

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
SEPTEMBER 13, 2011 AGENDA**

| <b>SUBJECT:</b>                                    | <b>TYPE:</b>   | <b>SUBMITTED BY:</b>                                   |
|--|--|--|
| Zoning Ordinance Map Amendment - 1035 Grove Street | Resolution<br>✓ Ordinance<br>Motion<br>Discussion Only | Tom Dabareiner, AICP<br>Community Development Director |

**SYNOPSIS**

An ordinance has been prepared to permit zoning ordinance map amendment to rezone the subject property, commonly known as 1035 Grove Street, from DT, Downtown Transition to DB, Downtown Business district.

**STRATEGIC PLAN ALIGNMENT**

The Goals 2011-2018 identified *Strong, Diverse Local Economy*.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the September 20, 2011 active agenda.

**BACKGROUND**

The petitioner has submitted a petition to rezone the subject property from DT-Downtown Transition to DB-Downtown Business district. The 3,268-square foot property, commonly known as 1035 Grove Street, is improved with a single family building. The petitioner is proposing to open an accounting office and a psychotherapy practice if the request is approved.

In the past, the owner of the property, 1<sup>st</sup> United Methodist Church, rented out the property as a single family residence. The building is currently vacant. If approved, the petitioner is proposing small interior changes to the building to accommodate a waiting room on the first floor to serve both the accounting office and the psychotherapy practice. The petitioner is not proposing any changes to the exterior of the building at this time.

If the property is rezoned to DB, Downtown Business, the property could be improved in the future like any other lot in the Downtown Business district. The zoning requirements, as compared between the existing conditions on the property and the proposed DB zoning classification are listed in the table below:

| <b>1035 Grove Street</b> | <b>Existing Conditions DT Zoning</b> | <b>Proposed DB Zoning</b> |
|--------------------------|--------------------------------------|---------------------------|
| Height                   | 2.5 story house                      | 70 ft.                    |
| Front Setback            | 18.7 ft.                             | none                      |
| Side Setback             | 3.1 ft.                              | none                      |
| Rear Setback             | 80 ft.                               | none                      |
| Lot Coverage             | 20% (669.76 sq. ft.)                 | none                      |

The Future Land Use Plan currently designates the property as Residential with 0-6 dwelling units per acre. The properties to the west and south are also designated Residential with 0-6 dwelling units per acre and are currently used to provide surface parking for the 1<sup>st</sup> United Methodist Church. Fishel Park is located to the north while properties to the east are designated as Commercial.

The Plan Commission considered the petition at their February 28, 2011 meeting. On April 25, 2011, the property owner, 1<sup>st</sup> United Methodist Church, requested to delay consideration of the petition. The request was made due to water damage that occurred in the building. The damage delayed the purchase negotiations between the petitioner and the Church. The property owner and the petitioner have been working with the insurance company and various construction companies to assess the damages and repair costs. The owner and the petitioner have resolved the concerns and are now ready to continue with the rezoning of the property.

The Plan Commission found that the request met the standards in Section 28.1702 of the Zoning Ordinance for approval of the rezoning. The properties adjacent to the west and south are zoned DT while the adjacent properties to the east are zoned DB. The Commission found that due its location adjacent to the parking lot to the west and south, the proposed DB zoning classification would be consistent with the existing commercially zoned properties to the east and the existing trend of development in the area.

The Plan Commission recommended unanimous approval of the rezoning request. Staff concurs.

**ATTACHMENTS**

Aerial Map

Ordinance

Staff Report with attachments dated February 28, 2011

Minutes of the Plan Commission Hearing dated February 28, 2011

**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 1035 GROVE STREET**

WHEREAS, the real estate located on the south side of Grove Street approximately 220 feet west of Main Street, Downers Grove, Illinois, hereinafter described has been classified as "DT Downtown Transition" 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 February 28, 2011 and 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 the "DT Downtown Transition District" to "DB Downtown Business District" zoning classification for the following described real estate, to wit:

That part of Lot 45 of Assessor's subdivision of Sections 7 and 8, Township 38 North, Range 11 east of the third principal meridian, and that part of Lot 6 in Hoffert's subdivision of Lot 47 of Assessor's subdivision of Sections 7 and 8, Township 38 North, Range 11 east of the third principal meridian, falling within the following described premises, to wit: commencing in the west line of Lot 45 of the Assessor's subdivision of Section 8, aforesaid at a point 46 links southerly from the northwest corner of Lot 45; thence north 15 degrees west (being the west line of Lot 45 aforesaid and the west line of said Lot 6 aforesaid) 2.38 chains; thence south 89 ¾ degrees east, 34 feet; thence in a southerly direction to a point 17 feet north, 85 ½ degrees east from the place of beginning; thence westerly, 17 feet to the place of beginning (except therefrom 1 rod in width across the entire north side of the above described premises for portion of four rod street) in DuPage County, Illinois.

Commonly known as 1035 Grove Street, Downers Grove, IL 60515 (PIN 09-08-310-021).

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.

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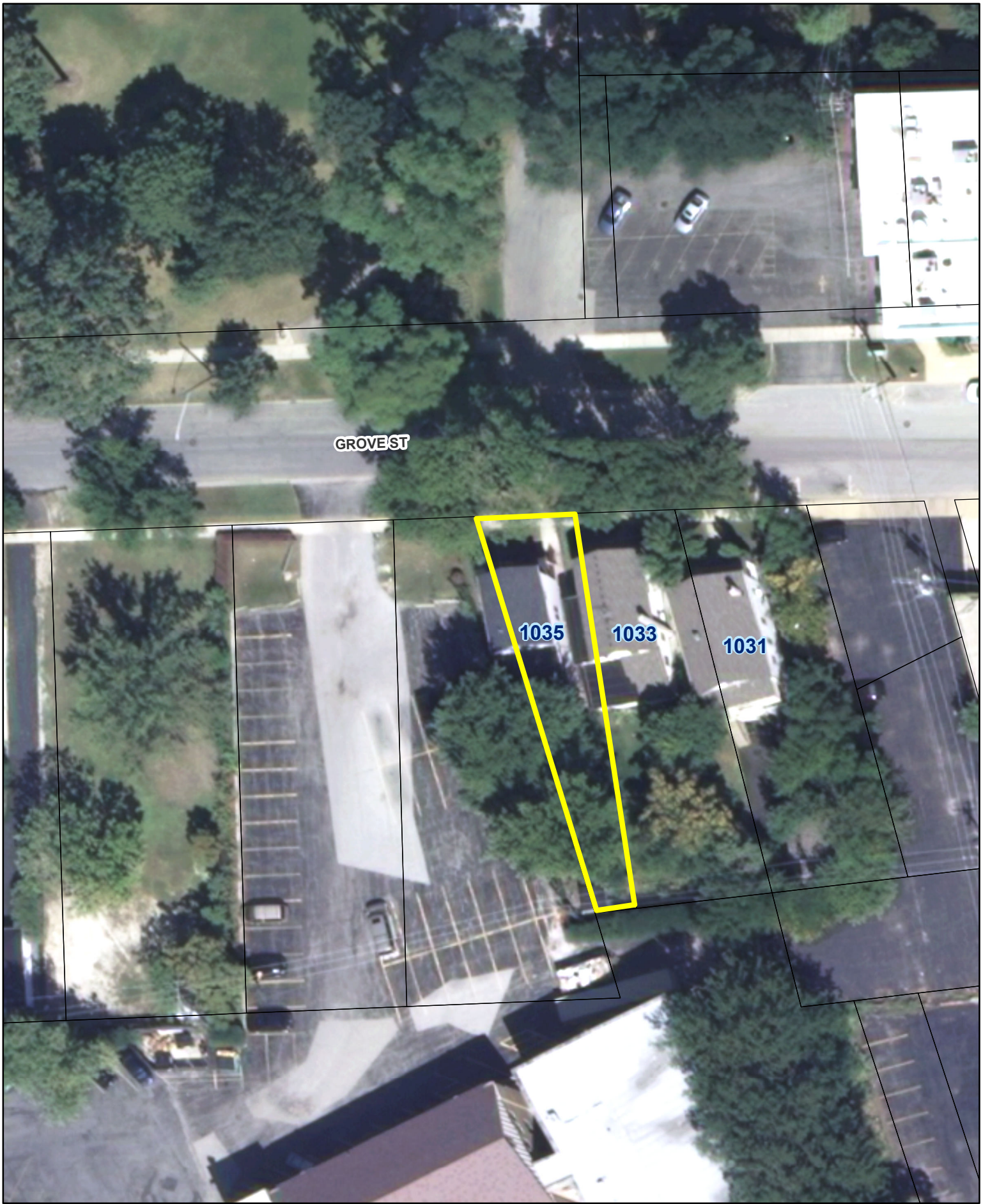
Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk

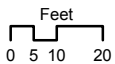


GROVEST

1035

1033

1031



**1035 Grove Street**



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
FEBRUARY 28, 2011 AGENDA**

| <b>SUBJECT:</b>               | <b>TYPE:</b>                   | <b>SUBMITTED BY:</b>             |
|-------------------------------|--------------------------------|----------------------------------|
| PC-06-11<br>1035 Grove Street | Zoning Ordinance Map Amendment | Damir Latinovic, AICP<br>Planner |

**REQUEST**

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from DT, Downtown Transition to DB, Downtown Business district.

**NOTICE**

The application has been filed in conformance with applicable procedural and public notice requirements.

**GENERAL INFORMATION**

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**APPLICANT:** Dale and Deborah Faber  
604 57<sup>th</sup> Street  
Downers Grove, IL 60516

**OWNER:** 1<sup>st</sup> United Methodist Church  
1032 Maple Avenue  
Downers Grove, IL 60515

**PROPERTY INFORMATION**

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**EXISTING ZONING:** DT, Downtown Transition  
**EXISTING LAND USE:** Vacant  
**PROPERTY SIZE:** 3,268 square feet.  
**PINS:** 09-08-310-021

**SURROUNDING ZONING AND LAND USES**

|               | <b>ZONING</b>           | <b>FUTURE LAND USE</b>      |
|---------------|-------------------------|-----------------------------|
| <b>NORTH:</b> | DT, Downtown Transition | Open Space                  |
| <b>SOUTH:</b> | DT, Downtown Transition | Residential (0-6 D.U./Acre) |
| <b>EAST:</b>  | DB, Downtown Business   | Commercial                  |
| <b>WEST:</b>  | DT, Downtown Transition | Residential (0-6 D.U./Acre) |

**ANALYSIS**

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**SUBMITTALS**

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Zoning Map and Ordinance
3. Proposal Narrative
4. Plat of Survey

**DESCRIPTION**

The 3,268-square foot property, commonly known as 1035 Grove Street, is located on the south side of Grove Street across from Fishel Park. The property is zoned DT, Downtown Transition and is currently improved with a single family building. The petitioner is requesting to rezone the property to DB, Downtown Business to use the property for an accounting office on the first floor and a psychotherapy practice on the second floor.

Until recently, the owner of the property, 1<sup>st</sup> United Methodist church, rented the property as a single family residence. The building is currently vacant. The petitioner is proposing small interior changes to the building to accommodate a waiting room on the first floor to serve both the accounting office and the psychotherapy practice. The petitioner is not proposing any changes to the exterior of the building.

**COMPLIANCE WITH THE FUTURE LAND USE PLAN**

The Future Land Use Plan designates the property as Residential with 0-6 dwelling units per acre. The properties to the west and south are also designated Residential with 0-6 dwelling units per acre, but are, however, occupied by a surface parking lot for the 1<sup>st</sup> United Methodist Church. Fishel Park is located to the north while properties to the east are designated as Commercial. Rezoning of the property to DB, Downtown Business would designate the property for future commercial use. Staff believes due its location adjacent to the parking lot to the west and properties designated for commercial use to the east, the property is better suited for commercial uses in the future. The proposed DB zoning classification would be consistent with the existing commercially zoned properties to the east and the existing trend of development in the area.

**COMPLIANCE WITH THE ZONING ORDINANCE**

The property is zoned DT, Downtown Transition district. Barber shops, beauty salons, art galleries and studios are the only by-right permitted commercial uses in the DT district. The petitioner is proposing to rezone the property to DB, Downtown Business to open an accounting office and a psychotherapy practice.

Per Zoning Ordinance, only the properties which have been zoned DT as of June 7, 2005 and are contiguous to the DB zoning district may be considered for such rezoning. The subject property was classified DT, Downtown Transition since the inception of the DT and DB zoning districts on June 7, 2005, and is adjacent to the properties zoned DB, Downtown Business to the east. The properties north, south and west are zoned DT, Downtown Transition. As such, the property meets the zoning requirements for rezoning to DB, Downtown Business.

The property is 34 feet wide and 3,268 square feet in area. There are no minimum lot width and minimum lot area requirements for properties in the DB, Downtown Business district. As such, if the property is rezoned to DB, Downtown Business, the property could be improved in the future like any other lot in the Downtown Business district. The zoning requirements, as compared between the existing conditions on the property and the proposed DB zoning classification are listed in the table below:

| <b>1035 Grove Street</b> | <b>Existing Conditions</b> | <b>Proposed DB Zoning</b> |
|--------------------------|----------------------------|---------------------------|
| Front Setback            | 18.7 ft.                   | none                      |
| Side Setback             | 3.1 ft.                    | none                      |
| Rear Setback             | 80 ft.                     | none                      |
| Height                   | 2.5 story house            | 70 ft.                    |
| Lot Coverage             | 20% (669.76 sq. ft.)       | none                      |

The petitioner is not proposing any exterior changes to the site. The rezoning will allow the petitioner to use the property for the accounting business and psychotherapy practice. The petitioner is proposing a small interior change to the building to accommodate a waiting room on the first floor to serve both uses.

Staff believes the proposed DB, Downtown Business zoning classification is appropriate for this property and is consistent with the zoning classifications in the area.

### **NEIGHBORHOOD COMMENT**

*Staff has not received any written neighborhood comment regarding the proposal at this time.*

### **FINDINGS OF FACT**

#### ***Section 28.1702 Standards for Approval of Amendments to the Zoning Ordinance***

*Village Council and Plan Commission consideration and approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making its decisions and recommendations regarding map amendments, the Village Council and Plan Commission shall consider the following factors:*

- (1) The existing uses and zoning of nearby property;*
- (2) The extent to which the particular zoning restrictions affect property values;*
- (3) The extent to which any determination in property value is offset by an increase in the public health, safety and welfare;*
- (4) The suitability of the subject property for the zoned purposes;*
- (5) The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;*
- (6) The value to the community of the proposed use, and;*
- (7) The standard of care with which the community has undertaken to plan its land use development.*

The subject property, currently zoned DT, Downtown Transition, is improved with a single family residence building which has been vacant for several months. The petitioner is proposing to rezone the property to DB, Downtown Business to open an accounting office and a psychotherapy practice which are not permitted in the DT district. The properties to the west and south are zoned DT, Downtown Transition and are occupied by a surface parking lot. Commercial properties in the DB district are located to the east. Fishel Park is located to the north. Staff believes the proposal is compatible with the surrounding zoning classifications and will not have an adverse impact on the existing uses or the trend of development in the area.

The Future Land Use Plan designates the property for residential use with 0-6 dwelling units per acre. Staff, however, believes that due to its location adjacent to the parking lot to the west and properties designated for commercial use to the east, the property is better suited for commercial uses in the future. The proposal will enable the petitioner to improve the property and enhance the value of the neighborhood.

## **RECOMMENDATIONS**

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The proposed rezoning of the property is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition.

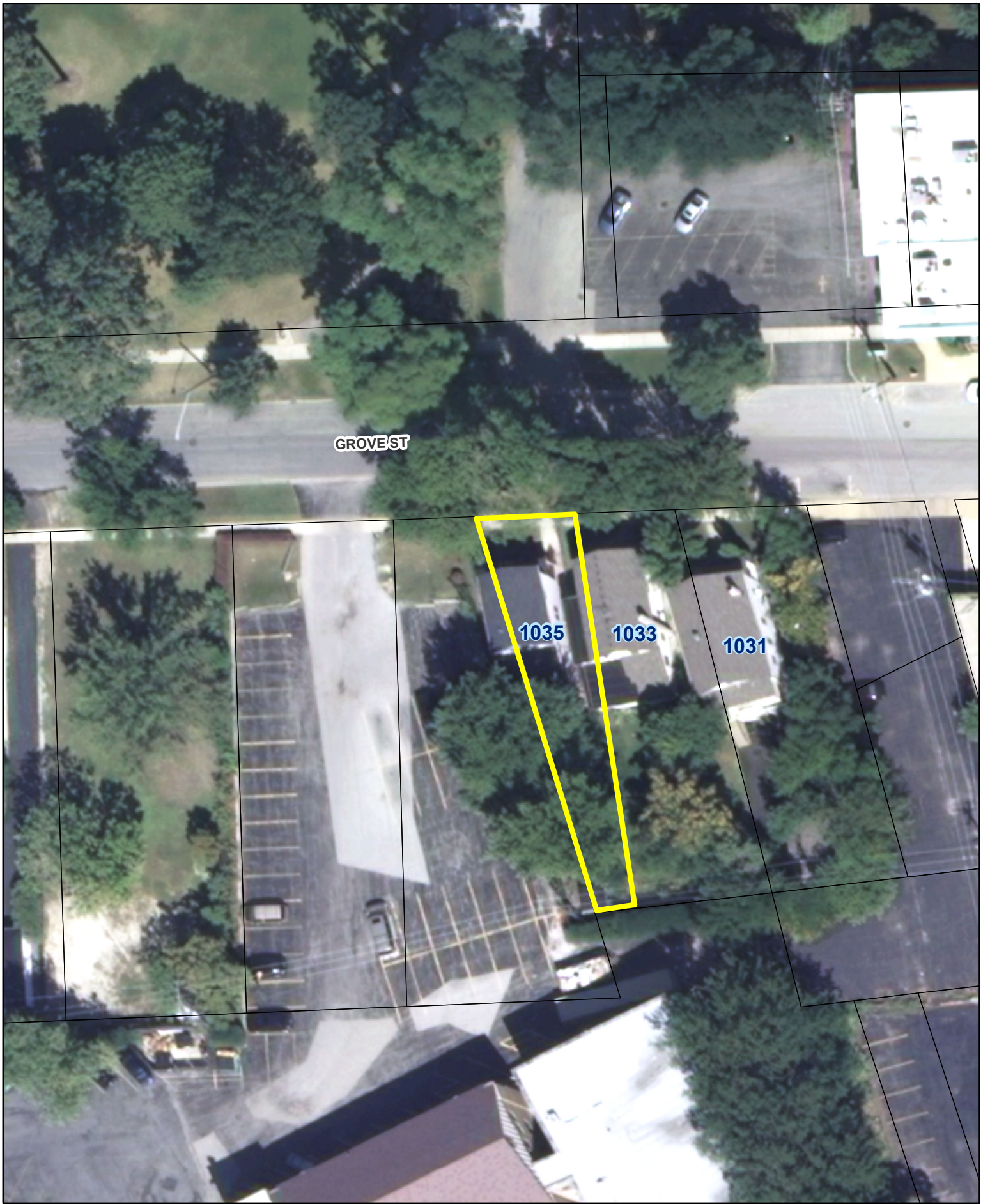
Staff Report Approved By:

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Tom Dabareiner, AICP  
Director of Community Development

TD:dl  
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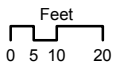


GROVEST

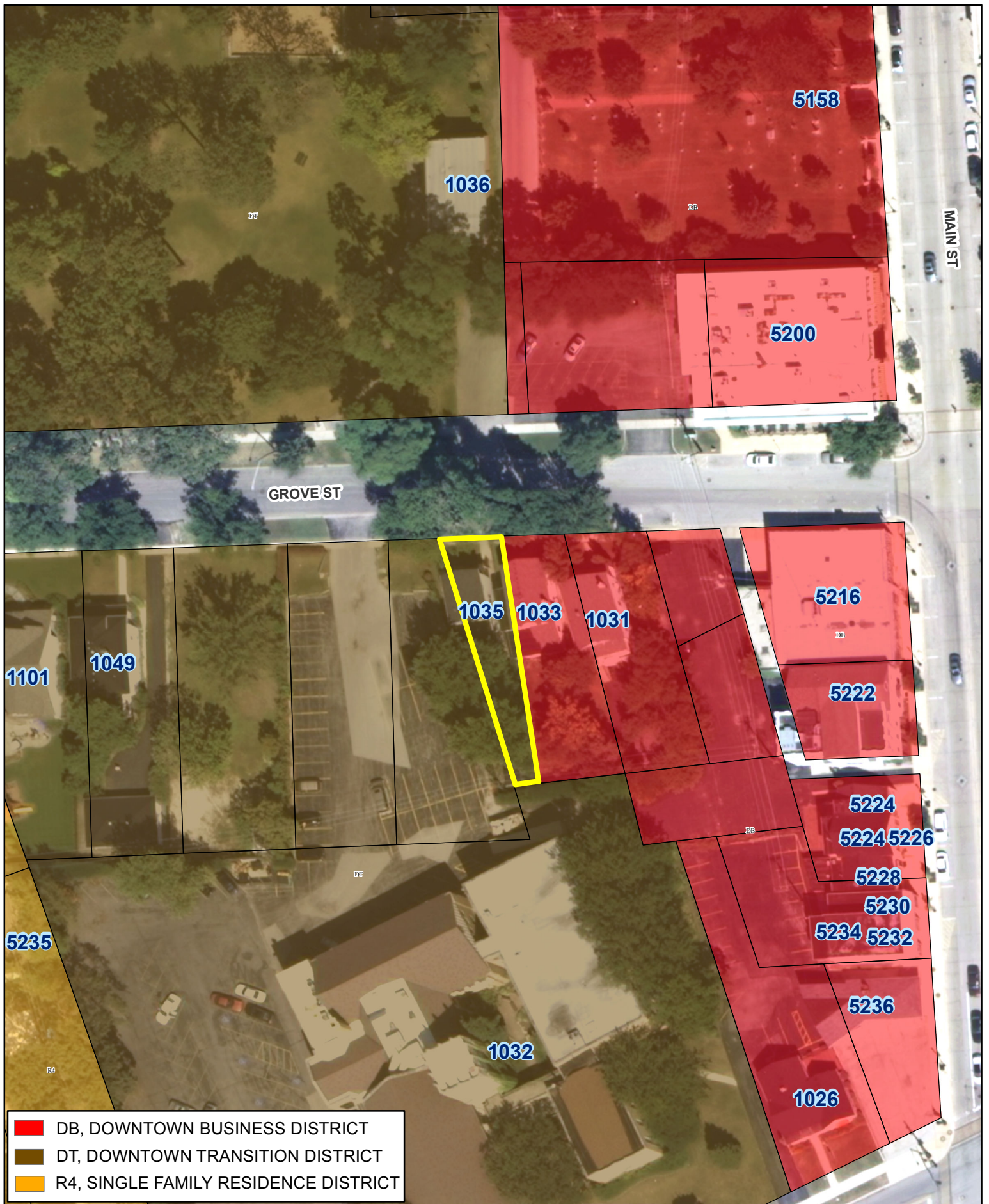
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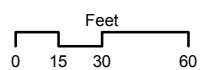
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**1035 Grove Street**



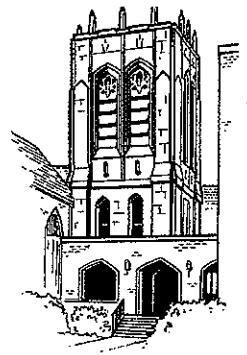
- DB, DOWNTOWN BUSINESS DISTRICT
- DT, DOWNTOWN TRANSITION DISTRICT
- R4, SINGLE FAMILY RESIDENCE DISTRICT



**ZONING MAP**  
**1035 Grove Street**

# First United Methodist Church

1032 MAPLE AVENUE, DOWNERS GROVE IL 60515 • 630.968.7120 • FAX 630.968.4901 • [www.dgfumc.org](http://www.dgfumc.org)



January 7, 2011

First United Methodist Church is currently in the negotiation process of selling our property at 1035 Grove Street to Dale and Deborah Faber. We understand that they intend to use the property for both an accounting practice and psychotherapy practice. It is our understanding that they will be applying to the Village for the appropriate zoning and/or permits to allow for this usage. We are aware of their planned use for the building and are in absolute favor of same.

If you have any questions in this regard, please feel free to contact me at the church.

Thank you for your consideration.

Sincerely,

Terrence R. McDorman  
Secretary, Board of Trustees

cc: B. Dwyer; D. Faber; trustees

## **5. PROJECT SUMMARY/NARRATIVE LETTER**

**DALE AND DEBORAH FABER  
604 57<sup>TH</sup> STREET  
DOWNERS GROVE, IL 60516  
630 926-4873**

Dale and Deborah Faber are currently in negotiations with Downers Grove United Methodist Church to purchase 1035 Grove St., Downers Grove, IL 60515 . Deborah Faber intends to use the first floor as an office to operate her accounting business from. She currently has two part-time employees which will also be using the office space. Furthermore, she also meets with individual clients at times in her office. Debbie currently runs her accounting business from space that she rents in downtown Downers Grove. Debbie has been running her Downers Grove based accounting business for about 18 years. Dale Faber intends to move his psychotherapy practice from rented office space to the 2nd floor of the Grove property. Dale has been a sole-practitioner psychotherapist in downtown Downers Grove for 15 years.

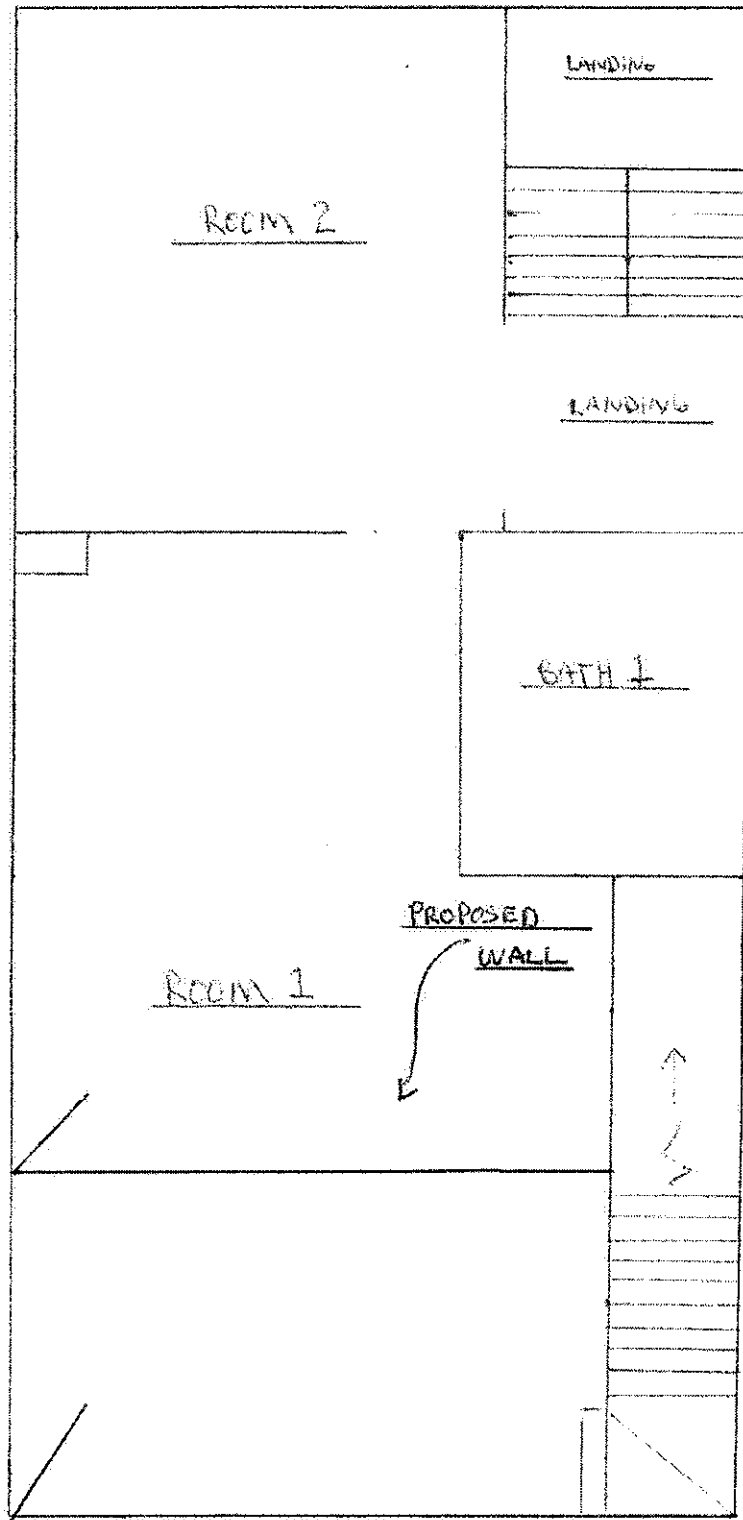
The Fabers anticipate making one slight modification to the building structure. They intend to construct a east-west wall on the first floor that will delineate a waiting room to be shared by both Dale and Debbie's businesses. This modification can be viewed in the enclosed sketch (marked #8. Plan Set).

8. Plan Set Sketch

1035 GROVE AVE., DOWNERS GROVE, ILLINOIS

1<sup>ST</sup> FLOOR LAYOUT

SCALE 1/4 INCH = 1 FOOT

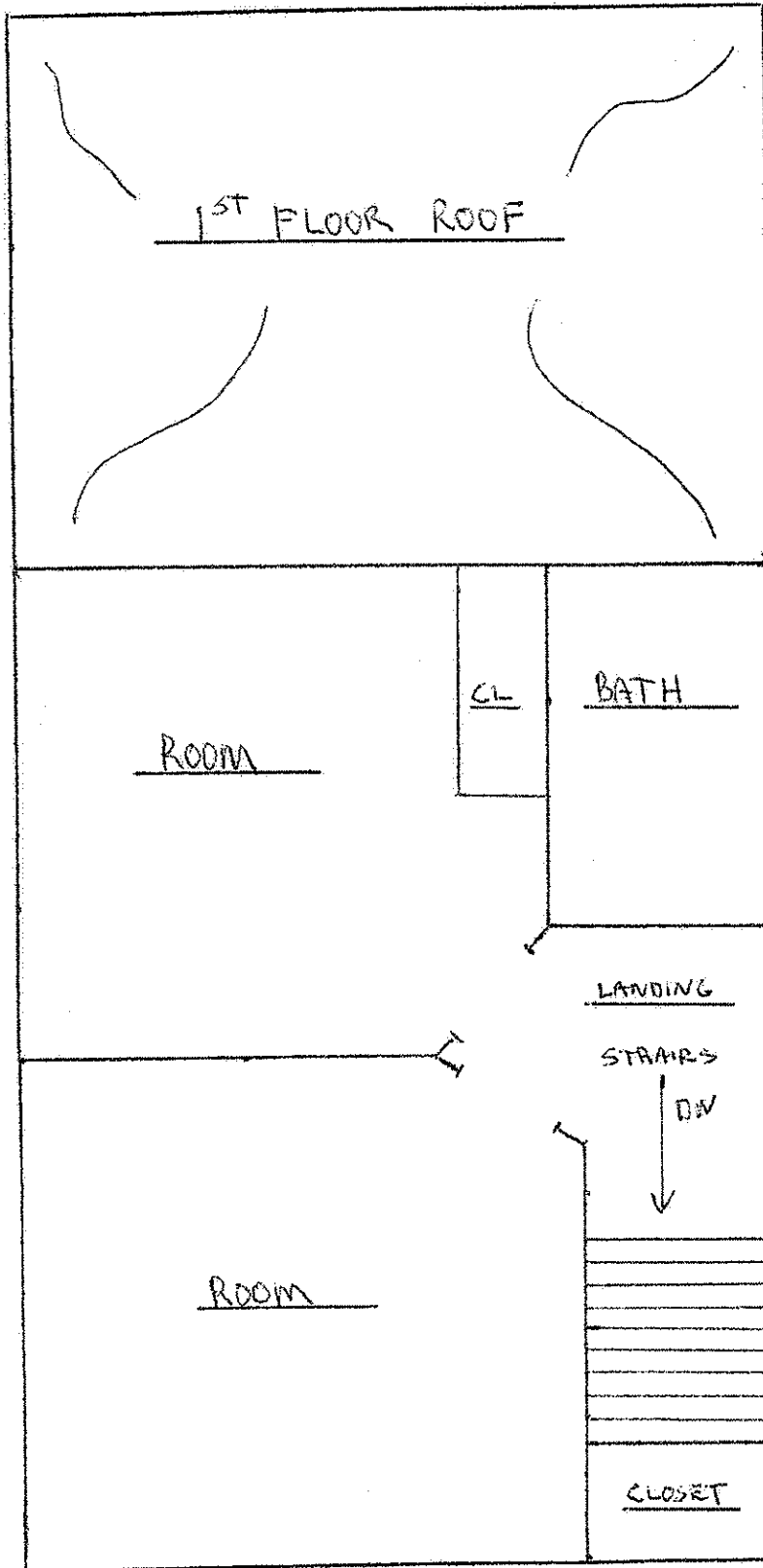


SQ FEET = 572

1035 GROVE AVE., DOWNERS GROVE, ILLINOIS

2<sup>ND</sup> FLOOR LAYOUT

SCALE 1/4 INCH = 1 FOOT



SQFT = 305



APPROVED 3/28/11

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

FEBRUARY 28, 2011, 7:00 P.M.

Chairman Pro tem Waechtler called the February 28, 2011 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

**PRESENT:** Chairman Pro tem Waechtler, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah

**ABSENT:** Chairman Jirik, Mr. Webster

**STAFF PRESENT:** Planning Manager Jeff O'Brien; Planners Stan Popovich, Damir Latinovic; Village Engineer Mike Millette

**VISITORS:** Joe Domijan, 911 63<sup>rd</sup> Street, Nanette and Joe Mendrick, 6124 Lane Place, Mike Mondschein, 1021 S. Western Ave., Chicago, IL; Bill Shank, Bradford Real Estate, 10 S. Wacker Dr., Chicago, IL; Peter D'Angelo, Green Knolls LLC, 6224 Main Street; Dale and Deborah Faber, 604 57<sup>th</sup> Street; Marshall Schmitt, 1<sup>st</sup> UMC, 1032 Maple Avenue; Greg Bedalov, Downtown Economic Development Corp., 2001 Butterfield Road; Tim Messick, TAP, 122 S. Michigan Ave., Chicago, IL; Mike Metzger, JP Morgan Chase, 131 S. Dearborn, Chicago, IL; Andy Heinen, V3, 7325 Janes Ave., Woodridge, IL; and Jeff Mueller, Green Knolls, 6224 Main Street

Chairman Pro tem Waechtler led the Plan Commissioners in the recital of the Pledge of Allegiance.

Chairman Pro tem Waechtler reviewed the protocol for the meeting and swore in those individuals who would be speaking on the following three petitions:

**PC-06-11** A petition seeking approval of a Zoning Ordinance Map Amendment to rezone the property from DT, Downtown Transition to DB, Downtown Business. The property is located on the south side of Grove Street approximately 220 feet west of Main Street and is commonly known as 1035 Grove Street, Downers Grove, Illinois (PIN 09-08-310-021); 1<sup>st</sup> United Methodist Church, Owner; Dale and Deborah Faber, Petitioners.

Mr. Beggs recused himself from this petition and departed the meeting.

Mr. Latinovic reported the 3,268-square foot property, owned by the First United Methodist Church, located at 1035 Grove Street, is zoned DT, Downtown Transition. The property is improved with a two-story, single-family building on site, which has been vacant. The petitioner was requesting to rezone the property to DB, Downtown Business to use the property for an accounting office and a psychotherapy practice. The property was formerly rented out as a single-family residence. Interior changes were planned for the structure but no exterior changes were planned.

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Per staff, the Future Land Use Plan designated the property as Residential with 0-6 dwelling units per acre. The properties to the west and south were also designated Residential with 0-6 dwelling units per acre. Properties to the east were zoned for commercial use. Rezoning the property to DB, Downtown Business would designate the property for future commercial use and staff believed that due to the parking lot to the west and the properties designated for commercial use to the east, the property was better suited for commercial use in the future with no negative impact to future development.

Per staff, the proposal does meet the requirement that the property was zoned DT dating back to June 7, 2005. It is also adjacent to the properties zoned DB, Downtown Business to the east.

Mr. Latinovic referenced the bulk requirements in staff's report and stated the property could be improved in the future like any other lot in the Downtown Business district. The rezoning would allow the petitioner to use the property for the accounting business and psychotherapy practice. Staff believed the proposed DB, Downtown Business zoning classification was appropriate for this property, would have no negative impact to the area, was consistent with the zoning classifications in the area, and was better suited for commercial uses in the future. The proposal would enable the petitioner to improve the property and enhance the value of the neighborhood.

Staff recommended that the Plan Commission make a positive recommendation to the Village Council regarding this petition.

Chairman Pro tem Waechtler pointed out there two are residences just east of the site and confirmed with staff that they were zoned DB Downtown Business. As to the parking restrictions in the DB district, staff confirmed there was no requirement to provide on-site parking for the two uses being proposed. The petitioner did, however, obtain rights to use parking spaces on the church property parking lot.

Chairman Pro tem Waechtler swore in petitioner Mr. Faber.

Mr. Dale Faber, 604 57<sup>th</sup> Street, Downers Grove, reiterated that he plans to set up an accounting office and a psychotherapist office in the building and was requesting a re-zoning. He initially was going to apply for a special use but in looking at the zoning map, realized it would be beneficial to ask for a rezoning classification. He confirmed that the church has made available to them two parking spaces. Mr. Faber described the waiting area that would be created in the interior of the building.

Chairman Pro tem Waechtler opened up the matter to public participation.

Mr. Marshall Schmitt, 1032 Maple Avenue, representing First United Methodist Church, clarified that between the time the initial discussions took place with the Fabers, the gas company turned off the heat and the pipes burst in the building. While the church was fine with the commissioners reviewing the proposal, Mr. Schmitt informed the commissioners that damage review and discussions with the insurance company were taking place to ensure that the property was returned to an acceptable condition. He noted that due to the renovation cost and the negotiations for a proper contract with the Fabers the church could have to change its position and stay with the DT zoning. He clarified that the church was not technically the petitioner. Regarding the parking

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spaces, there was negotiation for two spaces, but Mr. Schmitt said he was open to other arrangements.

Asked if it was necessary to revise staff's recommendation on this matter, Mr. O'Brien clarified, after speaking with Mr. Schmitt, that the Plan Commission can forward a proposal to the Village Council but that the church will ask Village staff to provide an extension before final Village Council consideration.

There being no additional public present, public participation was closed. No further discussion followed and the chairman pro tem entertained a motion.

**WITH RESPECT TO FILE PC-06-11, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POITIVE RECOMMENDATION TO THE VILLAGE COUNCIL ON THIS PETITION.**

**SECONDED BY MR. QUIRK. ROLL CALL:**

**AYE: MR. COZZO, MR. QUIRK, MR. MATEJCZYK, MRS. RABATAH,  
MR. WAECHTLER**

**NAY: NONE**

**MOTION PASSED. VOTE: 5-0**

/s/ Celeste K. Weilandt  
Celeste K. Weilandt  
(As transcribed by MP-3 audio)