



Legislation Text

File #: DC-O-0013-23, Version: 2

ORDINANCE

Zoning Petition ZONING-22-000030 Sonny Acres

WHEREAS, a public hearing was held on February 9, 2023 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional Use for a banquet venue, on the property hereinafter described:

LOT 2 IN SONNY ACRES PLAT OF CONSOLIDATION #2, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED SEPTEMBER 25, 2018 AS DOCUMENT R2018-90406, IN DUPAGE COUNTY, ILLINOIS;

THAT PART OF LOT 1 IN SONNY ACRES PLAT OF CONSOLIDATION #2, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED SEPTEMBER 25, 2018 AS DOCUMENT R2018-90406, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHEAST QUARTER, SECTION 34, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT A POINT IN THE NORTH LINE OF SAID NORTHEAST CORNER OF SAID NORTHEAST QUARTER 531.27 FEET EASTERLY FROM THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AND RUNNING THENCE EASTERLY ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER 449.0 FEET TO AN OLD IRON PIPE IN FENCE LINE; THENCE SOUTHERLY 789.0 FEET TO THE CENTER OF NORTH AVENUE (ROUTE NO. 64); THENCE NORTHWESTERLY ALONG SAID CENTER LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 22,920 FEET, 241.74 FEET; THENCE CONTINUING NORTH 77 DEGREES 14 MINUTES WEST ALONG SAID CENTERLINE, 355.54 FEET; THENCE CONTINUING NORTH 7 DEGREES 31 MINUTES EAST 100.42 FEET TO THE NORTH RIGHT OF WAY BOUNDARY LINE OF NORTH AVENUE AS DEDICATED AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 7 DEGREES 31 MINUTES EAST 120 FEET; THENCE NORTH 77 DEGREES 14 MINUTES WEST 100 FEET; THENCE SOUTH 7 DEGREES 31 MINUTES WEST 120 FEET, MORE OR LESS TO THE NORTH RIGHT OF WAY BOUNDARY LINE OF NORTH AVENUE AS DEDICATED; THENCE SOUTHEASTERLY ALONG THE NORTH RIGHT OF WAY BOUNDARY LINE OF NORTH AVENUE 100 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

THAT PART OF LOT 3 IN SONNY ACRES PLAT OF CONSOLIDATION #2, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 2018 AS DOCUMENT NUMBER R2018-090406 IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE FOLLOWING DESCRIBED LAND LYING NORTH OF THE NORTH LINE OF NORTH AVENUE AS TAKEN, DEDICATED AND USED, AND WEST OF THE CENTER LINE OF KLEIN ROAD: THAT PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH ON THE SECTION LINE 40.07 CHAINS TO THE QUARTER SECTION CORNER; THENCE WEST ON THE QUARTER SECTION LINE 24.93 CHAINS; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID SECTION 40.17 CHAINS TO THE NORTH LINE OF SAID SECTION; THENCE EAST ON SAID SECTION LINE 24.93 CHAINS TO THE PLAT OF BEGINNING IN DUPAGE COUNTY, ILLINOIS. COMMONLY KNOWN AS 29W310 NORTH AVENUE, WEST CHICAGO, ILLINOIS 60185;

and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on March 2, 2023 does find as follows:

FINDINGS OF FACT:

1. That the petitioner seeks to develop a banquet facility on a portion of the Sonny Acres Farm/ Agricultural Use property that has operated as a working farm for over 100 years.
2. That the petitioner testified that they have just recently purchased the Sonny Acres Farm property from the family that owned and operated the Sonny Acres Farm property for over 100 years and operated the farm as an active working farm and farmstand.
3. That the petitioner testified that they continue to operate the farm as an agricultural use working farm in a similar manner as the previous owners have for over 100 years.
4. That in the short time the petitioner has owned Sonny Acres Farm, patrons to the Farm have indicated the desire to have activities that complement the farm activities similar to other farm properties in the Chicagoland Area including conducting wedding and banquet facilities.
5. As such, petitioner has indicated they seek develop and new Banquet Facility on the north east portion of the Sonny Acres Farm property to complement the existing Sonny Acres Farm grounds including the Farm buildings and outside areas where crops are grown and activities which occur separate from the proposed Banquet Facility Use as well as the existing parking areas on the property that will complement the 2 uses and continue the charm and ambiance of the Sonny Acres Farm setting.
 - a. That petitioner testified that while the two uses have a symmetry, they will be located on separate zoning parcels in order to clearly distinguish between the continued use of the Sonny Acres Farm as an agricultural exempt use and the Banquet Facility as a commercial enterprise while each use taking advantage of the shared services provided on both properties.
6. That petitioner provided testimony that they will operate the Banquet Facility as a conventional banquet facility providing service not to exceed 300 patrons at any one time and include tradition activities such as weddings, fundraisers, social gatherings, charitable gatherings, celebrations, etc.
7. That petitioner submitted evidence and testimony indicating that the existing parking areas on the eastern portion of the Sonny Acres Farm property provided parking for over 400 parking spaces. That the evidence and testimony submitted by petitioners traffic consultant indicates that the existing parking facilities provide adequate parking for the banquet facility when at full capacity and as such no additional parking is required.
 - a. That petitioners traffic report indicates that during the month of October of each year Sonny Acres Farm reaches its peak usage including activities associated with Harvest Fest and Fall Festivals. As such, petitioners traffic consultant has recommended that the owner curtail its operation of the Banquet Facility during the Month of October of each year to the following:

- That the Subject Property shall not be leased or utilized for any outside event on any Friday, Saturday or Sunday between October 1 and October 30 of any given year (the “Prohibited Days”).
- That the leasing of the building or holding of outside events in the building on non-Prohibited Days between October 1 and October 30 shall not overlap by more than one hour with the hours that the remainder of the Sonny Acres Farm Property is open to the public.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the proposed development will allow for Sonny Acres Farms to develop a separate standalone venue to house indoor banquet activities that complement the existing environment or the Sonny Acres Farm Property.
 - b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the proposed new facility will comply with all other coeds of the County including fire suppression and fire safety codes, building codes and stormwater regulations.
 - c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed development will complement the existing Sonny Acres Farm property and activities thereto.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the existing parking on the property serving the Sonny Acres Farm is adequate to accommodate the banquet facility. In addition, the development has indicated that its operations of the banquet facility will be dramatically curtailed during the month of October when the Sonny Acres Farm is at its peak activity.
 - e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the location of proposed development will meet all County Stormwater regulations.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the proposed development will meet all other county codes including life safety, fire, building, health and stormwater regulations.
 - g. In addition, the petitioner has demonstrated that there is adequate parking and site circulation on the property with direct access to the site from a principal arterial roadway Il. Rt. 50 (North Ave)

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-22-000030 Sonny Acres	
ZONING REQUEST	Conditional Use for a banquet venue.	
OWNER	SONNY ACRES DEVELOPMENT, 175 MERCER DRIVE, CAROL STREAM, IL 60188 / AGENT LUETKEHANS, LUETKEHANS, BRADY, GARY ARMSTRONG, 105 EAST IRVING PARK ROAD, ITASCA, IL 60143	
ADDRESS/LOCATION	29W310 NORTH AVENUE, WEST CHICAGO	
PIN	01-34-200-010, 01-34-200-012, 01-34-200-011, 004	
TWSP. /CTY. BD. DIST.	WAYNE	DISTRICT 6
ZONING/LUP	R-2 SF RES/ B-2 GENERAL BUSINESS	0-5 DU AC
AREA	2.94 ACRES (128,066 SQ. FT.)	
UTILITIES	WELL AND SEPTIC	
PUBLICATION DATE	Daily Herald: JANUARY 25, 2023	
PUBLIC HEARING	THURSDAY, FEBRUARY 9, 2023,	
ADDITIONAL INFORMATION:		
Building:	No Objections with the concept of the petition. Additional information received at time of permit application.	
DUDOT:	<i>No Comments Received.</i>	
Health:	No Objections with the concept of the petition. Additional information received at time of permit application.	
Stormwater:	No Objections with the concept of the petition. Additional information received at time of permit application. (See attached documentation)	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
City of West Chicago:	<i>No Comments Received.</i>	
Village of Carol Stream:	"No Comment"	
Wayne Township:	<i>No Comments Received.</i>	
Township Highway:	<i>No Comments Received.</i>	
West Chicago Fire District:	No Objections with the concept of the petition. Additional information received at time of permit application. "Advisory Information: Applicable fire protection ordinance (fire sprinkler, fire protection water supply, fire access, and fire alarm) will be required for the proposed occupancy use."	
Sch. Dist. 25:	No Objections.	

Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information in this notice and due to the sizable distance between the subject property and the Forest Preserve property, we do not have any specific comments. Thank you.”
------------------	---

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-2 SF RES/ B-2 GEN BUS	AGRICULTURAL EXEMPTION	0-5 DU AC
North	R-2 SF RES	GOLF COURSE	0-5 DU AC
South	NORTH AVENUE AND BEYOND CITY OF WEST CHICAGO/I-1 LIGHT INDUSTRIAL	HOUSE/INDUSTRIAL	CITY OF WEST CHICAGO
East	CITY OF WEST CHICAGO	FOREST PRESERVE	CITY OF WEST CHICAGO
West	TIMBERLINE DRIVE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on March 2, 2023, recommends to approve the following zoning relief:

Conditional Use for a banquet venue.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #ZONING-22-000030 Sonny Acres dated February 9, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
4. That as part of the Landscape Plan the owner/developer shall show a fence to be constructed on the northern border of the Subject Property to separate the subject property from the Golf Course property to the north including providing signage to indicate that the adjacent property to the north is private property and no access shall be taken to that property to the north.
5. That the Subject Property shall not be leased or utilized for any outside event on any Friday, Saturday or Sunday between October 1 and October 30 of any given year (the “Prohibited Days”).
 - a. That the leasing of the building or holding of outside events in the building on non-Prohibited Days between October 1 and October 30 shall not overlap by more than one hour with the hours that the remainder of the Sonny Acres Agricultural Property (FARM) is open to the public.

b. That the subject banquet facility shall be available for full use and operation on October 31st of any given year as the remainder of the Sonny Acres Agricultural Property (FARM) will be closed to the general public.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent

WHEREAS, the County Board Development Committee on March 21, 2023, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional Use for a banquet venue.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #ZONING-22-000030 Sonny Acres dated February 9, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
4. That as part of the Landscape Plan the owner/developer shall show a fence to be constructed on the northern border of the Subject Property to separate the subject property from the Golf Course property to the north including providing signage to indicate that the adjacent property to the north is private property and no access shall be taken to that property to the north.
5. That the Subject Property shall not be leased or utilized for any outside event on any Friday, Saturday or Sunday between October 1 and October 30 of any given year (the "Prohibited Days").
 - a. That the leasing of the building or holding of outside events in the building on non-Prohibited Days between October 1 and October 30 shall not overlap by more than one hour with the hours that the remainder of the Sonny Acres Agricultural Property (FARM) is open to the public.
 - b. That the subject banquet facility shall be available for full use and operation on October 31st of any given year as the remainder of the Sonny Acres Agricultural Property (FARM) will be closed to the general public.
6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional Use for a banquet venue, on the property hereinafter described:

LOT 2 IN SONNY ACRES PLAT OF CONSOLIDATION #2, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED SEPTEMBER 25, 2018 AS DOCUMENT R2018-90406, IN DUPAGE COUNTY, ILLINOIS;

THAT PART OF LOT 1 IN SONNY ACRES PLAT OF CONSOLIDATION #2, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED SEPTEMBER 25, 2018 AS DOCUMENT R2018-90406, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHEAST QUARTER, SECTION 34, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT A POINT IN THE NORTH LINE OF SAID NORTHEAST CORNER OF SAID NORTHEAST QUARTER 531.27 FEET EASTERLY FROM THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AND RUNNING THENCE EASTERLY ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER 449.0 FEET TO AN OLD IRON PIPE IN FENCE LINE; THENCE SOUTHERLY 789.0 FEET TO THE CENTER OF NORTH AVENUE (ROUTE NO. 64); THENCE NORTHWESTERLY ALONG SAID CENTR LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 22,920 FEET, 241.74 FEET; THENCE CONTINUING NORTH 77 DEGREES 14 MINUTES WEST ALONG SAID CENTERLINE, 355.54 FEET; THENCE CONTINUING NORTH 7 DEGREES 31 MINUTES EAST 100.42 FEET TO THE NORTH RIGHT OF WAY BOUDNARY LINE OF NORTH AVENUE AS DEDICATED AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 7 DEGREES 31 MINUTES EAST 120 FEET; THENCE NORTH 77 DEGREES 14 MINUTES WEST 100 FEET; THENCE SOUTH 7 DEGREES 31 MINUTES WEST 120 FEET, MORE OR LESS TO THE NORTH RIGHT OF WAY BOUNDARY LINE OF NORTH AVENUE AS DEDICATED; THENCE SOUTHEASTERLY ALONG THE NORTH RIGHT OF WAY BOUNDARY LINE OF NORTH AVENUE 100 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

THAT PART OF LOT 3 IN SONNY ACRES PLAT OF CONSOLIDATION #2, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 2018 AS DOCUMENT NUMBER R2018-090406 IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE FOLLOWING DESCRIBED LAND LYING NORTH OF THE NORTH LINE OF NORTH AVENUE AS TAKEN, DEDICATED AND USED, AND WEST OF THE CENTER LINE OF KLEIN ROAD: THAT PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH ON THE SECTION LINE 40.07 CHAINS TO THE QUARTER SECTION CORNER; THENCE WEST ON THE QUARTER SECTION LINE 24.93 CHAINS; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID SECTION 40.17 CHAINS TO THE NORTH LINE OF SAID SECTION; THENCE EAST ON SAID SECTION LINE 24.93 CHAINS TO THE PLAT OF BEGINNING IN DUPAGE COUNTY, ILLINOIS. COMMONLY KNOWN AS 29W310 NORTH AVENUE, WEST CHICAGO, ILLINOIS 60185; and

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #ZONING-22-000030 Sonny Acres dated February 9, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
4. That as part of the Landscape Plan the owner/developer shall show a fence to be constructed on the northern border of the Subject Property to separate the subject property from the Golf Course property to the north including providing signage to indicate that the adjacent property to the north is private property and no

access shall be taken to that property to the north.

5. That the Subject Property shall not be leased or utilized for any outside event on any Friday, Saturday or Sunday between October 1 and October 30 of any given year (the “Prohibited Days”).
 - a. That the leasing of the building or holding of outside events in the building on non-Prohibited Days between October 1 and October 30 shall not overlap by more than one hour with the hours that the remainder of the Sonny Acres Agricultural Property (FARM) is open to the public.
 - b. That the subject banquet facility shall be available for full use and operation on October 31st of any given year as the remainder of the Sonny Acres Agricultural Property (FARM) will be closed to the general public.
6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; SONNY ACRES DEVELOPMENT, 175 MERCEDES DRIVE, CAROL STREAM, IL 60188 / AGENT: PHILLIP LUETKEHANS, LUETKEHANS, BRADY, GARNER & ARMSTRONG, 105 EAST IRVING PARK ROAD, ITASCA, IL 60143; and Township Assessor, Wayne Township, 27W031 North Avenue, West Chicago, IL 60185.

Enacted and approved this 28th day of March 2023 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

ATTEST:

JEAN KACZMAREK, COUNTY CLERK