



MANAGER'S MEMO ITEM

KRS

ITEM: PLAN COMMISSION FILE NO. 16-05; 5505-09 Belmont Annexation Agreement, Rezoning, Special Use and Variation

WORKSHOP DATE: August 9, 2005

PREPARED BY: Amanda G. Riordan, Planning Department

PURPOSE: To conduct the public hearing regarding the proposed Annexation Agreement, and to consider the Plan Commission's recommendation to approve the Rezoning, Special Use and Variation to authorize the existing office building and to allow the construction of a new accessory parking area. The property is located on the east side of Belmont Road, north of Maple Avenue with an address of 5505-09 Belmont Road.

BACKGROUND:

Requested Action

The petitioner is seeking Annexation of the subject property pursuant to an Annexation Agreement; Rezoning from County R-4, Single Family Residence to Village R-6, Multiple Family Residence; a Special Use to authorize the existing office building and to allow the construction of a new accessory parking area; and a Variation pertaining to the front setback of the required parking lot screening along Belmont Road.

At their June 6, 2005 meeting, the Plan Commission unanimously recommended approval of the Petitioner's Requested Action, subject to certain conditions as delineated in the attached minutes of the public hearing and the Draft Ordinance. The Petitioner has satisfied the recommended conditions pertaining to the screening and fencing along the northerly property line adjacent to a single family residence, as well as the submission of a photometric lighting plan indicating proposed lighting levels of 0.0 footcandles at the property line.

In addition to considering the recommendations of the Plan Commission, the Village Council will be conducting the required public hearing regarding the proposed Draft Annexation Agreement (attached).

The petitioner is aware of the obligation to remit the required Fire Protection Debt Service in the amount of \$7,576.53 to the Village as a condition of Annexation.

ATTACHMENTS:

1. Draft Resolution authorizing the execution of an Annexation Agreement
2. Draft Annexation Agreement
3. Draft Annexation Ordinance
4. Draft Rezoning Ordinance
5. Draft Special Use Ordinance (including the requested Variation)
6. Staff Report, with Attachments, dated June 1, 2005
7. Minutes of Plan Commission Public Hearing, dated June 6, 2005

STAFF RECOMMENDATION:

Staff recommends approval of the Petitioner's Requested Action, subject to the conditions as outlined in the Draft Ordinances.

REQUESTED COURSE OF ACTION:

That the Village Council place consideration of the Draft Ordinances approving the Petitioner's Requested Action on the August 16, 2005 Council Meeting agenda.

RESOLUTION _____

**A RESOLUTION AUTHORIZING EXECUTION OF AN
ANNEXATION AGREEMENT FOR THE PROPERTIES LOCATED AT
5505, 5507 AND 5509 BELMONT ROAD, DOWNERS GROVE, ILLINOIS**

WHEREAS, there has been submitted for Village Council consideration proposed Annexation Agreement for the properties commonly known as 5505, 5507 and 5509 Belmont Road ; and,

WHEREAS, the Village Council held a public hearing on the proposed Annexation Agreement on August 9, 2005.

NOW, THEREFORE, be it resolved by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the provisions of the preamble are incorporated into and made a part of this resolution.
2. That the form and substance of the proposed Annexation Agreement between the Village of Downers Grove and the owners of the properties described above (the "Owners") as submitted to this meeting with the recommendation of the Village Manager, are hereby approved.
3. That the Mayor and the Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal, and deliver the Annexation Agreement substantially in the form approved in the foregoing paragraph of this resolution. The Village Clerk shall cause a copy of these Annexation Agreements to be recorded in the Office of the Recorder of Deeds of DuPage County, at the expense of the Owners.
3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Annexation Agreements.
4. That this resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____
Village Clerk

ANNEXATION AGREEMENT

**FOR CERTAIN PROPERTY
COMMONLY KNOWN AS
5505, 5507, AND 5509
BELMONT ROAD,
DOWNERS GROVE,
DUPAGE COUNTY,
ILLINOIS**

This Agreement made and entered into this _____ day of _____, 2005, by and between the Village of Downers Grove (“Village”), an Illinois municipal corporation, and the Argianas Family, LLC together with the Sonaigra, LLC (“Owners”);

WITNESSETH:

WHEREAS, the Owners are the owners of record of certain real estate located on the east side of Belmont Road approximately 220 feet north of Maple Avenue and legally described as follows:

Lots 20 through 25 inclusive, in Block 3 in the Maple Hill Subdivision, being a subdivision of Lots 18, 19 and 20 of Arthur T. McIntosh’s Belmont Farms, being a subdivision in the Southwest Quarter of Section 7, Township 38 North, Range 11 East of the Third Principal Meridian, and in the Southeast Quarter of Section 12, and in the Northeast Quarter of Section 13, Township 38 North, Range 10 East of the Third Principal Meridian, according to the plat of said Maple Hill Subdivision recorded February 8, 1928 as Document 251608, also all that part of Belmont Avenue lying westerly and adjacent to Lots 20 and 21, lying northerly of the southerly line extended westerly) of Lot 20 in Block 3 in Maple Hill Subdivision, as aforesaid, and lying southerly of the south line extended easterly of the north 86 feet of the south 150 feet of Lot 22 in Arthur T. McIntosh’s Belmont Farms, as aforesaid, all in DuPage County, Illinois.

Commonly known as 5505, 5507 & 5509 Belmont Road (PIN Nos. 08-13-201-003 through -008)

(hereinafter referred to as the "Property"); and

WHEREAS, the Owners desire to annex their Property into the Village having been before the Village of Downers Grove Plan Commission on June 6, 2005 as case PC-16-05 wherein a recommendation to rezone and to grant a special use with certain variations from Code to authorize the existing office building and to allow the construction of an expansion of the existing parking lot was made; and

WHEREAS, notice has been given to the fire protection and library districts as well as the township commissioner of highways as required by statute (65 ILCS 5/7-1-1); and

WHEREAS, the parties hereto desire that the Property be annexed to the Village on the terms and conditions hereafter set forth; and

WHEREAS, the Property is not located within the corporate boundaries of any municipality, but it is

within the planning area of the Village, as established by boundary agreements with adjacent municipalities, and is contiguous to the Village; and

WHEREAS, the parties wish to enter into a binding agreement with respect to the future annexation of the Property and to provide for various other matters related directly or indirectly to said future annexation, in accordance with the provisions of 65 ILCS 5/7-1-1 et seq.; and

WHEREAS, the Village Council has determined that the annexation of the Property would further the orderly growth of the Village and promote the general welfare of the Village;

NOW THEREFORE, in consideration of the mutual covenants, agreements, terms and conditions herein set forth, the Owners and the Village agree as follows:

1. The provisions of the preamble herein above set forth are hereby restated and incorporated by reference.
2. The following documents are hereby incorporated into and made part of this agreement by reference:
 - A. Exhibit A - Plat of Survey
 - B. Group Exhibit B - Site Plans
 - C. Exhibit C - minutes of the Plan Commission meeting wherein the rezoning, special use, and variation were recommended
 - D. Exhibit D - Petition for Annexation
 - E. Exhibit E - Plat of Annexation
 - F. Exhibit F - Plat of Easement
3. The Owners have submitted to the Village together with this Agreement an executed Petition for Annexation and plat of annexation in the form provided by law (Exhibits D and E, respectively). The Owners shall pay all fees associated with this Agreement including publication fees and recording fees.
4. The Village agrees to annex the Property upon the terms and conditions set forth in this Agreement.
5. Immediately upon annexation, the Village agrees to adopt an ordinance zoning the Property R-6, Multiple Family Residence, under the Village of Downers Grove Zoning Ordinance. The Village further agrees to adopt an ordinance allowing a special use for an office building and expansion of a parking lot with a variation for screening and landscaping to allow for vegetative screening of the expanded parking lot area which is to be located within the required 25 foot setback along Belmont Road. Following passage of the ordinance rezoning the Property and the ordinance granting the requested special use and variation, and upon submittal of all required documentation, the owner agrees to develop this Property in conformance with the approved site plans (Exhibit B) except as provided in paragraph 6, herein. The rezoning, special use and variation survive the expiration of this agreement until modified in accordance with law.
6. Any development of the Property shall be in substantial conformance with the approved site plans. Provided, however, amendments or variations to such plans may be approved by the Village from time to time in accordance with this Agreement or applicable Village ordinances and such amendments or variations shall not require the amendment of this Agreement. Village ordinances, codes, rules, regulations and specifications generally in effect and applicable throughout the Village at the time approval of any modification is granted shall apply to any subject, not specifically addressed within this Agreement. Any redevelopment of the property subsequent to the development detailed herein shall comply with the existing R-6 uses allowable by the Downers Grove Municipal Code.
7. The Village will issue a certificate of occupancy, if after inspection by Village officials, Owner's property and building comply with the Downers Grove Municipal Code.

8. The Owner has submitted to the Village a Plat of Easement (Exhibit F) indicating a permanent nonexclusive easement is hereby reserved for and granted to the Village of Downers Grove, DuPage County, Illinois, and to all public utility companies and other companies of any kind operating under franchise granting them easement rights in, on, across, over, under, and through the areas shown by dashed lines and labeled "Easements" on the attached Plat for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining electrical, gas, telephone, or other utility lines or appurtenances, sanitary sewers, storm sewers, water mains, and any and all manholes, hydrants, pipes, connections, catch basins, buffalo boxes, and, without limitation, such other installation as may be required to furnish public utility service or other franchise services to the attached area, and such appurtenances and additions thereto as the Village and Utilities may deem necessary, together with the right of access across the lots and real estate included in the attached document for the necessary persons and equipment to do any or all of the above work. The right is also hereby granted to the Village and Utilities to cut down, trim, or remove any trees, shrubs, or other plants that interfere with the operation of or access to the sewers or, without limitation, utility installations in, on, across, under, or through the Easements. No permanent structures shall be placed on the Easements, but some of the Easement area may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights. If an easement is used for storm or sanitary sewers, other utility installations shall be subject to and not interfere with the municipal facilities. In the event the Village or any public utility company, under this grant of easement, undertakes action that disturbs Owner's property, the Village or public utility undertaking said action agrees to restore the property to a condition substantially equivalent to the condition that existed prior to the work undertaken by that entity.

9. The Owner shall construct a sidewalk in compliance with the approved site plan and in compliance with the Downers Grove ordinances and policies, including, but not limited to construction materials and width of path. Said sidewalks shall be constructed, installed and paid for by the developer or his designee. Thereafter, Owner grants to the Village, its successors and assigns, a permanent, non-exclusive easement in, on, across, under and through the areas designated on the plat of survey/site plan/sidewalk plan, attached hereto, as public sidewalk solely for the purpose of a public access sidewalk. Any portion of the sidewalk that lies upon Owner's property, as opposed to Village right-of-way, shall be treated as if it lies upon the Village right-of-way.

10. The Village shall assess, and the Owner shall pay the code services, public works and stormwater review and inspection fees as established, and from time to time amended, pursuant to the Downers Grove Municipal Code.

11. The Owners shall pay to the Fire Protection District Debt Service the amount of seven thousand, five hundred seventy-six dollars and fifty-three cents (\$7,576.53) upon said annexation.

12. This Agreement shall be binding upon the Owners, as well as the Owner's successors, assigns and heirs. This Agreement shall constitute a covenant running with the land and shall be binding upon all persons taking any interest or right in the Property after the date this Agreement is executed by the Village. Any person acquiring any rights or interest in the Property after the date of this Agreement shall be bound by the terms hereof and shall be deemed to have accepted and approved this Agreement in full.

13. The Owners and the Village respectively agree to do all things necessary or appropriate to cause the Property to be duly and validly annexed to the Village. The Owners shall assist the Village and take all necessary action or steps to accomplish said annexation.

14. The parties to this Agreement or their successors or assigns, may, in either law or equity, by suit, action, mandamus, injunction or other proceedings in court, enforce and compel the performance of this Agreement, including suits for specific performance.

15. This Agreement may only be amended by written instruments signed by the parties.

- 16. The term of this Agreement shall be twenty (20) years from the date of execution thereof.
- 17. If any portion of the Agreement shall be declared invalid, the same shall not affect the validity of this Agreement as a whole, other than the part so declared invalid.
- 18. The undersigned warrants that he is the sole Owner of the Property and that he has full authority and power to sign this Agreement and the petition submitted herewith and that he has not and will not take any action to change ownership in the Property until after this Agreement is recorded.

IN WITNESS THEREOF this Agreement has been duly executed by those names subscribed below or on the signature pages attached hereto from time to time and which pages are specifically incorporated herein.

**OWNER
ARGIANAS FAMILY, LLC**

By: _____

Print Name and Title

Subscribed and sworn to before me
this ____ day of _____, 20__.

Notary Public

**OWNER
SONAIGRA, LLC**

By: _____

Print Name and Title

Subscribed and sworn to before me
this ____ day of _____, 20__.

Notary Public

VILLAGE OF DOWNERS GROVE

By: _____
Mayor

Attest: _____
Village Clerk

Subscribed and sworn to before me
this ____ day of _____, 20__.

Notary Public

Date: _____

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING 5505, 5507 & 5509 BELMONT ROAD,
TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS**

WHEREAS, there have been filed with the Clerk of the Village of Downers Grove, in DuPage County, Illinois, a verified petition requesting annexation to said Village of 5505, 5507 & 5509 Belmont Road, as hereinafter described and hereafter referred to as the "Territory"; and

WHEREAS, it appears that the owner or owners of record of each parcel of land within the Territory and at least fifty-one percent (51%) of the electors, if any, residing therein, have joined in said petition; and

WHEREAS, it appears to be in the best interests of the Village of Downers Grove to annex the Territory; and

WHEREAS, the owners of record and the Village of Downers Grove have entered into an annexation agreement this same day.

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

SECTION 1. The following described real estate, together with any public streets or highways adjacent to or within the Territory described that have not been previously annexed to any municipality, is hereby annexed to the Village of Downers Grove pursuant to the terms of a certain Annexation Agreement, to wit:

Lots 20 through 25 inclusive, in Block 3 in the Maple Hill Subdivision, being a subdivision of Lots 18, 19 and 20 of Arthur T. McIntosh's Belmont Farms, being a subdivision in the Southwest Quarter of Section 7, Township 38 North, Range 11 East of the Third Principal Meridian, and in the Southeast Quarter of Section 12, and in the Northeast Quarter of Section 13, Township 38 North, Range 10 East of the Third Principal Meridian, according to the plat of said Maple Hill Subdivision recorded February 8, 1928 as Document 251608, also all that part of Belmont Avenue lying westerly and adjacent to Lots 20 and 21, lying northerly of the southerly line extended westerly) of Lot 20 in Block 3 in Maple Hill Subdivision, as aforesaid, and lying southerly of the south line extended easterly of the north 86 feet of the south 150 feet of Lot 22 in Arthur T. McIntosh's Belmont Farms, as aforesaid, all in DuPage County, Illinois.

Commonly known as 5505, 5507 & 5509 Belmont Road (PIN Nos. 08-13-201-003 through -008)

SECTION 2. A certified copy of this ordinance, together with an accurate map of the Territory hereby annexed shall be recorded in the office of the Recorder of DuPage County and shall be filed with the County Clerk of DuPage County by the Clerk of the Village.

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

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

Mayor

Passed:
Published:
Attest: _____
Village Clerk

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 PROPERTY LOCATED AT 5505, 5507 AND 5509 BELMONT ROAD**

WHEREAS, the real estate located on the east side of Belmont Road, approximately 220 feet north of Maple Avenue and hereinafter described has been classified as R-1 Single Family Residence upon its annexation 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 Plan Commission 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 Future Land Use Plan and Map 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-6, Multiple Family Residence District*" the zoning classification of the following described real estate, to wit:

Lots 20 through 25 inclusive, in Block 3 in the Maple Hill Subdivision, being a subdivision of Lots 18, 19 and 20 of Arthur T. McIntosh's Belmont Farms, being a subdivision in the Southwest Quarter of Section 7, Township 38 North, Range 11 East of the Third Principal Meridian, and in the Southeast Quarter of Section 12, and in the Northeast Quarter of Section 13, Township 38 North, Range 10 East of the Third Principal Meridian, according to the plat of said Maple Hill Subdivision recorded February 8, 1928 as Document 251608, also all that part of Belmont Avenue lying westerly and adjacent to Lots 20 and 21, lying northerly of the southerly line extended westerly) of Lot 20 in Block 3 in Maple Hill Subdivision, as aforesaid, and lying southerly of the south line extended easterly of the north 86 feet of the south 150 feet of Lot 22 in Arthur T. McIntosh's Belmont Farms, as aforesaid, all in DuPage County, Illinois.

Commonly known as 5505, 5507 & 5509 Belmont Road (PIN Nos. 08-13-201-003 through -008)

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

1. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and
2. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, and Village laws, ordinances, regulations, and policies.

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

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ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL
USE FOR AN OFFICE BUILDING WITH VARIATIONS**

WHEREAS, the following described property, to wit:

Lots 20 through 25 inclusive, in Block 3 in the Maple Hill Subdivision, being a subdivision of Lots 18, 19 and 20 of Arthur T. McIntosh's Belmont Farms, being a subdivision in the Southwest Quarter of Section 7, Township 38 North, Range 11 East of the Third Principal Meridian, and in the Southeast Quarter of Section 12, and in the Northeast Quarter of Section 13, Township 38 North, Range 10 East of the Third Principal Meridian, according to the plat of said Maple Hill Subdivision recorded February 8, 1928 as Document 251608, also all that part of Belmont Avenue lying westerly and adjacent to Lots 20 and 21, lying northerly of the southerly line extended westerly) of Lot 20 in Block 3 in Maple Hill Subdivision, as aforesaid, and lying southerly of the south line extended easterly of the north 86 feet of the south 150 feet of Lot 22 in Arthur T. McIntosh's Belmont Farms, as aforesaid, all in DuPage County, Illinois.

Commonly known as 5505, 5507 & 5509 Belmont Road (PIN Nos. 08-13-201-003 through -008)

(hereinafter referred to as the "Property") is presently zoned in the "*R-6, Multiple Family Residence District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28-514 of the Zoning Ordinance be granted to allow an Office Building including the following Variations:

- A. Variation from Chapter 28, Section 28-1406(b), *Screening and Landscaping*, to allow vegetative screening of the expanded parking area to be located within the required 25 foot setback along Belmont Road;

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing 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 Plan Commission has recommended approval of the requested Special Use and Variations, subject to certain conditions; and,

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

1. 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.
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.
3. That 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 or will comply with any variation(s) authorized pursuant to Section 28-1802.

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.

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 of the Property is hereby granted to permit an office building and an expanded parking area including the requested Variations as outlined under Item A above.

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

1. Compliance with the plans incorporated herein by reference as Group Exhibit A; and
2. Compliance with the Staff Report dated June 1, 2005 and all plans attached as recommended by the Plan Commission, a copy of which is attached hereto and incorporated herein by reference as Group Exhibit B; and
3. Compliance with all Public Works/Engineering requirements/conditions as outlined in their memorandum dated January 1, 2005, a copy of which is contained in Group Exhibit B; and
4. Compliance with all Fire Prevention Division requirements/conditions as outlined in their memoranda dated March 10, 2005, a copy of which are contained in Group Exhibit B; and
5. Properly permitted demolition or removal of the existing residence prior to the issuance of any construction permit for the proposed parking lot expansion; and
6. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. Changes may require additional review; and
7. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

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

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That 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

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PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

To: Plan Commission
Prepared By: Amanda G. Riordan, Planner
Date Prepared: June 1, 2005
Meeting Date: June 6, 2005
Project Title: PC 16-05; Belmont Road Annexation, Rezoning, Special Use, Variation

BACKGROUND INFORMATION:

Petitioner: Tracy Kasson, Attorney, for Argianas Family LLC and Sanaigra LLC, Owners
Property Address: 5505, 5507 and 5509 Belmont Road, east side of Belmont Road, north of Maple Avenue
Existing Zoning: County R-4, Single Family (with Special Use for existing office use)
Application/Notice: The application has been filed in conformance with applicable procedural and public notice requirements.

Requested Action:

1. Annexation of the subject property per Chapter 28, *Zoning Ordinance*, Section 28.402, *Annexation of Land to the Village*;
2. Rezoning upon annexation from County R-4, Single Family Residence to Village R-6, Multiple Family Residence per Chapter 28, *Zoning Ordinance*, Section 28.1701, *Amendment to Zoning Classification*;
3. Approval of a Special Use to authorize the existing office building in the proposed R-6 Zoning District and to allow the construction of a new accessory parking area per Chapter 28, Section 28.514, *R-6 District – Special Uses*; and
4. Approval of a Variation to allow the required vegetative screen for the parking area to be located within the required setback along Belmont Road.

BACKGROUND**General Description**

The subject property is located on the east side of Belmont Road approximately 220 feet north of Maple Avenue. The property is approximately 57,375 square feet or 1.32 acres in area, and is comprised of six unincorporated parcels all zoned County R-4, Single Family Residence. The northerly parcel, (Lot 25, 5505 Belmont), is occupied by a single family residential structure. The next parcel to the south, (Lot 24, 5507 Belmont) is currently unimproved. The southerly four parcels, (Lots 20 through 23, 5509 Belmont) are occupied by a single-story 10,500 square foot office building and two accessory parking lots. This office facility was authorized by the County as a Special Use in 1999.

ANALYSIS**Zoning and Future Land Use Plan**

	Existing Zoning	Existing Use	Future Land Use Plan
North	County R-4, Single Family Residence	Single Family Residences	Residential @ 6-11 d.u./acre
South	County B-2, General Business	Commercial	Commercial
East	County R-4, Single Family Residence	Single Family Residences	Residential @ 6-11 d.u./acre
West	County B-2, General Business	Commercial	Residential @ 0-6 d.u./acre

Upon annexation of the subject property, the Petitioner is seeking to authorize the existing office use and to expand its northerly parking area. Office uses are permitted as of right in all non-residential zoning districts, and by Special Use in the R-6, Multiple Family Residence zoning district when the property is within 600 feet of a commercially zoned property. Rather than requesting a commercial zoning designation upon annexation, the Petitioner has elected to request that the subject property be rezoned to R-6 upon its annexation, and to request approval of a Special Use to authorize the existing office building and to allow the expansion of the parking area.

The subject property is designated as Residential at 6-11 dwelling units per acre on the Village's Future Land Use Map, a designation which most closely correlates to the Village's R-5, Two-Family and R-5A, Townhouse zoning districts. It should be noted, however, the concept of an office-transitional designation of the subject property has been discussed

by the Joint Strategic Land Use Planning Committee of the Plan Commission and the Economic Development Commission (see attached Staff Report dated April 2, 2004 and meeting minutes dated April 5, 2004). Staff is of the opinion that the proposed R-6 zoning designation coupled with the requested Special Use is complementary to the adjacent commercial node at the Belmont and Maple intersection immediately to the south of the subject property. Office uses can function as transitional uses between higher intensity commercial uses and lower intensity residential uses. Additionally, rather than rezone the property to a commercial zoning district where an office development or expansion would be permitted as of right, it is preferable to rezone the property to R-6 and retain Special Use authority over any proposed non-residential development in order to control use, bulk and intensity.

Site

Existing Site Characteristics

The subject site is approximately 1.32 acres (57,375 square feet) in area, with approximately 390 feet of frontage along Belmont Road. The site is currently served by three curb cuts on Belmont Road, two serving the existing office building and one serving the existing single family residence.

The existing 10,500 square foot office building is located in the south-central portion of the site, with accessory parking located to its north and south containing a total of 33 parking spaces. The current improvements meet or exceed all minimum required Village setbacks and bulk regulations. Certain parking-related nonconformities pertaining to the size of parking spaces and screening of the parking areas currently exist. Public sidewalks are also not currently present along Belmont Road.

Proposed Site Plan

The Petitioner is proposing to demolish the existing single family residence and to construct an expansion of the northerly parking lot on the northerly two parcels. All new parking spaces will meet applicable setbacks, size and aisle width requirements. The proposed parking expansion of the northerly parking area will result in a total number of off-street parking spaces of 65 spaces, plus two ADA compliant handicap accessible parking spaces. Although no greenspace requirement exists in the proposed R-6 Zoning District, a significant portion of the subject site will remain in landscaped greenspace. The Petitioner is also proposing to install a public sidewalk on the subject property along Belmont Road as required.

Yards and Setbacks

All new improvements to the subject site are proposed to comply with applicable yard and setback requirements. The minimum yards and setbacks can be summarized as follows (note that the site improvements are not parallel to property lines, and only the closest dimensions are provided):

	Minimum Required	Existing or Proposed	Surplus/Deficit
<u>Belmont Road Setback</u>			
Building (office) Setback	25 feet	40 feet	+ 15 feet
Parking Setback	25 feet	30 feet	+ 5 feet
Screening Setback	25 feet	18 to 22 feet	- 7 feet to -3 feet
			Variation Required (28% to 12%)
<u>North (side yard)</u>			
Building (office) Setback	5 feet	200 feet	+ 195 feet
Parking Setback	5 feet	5 feet	0
Screening Setback	NA	Screen at property line	NA
<u>South (side yard)</u>			
Building (office) Setback	5 feet	77.6 feet	+ 72.5 feet
Parking Setback	5 feet	10 feet	+ 5 feet
Screening Setback	NA	NA	NA
<u>East (rear yard)</u>			
Building (office) Setback	20 feet	21 feet	+ 1 foot
Parking Setback	5 feet	6 feet existing driveway 15 feet proposed parking	+ 1 foot + 10 feet
Screening Setback	NA	Fence on property line	NA

Parking lots are subject to Section 28-1406 of the Zoning Ordinance, and are required to be screened from adjacent residentially zoned properties. Such screening must be no less than four feet but no more than six feet in height, and must be either a solid design fence or wall, or a densely planted vegetative screen. The required screen must also conform to the applicable front setback requirement.

On the east (rear) property line, the parking lot is proposed to be set back approximately 15 feet where only five feet is required. The Petitioner is proposing to screen the expanded parking area from the adjacent residential uses to the east by installing a six foot tall solid board on board fence along the rear property line, as well as landscaping including both deciduous trees and evergreen shrub plantings.

Along the north (side) property line, the parking lot is proposed to be set back approximately five feet where five feet is required. The Petitioner is also proposing screening along the northerly property line; however, Staff recommends that this screening be extended to the east to the rear property line, and to the west to the front setback line, so that the parking lot is fully screened from the adjacent residentially zoned properties to the north.

Along the west (front) property line, the parking lot is proposed to exceed the minimum required front setback of 25 feet with a setback of no less than 30 feet. As the properties on the west side of Belmont Road are zoned as residential, the expanded parking area is also required to be screened along Belmont Road. The Petitioner is proposing an evergreen landscape screen consisting of densely planted evergreen shrubs, as well as additional deciduous and evergreen tree plantings and perennial planting beds. As the majority of this landscaped screen is proposed to be centered along the 25 foot setback line, a Variation is being requested for those portions of the screen located within the 25 foot setback requirement. Staff is of the opinion that this requested Variation is minimal, and that the proposed screen satisfies the intent of the screening setback requirement.

Bulk Characteristics

With an existing and proposed gross floor area of approximately 10,500 square feet, the Petitioner's plan represents a Floor Area Ratio of 0.18, well within the maximum permitted Floor Area Ratio of 0.6 for non-residential uses in the R-6 Zoning District.

Openspace/Landscaped Green Space

In the proposed R-6 Zoning District, there is no minimum openspace/landscaped green space requirement. The Petitioner's plans indicate that significant portions of the subject site will remain in landscaped greenspace, although no overall calculation has been provided.

Parking

Per Code, required parking for office uses is assessed at a rate of one parking space for each 400 square feet of gross floor area. At 10,500 square feet in gross floor area, the proposed facility requires 27 Code compliant parking spaces. The proposed plan indicates a total of 65 proposed parking spaces and two ADA compliant handicap accessible parking spaces, yielding a surplus of 38 parking spaces per Code. Any existing nonconformities with respect to parking stall size or aisle width are permitted to remain; however, all new or re-stripped parking spaces must meet applicable size requirements.

Loading

Per Code, a designated loading/unloading area is not required for office facilities less than 40,000 square feet in gross floor area.

Site Lighting

With respect to exterior site lighting, the Code does not provide a site lighting requirement for commercial uses adjacent to residential uses, with the exception of automobile service related uses which may not exceed lighting levels of 0.1 foot-candles at the property line of an adjacent residential use. It is recommended that the Petitioner submit a photometric site plan and calculations indicating that lighting levels at the property lines will promote a safe and efficient use of the site while avoiding potential negative impacts on adjacent residential properties.

Public Works/Engineering

Public Works has reviewed the proposed plans per the attached memo dated June 1, 2005. The Public Works Department has indicated that any identified issues may be addressed at the construction permitting phase of the proposed parking lot expansion.

Stormwater Management

Complete stormwater management permit submittals will be required prior to issuance of any construction permit for the proposed parking lot expansion.

Traffic

The northerly access drive which currently serves the single family residence will be removed, and the site will continue to be accessed by way of the two existing driveways from Belmont Road. Each of the two access drives are currently and will continue as full access driveways. The Petitioner has submitted a Traffic Analysis performed by Kozial Engineering dated May 3, 2005. The Traffic Division has no comment with respect to the Petitioner's proposal.

Forestry/Landscaping

The Forestry Division has reviewed the Petitioner's proposal and has no comment.

Fire Department

The Fire Prevention Division of the Fire Department has reviewed the proposed plans and as noted in the attached correspondence dated March 10, 2005, has no outstanding issues regarding the Petitioner's proposal.

OtherProposed Signage

An existing freestanding sign is currently located along Belmont Road, and no new signage is proposed. Pursuant to the newly adopted sign regulations, if the sign does not conform with the applicable sign regulations, it will be required to be brought into conformance seven years after the date of annexation.

Standards for Approval

Section 28-1902 of the Zoning Ordinance establishes the Standards for Approval of a Special Use. The Petitioner has responded to these standards in the attached Project Summary and will address these issues to the Plan Commission at the public hearing regarding this petition. The Village Council may authorize a Special Use provided evidence is presented to establish the following:

- (a) That 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;
- (b) That such 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;
- (c) That 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 or will comply with any variation(s) authorized pursuant to Section 28-1802;
- (d) That it is one of the Special Uses specifically listed for the district in which it is to be located.

Section 28-1803 of the Zoning Ordinance establishes the Standards for approval of a Variation, in this case to allow the required vegetative screening of the expanded parking area to be located within the required 25 foot front setback, with a setback ranging between 18 and 22 feet, for a reduction ranging between seven feet to three feet, or 25% to 12%. The Petitioner has responded to these standards in the attached Project Summary and will address these issues to the Plan

Commission at the Public Hearing regarding this petition. The Village Council may authorize the requested Variation provided evidence is presented to establish the following:

A Variation shall be permitted only if the Board finds that it is in harmony with the general provisions and interests of this Zoning Ordinance and that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Zoning Ordinance. In its consideration of the standards of practical difficulties or particular hardship, the Board shall require that:

- (1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
- (2) The plight of the owner is due to unique circumstances; and
- (3) The Variation, if granted, will not alter the essential character of the locality.”

RECOMMENDATION

Staff is of the opinion that the Standards for Approval for the requested Special Use and Variation have been met, and that the proposed annexation and rezoning to R-6, Multiple Family is consistent with the discussions of the Joint Strategic Land Use Planning Committee regarding the subject area. Staff recommends that the Plan Commission forward a favorable recommendation to the Village Council with respect to the Petitioner's Requested Action, subject to the following conditions:

1. Properly permitted demolition or removal of the existing residence prior to the issuance of any construction permit for the proposed parking lot expansion;
2. Compliance with all Public Works requirements and conditions as outlined in their memorandum dated January 1, 2005;
3. Compliance with all Fire Prevention Division requirements and conditions as outlined in their memorandum dated March 10, 2005;
4. Submittal of a photometric site plan prior to Council consideration, indicating safe and effective lighting levels, most notably at the property line adjacent to the residential uses to the east;
5. Submittal of a revised landscape plan prior to Council consideration, indicating expanded screening along the northerly property line;
6. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. Changes may require additional review; and
7. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.



**INTEROFFICE CORRESPONDENCE
DEPARTMENT OF PUBLIC WORKS**

TO: Amanda Riordan, Planning & Community Development
FROM: David H. Barber, P.E., Director of Public Works
BY: Michael D. Millette, P.E., Asst. Director of Public Works – Engineering
Jonathan C. Hall, P.E., Development Engineer
DATE: June 1, 2005
RE: Planning / Zoning Request
Rezoning for parking lot - 5505 – 5509 Belmont
Public Works Department - **3rd Review**

Documents Reviewed:

- ✍ Preliminary Engineering Plans revised April 20, 2005
- ✍ Koziol Engineering Services Summary of Site Stormwater Management Analysis dated February 6, 2005 with cover letter dated April 22, 2005
- ✍ Plat of Easement dated February 17, 2004
- ✍ Landscape Plan dated April 21, 2005

Attachments:

- ✍ None

Public Works Review Summary:

Division	Representative	Date	Conclusion	Comments included
Engineering	M. Millette	5/10/05	See Comments	X
Stormwater	J. Hall	6/1/05	See Comments	X
Water	D. Bird	-	No Comments	
Traffic	D. Fera	-	No Comments	
Forestry	K. von der Heide	-	No Comments	
Pavement	R. Ebel	-	No Comments	

Findings:

The Public Works Department concurs with placement on the Plan Commission agenda at this time. All outstanding review comments may be addressed at a later date prior to issuance of a stormwater permit.

Public Works Department Review Details:

Engineering Review Comments from May 10, 2005:

1. Sidewalk needs to be constructed along front of project.
Accepted
2. Easement language should be per Community Development.

Engineering Review Comments from March 17, 2005:

1. Provide 5' sidewalk no closer than 3' to back-of-curb on Belmont. Dedicate easement, if necessary.
Accepted
2. Provide a Plat of Easement granting the following:
 - a. Drainage easements over all storm sewers, detention areas, detention overflow area, and access from Belmont Road
Accepted
 - b. Public utility and drainage easements 10 feet in width along rear property line and 5 feet along exterior side property lines.
Accepted
 - c. Sidewalk easements along Belmont Road if necessary.
Accepted

Stormwater Review Comments from April 8, 2005:

1. No Special Management Areas appear to be present on the subject site.
2. Prior to future permit issuance, the following will be required:
 - ☒ Complete stormwater permit submittal
 - ☒ Permit fee agreement form
 - ☒ DuPage County Right-of-Way permit
3. Provide detention volume, release rate, and overflow calculations. Provide stormwater detention for all cumulative developed area since February 15, 1992, (assuming total is greater than 25,000 square feet.)

4. Increase stormwater outlet control manhole diameter to 72 inches.
5. Increase stormwater outlet control manhole sump depth to 36 inches.
6. We recommend revisions to the storm drainage system to prevent flooding of vehicles in the event the single inlet is clogged. This might include arranging the parking stalls to minimize inundation depth (depths greater than 6 inches may flood some vehicles), addition of another inlet, or use of a raised (beehive) inlet to reduce clogging.
7. Provide storm sewer calculations.
8. The future complete stormwater permit submittal will likely be forwarded to the Village's engineering consultant for further review.

Traffic Review Comments:

No Comments

Forestry Review Comments:

No Comments

Water Division Review Comments:

No Comments

Pavement Division Review Comments:

No Comments

c: PW Division Managers
D. Rosenthal, Director of Code Services
A. Hightower, Stormwater Management Engineer
S. Connell, Administrative Technician



**DOWNERS GROVE FIRE DEPARTMENT
PREVENTION DIVISION**

801 Burlington Ave., Downers Grove, IL 60515
Phone: 630-434-5983 Fax: 630-434-5593



RECEIVED

MAR 11 2005

Planning and Community
Development

SITE PLAN REVIEW

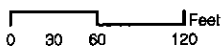
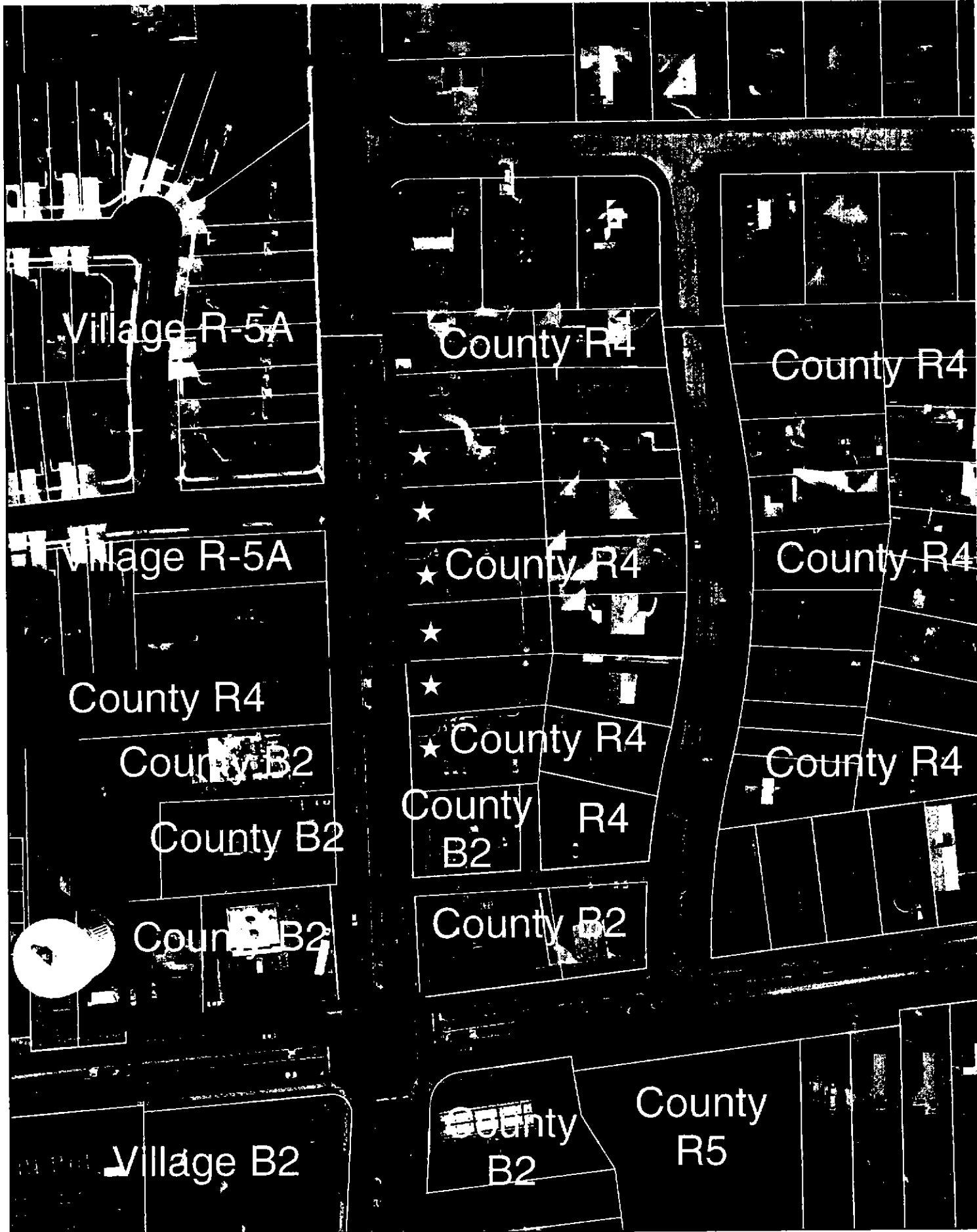
TO: Amanda Riordan, Planning & Community Development
FROM: Bill Mierzejewski, Fire Marshal
DATE: March 10, 2005
RE: 5505-5509 Belmont Rd.
Annexation, Annex and Rezone Parking Lot

.....

The Fire Prevention Bureau approves the plans submitted for the above referenced project. There do not appear to be any issues at this time.

This is a review for fire protection and prevention concerns **only**. Other Village departments may have issues that need to be addressed.

Please feel free to call me at 434-5983 with any questions or concerns.



5505, 5507 & 5509 Belmont Rd.
 Department of Planning

Legend
 ★ Selected Property

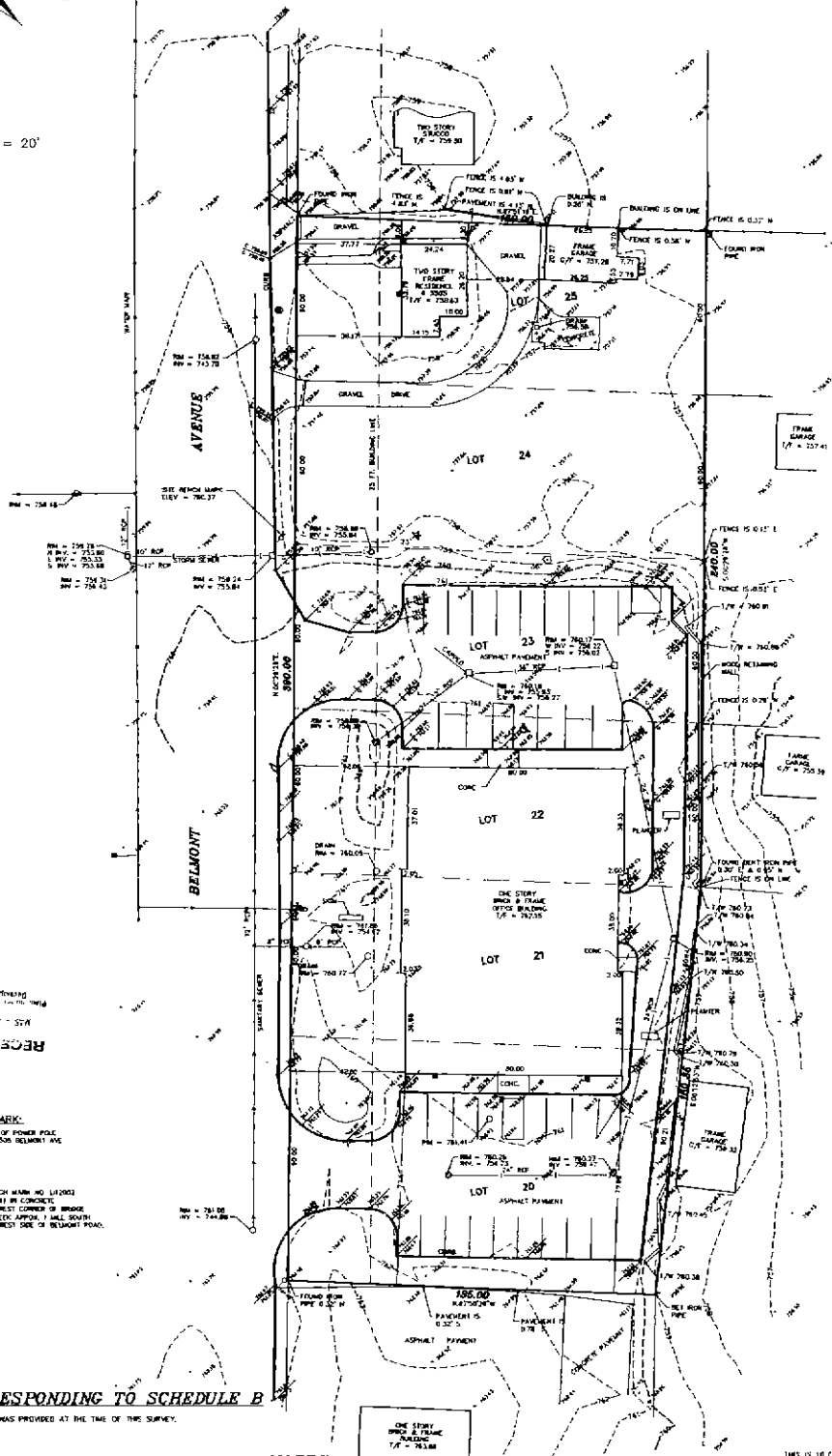


ALTA/ACSM LAND TITLE SURVEY

LOTS 20 THROUGH 25 IN BLOCK 3 IN MAPLE HILL SUBDIVISION, BEING A SUBDIVISION OF LOTS 12, 18, 24, 30, 36, 42, 48 AND 54 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAN OF MAPLE HILL SUBDIVISION, RECORDED FEBRUARY 3, 1929 AS DOCUMENT 25186A, IN DUPAGE COUNTY, ILLINOIS.



SCALE: 1" = 20'



LEGEND

- STORM SEWER MANHOLE
- ⊙ CATCH BASIN
- WALK
- ⊖ SANITARY SEWER MANHOLE
- ⊕ ELECTRIC METER
- ⊗ GAS METER
- ⊘ FIRE HYDRANT
- ⊙ WATER VALVE
- UTILITY POLE
- ⊕ CONSPICUOUS TREE
- DECIDUOUS TREE

RECEIVED

MAP - 4 25'6"
 Planned by: Landmark Development

NOTES CORRESPONDING TO SCHEDULE B

- 1. NO TITLE COMMITMENT WAS PROVIDED AT THE TIME OF THIS SURVEY.
- 2. NONE

NOTES:

1. BEARING BASIS: BEARINGS ARE BASED ON THE WEST LINE OF LOTS 20 THROUGH 25 (BEING ALSO THE EAST LINE OF BELMONT AVENUE).
2. AREA: 57,355.95 SQUARE FEET OR 1.317 ACRES
3. ALL BOUNDARY LINE DIMENSIONS ARE RECORDED AND MEASURED
4. THERE IS NO MOBILE CHANGING OF DISTANCES.
5. CLOSURE EXCEEDS ACCURACY OF 1:20,000
6. PROJECT P.L.N. 08-12-201-003 THROUGH 006

FLOOD NOTE: This property is in Zone C of the Flood Insurance Rate Map, Community Flood No. 17097 D000 B which has an effective date of April 15, 1992 and is NOT in a Special Flood Hazard Area. Flood insurance was not purchased by the owner. An official certificate may be needed to verify the determination to apply for an endorsement from the Federal Emergency Management Agency.

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY BY WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THIRTIETH STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, ABSENTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND MAPS IN 1999 PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, ACSM AND MAPS AND ARE IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNEDS FURTHER CERTIFIES THAT THE NECESSARY PRECAUTIONS RECALCULATING THE SURVEY REQUIREMENTS BASED ON THE SURVEY TO WHICH APPLIED THE ALTERNATE POSITIONAL TOLERANCE.

DATED: AUGUST 26, 2004

Robert M. ...
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 7436

HARRINGTON ILLINOIS LAND SURVEYING LTD.
 ILLINOIS & WISCONSIN

ORDERED BY:
 KODOL ENGINEERING
 SURVEY NO.: 047-004
 FILE NAME: 047-04

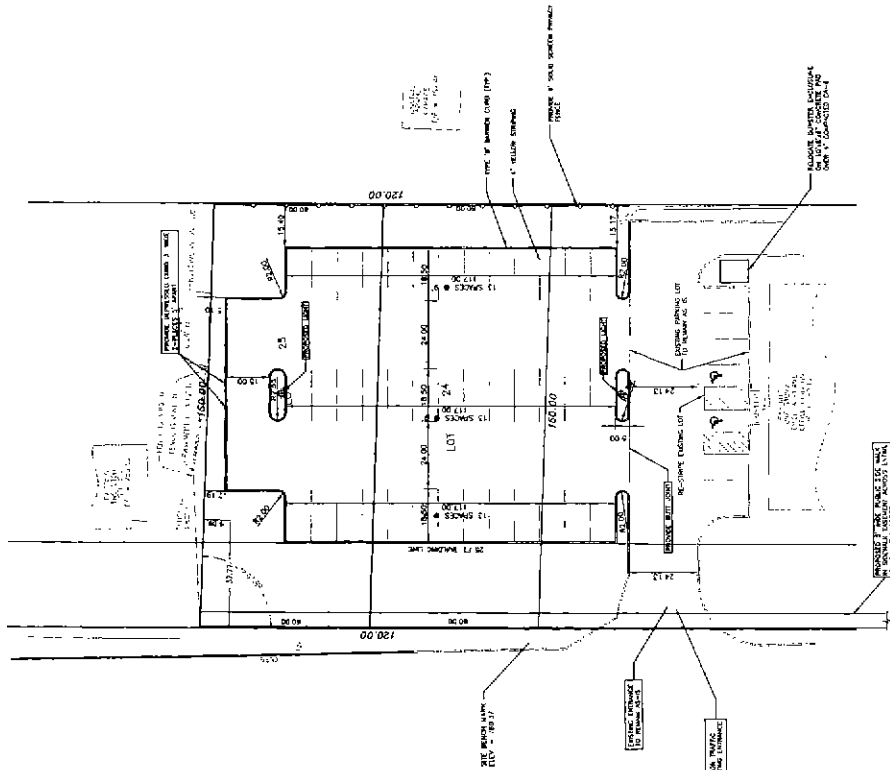
SHEET 1 OF 1
 LOCATION:
 BELMONT AVENUE
 BURNING GROVE, ILLINOIS

CURRENT ZONING = R5
 PROPOSED ZONING = R5 SPECIAL USE
 LOT AREA = 17,892 SF

R-5 ZONING REQUIREMENTS	REQUIRED	PROPOSED
MAXIMUM BUILDING HEIGHT	N/A	N/A
BUILDING SIZE (SF) (LOT COVERAGE)	N/A	N/A
FRONT YARD SETBACK	25.0'	25.0'
SIDE YARD	5.0'	5.1'
REAR YARD (EAST)	12.0'	15.17'
GREEN SPACE	0 SF	3381 SF
GREEN SPACE FRONT	0 SF	4126 SF

LAYER	POINT IN SECTION POSITION AND MATERIAL	PAVEMENT SPECIFICATIONS
SURFACE COURSE	1 1/2"	CLASS 1 FINISHED (1770005)
BINDER COURSE	1 1/2"	CLASS 2 FINISHED (1770005)
BASE	10"	(COMBINED 18K+20 (MAX))
SUB-BASE	4"	SHALLAR TYPE B (BR. 2)

PARKING DATA:
 46 TOTAL PARKING SPACES PROVIDED
 (2 H.C. SPACES)
 (NET INCREASE OF 30 SPACES)



REVISIONS		NO.	DATE	DESCRIPTION
1	PRELIMINARY ENGINEERING		4/20/05	
2	PRELIMINARY ENGINEERING		4/20/05	

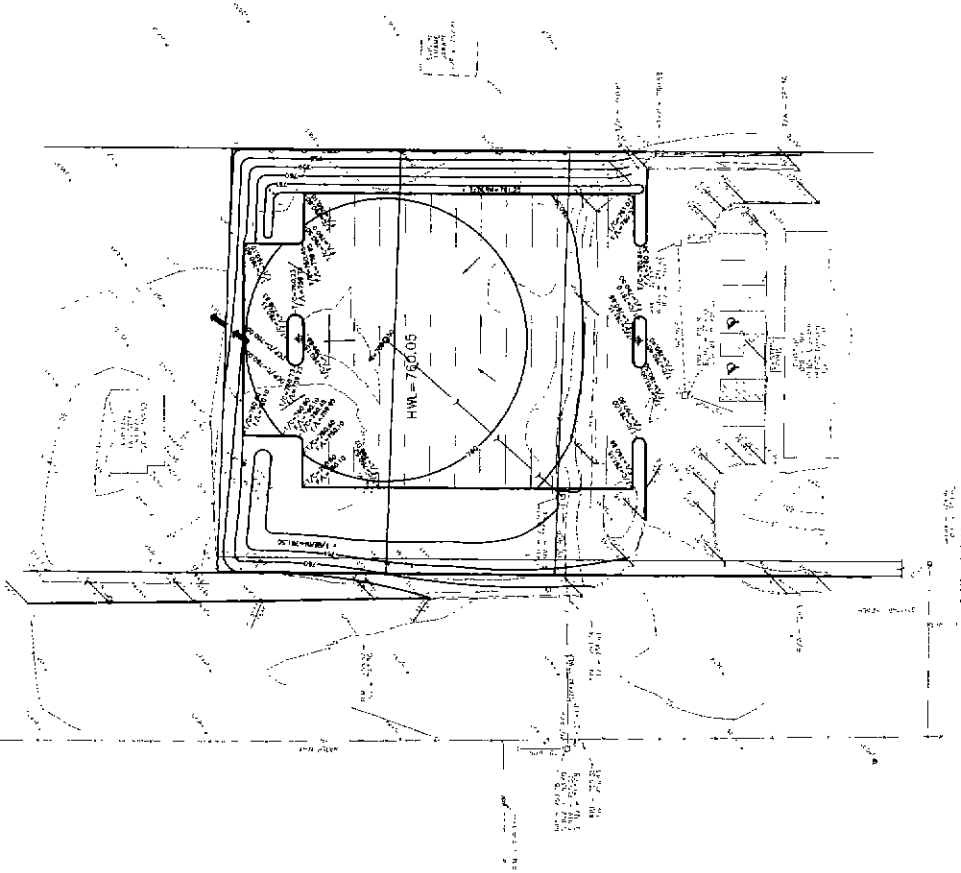
DESIGNED BY:	CHK:	FILE NAME:	DATE:	SCALE:	SHEET NO.
DRN. BY:	JK	01010	4/20/05	1:50	3 of 6

5505 BELMONT AVE. PARKING LOT DOWNERS GROVE, IL
GEOMETRIC PLAN

PREPARED BY: KOTZEL ENGINEERING SERVICES 1709 WOODS AVE. PROFESSIONAL ENGINEER #207/433-8888	CIVIL/CONSULTING ENGINEERS
--	----------------------------

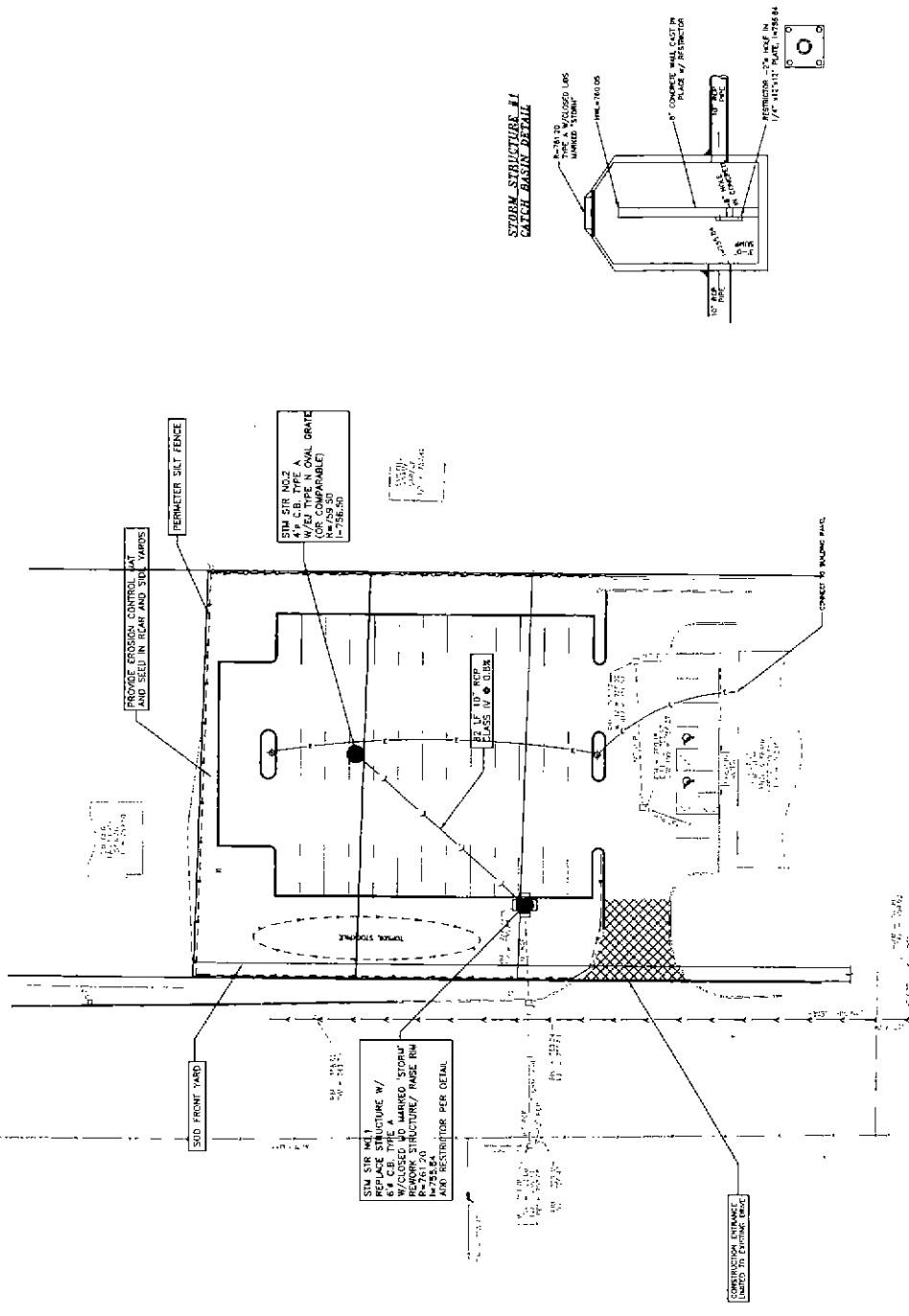
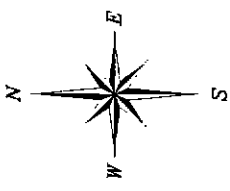
ENCLOSED FOR: ARONKAMP JAMES ASSOCIATES 5505 BELMONT AVE. SUITE 101 DOWNERS GROVE, IL 60130 #207/433-8888

TOTAL SITE ARE = 17,199.2 SF
 CONTRIBUTING AREA = 14,156.66 SF
 IMPERVIOUS AREA = 11056.75 SF
 PERVIOUS AREA = 3100.59 SF
 AREA OF 760 GRADE = 8163.70 SF
 AREA OF 760.5 GRADE = 11378.52

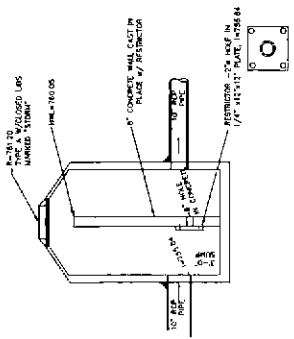


EMERGENCY OVERFLOW ROUTE

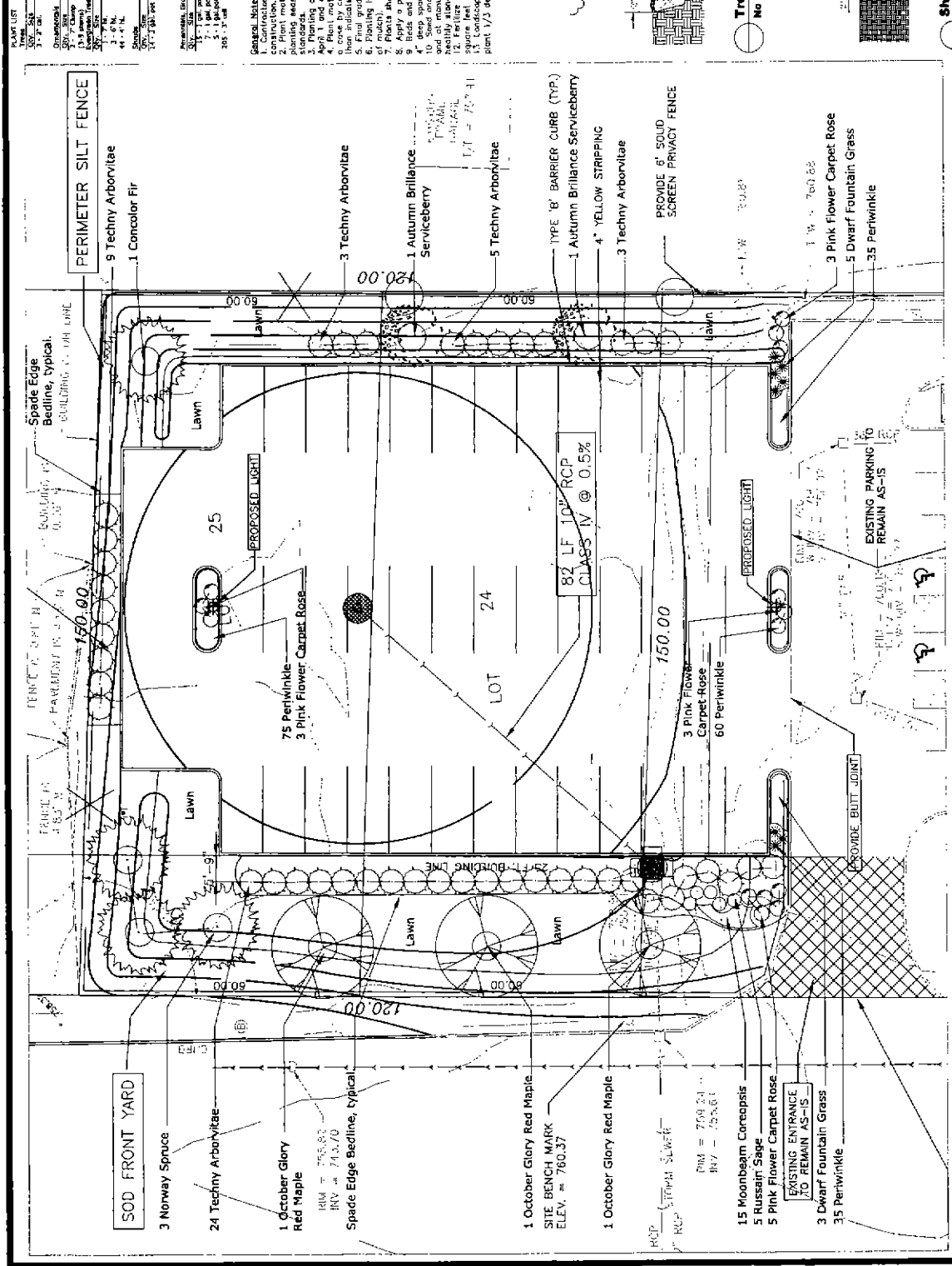
5505 BELMONT AVE - PARKING LOT DOWNERS GROVE, IL		DESIGNER: K&S DATE: 4/20/05		SCALE: 1"=20'	
DESIGNER: K&S DATE: 4/20/05		FILE NAME: 0310		SHEET NO. 3 of 5	
DESIGNER: K&S DATE: 4/20/05		DESCRIPTION: GRADING PLAN		SHEET NO. 3 of 5	
NO.	DATE	DESCRIPTION	REVISIONS NO.	DATE	DESCRIPTION
0	2/23/05	PRELIMINARY ENGINEERING			
1	4/20/05	PRELIMINARY ENGINEERING			
DESIGNED BY: NOZIG ENGINEERING SERVICES 1709 SOUTH AVENUE SUITE 4, 0533 DOWNERS GROVE, IL 60415 CIVIL CONSULTING ENGINEERS					
DESIGNED BY: K&S ENGINEERING SERVICES 5505 BELMONT AVE DOWNERS GROVE, IL 60415 CIVIL CONSULTING ENGINEERS					



**STORM STRUCTURE #1
CATCH BASIN DETAIL**



PREPARED FOR ARS/BAKERS & ASSOCIATES 5505 BELMONT AVE. SUITE 10 DOWNERS GROVE, IL 60555 630-470-0111		PREPARED BY KOTZIO ENGINEERING SERVICES 1709 DOWN AVE. DOWNERS GROVE, IL 60555 630-470-0111 CIVIL/CONSULTING ENGINEERS		5505 BELMONT AVE. PARKING LOT DOWNERS GROVE, IL	
UTILITY AND SOIL EROSION PLAN		REVISIONS		SHEET NO. 4 OF 5	
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION
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1	4/20/05	PRELIMINARY ENGINEERING			
DESIGN BY: JCK CHECK BY: JPK		FILE NAME: 03710		SCALE: 1"=20'	
DATE: 4/20/05		DATE: 4/20/05		DATE: 4/20/05	

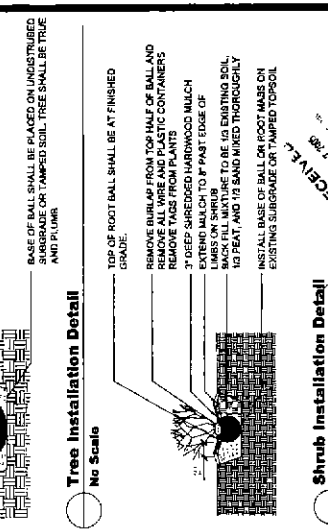
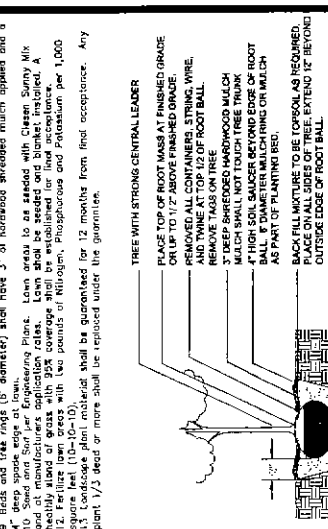


PLANT LIST

SYMBOL	COMMON NAME	Latin Name	Plant Height
○	October Glory Red Maple	Acer rubrum 'October Glory'	20-25'
○	Concolor Fir	Abies concolor	12-15'
○	Techny Arborvitae	Thuja occidentalis 'Techny'	6-8'
○	Autumn Brilliance Serviceberry	Amelanchier alnifolia 'Autumn Brilliance'	12-15'
○	Periwinkle	Cathartus	12-15'
○	Pink Flower Carpet Rose	Rosa 'Pink Flower Carpet'	4-6'
○	Dwarf Fountain Grass	Festuca ovina 'Dwarf Fountain Grass'	12-15'
○	Carpet Rose	Rosa 'Carpet Rose'	4-6'
○	Moorebeam Coreopsis	Coreopsis 'Moorebeam'	12-15'
○	Russian Sage	Salvia nemorosa 'Russian Sage'	12-15'
○	Periwinkle	Cathartus	12-15'
○	Techny Arborvitae	Thuja occidentalis 'Techny'	6-8'
○	Autumn Brilliance Serviceberry	Amelanchier alnifolia 'Autumn Brilliance'	12-15'
○	Concolor Fir	Abies concolor	12-15'
○	October Glory Red Maple	Acer rubrum 'October Glory'	20-25'

General Notes:

1. Plants shall be installed in the fall prior to beginning (and during) construction, except for the 1/2" topsoil (with allowance for 3" of mulch) to be applied from Northern Illinois nursery stock, shall be bag the planting season it is installed, and shall conform to the American Association of Nurserymen's standards.
2. Planting and staking shall be under favorable weather conditions, and shall begin after April 1 and complete by June 15, or shall begin after Sept. 1 and complete by Dec. 1.
3. Plants shall be installed in the fall prior to beginning (and during) construction, except for the 1/2" topsoil (with allowance for 3" of mulch) to be applied from Northern Illinois nursery stock, shall be bag the planting season it is installed, and shall conform to the American Association of Nurserymen's standards.
4. Final grade of planting beds shall be as per engineering/grading plan.
5. Final grade of planting beds shall be as per engineering/grading plan.
6. Final grade of planting beds shall be as per engineering/grading plan.
7. Plants shall be watered in the day they are planted.
8. Apply a pre-emergent as per manufacturer's specification prior to installing mulch.
9. All plants shall be installed in the fall prior to beginning (and during) construction, except for the 1/2" topsoil (with allowance for 3" of mulch) to be applied from Northern Illinois nursery stock, shall be bag the planting season it is installed, and shall conform to the American Association of Nurserymen's standards.
10. Seed and Soil per Engineering Plans. Lawn areas to be seeded with Clean Sunny Mix and all manufacturers application rates. Lawn shall be seeded and blanketed, installed. A 10-10-10 fertilizer shall be applied to the lawn areas with two pounds of Nitrogen, Phosphorus and Potassium per 1,000 square feet (10-10-10).
11. Landscape plant material shall be guaranteed for 12 months from field acceptance. Any plant 1/2 dead or more shall be replaced under the guarantee.



REVISIONS

NO.	DATE	DESCRIPTION
1	12/21/05	ISSUED
2	1/11/06	REVISED

SCALE: 1" = 10'

DATE: 12/21/05

BY: [Signature]

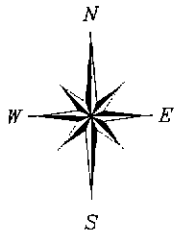
UPLAND DESIGN LTD.
 100 W. Main Street, Suite 100
 Chicago, IL 60601
 (773) 251-0031
 www.uplanddesign.com

5505 Belmont
 Downers Grove, IL

Landscape Plan

PLAT OF ANNEXATION

TO THE VILLAGE OF DOWNERS GROVE



LOTS 20 THROUGH 25, BOTH INCLUSIVE, IN BLOCK 3 IN MAPLE HILL SUBDIVISION, BEING A SUBDIVISION OF LOTS 18, 19 AND 20 OF ARTHUR T. MCINTOSH'S BELMONT FARMS, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MAPLE HILL SUBDIVISION RECORDED FEBRUARY 8, 1928 AS DOCUMENT 251608, ALSO ALL THAT PART OF BELMONT AVENUE LYING WESTERLY AND ADJACENT TO LOTS 20 AND 21, LYING NORTHERLY OF THE SOUTHERLY LINE (EXTENDED WESTERLY) OF LOT 20 IN BLOCK 3 IN MAPLE HILL SUBDIVISION, AS AFORESAID, AND LYING SOUTHERLY OF THE SOUTH LINE EXTENDED EASTERLY OF THE NORTH 86 FEET OF THE SOUTH 150 FEET OF LOT 22 IN ARTHUR T. MCINTOSH'S BELMONT FARMS, AS AFORESAID, ALL IN DUPAGE COUNTY, ILLINOIS.

SOUTH LINE OF THE NORTH 86 FEET OF THE SOUTH 150 FEET OF LOT 22 IN ARTHUR T. MCINTOSH'S BELMONT FARMS

EXISTING CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE

N.00°29'28"E
144.53

BELMONT

HEREBY

N.89°08'38"E
66.02

N.00°29'28"E
242.60

AVENUE

LOT 26
S.87°51'19"E
150.00

LOT 25
08-13-201-003
150.00

LOT 24
08-13-201-004
150.00

LOT 23
08-13-201-005
150.00

LOT 22
08-13-201-006
150.00

LOT 21
08-13-201-007
144.00

LOT 20
08-13-201-008
135.00

LOT 19
201.03
N.87°50'28"W

ANNEXED

240.00
S.00°29'28"W

150.35
S.06°12'53"W

90.21

NORTH LINE OF MAPLE AVENUE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

THIS INSTRUMENT _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____ A.D., _____ AT _____ O'CLOCK _____ M. AND WAS RECORDED AS DOCUMENT NO. _____

RECORDED OF DEEDS

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

THIS PROPERTY SHOWN ON THE ABOVE PLAT OF ANNEXATION IS IDENTIFIED AS THAT INCORPORATED AND MADE A PART OF THE VILLAGE OF DOWNERS GROVE BY ORDINANCE NO. _____ ADOPTED BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE ON THE _____ DAY OF _____ A.D., 2005.

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

I, RALPH J. MARJGG, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT HEREON WAS PREPARED UNDER MY DIRECT SUPERVISION FROM EXISTING RECORDS AND PLATS FOR THE PURPOSE OF ANNEXING PROPERTY TO THE VILLAGE OF DOWNERS GROVE AND THAT THE SAID PLAT IS AN ACCURATE DEPICTION OF THE HEREON DRAWN LANDS.

ATTEST: _____ BY: _____
VILLAGE CLERK MAYOR

HANOVER PARK, ILLINOIS FEBRUARY 17, 2004

RECEIVED

6-23-04 1:00 PM
ILLINOIS PROFESSIONAL LAND SURVEYOR

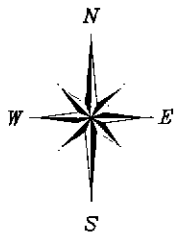
SCALE: 1" = 20'

DRAWN BY: R.J.M.
FILE NAME: 047-04.DWG

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2436

PLAT OF EASEMENT

TO THE VILLAGE OF DOWNERS GROVE



RECEIVED
FEB 17 2005
Platting & Surveying
Department

LOT 26
S.87°51'19"E. 5' P.U. & D.E.
150.00

LOTS 20 THROUGH 25, BOTH INCLUSIVE, IN BLOCK 3 IN MAPLE HILL SUBDIVISION, BEING A SUBDIVISION OF LOTS 18, 19 AND 20 OF ARTHUR T. MCINTOSH'S BELMONT FARMS, BEING A SUBDIVISION IN THE SOUTH-WEST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND IN THE NORTHEAST QUARTER OF SECTION 12, AND IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MAPLE HILL SUBDIVISION RECORDED FEBRUARY 8, 1928 AS DOCUMENT 251608, ALSO ALL THAT PART OF BELMONT AVENUE LYING WESTERLY AND ADJACENT TO LOTS 20 AND 21, LYING NORTHERLY OF THE SOUTHERLY LINE (EXTENDED WESTERLY) OF LOT 20 IN BLOCK 3 IN MAPLE HILL SUBDIVISION, AS AFORESAID, AND LYING SOUTHERLY OF THE SOUTH LINE EXTENDED EASTERLY OF THE NORTH 66 FEET OF THE SOUTH 150 FEET OF LOT 22 IN ARTHUR T. MCINTOSH'S BELMONT FARMS, AS AFORESAID, ALL IN DUPAGE COUNTY, ILLINOIS.

SOUTH LINE OF THE NORTH 36 FEET OF THE SOUTH 150 FEET OF LOT 22 IN ARTHUR T. MCINTOSH'S BELMONT FARMS

EXISTING CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE

N.69°08'38"E. 66.02

N.00°29'28"E. 144.53

BELMONT AVENUE

HEREBY

ANNEXED

135.0
201.03
N.87°50'28"W.

LOT 19

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

THIS INSTRUMENT _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____ A.D., _____ AT _____ O'CLOCK _____ M. AND WAS RECORDED AS DOCUMENT NO. _____

RECORDED OF DEEDS

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STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

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ATTEST: _____ BY: _____
VILLAGE CLERK MAYOR

HANOVER PARK, ILLINOIS FEBRUARY 17, 2004

SCALE: 1" = 20'

DRAWN BY: R.J.M.
FILE NAME: 047-04 DWG

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2436

March 28, 2005

Village of Downers Grove
Plan Commission
801 Burlington Avenue
Downers Grove, IL 60515-4776

*Re: Annexation, zoning from R-1 to R-6, special use for offices and parking lot
and variances from §28.1406(b) for Argianas Family LLC and Sanaigra, LLC*

Dear Board Members:

Argianas Family, LLC owns the property located at 5509 Belmont Avenue, currently improved with an approximately 10,500 gross square foot office building. Sanaigra LLC (owned by the same members and managers as Argianas LLC) own the adjacent vacant lot located at 5507 Belmont Avenue and a freestanding single family home located at 5505 Belmont Avenue. All are currently located in the County but are contiguous to the Village of Downers Grove.

The office building was constructed by a previous Owner pursuant to a special use issued by the County of DuPage in 1999. The office building is connected to the Village's water system. In 2001, the Argianas Family, LLC purchased the office building from Sievers Construction Co. At the time Argianas purchased the office building, the tenants consisted of i) Betz Dearborn; ii) Home Care (senior services); iii) Eagle Marketing Co.; iv) Sievers Construction Co.; 5) American Life Insurance Co. Some employees parked off-site and prompted complaints to police by local residents. In 2001, Argianas Family LLC terminated the tenancies of American Life (at substantial cost) due to neighbor complaints regarding this tenant, and Mr. Charles Argianas moved his appraisal practice in the building. Since that time, no overflow parking has taken place at 5509 Belmont Avenue. Also, Argianas Family LLC have made the following improvements to the building: planted extensive landscaping, installed underground sprinklers, installed outdoor marquis (signage).

In 2003, Sanaigra, LLC, which consists of the same members and managers as Argianas Family, LLC, purchased the properties at 5507 and 5505 Belmont Avenue. Since purchasing these properties, Sanaigra has paid out of own pocket, (with no request for county reimbursement) for conversion of well water to Village municipal water.

Plan Commission

March 28, 2005

Page Two

In order to enhance the office building, Sanaigra seeks to annex the parcels located at 5505 and 5507 Belmont Avenue to construct a parking lot consisting of 30 new spaces. The total parking spaces to serve the office building will increase from 35 spaces plus two handicap spaces to 65. The proposed parking lot will contain a 15.17 foot setback to the adjoining properties to the east as well as a board-on-board fence and landscaping consisting of trees and shrubs. 38.5 percent of this development will be green space or open space. The proposed parking lot will increase the parking ratio of the office building from 3.4 spaces per 1,000 square feet to 6.2 spaces per 1,000 square feet.

Since the properties at 5505 and 5507 need to be annexed, pursuant to Village ordinance they are annexed under the most restrictive classification, which is R-1. Consequently, Sanaigra requests a rezoning to R-6 together with a special use for a parking lot to serve the office building to the south. Additionally, a variation from Section 28.1406(b), allowing screening in the 25 foot front yard setback is requested. Lastly, since the office building located at 5509 Belmont currently receives village water, Argianas Family, LLC requests that the office building be annexed as well. A rezoning from R-1 to R-6 together with a special use for an office building is hereby requested.

Zoning the properties R-6 is appropriate since an office building currently exists on a portion of the property. The parking lot will serve an already existing office structure. Additionally, the R-6 zoning classification is consistent with the Comprehensive Plan which calls for 11 to 25 units per acre multiple family. Given the current use of a part of the property as an office and Belmont Avenue being a minor arterial and the trend of development in the area, an R-6 classification is appropriate.

Before addressing the special use standards contained in the Downers Grove zoning ordinance, the standard for special uses as directed by the Illinois Supreme Court in The City of Chicago Heights v. Living Word Outreach Full Gospel Church and Ministries, 196 Ill.2nd 1, 2001 must be addressed. The Illinois Supreme Court in Living Word held that a special use must be approved unless the requested special use at the proposed location has adverse effects above and beyond those inherently associated with the requested special use, irrespective of its location within the zone. In this case, the proposed parking lot and office building will have no adverse effects, let alone any that are different than all other parking lots or office buildings located in the R-6 district. The office building, with associated parking has existed at this location since it was constructed. Two adjoining parking lots, which are well buffered and landscaped, will have no adverse affects on the neighborhood. Consequently, approval of the special use is warranted.

Even though the parking lot and office building meet the requirements of a special use under Illinois law, Argianas and Sanaigra will address how the parking lot and office building meets the standards contained in the Downers Grove zoning ordinance:

- (i) The proposed use is necessary or desirable to provide a service or facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

Response: The office building has existed since 1999 at this location pursuant to the county special use. An office building at this location is appropriate and helps lend to a balanced land use plan. A parking lot to service the office building will allow more potential services or uses to exist at the office building and will enhance the circulation of the existing lot.

- (ii) Such use will not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values in the vicinity.

Response: The office building has already existed since 1999. The adjacent parking lot will be integrated with the existing parking lot. With the buffering provided and the existing surrounding uses, the proposed use will not be detrimental to the health, safety, morals or welfare or be injurious to property values in the vicinity.

- (iii) The proposed use will comply with the regulations specified in the Zoning Ordinance for the district in which the proposed use is to be located, or will comply with any variations authorized under 28-1802.

Response: They will.

- (iv) That it is one of the special uses specifically listed for the district in which it is to be located.

Response: It is.

The requested variance from section 28.1406(b) meet all Village of Downers Grove requirements in the zoning ordinance as follows:

- (i) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

RESPONSE: Given the depth of the yard and the other landscape and setback requirements, the property cannot be used effectively as a parking lot and thus cannot yield a reasonable return if the landscaping cannot be placed in the front yard. The Village has granted a similar variance request for Gartner Saab on Ogden Avenue.

- (ii) The plight of the owner is due to unique circumstances.

RESPONSE: The depth of the lot is the unique circumstance requiring this variance.

- (iii) The variation, if granted, will not alter the essential character of the locality.

RESPONSE: No structures will be placed in this setback, just attractive landscaping.

For the purpose of supplementing the above requirements, the Zoning Board of Appeals or Plan Commission, in making the determination whether there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the owner, have been established by the evidence:

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

RESPONSE: The depth and configuration of the lot create the particular hardship.

- (v) That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

RESPONSE: Most R-6 uses would not be for parking lots to service existing uses.

- (vi) That the alleged difficulty or hardship has not resulted from the actions of the owner.

RESPONSE: It has not.

Plan Commission

March 28, 2005

Page Five

- (vii) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

RESPONSE: This variance does not increase the bulk size or use of any of the buildings.

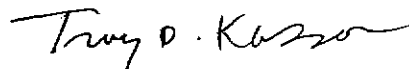
- (viii) That the proposed variation will not alter the land use characteristics of the district.

RESPONSE: This variance does not increase the bulk size or use of any of the buildings.

- (ix) That the granting of the variation requested will not confer on the owner any special privilege that is denied by this Zoning Ordinance to other lands or structures in the same district. (Ord. 4527, Amended, 08/19/2003; 4069, Enacted, 10/05/1998).

RESPONSE: It will not.

Sincerely,
RATHJE & WOODWARD



Tracy D. Kasson

TDK/pcg

KOZIOL ENGINEERING SVCS., LTD.

Professional Engineers

1709 Ogden Ave. Lisle IL 60532

630-435-8686 FAX 630-435-8689

May 3, 2005

Village of Downers Grove
Department of Planning & Community Development
801 Burlington Avenue
Downers Grove IL 60515

Re: Traffic Analysis, Parking Lot @ 5505 Belmont Rd., Downers Grove IL.

Dear Sir or Madam,

A Special Use permit is being requested for the referenced site for the construction of a parking lot to increase the available space for the existing office building located at 5509 Belmont Rd. The following is a traffic assessment resulting from the additional parking.

The existing office building is approximately 9,000 sf located on the east side of Belmont Rd. Just north of Maple Ave. The building is currently a multi-tenant building with 34 parking spaces servicing the building. The parking consists of 2 dead end lots located at the north and south side of the building, both with full access to Belmont Rd. The owner of the building is requesting a special use to add approximately 30 parking spaces on the adjacent parcels to the north. Due to the fact that these are both dead end lots, a potentially unsafe condition exists when delivery trucks attempt to back out onto Belmont Rd. Also, the additional parking will provide the ability to support a wide variety of office use tenants such as medical professionals that require a greater amount of parking.

The new lot to the north will utilize the existing full access to Belmont Rd. and be reconfigured to eliminate the dead end condition. The traffic circulation on site will be improved in the north lot and provide relief for the entire building.

The building will remain as is and an additional 30 trips per day can be expected due to the construction of the new parking lot and potential higher use tenants. No additional curb cuts are being requested. It is expected that the amount of trips generated due to the office building will be insignificant to the traffic counts that are over 10,000 cars per day in each direction. The increase of 0.3% will not impact the current capacity of the road and there will be sufficient gaps for access to the road.

KOZIOL ENGINEERING SVCS., LTD.

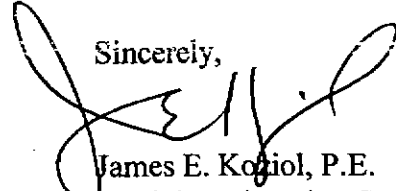
Professional Engineers

1709 Ogden Ave. Lisle IL 60532

630-435-8686 FAX 630-435-8689

If there are any questions, Please contact me @ 630-435-8686.

Sincerely,

A handwritten signature in black ink, appearing to read 'James E. Koziol', written over the typed name.

James E. Koziol, P.E.

Koziol Engineering Services

cc: Mr. Chuck Argianas



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT MEMO

To: Members of the Plan Commission and the Strategic Planning Subcommittee of the Economic Development Commission (Joint Committee)
From: Amanda G. Brown, Planner
Subject: Strategic Land Use Planning; Potential Additional Commercially Oriented Land Uses; Belmont Avenue Corridor between the BNSF Rail Road and Maple Avenue
Date: April 2, 2004

Purpose

The purpose of this memo is to facilitate further discussions regarding the east side of the Belmont Avenue Corridor between Maple Avenue on the south and the Burlington Northern Santa Fe Rail Road on the north, and to facilitate additional direction concerning this area, thus allowing Staff to better evaluate and administer petition proposals/requests consistent with the goals of previous strategic land use planning discussions concerning this area.

As discussed during the Joint Committee discussions regarding this area, it was identified as being potentially appropriate for consideration of an expansion of the Commercial land use designation on the Future Land Use Map, especially given the future plans for the potential construction of an underpass at the BNSF rail road crossing. The consensus of the discussions at that time was to "wait and see," potentially allowing other market factors to indicate trends before considering possible expansions of the Commercial land use designation on the east side of Belmont Avenue.

Background

In discussions concerning the Belmont Corridor, given the expected Belmont underpass, there was recognition that market factors would likely result in Commercial land use pressure, potentially along the entire length of Belmont between Ogden on the north and Maple on the south. There was concurrence by the Joint Committee to redesignate a portion of the west side of Belmont (the east side of the Ellsworth Industrial Park) from Office/Research/Manufacturing (Purple) to Commercial (Red), which was included as a recommendation to the Village Council.

Joint Committee discussions regarding the east side of Belmont concluded that because this area was designated as Residential (6-11 d.u./acre) and because the relatively shallow lot depths call into question the physical viability of either the existing or potential future commercial land uses, further discussions should be tabled until such time certain or specific proposals or petitions came forward.

As examples, Staff has recently been presented with two potential redevelopment proposals in this area which warrant consideration by the Joint Committee from the standpoint of redevelopment, commercial land use and business attraction/retention. Prior to the owners of these properties submitting formal applications to the Plan Commission, staff is seeking the opinion of the Joint Committee in order to facilitate discussions with the potential petitioners. It is also important to note that the use of empirical information (e.g., preliminary petition information) is a means of putting the previous discussions, necessarily broad and more strategic in nature, now into a practical context in order to be able to move the strategic discussions forward at the implementation level when and where appropriate.

Office Use as Transition

The first inquiry involves the potential annexation, rezoning and redevelopment of six parcels of land north of Maple Avenue and south of Howard Avenue (5505-5509 Belmont) to accommodate office uses and associated parking facilities. The subject area includes the one-story, 9,000 square foot office building at 5509 Belmont Avenue, as well as the existing single family residential structure with an address of 5505 Belmont Avenue.

The parcels are currently unincorporated, and are zoned DuPage County R-4, Single Family Residence (the existing office building was constructed under a duly authorized County special use permit). The parcels are designated on the Village's Future Land Use Map as Residential (6 to 11 d.u./acre). This designation most closely relates to the Village's R-5, Two Family Residence and R-5A, Townhouse Residence zoning districts. Surrounding zoning includes County B-2 (General Business) to the south; County R-4 (single family) to the north and east; and Village R-5A (townhouse), County R-4 and County B-2 to the west.

The owner is considering seeking annexation and rezoning to accommodate the existing office as well as potential future office and/or parking facilities. Office uses are permitted as of right in all non-residential zoning districts, and as a special use in the R-6, Multiple Family Residence zoning district so long as the property is within 1,000 feet of a business zoning district; which is another viable option for discussion in this case.

The petitioner has expressed desire to rezone the properties to B-2, General Retail Business. Although the draft recommendations of the Joint Committee noted that this area may be desirable as an office-transitional area, as further discussed below, the permitted uses currently authorized in the B-2 District include uses that would potentially allow for a wide array of more intense commercial activity.

Potential Expansion of Commercial

The second inquiry involves existing commercial property at the northwest corner of Belmont and Hitchcock (5009 Belmont) potentially expanding the commercial use into the residential area to the east in order to accommodate additional parking. In this particular case, the potential construction of the underpass and an additional Metra parking area has prompted the owner to seek alternate area to provide off-street parking. The proposal involves the purchase of a lot currently zoned, designated and used for single family residential purposes located to the immediate east of current commercially zoned and designated uses currently fronting on Belmont Avenue in order to construct additional parking areas.

The residential property is currently zoned R-4, Single Family Residence, and is shown on the Future Land Use Map with a designation of Residential (0 to 6 d.u./acre). In the R-4 District, a special use could be considered to accommodate parking for an adjacent commercial use. Alternately, rezoning the property to B-2 would accommodate the proposed parking area but would also allow for uses other than what might be considered desirable adjacent to existing residential uses. In either of these two scenarios, the issue of expanding the commercial land use designation and zoning district warrants discussion.

Discussion

Office Uses as Transition

With respect to the first inquiry, consistent with the general context of Joint Committee discussions regarding the validity of "transitional" uses, Staff feels there is merit to the request in the context of the existing office uses being inherently single story, lower intensity, and consequently, being analogous to the previously discussed concept of utilizing the 6-11 d.u./acre land use designation as a transition between higher intensity Commercial and nearby low intensity single family Residential land uses. However, if employed in the context of annexing into the Village as Commercial and subsequent rezoning to B-2, General Retail Business, appropriate controls in any case may be needed, in addition to basic zoning controls, to specifically condition the approval contingent upon the lower intensity office use remaining on the site in perpetuity (i.e., running with the land). Also, the maximum height that could be

built in commercial (non-CBD) B-2 zoning is 35 feet, with a maximum floor area ratio of 0.75, which impose hard limits to the amount of such a use that could be built. However, this is operating under the assumption that the limit of the existing Commercial land use designation should not be expanded any further north than the subject area. The follow-on consideration is that in recognition of the clearly established commercial nature of the Belmont and Maple intersection, should provisions for its expansion be made under the auspices of expanding the Commercial designation and subsequently the B-2 zoning district further to the north?

Potential Expansion of Commercial

With respect to the second inquiry, it poses a more straightforward set of issues, potentially more analogous to discussions regarding Ogden Avenue, its shallow lots, and the potential need to facilitate additional Commercial land use designations to reasonably accommodate beneficial redevelopment. The request to expand the commercial use in this case is directly prompted by the physical size of the expected Belmont underpass configuration and the owner's desire to stay in as close proximity to the intersection as possible. As with Ogden Avenue, Staff has certain concerns with proposals that would require a land use designation change from single family Residential to Commercial on the straightforward basis of potential encroachment into a residential area. However, a balancing recognition is the need for additional lot depth to accommodate beneficial and code-compliant redevelopment.

As a means of comparison, petitions that have accomplished this change in land use designation and zoning district (e.g. SAAB, Luxury Motors) were facilitated by purposeful discussions of the Joint Committee regarding Ogden Avenue, and the consensus that additional lot depth should be facilitated in such cases where appropriate or warranted given the particular circumstances. Although Staff recognizes there is a certain level of comparability between the Ogden Corridor and the Belmont Corridor, additional discussion/context from which to administer redevelopment petitions in the Belmont Corridor would be beneficial. In this particular circumstance, an established commercial land use node at Belmont and the BNSF is and will likely continue to experience pressure to readjust its limits in response to the expected physical imposition of the underpass as well as evolving/developing market factors.

Preliminary Conclusions/Recommendations

Office as Transition

Staff believes, consistent with and as articulated in previous Joint Committee discussions, that commercial uses such as offices can be effectively employed as transitional uses, subject to certain conditions, similar to the manner in which the 6-11 d.u./acre designation has been utilized as a transitional designation between commercial and single family residential designations. In the case at hand, such conditions designed to protect the Village's interest (e.g., conditioning annexation approval, etc.) can be employed to facilitate a mutually beneficial solution between the Village and the petitioner/property owner that can protect public health, safety and welfare, help ensure logical and orderly development, and advance the goals and objectives of the strategic land use planning discussions.

Based upon the above, Staff would find it reasonable to discuss and conclude that:

1. Office uses, either as part of the Commercial land use designation or potentially as part of some future *Office Transitional* land use designation and/or zoning district would be considered complementary to and supportive of the clearly established commercial node at the Belmont and Maple location as discussed by the Joint Committee;
2. Office uses can also be considered as an authorized special use in the R-6, Multiple Family Residence zoning district; and although this district is considered more intense than the R-5A, Townhouse Residence district, this is a viable option for discussion;
3. Such uses can be effectively employed as a transitional use between higher intensity traditional commercial uses and residential uses;
4. Such an office use already exists and functions in a transitional manner in this particular case;
5. Appropriate controls limiting its impacts are fundamentally in place through zoning/bulk regulations and can be further explored through annexation agreements;

6. Such an office transitional use could be established and not be in conflict with Chapter 28, Section 28-101 to protect the health, safety and welfare and to promote logical and orderly development.

Potential Expansion of Commercial Designation

Staff currently is of the opinion, consistent with previous Joint Committee discussions, that the continued pressure to concentrate and/or expand commercial uses will continue to occur along this portion of the overall corridor between Ogden and Maple Avenues, in particular, at already established commercial nodes (i.e., Belmont and Maple, Belmont and Ogden, or as in this case, Belmont and the BNSF). This will likely unavoidably result in pressures to expand the commercial designation and zoning districts into adjacent areas currently designated and used as residential. As with Ogden Avenue, Staff has concerns regarding such dynamics, now put forth by potential petitioners, without focused discussions on this issue in order to be able to properly advise petitioners.

Consequently, based upon the above, Staff would find it reasonable to discuss and conclude that:

1. The Village will be faced with proposals to alter/expand the current and proposed limits of the Commercial land use designation along the length of the Belmont Corridor, in particular and in the near term, at already established commercial nodes such as Belmont and Maple, Belmont at the BNSF rail road, and Belmont and Ogden;
2. The particular physical situation is in certain ways analogous to the east end of Ogden Avenue with narrow, shallow parcels making development/redevelopment difficult but at minimum, challenging in the context of higher density residential land use designations (6-11 d.u./acre; 11-25 d.u./acre) or Commercial land use designations.



Joseph Skach, AIA, AICP, NCARB
Director, Planning and Community Development

Attachments

C: Riccardo Ginex, Village Manager
Enza Petrarca, Village Attorney
David Barber, Director, Public Works
Don Rosenthal, Director, Code Services
Howard Hoffman, Division Chief, Fire Prevention Bureau
File

APPROVED MINUTES

MINUTES
OF A WORKSHOP DISCUSSION
WITH THE STRATEGIC PLANNING COMMITTEE
OF THE ECONOMIC DEVELOPMENT COMMISSION AND
MEMBERS OF THE PLAN COMMISSION
ON
APRIL 5, 2004
AT THE VILLAGE HALL, COMMITTEE ROOM
IN THE VILLAGE OF DOWNERS GROVE

On behalf of the members of the Plan Commission and on behalf of the Economic Development Commission [EDC] Strategic Planning Committee [Committee], EDC Chair Riordan began the discussions at 7:00 p.m.

ROLL CALL: As this meeting was a workshop discussion, attendance was voluntary.

PRESENT: Members of the Plan Commission: PC Chair Jirik, Commissioner Griesbaum, Commissioner Matejczyk, Commissioner McCormick, Commissioner Nicholaou, Commissioner Reynolds, Commissioner Waechtler

Members of the Strategic Planning Committee: EDC Chair Riordan, Commissioner Bilek, Commissioner Bohanon, Commissioner Chalberg, Commissioner Randall, Commissioner Ryan, Commissioner Weiss

STAFF

PRESENT: Joseph Skach, Director, Planning and Community Development
Steven Rockwell, Director, Economic Development
Catherine Schuster, Assistant Director, Economic Development
Amanda Browne, Planner, Planning and Community Development
Keith Sbiral, Planner, Planning and Community Development
Lori Sommers, Planner, Planning and Community Development

GUESTS: Tracy Kasson, Rathje and Woodward
Charles Argianas, Argianas & Associates, Inc.

APPROVAL OF MINUTES FROM NOVEMBER 17, 2003

Commission Chair Riordan asked if there was concurrence on the minutes from the workshop held November 17, 2003. The members of both Commissions concurred.

Medical/Dental Clinic as permitted uses in the Manufacturing "M" Zoning Districts

Mr. Skach began the discussion noting there had been some inquiries by some petitioners that needed to be better placed into context given past discussions of the Committee. He then asked Mr. Sbiral, Planner, to address the zoning designations of medical and dental clinics. Mr. Sbiral noted that the Village, over the past year, had received several inquiries regarding whether to allow Medical/Dental Clinics in Manufacturing ["M"] zoning districts. Mr. Sbiral stated that Medical/Dental Clinics are currently permitted by right in Business Districts ["B2 and B3"] and Office-Research-Manufacturing ["O-R-M"] zoning districts; and that they are permitted only as special uses in "M2" districts. He added that these areas are located in areas such as the Ellsworth and Oak Grove Industrial Parks. Mr. Sbiral also noted that Planning and Community Development researched 19 different surrounding communities as well as DuPage County, and the greater majority of them did permit Medical/Dental Clinics in their Manufacturing Districts but the Village did not allow them in M1 districts but required special use approval in M2 districts.

APPROVED MINUTES

Mr. Sbiral noted that other types of clinics were already permitted uses in the "M1" zoning district, which were animal hospitals, laboratories, and medical/dental research. Mr. Sbiral noted that the Planning and Community Development [P & CD] came up with a list of preliminary conclusions/recommendations, which could provide the appropriate language for a change in ordinance if the Committee concurs. Commissioner Matejczyk agreed, stating that this is a trend in light manufacturing, and since Downers Grove does not have heavy manufacturing in these districts, there is no reason not to make these allowances, as it would help strengthen our retail areas. Commissioner McCormick asked how Medical/Dental Clinics compared to General Office land uses. Mr. Sbiral replied Medical/Dental Clinics may be more intense traffic-wise but not necessarily when compared to offices that employ many people, but not to a huge degree, and that the parking requirements would be similar. Commissioner Reynolds asked why some communities did not allow Medical/Dental Clinics in a Manufacturing District specifying Arlington Heights. Mr. Skach replied that Arlington Heights still had some areas that would be considered traditional heavier Manufacturing-Oriented Districts where such office uses, regardless, may not be compatible. Commissioner Nicholaou also agreed with the proposed concept, noting that some of the vacant buildings in these areas in the Village, given the existing light industrial, office orientation, would be excellent locations for Medical/Dental clinics as an alternative to our commercial retail areas. Mr. Skach mentioned that another issue regarding the requirement for a special use in the "M2" District was that it could be considered a disincentive to locating in "M2". Removing this requirement could help.

Commission Chair Jirik asked if, procedurally, this needed to go first to the Mayor and Council. Mr. Skach replied that the recommendation first would be required to come through the Plan Commission for formal consideration based on a specific proposal for a zoning ordinance amendment making Medical/Dental Clinics permitted uses and then Council would subsequently see it per normal procedure should a positive recommendation be made by the Plan Commission.

There was concurrence by both the Members of the Plan Commission and the Strategic Planning Subcommittee of the EDC to recommend that staff move forward with a petition to amend the zoning ordinance consistent with the preceding discussions.

Potential Additional Commercial Oriented Land Uses (Belmont Ave. Corridor between the BNSF Rail Road and Maple Avenue)

Mr. Skach summarized an inquiry from a potential petitioner regarding the east side of Belmont noting that there had been previous concurrence by the Committee that this area is a Commercial-oriented node, but that areas currently zoned Residential to the north were in question as to whether they should remain higher density Residential or an extension of the Commercial node. He noted that the question previously arose whether there was enough parcel depth currently to support Commercial land use.

He went on to note that a petitioner inquiry came from the existing office use owner of a facility who has inquired what the best use was regarding the Maple and Belmont node and do the Commercial designations potentially go further north along Belmont. Commission Chair Jirik asked if it was a matter of changing the existing land use designation from Residential to Commercial. Ms. Browne replied that it was, and that in terms of the corridor further north from Belmont and Maple because the inquiries are coming in for office uses, which are a lower intensity and could be considered transitional in nature stepping down in intensity from traditional Commercial to Residential. Commissioner McCormick asked Ms. Browne if she was referring to the building built by Sievers several years ago. Ms. Browne replied that the property north of that. Mr. Skach added that the property being referred to is north of the Domino's Pizza and the Italian Market which contains residentially zoned lots in the County but currently contains a low intensity office use by special use in the County.

Mr. Skach noted that the Council had already seen the overall strategic planning recommendations including identifying the Belmont-Maple node as Commercial. Commissioner McCormick asked if the intention was to change the Future Land Use Map north of this Commercial node. Ms. Browne said that it was not at this point, that this is an informal, non-binding advisory discussion. Mr. Skach added that if the property owner decided to petition to annex into the Village, then the property owner could potentially be brought in as "B2" Business District or with "R" Residential zoning, but that this discussion is an extension of previous discussions about

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how far north the existing Commercial [Red] Future Land Use Map designation should extend north of Maple Avenue.

Commissioner Nicholaou asked how the underpass would affect this area. Mr. Skach replied, as this Committee anticipated, that there would likely be pressure for this whole area to expand under a Commercial [Red] land use designation along the corridor between Maple and the BNSF tracks. Commissioner Matejczyk expressed concern regarding the pressure the underpass may have on the shallow depth of the lots in this area, and that this group should encourage the consolidation of lots to help this situation. Commission Ryan asked how deep would the lots be required.

Mr. Skach noted that, in this case, the existing Office use is already there and already established an Office use. Mr. Skach added that, through conversations with the Village legal staff, there was exploration of what appropriate controls or conditions could be placed on an annexation agreement, and that the site could be considered an "Office/Transitional" land use and that the Village Attorney felt confident that they could craft language in an annexation agreement that could condition that annexation upon an "Office" in a perpetuity, as certain other "B2" Business uses would not function as a transitional land use. Ms. Browne added for clarity that the commercial office use issue did not entail a depth increase from east to west, but the issue of annexation and the appropriate land use designation of the existing 6-11 dwelling units per acre [Orange] a change to Commercial [Red]. Commissioner Waechtler reminded everyone to keep in mind that any new development can be intrusive to residents. Commissioner Reynolds mentioned that doing a buffer zone such as a parking lot, or offices may be a good transitioning tool from commercial uses to residential uses. Commissioner Chair Jirik agreed that this requires good buffering or screening, and suggested that the existing 6 to 11 unit per acre land use designation likely facilitates multi-family, used as a transition in other areas. Also, a very moderate, non-intrusive land uses such as single or two story maximum office, also as a transitional use, could be desirable. Commissioner Nicholaou agreed that this requires a very thoughtful discussions, which may take several meetings as the area develops.

Commission Chair Jirik suggested that another alternative would be to take it up with the residents to see what their vision for the neighborhood is. Commissioner Waechtler asked Commissioner Chair Jirik if he was referring to the resident's lots going deeper from Belmont. Commission Chair Jirik replied that if the lots are deeper, they might be supportive of a more significant intensive use which may not be desirable. Commissioner Matejczyk agreed, but that going deeper does not necessarily mean more intrusive to the neighborhood. Commission Chair Jirik clarified that there would need to be severe prohibitions on uses, and the only way to mitigate for that would be to add depth to the lots. Commissioner Waechtler asked Ms. Browne specifically what kind of depth they were looking at. She replied that the lots closer to Maple are in the 150 feet deep range and the lots more northerly, closer toward the tracks are approximately in the 175 feet range.

Commissioner Ryan noted that there is newer residential development activity going east on Curtiss Street including new homes and teardowns, which is indicative of already significant residential building going on throughout Downers Grove. Commission Chair Jirik agreed and emphasized that assemblage of potential commercial site square footage has some bearing in terms of what the Village might want to do. He also addressed the importance of management of curb cuts as they have a significant affect on traffic generation. Mr. Rockwell cited, per traffic counts, the majority of the traffic is coming from the south, moving north, which could affect which side of the street retailers might want to be on. He added that it reverses itself in the evening. Mr. Skach noted that there is a notable tract of valuable land in terms of its revenue potential to the Village, which this Committee is recommending to redesignate Commercial [Red] on the west side of Belmont, yet there are physical constraints that will be challenges as on Ogden Avenue, and the current inquiry gives some indication of the issues regarding having sufficient space to provide for not only the base use, but its supporting parking and landscaping.

Commissioner McCormick asked if the area on the east side of Belmont was a Transitional land use or more of a buffer. Ms. Browne replied that in terms of the office use coming into the Village, it could be considered transitional, as it is not traditional commercial retail. Mr. Skach noted that this was related to potentially using lower intensity Office uses as Transitional land uses between traditional commercial and residential; although such a "transitional" land use designation or zoning does not currently exist. Mr. Skach added that they also have the option of coming in as a Residential land use, potentially "R6" and request a Special Use for parking.

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Ms. Browne agreed, adding that the issue of accommodating a particular desired use could be made by either making it a straight Commercial land use designation and subsequent Business ["B district] zoning designation, or by possibly looking at a Special Use situation accommodated in a Residential zoning district upon annexation.

Commissioner Waechtler noted with respect to inquiries by businesses near the future underpass that the development of the underpass would have an impact and should be taken into consideration on whether additional lot depth is warranted similar to Ogden Avenue. Mr. Skach stated that modifications to a particular lot would probably only take place if that property owner decided to purchase a property and look for an answer from the Village. He then referred to the SAAB dealership's petition mentioning the minimum amount of depth needed in order to accommodate landscaping where SAAB purchased additional property adjacent to the south to create an adequately sized site. Mr. Skach noted it was approximately 300 feet. [285 feet upon verification].

Commissioner Kahlke suggested that it might be helpful if this group would first visualize what is there along Belmont what the Village would like to see along the east side of Belmont Avenue.

Commissioner Matejczyk expressed concern for the need of a direction and these types of discussions, with the increasing amount of pressure from commercial interests. Commissioner Nicholaou agreed, stating that he was not yet comfortable making definitive statements suggesting that some members of the Plan Commission could familiarize themselves more with the area by walking or driving it. He also suggested other visualization means of what the suggested vision could be, including types of stores, landscaping, etc. and take it to the Council for their opinion. Mr. Skach noted that at this time, the purpose of the discussion might not be to advocate in a particular, detailed direction, consistent with strategic level previous discussions, but only to give a potential petitioner some guidance in the context of those discussions. Mr. Skach also cited that the Future Land Use Map currently has a plan in place, which designates that land as 6-11 dwelling units per acre, [Orange] which often has 'R5A' zoning, which includes townhouse/row house zoning. He asked for clarification if there was reluctance on behalf of the group to discuss any further changes from residential to commercial designations at this point. Commission Chair Jirik replied that what may be warranted in response to a potential petition is the opportunity to communicate with the neighborhood and the developing community. He added that "going lighter" [less intensive] in this area would be the more appropriate action than coming in with heavy, intense activity which could inadvertently set the tone for the entire strip. Commissioner Nicholaou suggested that before an outside source comes in, that this group drives the area to get a sense of the neighborhood, meet again, and welcome the petitioners to attend.

Mr. Skach then introduced Chuck Argianas of Argianas & Associates, Inc. who owns the existing offices located on the east side of Belmont just north of Maple and Belmont along with Tracy Kasson, Attorney of Rathje and Woodward, also in attendance. Mr. Kasson stated the intention of attending this meeting was to get some sense of the Village's direction before actually going through the public hearing process. He reported that the office building Mr. Argianas owns was built a number of years ago by Sievers and Associates in the County, and that it was zoned DuPage County "R4" with a Special Use for the office use. He added that they would like to now annex into Downers Grove noting they are already receiving sewer and water from the Village of Downers Grove. Mr. Kasson noted that they would like the property to have a zoning designation that included "Office" as a permitted use, which would most likely be "B" or Business zoning in the Village. Mr. Kasson reported that Mr. Argianas would like to also annex two additional lots that he purchased to the north of the mentioned property; one currently vacant and the other, a house. Mr. Kasson noted that Mr. Argianas would also concur with these properties being designated for office, lower intensity uses as a transition from commercial to residential. He added that they are hoping other opportunities arise to pursue property further north for the same type of low intensity office development.

Mr. Skach reported that there had been another inquiry from a property owner who wanted to expand his existing business located on Belmont just south and east of the BNSF tracks. Commissioner Ryan asked if the property was currently designated as a Residential land use and would it need to be changed to Commercial. Mr. Skach replied that the proposed parking use is permitted in residential subject to a Special Use. He compared this to the SAAB property on Ogden Avenue that fronted on Cumnor Street, adding SAAB bought an additional lot back and the Village rezoned it to B3. Mr. Skach added that this was facilitated by the Ogden Avenue Master Plan and discussions of this body.

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Commissioner Ryan requested clarification regarding what the next steps were. Commissioner Nicholaou suggested that this group, on their own time, drive down and visually study the east side of Belmont and to also take notice of the residential area that abuts these properties; and at the next meeting, the group can discuss what they think the properties should be. He added that there should also be input from the public before any definitive recommendations were considered for the east side of Belmont.

Commissioner Reynolds noted that there were two different issues, one being the future plan of the east side of Belmont Avenue and the other being more specific office space contemplating whether the Commercial [Red] area at Maple and Belmont be expanded north to facilitate Office as a transition. Mr. Skach replied that the first issue relates to the potential of deepening the Belmont corridor, and the second relates to the two Commercially-designated nodes that are in the Belmont corridor [Maple and Belmont; BNSF and Belmont] and whether you expand them or not. Commissioner McCormick agreed with Commissioner Nicholaou regarding this group visiting the property, noting a house on the site that is in disrepair, and that might become a blacktop issue for the neighbors on the east side of Belmont Avenue. Mr. Kasson stated that they had a similar situation, and that they did not blacktop the entire area, that there was some buffer. Ms. Browne added that there would need to be visual buffering of the adjacent Residentially-zoned property to the south. Mr. Skach cited that if this group were to have this conversation with a potential petitioner, it would probably be correct that there is some hesitancy at least at this point about bringing this use in as "B" zoning and redesignate it as a Commercial land use designation as opposed to moving forward with a special use in a residential district, in which case it could retain its Residential land use designation and zoning. Commissioner McCormick stated that, from a practical standpoint, the only potential changes are this office building Argianas property and potentially something with the restaurant on the north.

Mr. Skach stated that a decision did not have to be made immediately and that discussing the issues is helpful to staff if a petition does go forward. Commissioner Nicholaou suggested that the group should meet again within 30 days to revisit the subject while the discussion is still fresh in their minds. Commissioner Kahlke agreed, adding that now is the time to start planning it out and getting some idea of what it is they would desire to have there. Commission Chair Riordan questioned whether this was really warranted given the conceptual nature of the issues. There was not concurrence to meet at a future date certain. Commission Waechtler suggested that staff may get additional information from the petitioners. Commissioner McCormick requested at a next meeting on this area that staff provide an update on the underpass status for the next meeting. Mr. Skach noted that Metra is working toward their 2005-2009 window for the underpass. He added that along side of that process, there will continue to be inquiries from potential petitioners that may come up and may need to be addressed on an as needed basis. Mr. Skach mentioned additional items of discussion that will be coming in the future including B3 Permitted Uses and potential additional conditions for new auto dealers especially on Ogden Avenue.

Commissioner Chair Jirik inquired whether it was the consent of the assembly that the issues currently brought up by inquiries from potential petitioners get come to the top of the agenda compared to the other issues that have been discussed over the past 18 months. Mr. Skach said that the staff's priorities are bringing to fruition the first part of the discussions, get the Future Land Use Map modified and through the Plan Commission to Village Council with the Housekeeping map, then the New Proposal map would go to the Plan Commission and then to the Village Council. Commission Chair Jirik noted the importance of prioritizing the list of issues and make sure they match the vision of the Mayor and Council. Commissioner Nicholaou noted the value of the discussion regarding the current inquiries because this specific petitioner is interested in a number of properties, which would noticeably affect the easterly side of Belmont Avenue at its south end. He added that these discussions also set a tone for future discussions regarding the underpass.

Commissioner Nicholaou suggested the longer committee think about a smaller subcommittee of 3-5 people to focus on specific issues as they arise and come back to this group to discuss their findings. Commissioner Waechtler referred back to what Mr. Skach mentioned regarding potentially having assistance from a consultant do the research due to the expansiveness of the Ellsworth area. Commissioner Chalberg asked what part of Ellsworth would be included in this analysis since the park is so huge, it will impact what happens in the market on the east side of Belmont. Commissioner Chalberg then recommended getting the study completed as soon as

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possible. Commission Chair Riordan agreed with Commissioner Nicholaou that subcommittees may be warranted to broach inquiries when they arise.

Commission Chair Jirik suggested, for future meetings, putting a 40-minute time limit on each topic to improve the productivity of the meetings. There was concurrence to consider this limitation.

Commissioner Matejczyk asked the staff if there had been any traffic studies or projections done recently. Mr. Skach added that subject has been discussed amongst staff as comprehensive, recent data was not available and that there are current plans to move forward with a village-wide thoroughfare plan.

Members of the Plan Commission and the Strategic Planning Committee concluded discussions at 9:05 p.m.

ALAN JIRIK, COMMISSION CHAIR, PLAN COMMISSION
AND
MICHAEL RIORDAN, EDC COMMITTEE CHAIR, ECONOMIC DEVELOPMENT COMMISSION

The Chairman reviewed the procedures and purpose of the Plan Commission's public hearings and read the oath to those individuals who would be speaking on behalf of File No. PC-16-05.

FILE NO. PC-16-05 A petition seeking 1) annexation into the Village; 2) Rezoning upon annexation from County R-4, Single Family Residence District to Village R-6, Multiple Family Residence District; 3) Approval of a Special Use to authorize the existing office building in the proposed R-6 Zoning District to allow the construction of a new accessory parking area; and 4) Variation to allow the required vegetative screen for the parking area to be located within the required setback; property located on the east side of Belmont Road, approximately 220 feet north of Maple Avenue; commonly known as 5505, 5507 and 5509 Belmont Road, Downers Grove, IL (PIN Nos. 08-13-201-003 through 008); Tracy D. Kasson, Attorney/Petitioner; Argianas Family LLC & Sanaigra LLC, Owners

Mrs. Riordan reviewed the Petitioner's Requested Action. She noted that the 1.3 acre subject property is located on the east side of Belmont, north of Maple Avenue and is comprised of six parcels of land currently zoned County R-4, Single Family Residential. The property is subject to a County Special Use, which authorized the construction of the existing office building. She explained the existing conditions, noting that the northerly parcel is currently occupied by a single-family residential structure. The middle lot is vacant, and the single-story, 10,500 sq. ft. office building and two accessory parking areas occupy the four southerly parcels.

As designated on the Future Land Use Map, the subject property is zoned Residential with 6 to 11 dwelling units per acre, which most closely correlates to the Village's R-5A Townhouse Zoning District. The Joint Strategic Land Use Planning Committee, as well as the Village's Economic Development Commission, reviewed and discussed the concept of an office/transitional designation for the subject area and at that time, agreed that an office could function as a transition between Commercial and Residential use. Rather than rezoning the property to Commercial, the applicant decided to rezone the property to R-6 and seek the Special Use authorization from the Village, which allows the Village to retain control over site planning-related issues for the office development.

Displaying the plans on the overhead screen, Mrs. Riordan noted the detail of the northern parking lot area and the proposed expansion of the parking lot. The requested Variation pertains to the screening of the proposed parking lot along Belmont Road. The petitioner is proposing to satisfy the screening requirement by installing a landscaped screen, however, the leading edge of the landscaped screen is proposed to have a setback of less than the minimum 25 feet required. This requires consideration of a setback Variance.

Also regarding screening of the parking lot expansion, Mrs. Riordan noted that Staff is recommending that the proposed row of arborvitaes north of the parking lot should be extended the full length of the property, up to the required setback, so as to fully screen the parking lot from the residential properties to the north. Mrs. Riordan explained that along the east property line, the Petitioner is installing a solid, board-on-board fence along the expanded parking area, and is proposing some additional landscaped materials interior to the fence.

As to bulk characteristics, landscaped green space, and parking requirements, Mrs. Riordan noted that the proposed plan meets or exceeds the minimum requirements of the Zoning Ordinance. Staff

does recommend that the Petitioner be required to provide a photometric plan of the property regarding site lighting, in order to ensure that the proposed lighting plan provides safe but unobtrusive lighting.

Mrs. Riordan continued, noting that the Public Works Department has commented that the Petitioner will be required to submit a complete stormwater management submittal prior to the issuance of any construction permitting for the parking lot expansion.

Mrs. Riordan noted that the standards for approval for both the requested Special Use and the Variation were provided in Staff's report. Staff recommends the Plan Commission forward a favorable recommendation to the Village Council regarding the proposal, subject to the seven conditions outlined in the Staff Report.

Comments and questions followed. In response to Mr. Waechtler's question regarding photometric plans and landscaping plans, Mrs. Riordan indicated the Petitioner might have additional information as it pertains to these issues this evening, but Staff has had no opportunity to review the plans. Therefore, Mrs. Riordan recommended the Commissioners include the submission of these items as a condition in any motion recommending approval of the plan.

Mr. Tracy Kasson, 300 E. Roosevelt Road, Wheaton, Illinois, attorney for Petitioners Argianas Family LLC and Sanaigra LLC, introduced himself and explained the Petitioner will submit a revised landscape plan reflecting the recommended landscaping by Staff, and will also submit a photometric plan reflecting foot-candles of zero at all property lines as recommended by Staff.

Other introductions followed: Mr. Charles Argianas, manager/member of both LLC companies; Mr. Joseph Abel, Planning Consultant; and Mr. Jim Koziol, engineer for the project.

Mr. Kasson stated that the reason the Petitioner was proposing to rezone the property to R-6 with a Special Use was to alleviate Village concerns about opening up Belmont Road to commercial development. He explained that the Village provided water to the subject office development subject to a pre-annexation agreement in the 1990's.

Mr. Charles Argianas, on behalf of the Argianas Family, LLC and the Sanaigra LLC, discussed his background and the reasons why he purchased the property four years ago; he said he did so as an investment and to have his own office on the site. The reason for this request is to improve the property in general, and to develop something that is consistent with the area. He reiterated that his proposed plan complies with or exceeds the requirements of the Village, with the exception of the setback of the hedge. He added that his property is probably the best-kept property in the area. While the 3.3 parking spaces per 1,000 square feet meets Code, he believes additional parking would be more effective for everyone at the site; i.e., the tenants, the garbage trucks, the Fed-X trucks, etc.

Mr. Jim Koziol, Koziol Engineering, 1709 Ogden Avenue, Lisle, Illinois, confirmed the Petitioner meets all the setbacks with the exception of the hedge, and pointed out the ingress and egress on the site. He said that proposed lighting would include a regular shoebox type fixture attached to 24-foot poles with rear glare shields to direct the lighting straight down at the property lines. While the utilities will remain the same, the parking lot curbs will be pitched to the center inlet for drainage to the existing storm sewer.

Mr. Joe Abel, 200 Forest Avenue, Glen Ellyn, Illinois, Planning and Economic Development Consultant, reviewed his professional background. He briefly reviewed the standards for zoning, and how the site fits within the Village's Comprehensive Plan as a transitional site. He explained that no negative impacts to adjacent uses will occur, and the use is compatible with the surrounding area. If the site were to be developed in the default R-1 zoning district upon annexation, it would be contrary to the Village's plan and the trend of the development in the area.

Mr. Abel commented that only one parcel remains vacant, while the office building has been there for six years, and the northern single-family residential home has outlived its usefulness. Regarding a community need for the parcel, additional parking is being provided with the hope to attract additional healthcare facilities to service the area. Mr. Abel addressed each of the four Special Use Standards noting that no negative effects would occur.

Regarding the request for Variation, Mr. Abel explained the lots are not very deep, and create a hardship when trying to plan a conforming parking lot with conforming setbacks for the required screening of the parking lot. While the parking lot could have been pushed further to the east in order to allow the setback to be satisfied for the screening on the west, it was not because of their desire to provide as much greenspace as possible next to the adjacent residential properties to the east. The Petitioner did not want to locate the parking any closer to the residential area.

Mr. Abel summarized that in his opinion, the Petitioner has met all of the standards of the Zoning Ordinance for rezoning property from R-1 to R-6; the Special Use standards; and the Variation standards based on the fact that a hardship existed as it related to the depth of the lots as well as meeting the other requirements within the Ordinance.

Mr. Argianas reiterated his proposal would beautify the existing office property, take care of the drainage on his property and improve the area in general. He said that he was willing to work with everyone in order to make this plan the best it can be.

Chairman Jirik opened up the discussion to the Commissioners.

Mr. Nicholaou suggested that the Petitioner review the lighting at the Prospect School in Clarendon Hills, as this development had lighting that had no impact on residential neighbors.

Other questions followed regarding the history of the required pre-annexation agreements in this area, as they relate to water contamination issues. Mrs. Riordan explained the Ellsworth industrial area and its surrounding residential neighborhoods have been subject to contaminated well water. The State of Illinois has required residents to hook up to the available public water system and to not use the well water for household purposes. Therefore, the residents requested to be able to enter into an agreement with the Village, so that pre-annexation agreements would no longer be required in order to hook up to our water service. Additionally, any existing signed pre-annexation agreements are not going to be enforced. Therefore, any annexation into the Village in these areas is purely voluntary.

Further clarification followed on the landscaping setback and the required screening or fencing necessary. Staff indicated the Ordinance requires either a fence or a landscaped screen, and the Petitioner opted to provide the solid landscape screening in certain areas and solid fencing in other

areas. Regarding the screening along Belmont Road, Staff is of the opinion that the requested setback Variation is minimal, and the screening meets the intent of the Ordinance.

Mr. Kasson indicated the trade-off was to try to create as big of a rear yard setback as possible adjacent to the residential properties to the east. Without the Variation, the Petitioner would have to move the parking lot closer to the residential properties to the east in order to meet the setback requirement, because the depth of the parking spaces and the width of the driveways are required by the Ordinance.

Mr. Kasson added that Public Works has directed the Petitioner to install a sidewalk across the entire front property line, which is being done mostly on the subject property and not within the right-of-way. Since the Village did not have sufficient right-of-way for a sidewalk, the Petitioner has agreed to grant an easement to the Village to install the sidewalk mostly on the Petitioner's property. Details of this easement will be worked out with the Village Attorney regarding liability.

Regarding a question from Mrs. Rabatah concerning the non-conformities in the existing parking areas, Mr. Kasson confirmed that no re-striping or re-sizing of spaces in the two existing parking lots would occur.

Chairman Jirik opened the discussion up to the public.

Mrs. Shirley Wren, 5514 Hillcrest Avenue, Downers Grove, stated she resides east of the area and asked the Petitioner to provide a covenant to preclude any more development and just install a parking lot. She believed the parking lot would provide opportunity for more development. She did not support the request. She discussed the old field tiles in the area and stated the engineer did not address the tiles that were in her subdivision. No provision existed in the plan as it relates to retention/detention and neighbors currently get water in their basements. She did not want to see multiple family in this area, and Belmont Road is not wide enough.

Mr. Kasson stated if the Petitioner came in requesting R-1 single-family zoning, the office would be considered a legal non-conforming use. He added that R-6 zoning was the most appropriate request, taking into account the direction of Belmont Road and its development, as R-6 requires Special Use approval for any proposed changes to the office.

Chairman Jirik explained to Mrs. Wren that the request was for a non-residential use. Mr. Kasson also explained the multiple-family zoning was more consistent with the Comprehensive Plan than a commercial zoning district.

Regarding the stormwater issues raised by Mrs. Wren, Mr. Kasson indicated a detailed review would follow as required by Public Works. He added that there will be some parking lot detention provided. Water would drain into the current stormwater system and the guidelines under the DuPage County Stormwater Ordinance have to be met. If Belmont Road were ever widened in the future, any removed detention would have to be replaced.

Mr. Koziol explained if a field tile is located during construction, the Petitioner is required to pick up the tile and tie it into the storm system.

The Chairman asked for clarification of Mrs. Wren's concern about the R-6 zoning whether she preferred an alternative zoning that was less of a concern. Mrs. Wren responded she preferred to leave the property as is currently zoned.

Mr. Ray Kristufek, 5503 Belmont Road, Downers Grove, Illinois, stated he lived immediately north of the proposed parking lot expansion. He expressed concern about the proposed landscaping, since it may affect sight lines as he exits his driveway onto Belmont Road. He requested the plantings be low or be moved back so as to not obstruct his vision when he pulls out onto Belmont. He asked that a six-foot solid wood fence be installed along the north property line in addition to the proposed landscaping to distinguish between the properties.

Mr. Kasson responded a sight distance triangle exists, and that based upon Staff's suggestion, there will be no screening plantings from the 25-foot setback to the road. Discussion regarding tree locations followed, and it was agreed that the proposed trees would be set back sufficiently to provide adequate visibility at the driveway. Regarding the installation of a fence along the north property line, it was agreed that the Petitioner should submit a revised plan to Staff prior to this plan being presented to Council.

Mr. Kristufek confirmed with the Petitioner that the lighting would not reflect on his property. Should it become an issue, Mr. Kasson stated timers would be installed on the lights. The Petitioner has every intent of working with the neighbors.

Hearing no further comments from the audience, Chairman Jirik closed the public portion of the hearing. No further comments were received from the Plan Commissioners. Mr. Kasson respectfully requested approval from the Commission.

Chairman Jirik explained two Motions should be made: the first Motion for the annexation and rezoning of the property and the second Motion for the Special Use and Variation request.

MOTION: WITH RESPECT TO FILE NO. PC-16-05, MRS. RABATAH MOVED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL WITH RESPECT TO THE ANNEXATION AND THE REZONING OF THE PROPERTY TO R-6 MULTIPLE FAMILY ZONING. MR. GRIESBAUM SECONDED THE MOTION.

Chairman Jirik agreed with the concept that the R-6 zoning provides a measure of protection. He stated it was accurate, realistic, and reasonable, and R-6 zoning would provide control as to what could be constructed on the property. Mr. McCormick concurred.

ROLL CALL:

**AYE: MRS. RABATAH, MR. GRIESBAUM, MR. MCCORMICK, MR. NICHOLAOU,
MR. WAECHTLER; MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION PASSED. VOTE: 7-0

Chairman Jirik then called for a motion regarding the Special Use and Variation requests.

MOTION: WITH RESPECT TO FILE NO. PC-16-05, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE SPECIAL USE TO AUTHORIZE THE EXISTING OFFICE BUILDING AND TO ALLOW THE CONSTRUCTION OF THE NEW ACCESSORY PARKING AREA; AND FOR THE APPROVAL OF THE VARIATION TO ALLOW THE REQUIRED VEGETATIVE SCREEN FOR A PARKING AREA TO BE LOCATED WITHIN THE REQUIRED SETBACK ALONG BELMONT ROAD; ALL SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. SUBMISSION OF A REVISED PLAN INDICATING A SOLID SIX FOOT TALL FENCE ALONG THE NORTHERLY PROPERTY LINE AS REQUESTED BY THE NEIGHBOR. THE FENCE SHALL CONFORM TO ALL APPLICABLE ORDINANCE REQUIREMENTS, INCLUDING FRONT SETBACK AND VISIBILITY STANDARDS;**
- 2. CONFIRMATION THAT THE PROPOSED LANDSCAPING MATERIALS WILL NOT IMPAIR VISIBILITY AT THE INTERSECTION OF THE NORTHERLY NEIGHBOR'S DRIVEWAY AND BELMONT ROAD;**
- 3. PROPERLY PERMITTED DEMOLITION OR REMOVAL OF THE EXISTING RESIDENCE PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT FOR THE PROPOSED PARKING LOT EXPANSION;**
- 4. COMPLIANCE WITH ALL PUBLIC WORKS REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JANUARY 1, 2005;**
- 5. COMPLIANCE WITH ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED MARCH 10, 2005;**
- 6. SUBMITTAL OF A PHOTOMETRIC SITE PLAN PRIOR TO COUNCIL CONSIDERATION, INDICATING SAFE AND EFFECTIVE LIGHTING LEVELS, MOST NOTABLY INDICATING LIGHTING LEVELS OF 0.0 FOOTCANDLES AS THE PROPERTY LINE ADJACENT TO THE RESIDENTIAL USES TO THE EAST;**
- 7. SUBMITTAL OF A REVISED LANDSCAPE PLAN PRIOR TO COUNCIL CONSIDERATION, INDICATING EXPANDED SCREENING ALONG THE NORTHERLY PROPERTY LINE;**
- 8. ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW; AND**
- 9. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES.**

Mr. McCormick commented the Petitioner has kept the property in good condition, and he considered him a good neighbor. Should the Village Council approve the recommendation, he would welcome the Petitioner into the Village of Downers Grove.

Mr. Waechtler stated after visiting the site he concurred with Mr. McCormick. He stated the Petitioner appeared to be working cooperatively with Staff. He commended Staff for their thorough and detailed report.

Chairman Jirik stated the standards as outlined by the Petitioner were reasonable, rational and logical. The Special Use was justified by the evidence presented. The Variation also was justified considering the nearby residents.

ROLL CALL:

**AYE: MR. GRIESBAUM, MR. NICHOLAOU, MRS. RABATAH, MR. MCCORMICK,
MR. WAECHTLER; MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION PASSED. VOTE: 7-0

Chairman Jirik recessed the meeting at 9:00 p.m. The commission reconvened at 9:08 p.m.

FILE NO. PC-15-04 A petition seeking Final Plat of Subdivision with Lot Area and Certain Public Improvement Exceptions for the Golf View Estates Subdivision; property located on the west side of Puffer Road at the terminus of Chicago Avenue, commonly known as 4606 Puffer Road, Downers Grove, IL (PIN 08-01-408-006); Steve McSweeney, Petitioner; CBC Development, LLC, Owner

Chairman Jirik called the Public Hearing for PC-15-04 to order and noted the petition is for Golf View Estates, a four-lot subdivision with certain Exceptions from Code. He noted the Petitioner and location of the property, and swore in all members of the public who intend to speak this evening regarding this petition.

Amanda Riordan, Planner, presented the Staff Report. She explained the Petitioner is seeking approval of a Final Plat of Subdivision for a four lot, single-family residential subdivision with certain Exceptions. The requested Exceptions pertain to the lot areas of each of the four proposed lots, as well as public improvements of curb and gutter, street pavement width, and parkway width.

This petition was originally presented to the Plan Commission in August of 2004 and included a request to rezone the subject property from R-1 to R-3 as well as a Final Plat of Subdivision for a five-lot subdivision with certain public improvements Exceptions. Ms. Riordan noted that background information regarding the original petition was included as a separate packet in the Staff Report.

Ms. Riordan indicated the Plan Commission had recommended the Village Council approve the Petitioner's original request, including rezoning the subject property from R-1 to R-3. The Village