

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
NOVEMBER 6, 2007 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Belmont Underpass Rezoning, Variation and a Plats of Subdivision	<ul style="list-style-type: none"> ✓ Resolutions ✓ Ordinances Motion Discussion Only 	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared to change the zoning of seven residential parcels located at southwest corner of Belmont Road and Haddow Avenue from R-4 (Single Family Residential) and R-6 (Multiple Family Residence) to B-2 (General Retail Business). An ordinance has been prepared to reduce the front yard setback along Belmont Road for the properties at the northeast corner of Belmont Road and Hitchcock Avenue. Resolutions for finals plat of subdivision to consolidate the parcels have also been prepared.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Top Quality Village Infrastructure and Facilities*. Supporting these goals are the objectives *Improved Neighborhood Infrastructure Curbs, Gutters, Streets and Sidewalks* and *Completion of Major Capital Projects on Time, Within Budget*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the November 6, 2007 Council Meeting. Per discussion at the Meeting, the preamble to the Ordinance rezoning the property has been revised to include language that states that the rezoning is intended for the furtherance of the Belmont Underpass project and that due consideration should be given to restoring the pre-existing zoning classification should the project not proceed.

The Village Council voted to approve an ordinance for a front yard setback variation on November 6, 2007. The Village Council will be voting on an ordinance to rezone property and a resolution to approve a final plat of consolidation at the November 13, 2007 Workshop.

Staff recommends approval of the updated item at the November 13, 2007 Workshop.

BACKGROUND

Participants in a five-party intergovernmental agreement, including the Village, are proposing to construct an underpass at the intersection of Belmont Road and BNSF railroad to improve north-south traffic circulation within the Village. Most of the work will occur in the existing road and railroad rights of way. As part of the project, two new commuter parking lots will be constructed – one at the southwest corner of Haddow Avenue and Belmont Road (“Northwest Parking Lot”) and one at the northeast corner of Hitchcock Avenue and Belmont Road (“Southeast Parking Lot”). These parking lots require Village Council approval

for rezoning and consolidation plats. A front yard setback variation from Belmont Road is required to construct the Southeast Lot.

Northwest Parking Lot

The Northwest Lot is zoned R-4 and R-6. Commuter parking lots are not permitted in either of these zoning districts. As such, the Village requests approval of an amendment to the Zoning Map. The proposed zoning of the parking lot would be B-2 General Retail Business. Additionally, the Village requests approval of a Final Plat of Subdivision to consolidate the four existing lots into one.

The property is surrounded by single family residential uses to the west and multi-family residential use to the east. Henry Puffer Elementary school is located north of the site. The properties south of the subject property will be used for the construction of the underpass. The new parking lot will include 148 commuter parking spaces, landscaping and an underground storm water detention facility. The site’s only access would be from Haddow Avenue. The traffic entering and exiting the parking lot would be restricted from traveling through the neighborhood to the west to and from the parking lot through the design of the driveway. The parking lot complies with all bulk regulations of the zoning ordinance and is summarized in the table below:

<i>Northwest Parking Lot</i>	Front Setback (North and East)	Rear Setback (South)	Side Setback (West)	Parking Spaces
Required	25 feet	0 feet	5 feet	0
Provided	25 feet North 28.11 feet East	108 feet	17 feet (24 feet w/ alley)	148

Southeast Parking Lot

Southeast Lot is zoned B-2. However, a front yard setback variation is required to construct the parking lot as proposed. The required setback from Belmont Road is twenty-five feet. The proposed parking lot would be 22.73 feet from the Belmont Road right-of-way. The Village requests the variation to allow for a larger landscape buffer between the parking lot and residential uses to the east. Additionally, the Village requests approval of a Final Plat of Subdivision to consolidate the six existing lots into one.

The property is adjacent to the residential uses to the east and the BNSF railroad to the north. Commercial uses are located south of the site and the existing Belmont Road commuter parking lot is west of the subject site. The proposed commuter parking lot will ultimately have 152 spaces, landscaping and an underground storm water detention facility. Access to and from the parking lot will be provided on Hitchcock Avenue. As noted above, a variation is requested to move the parking lot closer to Belmont Road. This variation will provide a ten-foot setback to the residential uses to the east. Thirty-two six-foot tall evergreen trees and a six foot solid wood fence will be installed in this area. Other than the variation, the parking lot complies with the bulk regulations of the zoning ordinance and is summarized in the table below:

<i>Southeast Parking Lot</i>	Front Yard Setback-West	Front Yard Setback-South	Rear Setback (North)	Side Setback (East)	Parking Spaces
Required	25 feet	25 feet	0 feet	5 feet	0
Provided	22.73 feet	26 feet (after plan revision)	1 foot	10 feet	152
Variation	YES	No	No	No	No

The Plan Commission held two public hearings for the project on August 6, 2007, and October 1, 2007. At the August 6 public hearing, eleven neighbors spoke and expressed concerns about this project. Specifically, the neighbors were concerned with the Northwest Parking Lot. These concerns included the increased traffic through the neighborhood and the impacts of a commuter parking lot adjacent to Puffer Elementary School. The neighbors also had concerns about the timing of construction of the parking lot and underpass. Staff requested continuing the hearing to October 1 to address the concerns.

At the October 1 Plan Commission hearing, staff provided information regarding the expected traffic and its impact on Puffer Elementary School. Specifically, staff estimates the traffic entering the proposed commuter lot will arrive between 7:00 a.m. and 8:15 a.m. and leave between 4:00 p.m. and 6:00 p.m. Based on information from the principal at Puffer Elementary, children arrive at the school at 8:30 a.m. and dismissal starts around 2:50 p.m. and continues until approximately 3:30 p.m. Eight neighbors spoke at the October 1 hearing and re-iterated their concerns regarding the Northwest Parking Lot. The Plan Commission noted the proposal complied with the standards set forth in the Zoning Ordinance and unanimously recommended approval of the project. Staff concurs with this recommendation.

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: _____ Petitioner _____ **DATE:** _____ November 6, 2007 _____
(Name)

RECOMMENDATION FROM: _____ Plan Commission _____ **FILE REF:** _____ PC-28-07 _____
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "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 4900-4940 BELMONT ROAD", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall rezone the property located at 4900-4940 Belmont Road from R-4 Single Family Residential & R-6 Multiple Family Residential to B-2 General Retail Business District.

RECORD OF ACTION TAKEN:

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 4900-4940 BELMONT ROAD**

WHEREAS, the real estate located at the Southwest corner of Belmont Road and Haddow Avenue and hereinafter described has been classified as "R-4 Single Family Residential & R-6 Multiple Family Residential" 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, in furtherance of the public benefit, safety and welfare, the rezoning of said real estate parcels is intended for the purpose of facilitating and supporting a railroad grade separation, the construction of which will provide safer and more efficient travel in the Belmont Underpass Project area, including, but not limited to commuter travel and transportation; and

WHEREAS, due consideration should be given to restoring the pre-existing zoning classification of said real estate parcels should, in the reasonable estimation of the Village Council, the construction of the intended railroad grade separation become impractical or unlikely to occur; and

WHEREAS, the Plan Commission of the Village of Downers Grove has given the required public notice, and has conducted a public hearing on August 6, 2007 and on October 1, 2007 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-2, General Retail Business District" the zoning classification of the following described real estate, to wit:

Lots 1, 2, and 3 in Block 16 of the Town of Lacton, being a Subdivision in Sections 1 and 12, Township 38 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded November 19, 1874 as Document 19145; also Lot 4 in Block 16 of the Town of Lacton, as delineated on a plat of survey attached as Exhibit "A" to the Declaration of Condominium for Belmont Crossing Condominiums, recorded December 29, 1995 as Document number R95-184333, in DuPage County, Illinois.

Commonly known as 4900-4940 Belmont Road, Downers Grove, Illinois. (PINs 08-12-211-006; -007; -008; -009; -010; 08-12-217-001; 08-12-211-013)

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