



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
Fax: 630-407-6702

www.dupageco.org/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: March 21, 2023

RE: **ZONING-22-000061 VK Acquisitions VI, LLC. (Winfield/
District 6)**

DuPage County Board: April 11, 2023: *(If the County Board seeks to approve the zoning relief it will require a $\frac{3}{4}$ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Board of Appeals)*

Development Committee: March 21, 2023: The DuPage County Development Committee recommended to approve the following zoning relief:

1. Conditional Use for open storage of trailers and materials;
2. Variation to reduce the interior side yard setbacks from 20 feet to 0 feet; and
3. Variation to reduce the rear setback from 20 feet to 0 feet.

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

DEVELOPMENT COMMITTEE FINDINGS OF FACT:

1. That the DuPage County Development Committee finds that the petitioner demonstrated sufficient evidence in relation to the requested zoning relief for a Conditional Use for open storage of trailers and materials, in addition to the Variations to reduce the rear and interior side setbacks.
2. That the DuPage County Development Committee finds that the proposed use for open storage of trailers and materials would be similar to that of the existing recreational vehicle storage use that has operated on the subject property for twenty-five (25) years.

Zoning Board of Appeals Meeting: February 2, 2023: The Zoning Board of Appeals recommended to deny the following zoning relief:

1. Conditional Use for open storage of trailers and materials;
2. Variation to reduce the interior side yard setbacks from 20 feet to 0 feet; and
3. Variation to reduce the rear setback from 20 feet to 0 feet.

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

FINDINGS OF FACT:

1. That the Zoning Board of Appeals finds that the petitioner failed to show a practical difficulty or particular hardship in relation to the requested zoning relief. In addition, that the Zoning Board of Appeals finds that petitioner presented their case as a prospective/conceptual plan with no determined tenants and did not have information on business operations for the requested Conditional Use.
2. That petitioner testified that he has requested the subject zoning relief to permit the open storage of trailers and materials on an existing parking lot that is located approximately 0' from the interior sides and rear property line.
3. That petitioner testified that the subject property is located on Butterfield Road and zoned I-1 Light Industrial and has been used for RV/ recreational vehicle storage for the last twenty-five (25) years with 0' setbacks on the interior sides and rear property line.
4. That petitioner testified that they would be changing the current use of recreational vehicle storage to the open storage of trailers and potentially materials.
5. That petitioner testified that they are VK Acquisitions VI, LLC, a subsidiary of VentureOne Real Estate that specializes in the investment and development of industrial properties through the region.
6. That petitioner testified that they do not have a specific user yet, however that they invest and develop industrial properties throughout the Chicagoland area and have maintain similar properties throughout the area.
7. That petitioner testified that the subject property and surrounding land uses are all industrial, with a landscaping business adjacent to the east, the City of Aurora power company to the south, warehousing to the west, and Fermilab to the north.
8. That petitioner testified that the proposed use is consistent with the underlying I-1 zoning district and is similar to the surrounding light industrial uses of the area.
9. That petitioner testified that the current RV storage use gets roughly 3 to 4 trips per hour during peak business hours (7:00 AM to 7:00 PM) or approximately 30 to 40 cars a day, and that the proposed use for open storage of trailer is projected to have 20-50 trips per day, based on similar trailer storage properties.

10. That petitioner testified that no additional vertical development/ construction would take place on the subject property and that they would utilize the existing gravel parking area, which is currently located at the property lines.
11. That petitioner testified that the if the subject property were to follow the required 20-foot setbacks along the interior side property lines and rear property line, it would be difficult to practically store trailers on the property, which is why the current RV storage use has a parking lot located at 0' setbacks.
 - Furthermore, that petitioner testified that the majority of industrial uses that would be permitted at the subject property would have difficulty operating with the width of the property (292 feet) without modifying the setbacks.

STANDARDS FOR VARIATIONS and CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** that the granting of the Variation and 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.
2. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** the granting of the Variation and Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** that the proposed use of open storage and materials with Variations would be consistent with the surrounding area/uses and would not impair an adequate supply of light and area to adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** that the proposed use for open storage and materials would not increase the hazard from fire or other dangers to said property.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed use for open storage and materials with Variations would be consistent with the surrounding zoning and land uses and would not diminish the value of land and buildings in the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** that the proposed use for open storage and materials with Variations would not unduly increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** that the proposed use for open storage and materials with Variations would not increase the potential for flood damages to adjacent properties.

- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** that the proposed use for open storage and materials with Variations would not incur additional public expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** that the proposed use for open storage and materials with Variations would be consistent with the surrounding industrial areas or would be consistent with the existing RV storage use.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-22-000061 VK Acquisitions VI, LLC.
ZONING REQUEST	1. Conditional Use for open storage of trailers and materials; 2. Variation to reduce the interior side yard setbacks from 20 feet to 0 feet; and 3. Variation to reduce the rear setback from 20 feet to 0 feet.
OWNER	STEVE BERNING, 27W271 GALUSHA ROAD, WARRENVILLE, IL 60555/ AGENT: VK ACQUISITIONS VI, LLC. (C/O: MATTHEW GOODE), 9500 W. BRYN MAWR AVENUE, SUITE 340, ROSEMONT, IL 60018 /AGENT: ELROD FRIEDMAN LLP (C/O: HART PASSMAN), 325 N. LASALLE STREET, SUITE 450, CHICAGO, IL 60654
ADDRESS/LOCATION	30W771 BUTTERFIELD ROAD, NAPERVILLE, IL 60563
PIN	04-33-300-011/ 04-33-300-012
TWSP./CTY. BD. DIST.	WINFIELD DISTRICT 6
ZONING/LUP	I-1 LIGHT INDUSTRIAL MULTI-FAMILY 5-15 DU AC
AREA	6.53 ACRES (284,447 SQ. FT.)
UTILITIES	WELL/SEPTIC
PUBLICATION DATE	Daily Herald: JANUARY 3, 2023
PUBLIC HEARING	WEDNESDAY, JANUARY 18, 2023
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections.
Stormwater:	No Objections with the concept of the petition. Additional information may be required at tie of permit application.
Public Works:	Our office has no jurisdiction in this matter.
EXTERNAL:	
City of Aurora:	<i>No Comments Received.</i>
City of Naperville:	<i>No Comments Received.</i>
City of Warrenville:	Objects. (See attached documentation)
Winfield Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Warrenville Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 204:	<i>No Comments Received.</i>
Forest Preserve:	"The Forest Preserve District of DuPage County does not have any concerns."

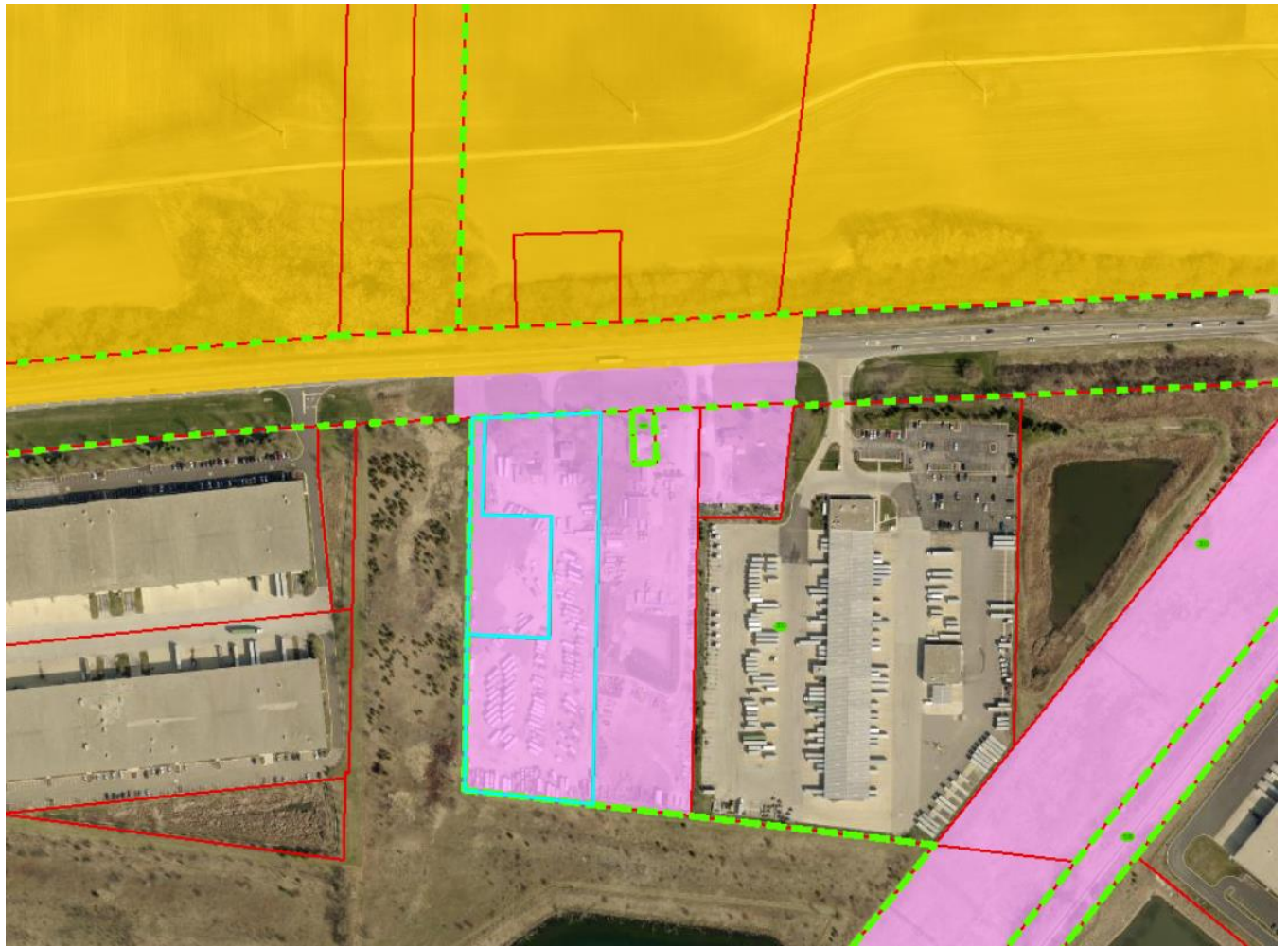
GENERAL BULK REQUIREMENTS:

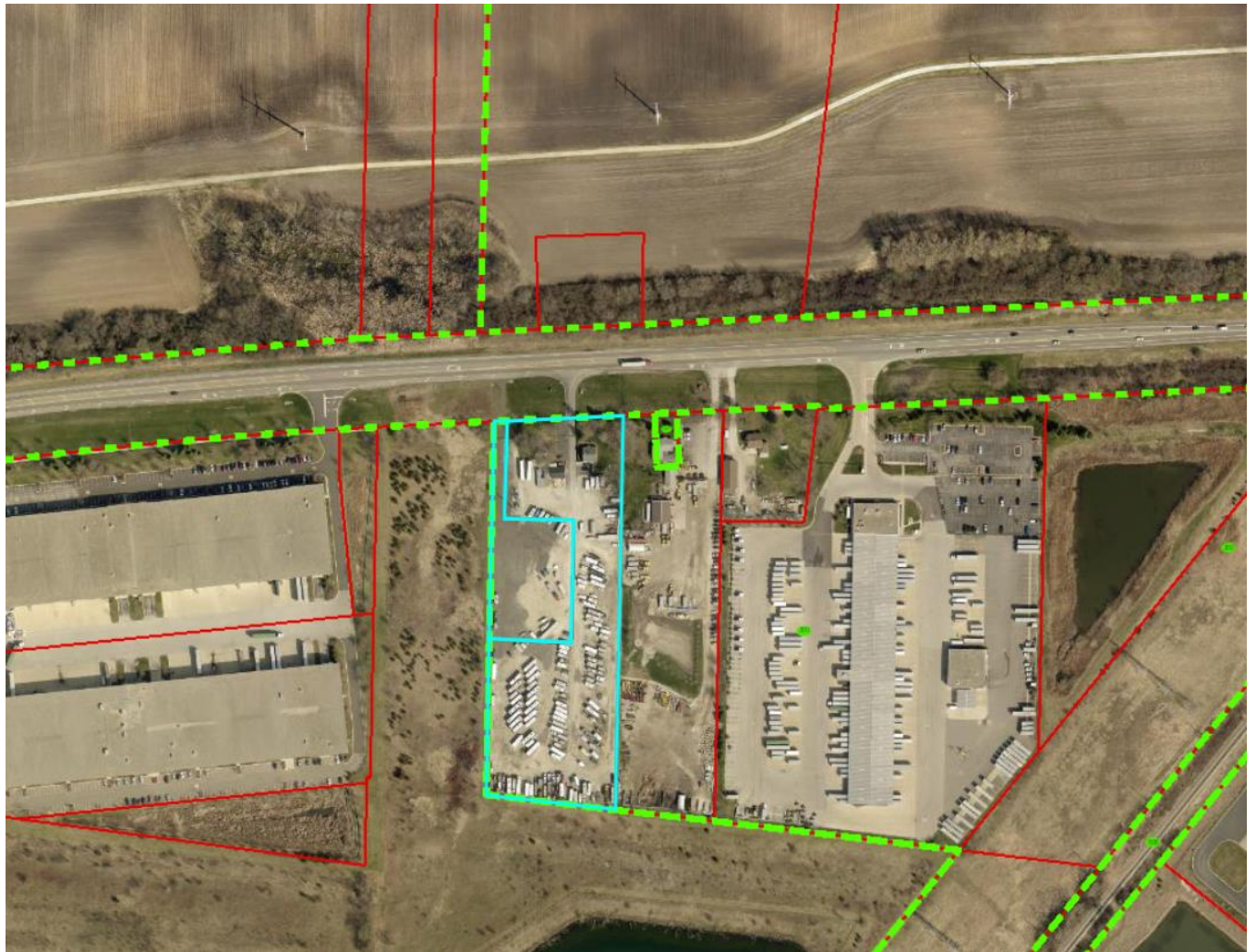
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	20 FT	0 FT	0 FT
Int. Side Yard:	20 FT	0 FT	0 FT

Rear Yard:	20 FT	0 FT	0 FT
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LAND USE

Location	Zoning	Existing Use	LUP
Subject	I-1 Light Industrial	RV Parking	MULTI-FAMILY 5-15 DU AC
North	Butterfield Road and beyond R-3 SF RES	Office-Laboratory	Office-Laboratory
South	City of Aurora	Industrial	City of Aurora
East	I-1 Light Industrial	Landscape Contractor	MULTI-FAMILY 5-15 DU AC
West	City of Aurora	Industrial	City of Aurora







Hart M. Passman
312.528.5193
hart.passman@elrodfriedman.com

January 30, 2023

DuPage County Zoning Board of Appeals
County Administration Building
421 N. County Farm Rd.
Wheaton, IL 60187

**Re: Petition No. ZONING-22-000061
30W771 Butterfield Road
VK Acquisitions VI, LLC**

Dear Chairman Kartholl and Members of the Zoning Board of Appeals:

Thank you for your time and consideration of our petition for a conditional use permit and variations for the property located at 30W771 Butterfield Road, in Winfield Township. We appreciate the opportunity to have presented our petition and to answer your questions at the Zoning Board's public hearing on January 18, 2023.

To aid in your consideration at your upcoming recommendation meeting on February 2, we offer the following summary of the testimony that we provided at the public hearing:

Proposed Use

The Applicant, VK Acquisitions VI, LLC, proposes to use the Property for open storage of trailers and materials.

Requested Relief

1. A conditional use permit for open storage of trailers and materials
2. A variation to reduce the interior side yard setbacks of the Property, from 20 feet to 0 feet
3. A variation to reduce the rear yard setback of the Property, from 20 feet to 0 feet

Applicant Background

VK Acquisitions VI, LLC, is a subsidiary of VentureOne Real Estate, a Chicago-area real estate firm that specializes in the investment in, and development of, industrial properties throughout the region. Founded in 2000, VentureOne has invested in over 200 different properties.

Description of the Property

The Property consists of approximately 6.5 acres, and is located on the south side of Butterfield Road, between Eola Road to the west and Route 59 to the east. For the past 25 years, the Property has been used for storage of recreational vehicles and other similar vehicles. The

County previously granted use and setback relief to allow the current use of the Property. The Property is in the I-1 zoning district.

Description of Surrounding Properties

All of the parcels that surround the Property are used for industrial or similar purposes, including the City of Aurora power plant to the south, the landscaping business immediately adjacent to the east, and the FedEx freight terminal east of the landscaping business. Other than the landscaping business immediately adjacent, the other parcels on the south side of Butterfield Road are all incorporated within the City of Aurora.

Conditional Use Permit Standards

That the granting of any conditional use is in harmony with the general purpose and intent of this chapter, 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:

The Applicant's proposed use is consistent with the underlying I-1 district, and is contemplated as a conditional use in the I-1 district. The I-1 district contemplates many uses similar to the proposed open storage use. The proposed use is consistent with the light industrial uses of the surrounding properties. Moreover, the proposed use is similar to the existing recreational storage use of the Property.

1. *Impair an adequate supply of light and air to adjacent property;*

The Applicant does not propose any vertical construction; thus, there will be no obstruction of any adjacent property's light or air. Further, none of the neighboring properties are improved or used in a manner for which the proposed use would cause any impact – and, in addition, the proposal to use the Property to its lot lines is identical to the current lot line-to-lot line use of the Property, for which the County granted zoning approvals 25 years ago.

2. *Increase the hazard from fire or other dangers to said property;*

The proposed open storage is a common use of property in the area, and is a similar use to the current use of the Property. There is no added fire hazard as a result of the proposed use. The Warrenville Fire District did not offer any comments to the County in response to the pending application.

3. *Diminish the value of land and buildings in the vicinity of the proposed conditional use;*

Given the similarities between the current and proposed uses of the Property, there is no practical risk of diminution of value of property in the vicinity of the Property. The Applicant intends to enhance and professionally manage the Property, which should enhance surrounding property values.

4. *Unduly increase traffic congestion in the public streets and highways;*

The Applicant will have 88 trailer spaces on the Property, but anticipates, based on its experience in operating similar facilities elsewhere in the Chicagoland area, that between

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20 and 50 vehicles will enter the Property per day. The bulk of that traffic will be during normal business hours. The average trailer is between 40 and 53 feet long.

According to the current owner of the Property, approximately 3 or 4 vehicles visit the property between 7:00 a.m. and 7:00 p.m. daily, yielding about 30 to 40 vehicles per day. Many of those vehicles are larger vans, trucks, and motor homes.

According to the Illinois Department of Transportation, the segment of Butterfield Road adjacent to the Property has average daily traffic of more than 21,000 vehicles per day. Based upon the Applicant's experience and the current use of the Property, the Applicant anticipates 10-20 additional vehicles per day, which is a negligible amount of the over 21,000 vehicles that use Butterfield Road every day. The Applicant thus submits that the proposed use will not unduly increase traffic congestion.

5. *Increase the potential for flood damages to adjacent property;*

The Applicant does not propose any construction or any additional impervious surface on the Property. The Applicant's civil engineer has opined that there is no need to add any stormwater facilities to the Property.

6. *Incur additional public expense for fire protection, rescue or relief; or*

The type of use proposed does not typically generate any increased need for public safety services. In contrast, many other uses allowed in the I-1 district, such as restaurants, would likely place a higher demand on public safety personnel.

7. *Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.*

As described above, the proposed use is consistent with the historic use of the Property, surrounding uses, and the Zoning Code. No surrounding property owner appeared at the hearing or otherwise provided testimony that the application did not meet any of the standards for granting of the conditional use permit.

Variation Standards

The Zoning Board of Appeals or the Zoning Hearing Officer shall not recommend variations to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case demonstrating consideration with respect to the following:

A. *That the granting of any variation is in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's Comprehensive Plan for development.*

The proposed variations mirror the use of the Property currently, for which the County previously granted setbacks to allow storage of recreational vehicles up to the rear and side lot lines. The Applicant's proposed use is functionally identical, except it will park trailers instead of RVs. The trailers are dormant when parked. Given that the current use and variations have not generated any problems for the neighborhood, it is clear that there is no practical impact of the proposed variations on surrounding properties or on the public.

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B. That the granting of the variation will not:

- 1. Impair an adequate supply of light and air to adjacent property;*
- 2. Increase the hazard from fire or other dangers to said property;*
- 3. Diminish the value of land and buildings throughout the County;*
- 4. Unduly increase traffic congestion in the public streets and highways;*
- 5. Increase the potential for flood damages to adjacent property;*
- 6. Incur additional public expense for flood protection, rescue or relief; or*
- 7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.*

The seven standards identified above are identical to the standards for conditional use permits. The Applicant refers to its explanations and testimony summarized above in support of its application for the two requested variations. The granting of the variations will not in any way impair or injure other properties.


Variation Purpose (Sec. 37-1411.1)

The Zoning Board of Appeals or the Zoning Hearing Officer, after a public hearing, may recommend that the regulations of this chapter be varied in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board makes findings in accordance with the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.

There are practical difficulties in operating a trailer storage facility on the site without setback relief. The proposed trailers are 40-53 feet long, and the Property is roughly 292 feet wide. In order to accommodate safe turning of vehicles, and to allow sufficient trailer parking to render a reasonable return, it is necessary to use the entirety of the rear and side yard portions of the site. Reduction of the usable area with 20-foot setbacks would cause a hardship on the Applicant by prohibiting safe vehicular movements and by unduly restricting the usability of the site.

For all of these reasons, we request that the Zoning Board of Appeals vote to recommend approval of all requested relief. We thank you again for your consideration.

Very truly yours,


Hart M. Passman
Counsel for Applicant

HMP/js

{00130550.1}



1550 W. Bartlett Road, Bartlett, Illinois
tel: 630.497.1000 www.sebert.com

February 1, 2023

Via Email

Mr. Paul Hoss & Jessica Infelise
DuPage County
421 N. County Farm Road
Wheaton, Illinois 60187
Paul.Hoss@dupageco.com; Jessica.Infelise@dupageco.com

Dear Mr. Paul Hoss & Ms. Jessica Infelise,

We are writing to express our support for the application by VK Acquisitions VI, LLC for a conditional use for open storage of trailer and materials. Additionally, we support the zoning variation to reduce the interior side yard setbacks from 20 feet to 0 feet and rear setback from 20 feet to 0 feet.

Sincerely,
Terry Holum
General Manager
Sebert Landscaping, LLC

To Whom it may concern:

Re: Zoning

Property at:

30w771 Butterfield Rd.
Naperville, IL. 60563

I am okay with a variation and/or conditional use of the owner's
property at:

30w771 Butterfield Rd. for parking trucks upto the fence line.

Name:

Signature:

Date:

Jason Berger

X

[REDACTED]

1/31/23

JUDITH A. MALAHY
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires Jan 18, 2026

[REDACTED]

TO WHOM IT MAY CONCERN.

Re: Zoning

Property at:

30w771 Butterfield Rd.
Naperville, IL. 60563

I am okay with a variation and/or conditional use of my neighbor's
property at:

30w771 Butterfield Rd. for parking trucks upto the fence line.

Name:

Rick Paver

Signature:

Date:

RICK PAVER

x

A black rectangular box redacting the signature.

1-31-23

2/1/2023

To Whom it may concern:

Re: Zoning

Property at:

30w771 Butterfield Rd.
Naperville, IL. 60563

I am okay with a variation and/or conditional use of the owner's
property at:

30w771 Butterfield Rd. for parking trucks upto the fence line.

Name:

Signature:

Date:

JOSEPH F SCHILLE
4S361 Ferry Rd
Warrenville, IL 60555


✓

2-1-23

2/1/2023

To Whom it may concern:

Re: Zoning

Property at:

30w771 Butterfield Rd.
Naperville, IL. 60563

I am okay with a variation and/or conditional use of the owner's
property at:

30w771 Butterfield Rd. for parking trucks upto the fence line.

Name:

Signature:

Date:

DOTIE Fila
Eola Rd & Butterfield Rd
Aurora, IL 60502
(exact address withheld)

X



2-1-2023



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
Fax: 630-407-6702

www.dupageco.org/building

DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-22-000061 VK Acquisitions VI, LLC.

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm
Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile
at 630-407-6702 by JANUARY 17, 2023.

COMMENT SECTION:

☐ : OUR OFFICE HAS NO JURISDICTION IN THIS MATTER

☐ : NO OBJECTION/CONCERNS WITH THE PETITION

☐ : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.

☐ : ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION

☒ : I OBJECT/HAVE CONCERNS WITH THE PETITION.

COMMENTS:

For at least the last 10 years, this property has been primarily utilized for the parking/storage of recreational vehicles. As such, the amount of daily traffic into and out of the site is relatively low. If the property is converted into a semi-truck/trailer parking and storage facility, it is possible that there may be a relatively significant increase in the volume of large vehicle traffic in and out of this site on a daily basis.

This stretch of Route 56 only has one thru lane of traffic in each direction. Our only concern/question regarding the request is whether it would be appropriate to require any pavement/pavement marking modifications to Rt. 56 in order to safely and efficiently accommodate the apparent increase in intensity of truck traffic that will be associated with the requested Special Use permit should it be approved by the County. We recommend the County requires a traffic engineer evaluation of this concern to determine what, if any, Rt. 56 pavement/pavement marking modifications would be appropriate in this situation.

SIGNATURE: _____ DATE: 1/10/2023

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:

City of Warrenville

GENERAL ZONING CASE INFORMATION

1