



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: September 16, 2025

RE: **ZONING-25-000052 PTS Cannabis**

DuPage County Board: September 23, 2025:

Development Committee: September 16, 2025: The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to allow an Adult-Use Cannabis Dispensing Organization within 1,500 feet from a pre-existing public or private nursery school, preschool, primary or secondary school.

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-25-000052 PTS Cannabis dated August 21, 2025
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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (Motion to Approve): 6 Ayes, 0 Nays, 0 Absent

Zoning Board of Appeals: September 4, 2025: The Zoning Board of Appeals recommended to approve the following zoning relief:

Variation to allow an Adult-Use Cannabis Dispensing Organization within 1,500 feet from a pre-existing public or private nursery school, preschool, primary or secondary school.

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-25-000052 PTS Cannabis dated August 21, 2025

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

ZBA VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

FINDINGS OF FACT:

1. That the petitioner testified that they seek a variation to allow a permitted use Adult-Use Cannabis Dispensing Organization within 1,500 feet from a pre-existing public or private nursery school, preschool, primary or secondary school.
2. That petitioner testified that the County Board has approved adult use cannabis facilities within a B-2 General Business District and that the subject property is commercial integrated shopping center located in the B-2 General Business District.
3. That petitioner testified the subject property is categorized as general commercial on the County Comprehensive Plan for development consistent with the B-2 Zoning District.
4. That the petitioner tested that the integrated shopping center for which the use will be part of is located at the NE corner of Illinois Route 53 (Rohlwing Road) and Illinois Route 20 (Lake Street). Both road ROW's fall within the jurisdiction of the State of Illinois Division of Transportation and are considered principal arterial limited access roadways on both the State of Illinois and DuPage County DOT transportation plans.
5. That petitioner testified that the Addison Park District has a 40-acre indoor and outdoor facility located at its closest point within 1,500 feet, (approximately 1,000) of the subject shopping center to the south of Illinois Route 20 (Lake Street) and on the east side of Illinois Route 53 (Rohlwing Road).
 - a. That within a portion of the Addison Park District facility, there is a day facility among other typical park district operations, including an indoor pool, exercise facilities, group recreational rooms, tennis courts, walking paths, playground etc.
 - b. That the northern portion of the 40-acre Addison Park District is used exclusively for walking trails and that any outside areas potentially available for the day care operation are approximately 1,700 feet from the subject shopping Center and the building that houses the day care center is approximately 1,900 feet from the Shopping Center.

- c. That the actual tenant space in the shopping center where the Adult Cannabis Dispensary will be located is approximately 2,100 feet from the portion of the Addison Park District facility that houses the day care center.
 - d. That in addition to Illinois Route 20 (Lake Street), to the south of the Shopping Center there is a gas station and car wash use, an approximately 3-acre wetland and 200-foot-wide ComEd ROW housing overhead transmission lines between the subject shopping center and the northernmost point of the Addison Park District 40-acre facility.
6. That petitioner testified that the Islamic Society of Addison has an approximately 4.5-acre facility located on Route 53 (Rohlwing Rd) approximately 1,200 feet at its closest point to the southwest of subject shopping center facility to the south of Illinois Route 20 (Lake Street) and on the west side of Illinois Route 53 (Rohlwing Road).
- a. That within a portion of the Islamic Society of Addison property is a building that houses among other things, a summer school for Islamic Education and Early Childhood Program, which in theory qualifies the facility as a school and day care facility per the County Code.
 - b. That the building that houses the education and early childcare activities is approximately 1,600 feet from the subject shopping center facility.
 - c. That the actual tenant space in the shopping center where the Adult Cannabis Dispensary will be located is approximately 1,700 feet from the portion of the Islamic Society of Addison facility that houses education and early childcare activities.
 - d. That petitioner testified that in addition to Illinois Route 20 (Lake Street), to the south of the Shopping Center there is a gas station and car wash use, a Walmart Store and detention for same of approximately 2-acres and a 200-foot-wide ComEd ROW housing overhead transmission lines and equipment building substation thereto between the subject shopping center and the northernmost point of the Islamic Society of Addison 4.5 acres facility and several parking lots.

STANDARDS FOR VARIATION:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that unique circumstance and hardship is present as, while the required 1,500 foot distance between the subject use and protected uses of child care and educational facilities is technically not met, petitioner has demonstrated that the active areas and enclosed areas of the subject use/tenant space within the larger integrated shopping center and the active areas and facilities housing the protected uses of child care and education are well beyond the required 1,500 feet distance requirement.
2. That the Zoning Board of Appeals further finds that petitioner has demonstrated that there are existing industrial and commercial land uses, environmental features (wetland and floodplain and detention areas), regional public facilities (ComEd ROW/overhead power lines and substation thereto) and several principal arterial/limited access roadways (Route 53, Route 20, and the Illinois I-355 State Toll

Authority ROW) that lie between the subject development and the protected uses providing more than adequate buffer between the protected uses and the subject development.

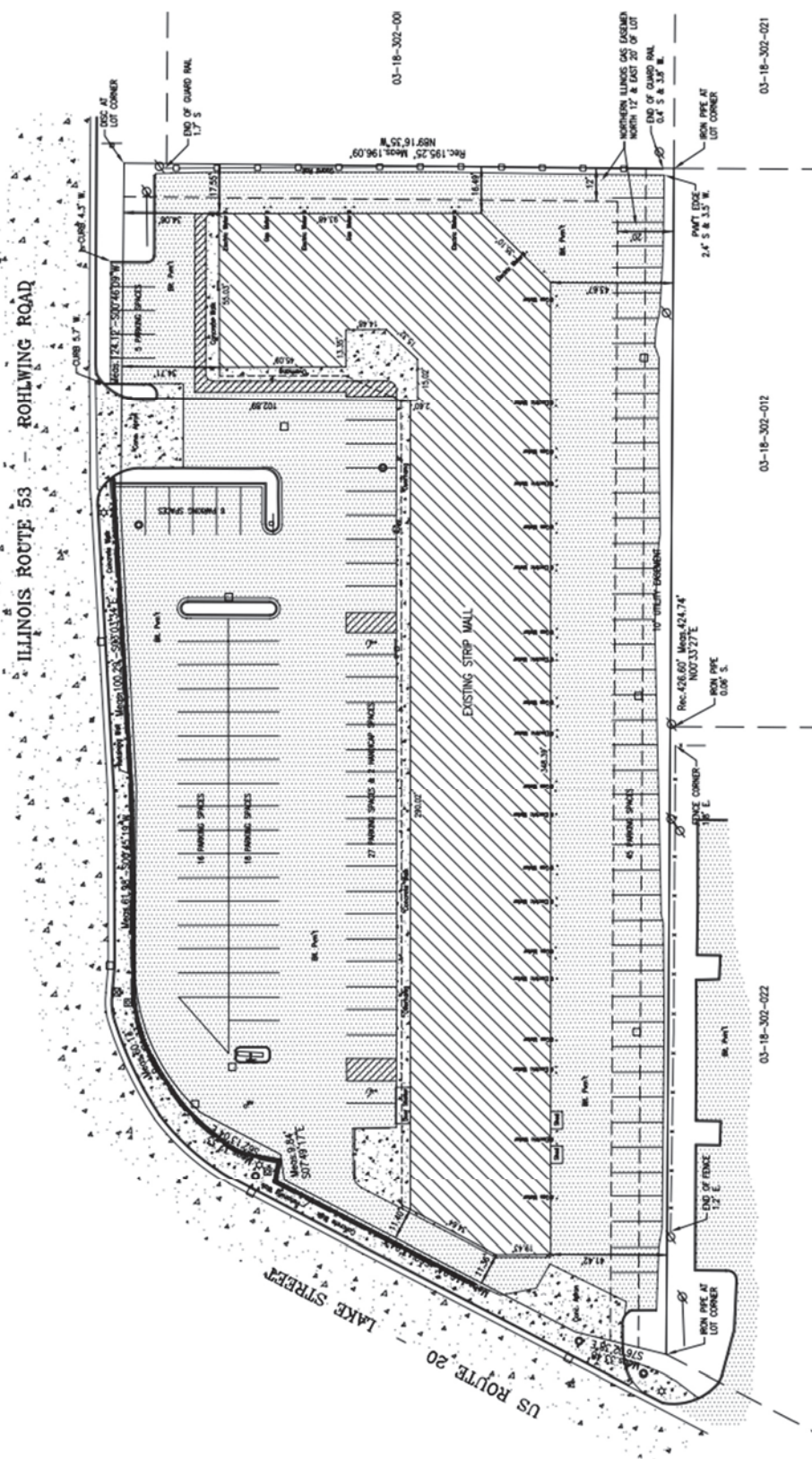
3. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development; and specifically, that the granting of the Variation will not:
 - A. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed legal Adult Use Cannabis Dispensary development will practically meet all required distance requirements from protected uses of child care services and educational facilities as petitioner has demonstrated that the actual distance between the tenant space in the shopping center and the location of the buildings spaces that house the education and childcare facilities well exceeds the 1,500 foot distance requirements.
 - In addition, petitioner has demonstrated that there are several more intense uses between the protected uses and the subject development including two (2) limited access principal arterial highways under the jurisdiction of the State of Illinois Department of Transportation which carry at least 25,000 movements per day per ROW, wetland and detention facilities and the 200 ft. wide ComEd ROW with overhead transmission lines and substation thereto and several large commercial developments and parking lots thereto.
 - B. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will obtain permits for the proposed development and that it will meet all required codes of DuPage County.
 - C. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed development is a permitted use within the zoned B-2 General Business District.
 - D. Unduly increasing traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed development is in an existing integrated shopping center on two (2) principal arterial roadways with preexisting limited access points along said highways (Route 53 and Route 20) with restricted access to the existing commercial integrated shopping center.
 - E. Increase the potential for flood damage to adjacent property as the petitioner **has demonstrated** that the Stormwater Department has no objections to the proposed use and the project will require no new building footprint as it will be a build out of an existing tenant space withing an existing shopping center facility.
 - F. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the Stormwater Department has no objections to the proposed development and the project will require no new building footprint as it will be a build out of an existing tenant space withing an existing shopping center facility
 - G. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed development is a permitted use in the zoned B-2 General Business District, is consistent with the County Comprehensive Plan for development and will practically be located well in excess of 1,500 feet from two (2) protected uses that are housed in the Addison Park District general recreational facility and the Islamic

Society of Addison facility to the south of the subject property beyond Illinois Route 20, several businesses, wetland and detention facilities and the ComEd 200 ft. ROW and facilities thereto.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION			
CASE #/PETITIONER	ZONING-25-000052 PTS Cannabis		
ZONING REQUEST	Variation to allow an Adult-Use Cannabis Dispensing Organization within 1,500 feet from a pre-existing public or private nursery school, preschool, primary or secondary school.		
OWNER	LAKE 53, LLC., 5N105 ROUTE 53, ITASCA, IL 60143/LAKE 53, LLC., 1307 SCHIFERL ROAD, BARTLETT, IL 60103/AGENT: PHILLIP LUETKEHANS, LUETKEHANS, BRADY, GARNER & ARMSTRONG, 2700 INTERNATIONAL DRIVE, SUITE 305, WEST CHICAGO, IL 60185		
ADDRESS/LOCATION	5N105 ROUTE 53, ITASCA, IL 60143		
PIN	03-18-302-029		
TWSP./CTY. BD. DIST.	ADDISON	DISTRICT 1	
ZONING/LUP	B-2 GENERAL BUSINESS	LOCAL COMMERCIAL	
AREA	0.89 ACRES (38,768 SQ. FT.)		
UTILITIES	WATER/SEWER		
PUBLICATION DATE	Daily Herald: AUGUST 6, 2025		
PUBLIC HEARING	THURSDAY, AUGUST 21, 2025		
<u>ADDITIONAL INFORMATION:</u>			
Building:	No Objections.		
DUDOT:	Our office has no jurisdiction in this matter.		
Health:	Our office has no jurisdiction in this matter.		
Stormwater:	Our office has no jurisdiction in this matter.		
Public Works:	"DPC Public Works doesn't own any sewer or water mains in this area."		
EXTERNAL:			
Village of Addison:	Objects. (See attached documentation)		
Village of Bloomingdale:	<i>No Comments Received.</i>		
Village of Itasca:	Our office has no jurisdiction in this matter. (See attached documentation)		
City of Wood Dale:	<i>No Comments Received.</i>		
Addison Township:	<i>No Comments Received.</i>		
Township Highway:	<i>No Comments Received.</i>		
Itasca Fire Dist.:	<i>No Comments Received.</i>		
Sch. Dist. 4:	<i>No Comments Received.</i>		
Sch. Dist. 88:	<i>No Comments Received.</i>		
Forest Preserve:	"We do not have any comments."		
Location	Zoning	Existing Use	LUP
Subject	B-2 GENERAL BUSINESS	INTEGRATED SHOPPING CENTER	LOCAL COMMERCIAL
North	R-4 SF RES	HOUSE	0-5 DU AC
South	B-2 GENERAL BUSINESS	INTEGRATED SHOPPING CENTER	LOCAL COMMERCIAL
East	R-4 SF RES	HOUSE	0-5 DU AC
West	ROUTE 53 AND BEYOND B-2 GENERAL BUSINESS	COMMERCIAL	OFFICE LOW

ILLINOIS ROUTE 53 ROHLING ROAD



03-18-302-00

03-18-302-021

03-18-302-012

03-18-302-022









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DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-25-000052 PTS Cannabis

Please review the information herein and return with your comments to:

Jessica Infelise Datzman, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupagecounty.gov or via facsimile at 630-407-6702 by August 20, 2025.

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:

Documentation demonstrating compliance with variation standards was not provided.

The proposed use is not compatible with the immediate areas and would not meet minimum distance requirements. The subject property abuts residential homes located to the north and east of the subject property. Further, general retail and restaurant properties are located in the Village of Addison to the southwest, south, and to the east of the subject property (along Lake Street). The proposal would not meet the Village of Addison Zoning Ordinance, which requires a minimum of 250-ft from a residential structure nor would it meet the DuPage's County minimum distance requirement from a pre-existing public or private nursery school, preschool, primary or secondary school.

Addison does not allow cannabis dispensaries in business districts. An industrial /manufacturing zoning is best for the proposed business. Recommend petitioner seeks alternative locations.

SIGNATURE: _____

8/8/2025

DATE: _____

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:

Village of Addison / Community Development Department

GENERAL ZONING CASE INFORMATION



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COMMENTS:

The Village of Itasca would not permit this development within the Village according to the Village of Itasca Zoning Ordinance. Adult-use Cannabis Dispensing is not permitted in any zoning district in the Village.

The Itasca Police department has little interaction with the area but does receive concerned calls about businesses at this location from Itasca citizens who do not know the area is unincorporated. The police department would have concerns if this business became part of the Village of Itasca. The village currently does not have plans to incorporate this property.

SIGNATURE:

DATE: 8/15/2025

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Village of Itasca

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ZONING/LUP	B-2 GENERAL BUSINESS	LOCAL COMMERCIAL

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187