

Downers Grove Coalition for Managed Redevelopment

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Corporate Services Inc.

Memorandum

To: Downers Grove Coalition for Managed Redevelopment

From: N.J. "Pete" Pointner FAICP, ALA
Architect/Planner

Date: September 14, 2005

Purpose of this Memo Report:

The Downers Grove Coalition for Managed Redevelopment (Coalition) applauds efforts of the Village to update their residential development regulations. The Coalition, while awaiting publication of the full set of proposals and a public hearing, has retained Corporate Services Inc. to summarize issues, concerns and alternative courses of action that they believe should be considered in the review process. While the Coalition is interested in all aspects of redevelopment in this mature community, attention is currently focused on the Village's initiatives related to residential development.

Character Counts:

The quality of redevelopment is vital to the interests of the community and of each property owner. High quality development attracts good citizens and new investment that protects property values and the quality of life in Downers Grove. High quality development and redevelopment is that which preserves, enhances and builds upon the best qualities and unique character of Downers Grove. This character, in association with the community's fine schools, favorable location within the region, economic base, and Metra service, underlies the Village's attractiveness to new homebuyers and investors. Residential character is defined by the compatibility of buildings with the natural character of the site, existing adjacent buildings, the streetscape of the neighborhood, and, the quality of municipal systems of Stormwater management, parks, roads and utilities.

Summary of Residential Development Concerns, Alternative Responses and Recommendations:

The **attached matrix** presents an outline of issues and concerns, alternatives and recommendations. The following is a brief commentary on each of these issues of concern.

Teardown Phenomenon The last time that the Village undertook an overall review of its residential zoning provisions was in 1991. Planning Resources Inc. was selected as a consultant to work for the Village. Pete Pointner, architect and planner, was project director. In the recommendations section of the report titled "Residential Zoning Update", teardowns were not seen as a major influence in Downers Grove. Subsequent to that report, Pointner sent a follow-up letter to then Village Manager Kurt Bressner. In that letter, dated 10-22-91, Pointner suggested instituting an architectural review process for new infill construction to assure architectural compatibility with the existing surrounding properties. He noted that the Village had, at the time, a similar process applicable to the central business district. He also stressed the importance of a tree preservation ordinance. Fourteen years have now brought the tear down phenomenon to Downers Grove. These earlier recommendations should now be reconsidered

Balanced and reasonable management of residential redevelopment can achieve most, if not all of the benefits ascribed to unlimited teardowns with much less negative impact on the rest of the community. A goal of the Coalition is to marshal support for such a balanced approach to managing redevelopment in Downers Grove. Much can be learned from successful win-win tactics adopted in other communities in the region.

In-fill Development

Teardowns that result in construction of a new home in a developed area can be considered in-fill redevelopment. However, there are similar issues when no tear down is involved. Vacant lots, once kept to provide green space and privacy for the owner of an adjacent home, may also be developed when the home is sold, or when owners seek to realize the value of the lot for their estate. New homes are also constructed in mature neighborhoods where two or more substandard lots are re-platted (plat of consolidation) to create lots in conformance with current zoning district standards for area and width. In areas once platted with large lots to accommodate septic and well, we often see a re-subdivision (plat of subdivision) to create more than one lot for development or re-development.

In all three of these in-fill situations, the same issues and concerns exist as with the tear down phenomenon. The difference is that there is an additional Village review step, that of plat review, which can be used to assure compliance with Village ordinances, plans and policies. The State Plat Act ties the subdivision of land to the Comprehensive Plan. New subdivisions may also involve petitions for rezoning, variances, annexation and/or special use public hearings.

In Downers Grove, the Plan Commission simultaneously considers petitions on a project for annexation, zoning and plat review. This easily consumes considerable time that may result in not enough attention being given to the zoning issue. The planning and policy issue is whether the zoning is appropriate in terms of: the Comprehensive Plan; the pattern of existing land uses in the area; adjacent zoning; the capacity and character of the site; supporting infrastructure; and, market influences. Once the key issue of zoning is thoroughly investigated, the more routine process of evaluating the plat and processing the annexation agreement follow naturally. Annexation agreements may include conditions to mitigate potential impacts.

Demolition Permits

The process of obtaining a demolition permit should assure full disclosure of site and building conditions. If a structure has historic or architectural value, code violations or unique site resources such as mature trees, these should be considered in the granting of a permit. Similarly, a demolition permit should indicate if new construction would seek any variations. A public hearing on demolition permits is a way to gather additional relevant information, particularly as to potential impacts to adjacent properties that might be mitigated in the demolition and reconstruction process. If permits were made a special use, then conditions could be attached to the special use permit that would assure mitigation of negative impacts. Such a process could consider compatibility of the design of the new building with adjacent structures and the streetscape of which they are a part.

Destruction of Trees and Plants

Trees are a major contributor to neighborhood character. While a property owner's right to build on their lot recognizes there will be grading and potential tree loss, measures can be taken to minimize the negative impact. A tree preservation ordinance could be tied to a petition for a demolition permit or re-plat as well as to other actions already requiring Village review and approval. Re-zoning, variations, special uses and Planned Unit Developments all require such review. The first step is to have a survey of trees over a certain size to determine the species, health and base elevation. The building footprint and grading plan should aim to preserve and protect the healthy trees on site and along the adjacent property line. Elements to be included in a tree preservation ordinance include: erosion control plans, tree preservation measures and a tree replacement requirement related to the size of trees that must be displaced. Preservation measures can include fencing of root zones, limb and root pruning, control of debris piles, etc.

Stormwater and Grading Impacts

DuPage County has a very strict Stormwater management ordinance. Enforcement is key to avoiding impacts. However, an engineered solution may be insensitive to tree preservation objectives. Municipal ordinances can control grade changes adjacent to an existing home so as to preclude drainage impacts and leave enough room between driveways for grass or other pervious treatment. Ordinances can also limit the total amount of impervious surface. A key is that no building permit is issued without review of site grading and site plan documents to assure not only compliance with standards but good design judgment to achieve tree preservation objectives.

Privacy Intrusion

There are examples of redevelopment where a new building changes the definition of front and side yards. A possible consequence on a corner lot is that a home with the major rooms and windows, which would typically face a back yard, is oriented to a side yard. Since side yard setbacks are considerably less than rear yards, the privacy of the existing unit can be intruded upon, particularly if the new unit has two stories with windows looking down on the existing unit and its yards. The key is to maintain or increase side yard setbacks and assure that new homes define the front in a manner consistent with not only precedent but with the prevailing orientation on the block.

New Buildings Out of Scale with Adjacent Homes

The economics of tear down and reconstruction naturally lead to maximum floor area and mass – as much as will fit into the allowable building envelope regulated by height, setbacks, floor area ratio and lot coverage. Older homes were constructed at a time when the maximum building envelope was seldom constructed. No wonder there are dramatic contrasts between new homes and old neighbors on small lots. The key variables that can be controlled by zoning are how height is defined, height limits which relate to the size of the lot and lot coverage ratio. Height should be measured to the highest part of the principal structure and not to the median height of a sloping roof. Smaller lots should have lower maximum height. By controlling height and the footprint of the building (lot coverage ratio) you will control the mass of the building and the amount of open space on the lot.

Floor area ratio is far more complex and less reliable in the control of building mass in today's market. First of all there are often differences of opinion concerning the applicable floor area calculation. This is complicated by highly complex roof structures that have varying heights above the attic floor. A homeowner may show a large attic as vacant space and then, at a date after receiving an occupancy permit, add a stairway and use the attic for bedroom, office, and playroom etc. activities.

Design Incompatibility with Nearby Homes

In addition to the scale and mass of new homes, the shape and pitch of the roof, selection of materials and colors, the location of a garage (attached or detached, forward or behind front façade etc.) the placement and style of windows, architectural embellishment, and articulation of the façade (i.e. setbacks of planes as with a porch or movement of a garage or portion of the house behind the front face) can all enhance or decrease compatibility with the character of adjacent homes. Since there is such a diversity of housing in Downers Grove, it is not practical to establish a single detailed set of specific design *standards* for the entire Village. General site planning and design *guidelines*, however, should be adopted. Where there is an area of similar and distinctive houses, a neighborhood conservation district, with its own set of design guidelines could be established as recommended in the 1991 report noted above.

Due to the diversity of residential architecture in Downers Grove, the focus should be on making new construction fit the lot, be compatible with the adjacent structures and harmonious with the character of the streetscape on the block. The Village could utilize manuals and design guidelines developed by other west suburban communities as a part of a voluntary public education program to try to get owners, builders and architects to adopt designs that would increase compatibility with the context of the adjacent property and scale of the neighborhood. The Village could also adopt general site planning and design guidelines and withhold a building permit if they are not followed. The building official, an architectural review commission or other appointed body, could make the judgment.

Code Enforcement

In all development, timely, fair and strict enforcement is required if the municipal ordinances, plans and policies are to be effective. Site inspections during construction should consider protection of existing trees on site and along adjacent property lines, assure erosion control measures and prevent blowing dust, left over concrete, site debris and mud on adjacent streets.

Intrusion on Light and Air

Older homes were constructed at a time when the maximum building envelope was seldom constructed. No wonder there are dramatic contrasts between new homes and old neighbors on small lots. The key variables that can be controlled by zoning are how height is defined, height limits which relate to the size of the lot and lot coverage ratio. Height should be measured to the highest part of the principal structure and not to the median height of a sloping roof. Smaller lots should have lower maximum height. By controlling height and the footprint of the building (lot coverage ratio) you will control the mass of the building and the amount of open space on the lot.

Loss of Historic Property

The petition for a demolition permit should identify the age of the structure and any known historic or architectural significance. Buildings or sites listed on the National Register, or recognized by State, regional or local historical societies or commissions, should receive special consideration. It may be possible to move the structure to another site where its historic values can be preserved and enjoyed. There are instances in several nearby communities where this has been accomplished successfully.

Where there is an area of similar and distinctive houses, a neighborhood conservation district, with its own set of design guidelines could be established as recommended in the 1991 report noted above.

Loss of Affordable Housing and Diversity

The replacement of older and smaller homes with new and significantly larger homes will increase assessed value and the market price of homes. This clearly reduces the supply of affordable starter homes or homes more scaled to the empty nester market.

The 1991 Planning Resources Report contained the following objective:

“To preserve and expand the supply of affordable housing which will meet the needs of those who work in or near the Village of Downers Grove, particularly young people entering the labor force and senior citizens. Benefits of achieving this objective include: a diversity of people and household types; reduction of congestion and travel time associated with the journey to work; and an opportunity for residents of the Village to continue their residency as their household needs change.”

Current needs should be evaluated and a local response developed as appropriate.

Variances

State statutes require that variances from zoning standards be granted only when there is a hardship not created by the owner and, the value of the property is seriously impaired without the variance. Many people rely on the protection afforded by zoning to maintain the value of their home and the enjoyment of their property. In most municipalities a recommendation is made by the Zoning Board of Appeals and granted by the authority of the Village Council. Persons objecting to a variance then have two opportunities to address the issue, at a public hearing before the ZBA and then a meeting of the Council when they take action. It is my understanding that in Downers Grove, the Village Council has given the authority to the ZBA to actually make the decision on certain variances. While this is efficient administration it does reduce the opportunity for public input. Regardless of the local process, variances should not be allowed to create precedents that may constrain evaluation of similar requests in the future and, the findings of fact should clearly establish the hardship provision of State Statutes.

Public Involvement

A person seeking to build a new home on a lot zoned for such use has only to submit construction documents for a building permit. If the plans meet the setbacks, height and other provisions of Village ordinances and codes, there is no public review and approval involved. Where the Village does have review of plans at a public meeting or public hearing, the procedures are spelled out by existing ordinances. Where there is a rezoning, special use, variance or Planned Unit Development, there are specific public review procedures established which include a public hearing. Oftentimes, people learn of a development on adjacent or nearby property only after receiving an official notice of a public hearing. By the time the hearing is held, the developer is committed to a specific plan and many of the concerns noted above cannot be addressed without major changes, which are both costly and time consuming. It is suggested that the Village consider a policy of informing homeowner associations and other affected interest groups when proposals are first brought to the Village. This also helps to minimize misinformation and rumors. Developers should be encouraged to meet with neighbors at the outset of the project to identify issues to which they might be able to respond without jeopardizing their project.

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Summary of Residential Development Concerns, Alternative Responses and Recommendations

Redevelopment Type	Issues and Concerns	Alternatives	Recommendations
Tear Down and Redevelopment	Ease of obtaining a demolition permit	Require petitioner to identify historic or architectural value or valuable site resources Require a public hearing	Revise application for demolition and consider tightening the process
	Destruction of trees, plants	Tree preservation ordinance	Tree preservation ordinance
	Increased Stormwater runoff and grading impacts	Allow no new runoff Limit impervious surface Limit driveway separation Control retaining walls Grading permits	Engineering review of all grading permits with minimum drive separation and maximum retaining wall height and setback
	Privacy intrusion on adjacent property	Definition of yards, setbacks Site plan review Architectural review	Increase side yard setbacks
	New building mass out of scale with neighbors	Limit highest point Increase side yard setbacks Floor area ratio Lot coverage ratio	Focus on maximum peak height and lot coverage, adjusted by zoning district
	New building design out of character with neighbors	Architectural review Neighborhood conservation districts Design guidelines See mass and scale above	Design Guidelines Neighborhood conservation districts Architectural review for districts
	Code enforcement to assure compliance	Adequate staff Policy commitment	Strict enforcement
	Intrusion on light and air of adjacent property	Definition of yards, setbacks Site plan review Architectural review	Focus on maximum peak height and lot coverage, adjusted by zoning district Increase side yard setbacks
	Loss of historic property	Historic preservation ordinance Neighborhood conservation District	Neighborhood conservation district as per 1991 PRI report Adopt historic preservation ordinance
	Loss of affordable housing and neighborhood diversity	Home ownership programs Habitat for humanity Not-for profit housing corp.	Quantify need and develop local response
In-fill Development	ALL OF THE ABOVE	ALL OF THE ABOVE	ALL OF THE ABOVE
Vacant lot	Variations aggravate impact on nearby properties	Clarify and enforce hardship provision of State statutes	Clarify and enforce hardship provision of State statutes
Lot split			
Lot consolidation	Council does not review certain variances	ZBA recommends, Council approves	Enhance public involvement opportunities

Source: Corporate Services Inc. 9-14-05