



MANAGER'S MEMO ITEM

ITEM: PLAN COMMISSION FILE NO. 31-05; 2449 Ogden Avenue Rezoning
WORKSHOP DATE: January 10, 2006
PREPARED BY: Lori Sommers, AICP, Planning and Community Development
PURPOSE: To consider the Plan Commission's recommendation to approve the requested rezoning from R-1, Single Family Residence to B-3, General Services and Highway Business.

BACKGROUND:

The petitioner is seeking approval of a rezoning designation change from R-1, Single Family Residence District to B-3, General Services and Highway Business. The subject property was annexed into the Village in March 1988 as a residential zoned district allowing the existing commercial use to be grandfathered in. The petitioner is retiring and wishes to sell this property for a commercial use. The proposed rezoning request is consistent with the Future Land Use designation of Commercial. The proposed rezoning is consistent with the goals of the Ogden Avenue Master Plan and Implementation Strategy to increase commercial uses and consequently, the depth of commercial properties which front on Ogden Avenue.

The Plan Commission considered the project on December 12, 2005 and unanimously recommended approval of the proposed rezoning subject to the conditions as outlined in the staff report.

ATTACHMENTS:

1. Draft Ordinance
2. Staff Report, with attachments, dated November 1, 2005
3. Draft Minutes of Plan Commission Public Hearing dated December 12, 2005

STAFF RECOMMENDATION:

Staff recommends approval of the Petitioner's Requested Action subject to the recommended conditions as outlined in the attached Draft Ordinance.

REQUESTED COURSE OF ACTION:

That the Village Council place consideration of the Ordinance approving the proposed rezoning on the January 17, 2006 Council Meeting agenda.

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 2449 OGDEN AVENUE**

WHEREAS, the real estate located on the south side of Ogden Avenue approximately 136 feet east of Cross Street and hereinafter described has been classified as "R-1 Single Family Residence" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and,

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

WHEREAS, the Plan Commission of the Village of Downers Grove has given the required public notice, and has conducted a public hearing on December 12, 2005 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 "B-3, General Services and Highway Business District" the zoning classification of the following described real estate, to wit:

Lots 1 and 2 in Block 1 in Arthur T. McIntosh and Company's Belmont Golf Addition, being a subdivision in the Southwest Quarter of Section 1 and the Northwest Quarter of Section 12, Township 38 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded September 14, 1925 as Document 199614, in DuPage County, Illinois

Commonly known as 2449 Ogden Avenue, Downers Grove, IL (PIN 08-01-306-005, -004)

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

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, County 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

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

To: Plan Commission
Prepared By: Lori Sommers, AICP
Date Prepared: November 1, 2005
Meeting Date: December 12, 2005

Project Title: PC 31-05; 2449 Ogden Avenue Rezoning

BACKGROUND INFORMATION:

Petitioner: Edward J. & Marcella K. Wonsowski/Downers Grove National Bank Trust #72-44
 Richard J. Tarulis, Brooks, Adams & Tarulis (attorney)
Property Address: 2449 Ogden Avenue
Existing Zoning: R-1, Single Family Residence District
Application/Notice: The application has been filed in conformance with applicable procedural and public notice requirements.

Requested Action:

Approval of proposed rezoning of 2449 Ogden Avenue from R-1, Single Family Residence to B-3, General Services and Highway Business per Chapter 28, Section 28-1701, *Amendment to Zoning Classification*.

BACKGROUND**General Description**

The subject property is located at 2449 Ogden Avenue. The subject property was annexed into the Village as a residential zoned district allowing the existing commercial use to be grandfathered in. The petitioner is retiring and wishes to sell this property for a commercial use. The petitioner is seeking approval of a rezoning designation change from R-1, Single Family Residence District to B-3, General Services and Highway Business.

ANALYSIS**Zoning and Future Land Use Plan****Surrounding Land Use and Zoning****Table 1: Surrounding Land Uses and Zoning**

	Existing Zoning	Existing Use	Future Land Use Plan
North	B-3, General Services and Highway Business	Commercial	Office research & Manufacturing
South	B-3, General Services and Highway Business	Commercial	Commercial
East	R-1, Single Family Residence	Park District (golf course)	Open Space
West	B-3, General Services and Highway Business	Commercial	Commercial

The Future Land Use Map designates this property as Commercial. The proposed rezoning request is consistent with the FLUM designation of Commercial.

Proposed Rezoning

The subject property is currently zoned R-1, Single Family Residence. The petitioner is proposing the rezoning of 2449 Ogden Avenue from R-1, Single Family Residence to B-3, General Services and Highway Business. The proposed rezoning is consistent with the goals of the Ogden Avenue Master Plan and Implementation Strategy to increase commercial uses and consequently, the depth of commercial properties which front on Ogden Avenue.

Site**Site Characteristics**

The subject site is approximately 20,045 square feet (.46 acres) in area, with approximately 105 feet of frontage along Ogden Avenue. The site currently contains a 1,600 square foot two story building and a 280 square foot garage. No sidewalk is currently located on the subject property. Staff recommends that a sidewalk be installed and connected with the existing sidewalk on the property to the west.

Currently, the site contains three curb cuts along Ogden Avenue for a site that has approximately 105 feet of frontage. Staff recommends that two of these curb cuts be eliminated.

Proposed Site Plan

The petitioner is proposing no changes to the site at this time.

Bulk Characteristics

No buildings or structures are proposed to be built on the proposed site.

Yards and Setbacks

No new structures are proposed for the site. The existing building does not conform to the front yard setback. Any new development would need to conform to ordinance requirements.

Openspace/Landscaped Green Space

The minimum required landscaped green space is 10% of the site area, with half of that requirement being located within the front yard.

Parking

Although the petitioner does not have a particular use for the site currently the Village assumes it will be a commercial use which is parked at one parking space per 300 square feet of gross floor area. The site currently has a 3,150 square foot parking area to the west of the structure which could hold approximately 10 parking stalls. At a one parking space per 300 square feet of gross floor area the site only requires six parking stalls.

RECOMMENDATION:

Staff believes the Requested Action is substantially consistent with the Future Land Use Plan, Zoning Ordinance, Ogden Avenue Master Plan and Planning Documents of the Village. Staff recommends the Plan Commission forward a favorable recommendation and Finding of Fact to the Village Council with respect to the petitioner's Requested Action, subject to the following conditions:

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. Changes may require additional review of the Special Use or Variations; and
2. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.
3. Further, though not part of a redevelopment petition staff recommends the petitioner be advised that upon redevelopment of the property the following items will be reviewed and required: Installation of sidewalk and removal of at least two curb cuts along Ogden Avenue.

Attachments

LAW OFFICES

BROOKS, ADAMS AND TARULIS

GERALD J. BROOKS
STEVEN B. ADAMS
RICHARD J. TARULIS
DAVID G. WENTZ
TIMOTHY J. HOPPA
NICOLE L. KARAS

101 NORTH WASHINGTON STREET
NAPERVILLE, ILLINOIS 60540-4511

(630) 355-2101
(630) 355-7843 FAX

DAVID N. SCHAFFER
DOUGLAS C. TIBBLE
OF COUNSEL

October 3, 2005

Downers Grove Plan Commission
801 Burlington Ave.
Downers Grove, IL 60515

Re: 2449 Ogden Avenue, Downers Grove

Dear Chairman Jirik and Members of the Board:

This office represents the applicants, Mr. Edward and Mrs. Marcella Wonsowski, who are residents of the Village of Downers Grove.

Enclosed please find a Petition for Rezoning for the above property. Mr. and Mrs. Wonsowski have owned the property since 1972, and operated Marcella's Beauty Salon at that location. They are retiring now, and are selling the property. However, we recently learned that the property is zoned residential, R-1. Apparently, when the property was annexed to the Village the existing use was grandfathered, and the property has never been re-zoned.

All of the interested potential buyers are looking at the property for commercial uses. The property is surrounded on three sides by the Max Madsen auto dealership, and on the east by the Downers Grove Park District access to the golf course. As you probably know, it is not feasible to use the property as residential any longer.

Therefore, in order to sell the property for commercial use, we respectfully request that the Village rezone the property to B-3, the same as the Max Madsen property. Please note that the Future Land Use Map shows the property as commercial, and that the Ogden Avenue Master Plan encourages commercial uses on Ogden Avenue.

Thank you for your consideration. We look forward to appearing at a future meeting to answer any questions.

Very truly yours,

BROOKS, ADAMS AND TARULIS

Richard J. Tarulis

Richard J. Tarulis

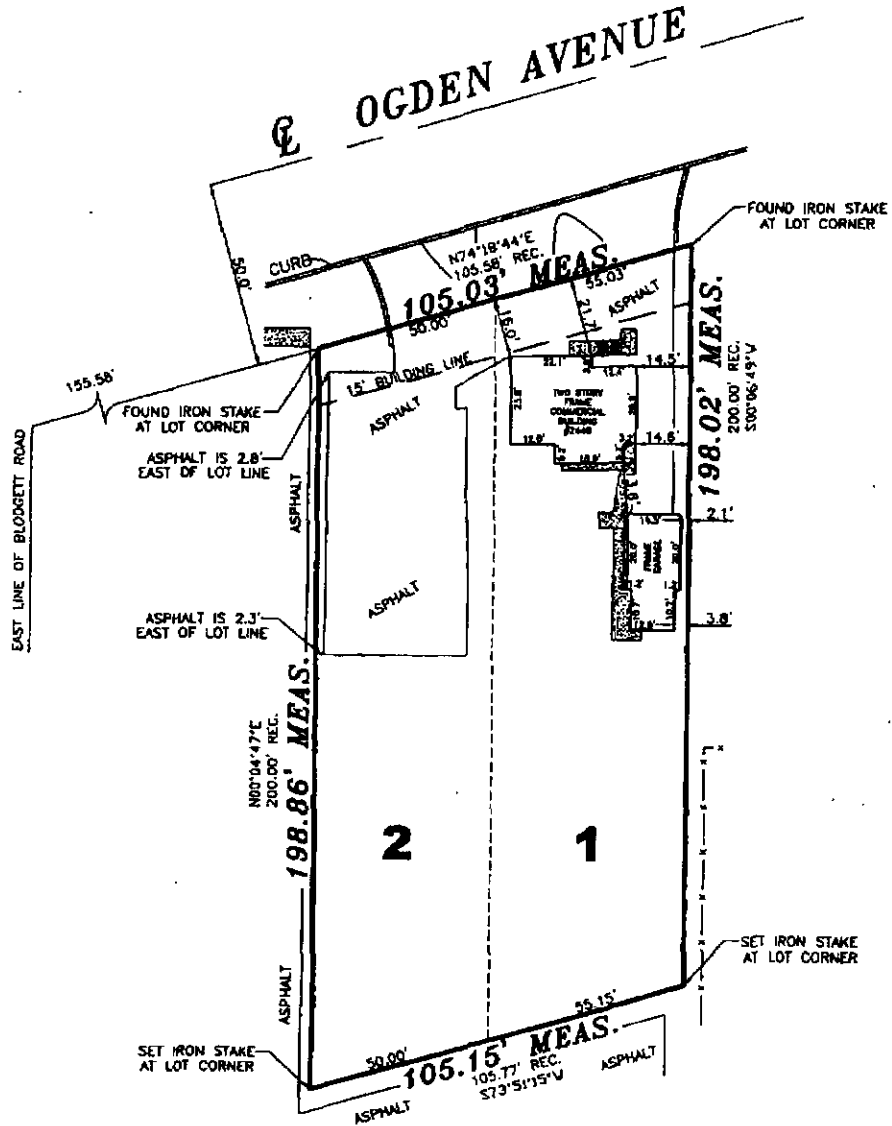
RJT:me
Encl.

PLAT OF SURVEY

OF

LOTS 1 AND 2 IN BLOCK 1 IN ARTHUR T. MCINTOSH AND COMPANY'S BELMONT GOLF ADDITION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 1 AND THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 1925 AS DOCUMENT 199614, IN DUPAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 2449 OGDEN AVENUE



CLIENT: BROOKS, ADAMS & TARULIS

JNT

LAND SURVEYING SERVICES INC.

15835 S. BELL ROAD, (708) 645-1136
HOMER GLEN, IL. 60491, Fax (708) 645-1138

No improvements should be made on the basis of this plat alone. Field measurement of critical points should be established prior to commencement of any and all construction. For building line and other restrictions not shown herein refer to your deed, contract, site plan, contracts and local building and zoning ordinances.

AREA OF SURVEY = 20045 SQ.FT.



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. LICENSE EXPIRES 11/30/08

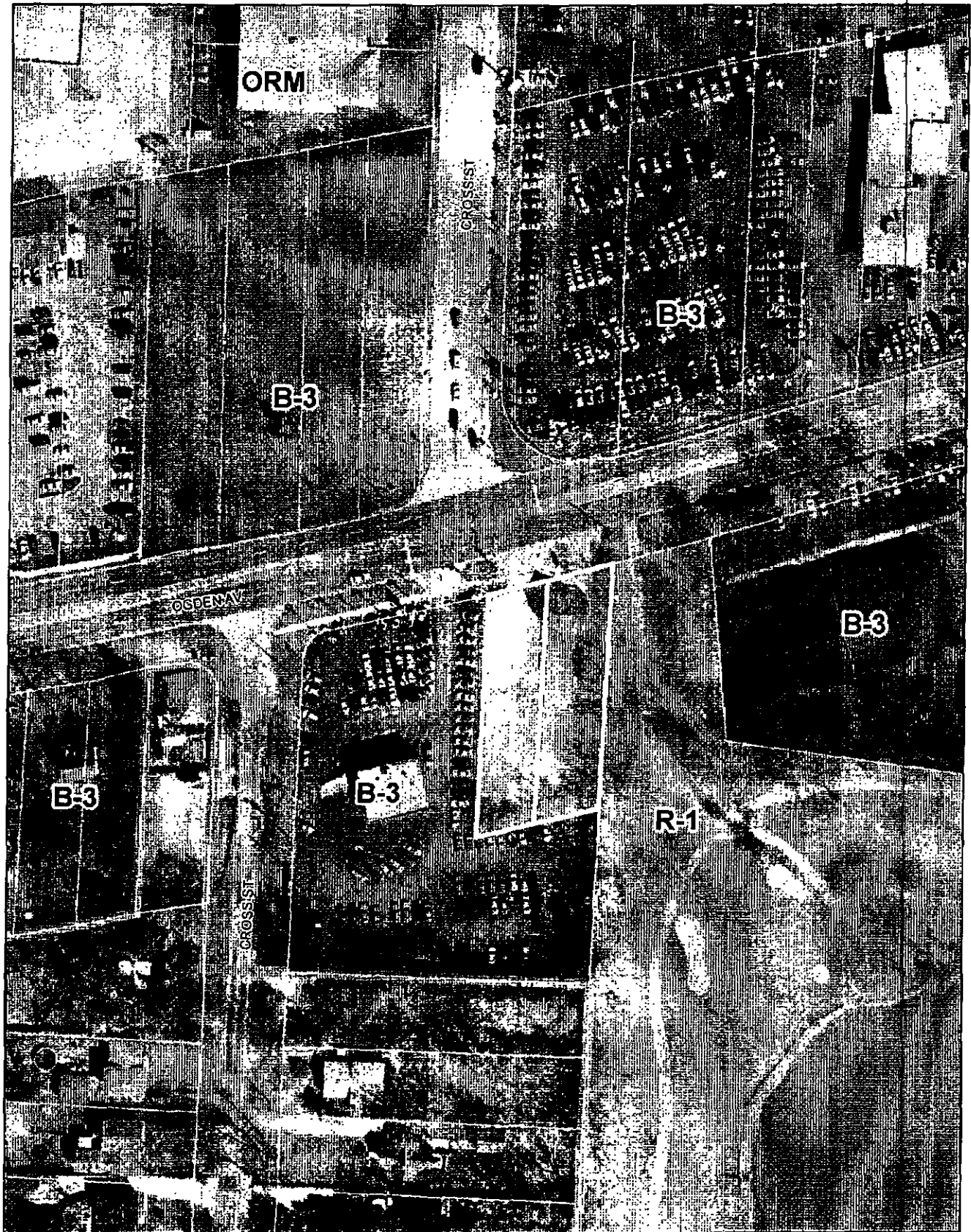


STATE OF ILLINOIS } s. s.
COUNTY OF WILL }

JNT LAND SURVEYING SERVICES INCORPORATED HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

Dated this 21ST Day of SEPTEMBER, 20 05.

IPLS No. 3354




0 30 60 120 Feet

2449 Ogden Avenue
08-01-306-005, -004

Department of Planning & Community Development

Legend

 Sublot of Property



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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, DECEMBER 12, 2005, 7:30 P.M.

Chairman Jirik called the December 12, 2005 meeting of the Plan Commission to order at 7:30 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mrs. Hamernik, Mr. Matejczyk, Mr. Waechtler, Mr. Webster
ABSENT: Mrs. Rabatah
STAFF
PRESENT: Keith Sbiral, Director of Planning; Planners Angela Clark, Jeff O'Brien and Lori Sommers; Mike Millette, Asst. Director of Public Works; and Alice Dornan, Recording Secretary

SEPTEMBER 26, 2005 MINUTES. MINUTES WERE APPROVED ON MOTION BY MR. WAECHTLER, SECONDED BY MR. MATEJCZYK. ROLL CALL:

AYES: MR. WAECHTLER, MR. MATEJCZYK, MR. WEBSTER, CHAIRMAN JIRIK
NAYS: NONE
ABSTAIN: MR. BEGGS, MS. HAMERNIK
MOTION PASSED. VOTE: 4-0-2

OCTOBER 3, 2005 MINUTES. MINUTES WERE APPROVED ON MOTION BY MR. MATEJCZYK, SECONDED BY MR. WEBSTER. ROLL CALL:

AYES: MR. MATEJCZYK, MR. WEBSTER, MR. WAECHTLER, , CHAIRMAN JIRIK
NAYS: NONE
ABSTAIN: MR. BEGGS, MRS. HAMERNIK
MOTION PASSED. VOTE: 4-0-2

OCTOBER 17, 2005 MINUTES. MINUTES WERE APPROVED ON MOTION BY MR. WEBSTER, SECONDED BY MR. WAECHTLER. ROLL CALL:

AYES: MR. WEBSTER, MR. WAECHTLER, MR. MATEJCZYK, CHAIRMAN JIRIK
NAYS: NONE
ABSTAIN: MR. BEGGS, MRS. HAMERNIK
MOTION PASSED. VOTE: 4-0-2

Chairman Jirik review the protocol for the meeting.

FILE NO. PC-31-05 - Petition seeking Rezoning from R-1 Single Family Residential to B-3 General Services and Highway Business. The property is located on south side of Ogden Avenue approximately 36 feet from Cross Street, commonly known as 2449 Ogden Avenue, Downers Grove, IL. Edward and Marcella Wonsowski, Petitioners. Downer Grove National Bank Trust # 7244, Owner.

Chairman Jirik swore in those who would be speaking on behalf of File No. PC 31-05.

Mrs. Lori Sommers reviewed her staff report, noting the subject property (under one-half acre) was annexed into the Village on March 21, 1988 and was zoned R-1 at that time and allowed the existing commercial use to be grandfathered in. The petitioner was seeking to sell his property since he was retiring and was seeking to rezone the parcel to the B-3 zoning district, General Services and Highway Business. Per staff, the request was consistent with the Future Land Use Map and was consistent with

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the goals of the Ogden Avenue Master Plan and Implementation Strategy to increase commercial uses and the depth of commercial properties which fronted Ogden Avenue. Currently, a structure with garage existed on the site and no sidewalks existed. In the future, staff recommended that sidewalks be installed. Also, because three curb cuts existed along Ogden Avenue, staff recommended that two of the cuts be removed in the future. Staff recommended that the Plan Commission forward a favorable recommendation and Findings of Fact to the Village Council, subject to staff's three conditions in its report.

No questions followed from the commissioners.

Chairman Jirik opened the meeting up to the public:

Mr. Richard Tarulis, with Brooks, Adams and Tarulis, 101 N. Washington, Naperville, attorney for the petitioners, introduced the petitioners' two sons. He briefly discussed the simple rezoning of the subject property so that the petitioners could resell their property. The parcel was placed on the market with interested parties seeking commercial zoning.

No further comments followed from the public.

Mr. Tauris thanked Village staff for their assistance and cooperation in this process.

Mr. Waechtler believed the zoning on this property had been long overlooked.

MOTION: WITH RESPECT TO FILE NO. PC-31-05, MR. WAECHTLER MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION, INCLUDING THE FINDINGS OF FACT, TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:

- 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. CHANGES MAY REQUIRE ADDITIONAL REVIEW;**
- 2. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES; AND**
- 3. FURTHER, THOUGH NOT PART OF A REDEVELOPMENT PETITION STAFF RECOMMENDS THE PETITIONER BE ADVISED THAT UPON REDEVELOPMENT OF THE PROPERTY THE FOLLOWING ITEMS WILL BE REVIEWED AND REQUIRED: INSTALLATION OF SIDEWALK AND REMOVAL OF AT LEAST TWO CURB CUTS ALONG OGDEN AVENUE.**

THE MOTION WAS SECONDED BY MR. WEBSTER. ROLL CALL:

**AYE: MR. WAECHTLER, MR. WEBSTER, MR. BEGGS, MS. HAMERNIK,
MR. MATEJCZYK, CHAIRMAN JIRIK**

NAY: NONE

MOTION PASSED. VOTE: 6-0