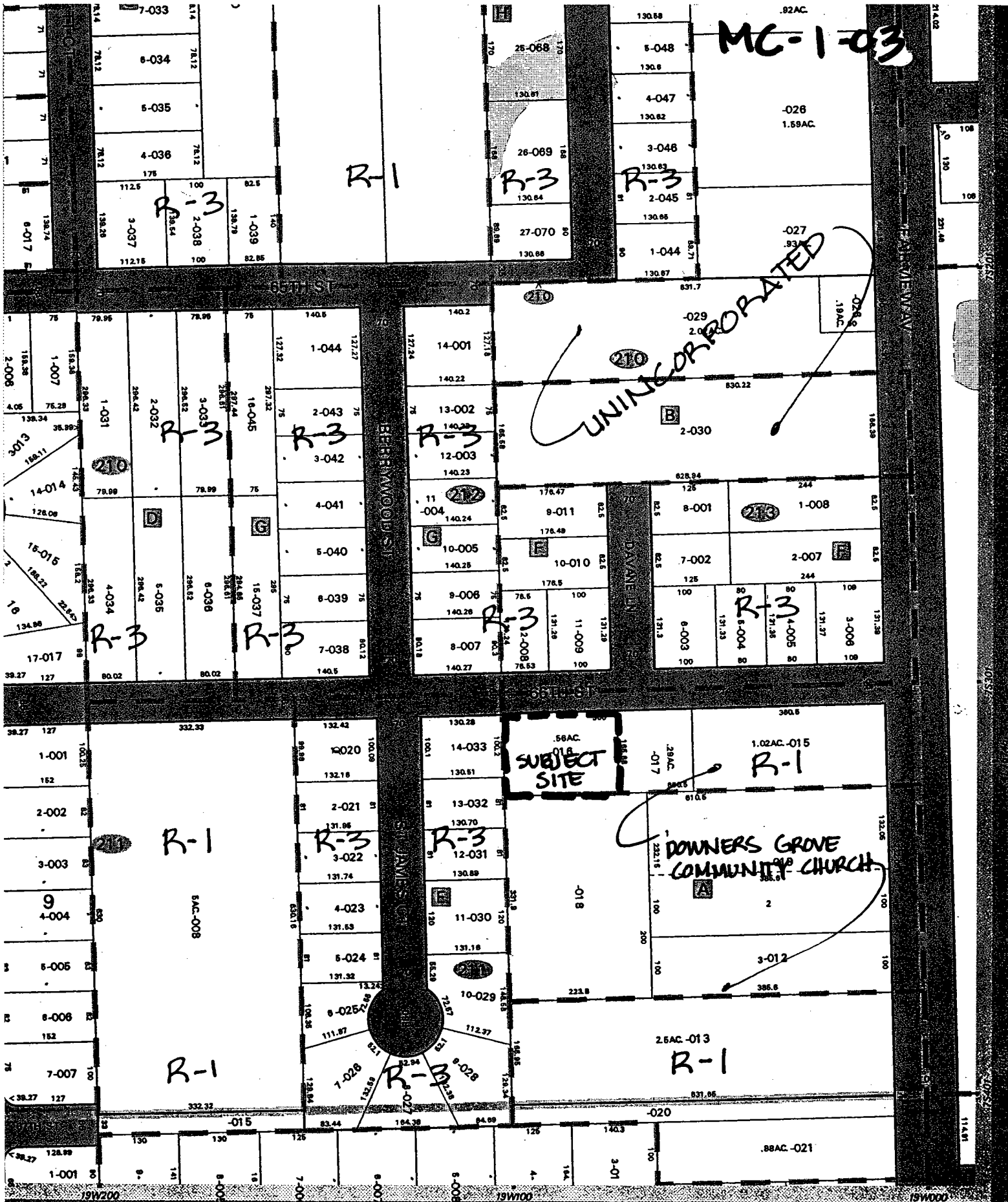
4. Zoning in the area of the subject property is as follows: the Downers Grove Community Church located immediately south and east of the subject property is zoned R-1, Single Family Residential. The single family residential lots located along St. James Court to the west, and along Berrywood Street, Davane Lane and 66th Street to the northwest and north are zoned R-3, Single Family Residential. The single family residential lots in this area have been developed with lot dimensions and lot areas consistent with the requirements of the R-3 zoning district.

5. The Village's Future Land Use Plan depicts the subject property with a land use designation of "Residential at 0-6 dwelling units per acre," which is consistent with the R-1 through R-4 single family residential zoning districts.

CONCLUSION:

The proposed rezoning is consistent with the Village's Future Land Use Plan and with the zoning of land in the surrounding area.

AGB:amd
Attachments
01/16/03



MC-1-03

R-1

R-3

R-3

R-3

UNINCORPORATED

SUBJECT SITE

DOWNERS GROVE COMMUNITY CHURCH

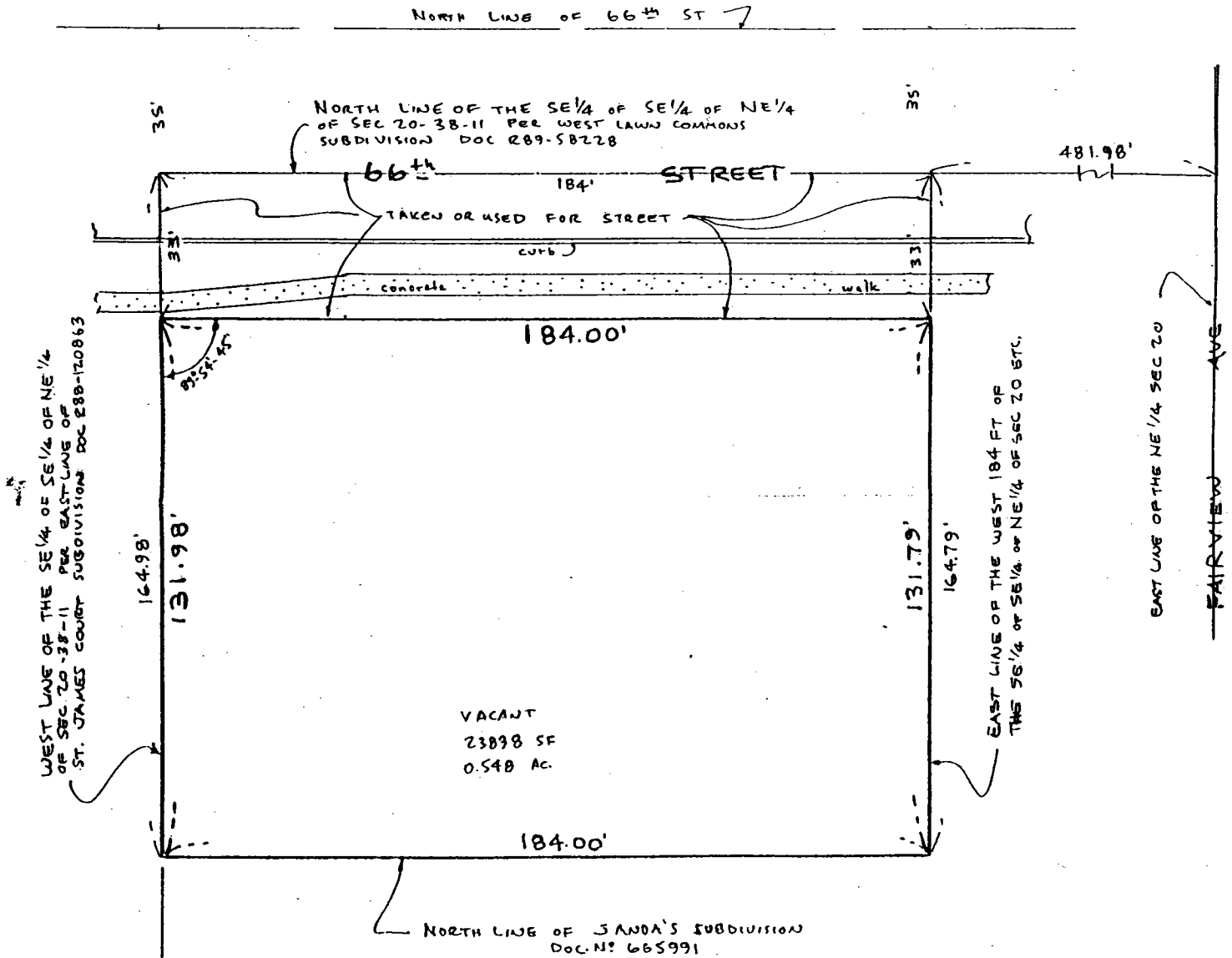
EPH M. DE CRAENE
1018 LAND SURVEYOR
710 SKYLINE DRIVE
HINSDALE, IL 60527
(630) 789-0898
FAX (630) 789-0697

Plat of Survey

MC-1-03

1"=30'

THE WEST 184 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, LYING NORTH OF JANDA'S SUBDIVISION, (EXCEPT THAT PART TAKEN OR USED FOR 66TH STREET), IN SECTION 20, TOWNSHIP 38 NORTH, RANGE 11. EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.





VILLAGE OF DOWNERS GROVE, ILLINOIS
Petition for a Map Amendment to the Zoning Ordinance

MC-1-03

To: The Zoning Board of Appeals
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515-4776

\$400.00 Fee for Individuals and
Non-Public Bodies
Application Number MC-91-03
Date Filed 12-18-02

Application must be filed in TRIPLICATE. Two copies of a Registered Surveyor's Plat of Survey must accompany the application.

1. Applicant WXR & ASSOCIATES, LTD. Telephone 630-295-8179
Address 125 East Lake Street, Bloomingdale, IL 60108

2. Owner(s) Downers Grove Community Church Telephone 630-969-3320
Address 6600 Fairview, Downers Grove, IL 60516

3. Applicant is (check one) Attorney Agent Other (specify) Contract purchaser
(NOTE: A letter of authorization from owner must be submitted)

4. Present owner acquired title to the property on (date) approx. 1985

5. Location of property On 66th Street beginning approximately 431.94 feet west of Fairview
Avenue and extending for 184.0 feet westerly

Square foot area 23898 Acreage 0.548

6. Legal Description of property and P.I.N.# See survey
09-20-211-016

7. Present zoning classification R1 single family residence

8. Proposed zoning classification R3 single family residence

9. Is this a pre-annexation zoning petition? Yes No

10. Has applicant previously sought to rezone the property or any part of it? Yes No
When? To what rezoning classification?

11. Is an improvement planned? Yes No When? not determined

12. What will be the actual use of the improvement? single family residences

13. A list of the names, addresses and Property Identification Number (PIN) of all persons to whom the latest
general real estate tax bills were sent for all property situated within 250 feet of the subject property:
See attached

(Attach list of names and addresses, if room provided is insufficient.)

I hereby certify that these statements and all accompanying statements and drawings are true and correct to the best of my knowledge.

Dated: December _____ 20 02 _____

Respectfully submitted,

Signature of Applicant: _____



WAR V.P.

ORC 17 02

Date forwarded to Plan Commission _____

Recommendation of Plan Commission _____

Date of Public Hearing _____

Action taken by the Board _____

Signature of Chairman: _____

Date submitted to Village Council _____

Actions Taken by the Council _____

Dated _____ 20 _____

13. A list of the names, addresses and Property Identification Number (PIN) of all persons to whom the latest general real estate tax bills were sent for all property situated within 250 feet of the subject property.

PIN	NAME	ADDRESS	CITY	STATE	ZIP CODE
09-20-210-038	Emmanuel C. Mangalasseril	6580 Berrywood Lane	Downers Grove	IL	60516
09-20-211-012	Dolores M. Janda	P.O. Box 803	Westmont	IL	60559
09-20-211-015	Downers Grove Community Church	6600 Fairview Avenue	Downers Grove	IL	60516
09-20-211-017	Downers Grove Community Church	6600 Fairview Avenue	Downers Grove	IL	60516
09-20-211-018	Downers Grove Community Church	6600 Fairview Avenue	Downers Grove	IL	60516
09-20-211-019	Downers Grove Community Church	6600 Fairview Avenue	Downers Grove	IL	60516
09-20-211-020	William C. & CJ Richter	6600 St. James Ct	Downers Grove	IL	60516
09-20-211-021	John & Rosemary Sullivan	6606 St. James Ct	Downers Grove	IL	60516
09-20-211-022	Bradford & Christine Tyle	6612 St. James Ct	Downers Grove	IL	60516
09-20-211-023	Dushan & Nancy Petrovich	6618 St. James Ct	Downers Grove	IL	60516
09-20-211-029	Kenneth & E.A. Nemecek Jr.	6631 St. James Ct	Downers Grove	IL	60516
09-20-211-030	Phil & K. Fontanarosa	6619 St. James Ct	Downers Grove	IL	60516
09-20-211-031	Brian A. Jakubowski	6613 St. James Ct	Downers Grove	IL	60516
09-20-211-032	Edward & Diane Jandeczek	6607 St. James Ct	Downers Grove	IL	60516
09-20-211-033	Anthony Ruggiero	6601 St. James Ct	Downers Grove	IL	60516
09-20-212-006	Ravi & R. Nallakrishnan	6575 Berrywood St.	Downers Grove	IL	60516
09-20-212-005	Rudolfo & Fe Asuncion	6571 Berrywood Drive	Downers Grove	IL	60516
09-20-212-007	James & Diane Lipuma	6579 Berrywood St.	Downers Grove	IL	60516
09-20-212-008	James A. & Janet Cerny	412 66th Street	Downers Grove	IL	60516
09-20-212-009	Donald & Joyce Detmer	6580 Davane Lane	Downers Grove	IL	60516
09-20-212-010	Equibank for Angelo G. & P. Sardina	2 Oliver Plaza 6576 Davane Ln	Pittsburgh D. G.	PA IL	15222 60516
09-20-213-002	Kerry A. & M.A. Richmond	6575 Davane Lane	Downers Grove	IL	60516
09-20-213-003	Fred and Mary Jo Foss	6579 Davane Lane	Downers Grove	IL	60516
09-20-213-004	Eusebio & D. Ricohermoso	406 66th Street	Downers Grove	IL	60516
09-20-213-005	Wakter A. & Mary A. Sobut	404 66th Street	Downers Grove	IL	60516

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING - Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals at 7:30 p.m. on January 22, 2003 at the Village of Downers Grove Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, to consider a petition seeking rezoning from Village R-1, Single Family Residence District to Village R-3, Single Family Residence District for property located on the south side of 66th Street, approximately 432 feet west of Fairview Avenue, Downers Grove (PIN 09-20-211-016). The property is legally described as follows:
The west 184 feet of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter, lying north of Janda's Subdivision, (except that part taken or used for 66th Street), in Section 20, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois. Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Relations Department (630 434-5560) prior to the meeting. Wheelchair access may be gained through the entrance on the south side of the Village Hall. 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. Zoning Board of Appeals, William White, Chairman. Published in the Downers Grove Reporter, Friday, January 3, 2003.

MC-1-03

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE THE PROPERTY ON THE SOUTH SIDE OF 66TH STREET & APPROXIMATELY 432 FEET WEST OF FAIRVIEW AVENUE (R-1 to R-3)

WHEREAS, the property located on the south side of 66th Street, approximately 432 feet west of Fairview Avenue, Downers Grove and hereinafter described has been classified as R-1 Single Family Residence under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and,

WHEREAS, the owner or owners of said real estate have requested that such property be rezoned as hereinafter provided; and

WHEREAS, it appears that the Zoning Board of Appeals of the Village of Downers Grove has given the required public notice, and has conducted a public hearing respecting said requested rezoning in accordance with applicable law; and

WHEREAS, making due allowance for existing conditions, the conservation of property values, the development of the property in conformance to the official Comprehensive Plan of the Village of Downers Grove, and the current uses of the property affected, the Council has determined that the proposed rezoning is for the public good.

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

SECTION 1. The 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"), is hereby further amended by changing to "R-3, Single Family Residential" the zoning classification of the following described real estate, to wit:

The west 184 feet of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter, lying north of Janda's Subdivision, (except that part taken or used for 66th Street), in Section 20, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois. (PIN 09-20-211-016)

SECTION 2. The official zoning map shall be amended to reflect the change in zoning classification effected by Section 1 of this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:
Published:
Attest: _____
Village Clerk