



DU PAGE COUNTY

Development Committee

Final Regular Meeting Agenda

421 N. COUNTY FARM ROAD
WHEATON, IL 60187
www.dupagecounty.gov

Tuesday, September 17, 2024

10:30 AM

ROOM 3500B

1. CALL TO ORDER
2. ROLL CALL
3. CHAIRMAN'S REMARKS- CHAIR TORNATORE
4. PUBLIC COMMENT
5. MINUTES APPROVAL
 - 5.A. [24-2516](#)
Development Committee - Regular Meeting - September 3, 2024
6. REGULATORY SERVICES
 - 6.A. [DC-CO-0001-24](#)
Change Order to County Contract 4673-0001 SERV, issued to Accela, Inc., for a contract increase of \$4,354.20, resulting in an amended contract total of \$969,863.99, an increase of .45%.
 - 6.B. [DC-O-0059-24](#)
ZONING-24-000053 – ORDINANCE – Xsite: The DuPage County Zoning Board of Appeals recommended to approve the following zoning relief:
 1. Rezoning from R-2 to B-2 General Business District.
 2. Conditional Use for a Planned Development with a Self-Storage Facility, Day Care Center, and Drive-Through Coffee Shop with the following exception:
 - a. To increase the FAR from permitted .25 to approximately 0.66. (Lisle/District 5) (Generally located southwest of 75th Street and Wehrli Road, on the south side of 75th Street)ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent
 - 6.C. [DC-O-0060-24](#)
ZONING-24-000058 – ORDINANCE – Mies: The DuPage County Zoning Hearing Officer recommended to approve the following zoning relief:
Variation to reduce the corner side setback from required 30 feet to approximately 12.08 feet. for a one-story, three car garage addition and interior renovation project. (Lisle/District 2) (Located at the southeast corner of Lacey Avenue and Highview Drive)
ZHO Recommendation

6.D. [DC-O-0061-24](#)

ZONING-24-000062 – ORDINANCE – Falcon Point Subdivision: The DuPage County Zoning Board of Appeals recommended to approve the following zoning relief:

Conditional Use for a Planned Development in the R-4 Single Family Residential District for a 9-lot single family subdivision, with the following exceptions:

1. To reduce the required lot size from 20,000 sq. ft. to approximately 7,555 sq. ft. for proposed Lots 1-4 and to approximately 7,561 for proposed Lots 5-9.
2. To reduce the required lot width from 100 ft. to approximately 58 ft.
3. To increase the FAR from required 0.35 to approximately 0.45. (Milton/District 6) (Generally located northwest of Geneva Road and Morse Street, on the west side of Morse Street)

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

7. **OLD BUSINESS**

8. **NEW BUSINESS**

9. **ADJOURNMENT**



Minutes

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: 24-2516

Agenda Date: 9/17/2024

Agenda #: 5.A.



DU PAGE COUNTY

Development Committee

Final Summary

421 N. COUNTY FARM ROAD
WHEATON, IL 60187
www.dupagecounty.gov

Tuesday, September 3, 2024

10:30 AM

ROOM 3500B

1. CALL TO ORDER

10:30 AM meeting was called to order by Chair Sam Tornatore at 10:32 AM.

2. ROLL CALL

PRESENT	Chaplin, Ozog, Rutledge, and Tornatore
LATE	Gustin, and Krajewski

3. CHAIRMAN'S REMARKS- CHAIR TORNATORE

No remarks were offered.

4. PUBLIC COMMENT

No public comments were offered.

5. MINUTES APPROVAL

5.A. [24-2351](#)

Development Committee - Regular Meeting - August 20, 2024

Attachments: [Dev Comm Meeting Min 8-20-2024 final.pdf](#)

RESULT:	APPROVED
MOVER:	Liz Chaplin
SECONDER:	Sheila Rutledge
AYES:	Chaplin, Ozog, Rutledge, and Tornatore
LATE:	Gustin, and Krajewski

5.B. [24-2355](#)

Joint Development and Environmental Committee Minutes - Special Call Meeting -
Tuesday, August 20, 2024

Attachments: [8-20-24 Minutes](#)

RESULT:	APPROVED
MOVER:	Sheila Rutledge

SECONDER:	Mary Ozog
AYES:	Chaplin, Ozog, Rutledge, and Tornatore
LATE:	Gustin, and Krajewski

6. INFORMATIONAL

6.A. [24-2352](#)

Approval of a contract purchase order issued to Willowbrook Ford Inc., to furnish and deliver (1) 2024 Ford Bronco for a contract total amount of \$30,699.03.

Attachments: [Willowbrook Ford BZ-4 Requisition Packet_Redacted.pdf](#)

6.B. [24-2353](#)

FY25 Building and Zoning Budget Presentation

Jim Stran, Building and Zoning Manager did a presentation of the Department 2025 budget. The greatest change is the Environmental Division, will no longer be under Building and Zoning, but Facilities Management. Mr. Stran recapped the responsibilities of each division, department highlights and special projects. Revenue projections were compared with current year and last year. Spoke about expense projections, highlighting four vehicles, IT services and indirect costs.

Member Krajewski inquired about projected budget number. The amount Member Krajewski was looking at, was originally requested back in May. Jason Blumenthal, Assistant Director of Operations informed Members that two months ago the department was restructured and at that time some changes were made to the budget.

Member Gustin spoke of the IT budget. Pointed out that previously she suggested the multiple softwares used in the department be more streamlined and user friendly. Mr. Blumenthal responded that this concern has been brought to his attention and is currently being worked on.

7. REGULATORY SERVICES

7.A. [DC-O-0057-24](#)

Ordinance amending Chapter 34 of the DuPage County Code of Ordinances to amend the Administrative Adjudication of Ordinance Violations Ordinance.

Mr. Stran informed the Committee the adjudication program has been in place since 2011. The code was reviewed and it was determine some updates should be made. Under the proposed update collection efforts would be made on outstanding liens. These efforts would be handled by the States Attorney's Office and their appointment.

Attachments: [Development Committee Memo 8-26-2024.pdf](#)
[Exhibit A Amendments to ADJ Ordinance Clean Version.pdf](#)
[Exhibit B Amendments to ADJ Ordinance Struck Version.pdf](#)
[Copy of Exhibit C Yearly Lien Totals 2011 to 2024.pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Patty Gustin
SECONDER:	Brian Krajewski
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

8. OLD BUSINESS

No old business was discussed.

9. NEW BUSINESS

No new business was discussed.

10. ADJOURNMENT

With no further business, the meeting was adjourned 10:59 A.M.



Development Change Order with Resolution

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-CO-0001-24

Agenda Date: 9/17/2024

Agenda #: 6.A.

AMENDMENT TO RESOLUTION DT-P-0179-20
ISSUED TO ACCELA, INC.
PROFESSIONAL PERMITTING SOFTWARE SERVICES
FOR THE DIVISION OF TRANSPORTATION, STORMWATER MANAGEMENT,
BUILDING AND ZONING AND PUBLIC WORKS
(CONTRACT INCREASE \$4,354.20)

WHEREAS, the DuPage County Board has heretofore approved and adopted Resolution DT-P-0179-20 on June 23, 2020 awarding a contract to Accela, Inc. to provide Professional Permitting Software Services for the Division of Transportation, Stormwater Management, Building and Zoning and Public Works; and

WHEREAS, the Development Committee recommend changes as stated in the Change Order Notice to increase the contract amount \$4,354.20 for the addition of two (2) additional licenses for a (10) month period for Building and Zoning, resulting in an amended contract total of \$969,863.99, an increase of .45%.

NOW, THEREFORE, BE IT RESOLVED, that the County Board adopts the Change Order Notice to County Contract 4673-0001 SERV, to increase the contract amount \$4,354.20 for two (2) additional licenses for permitting software services, issued to Accela Inc., resulting in an amended contract total of \$969,863.99, an increase of .45%.

Enacted and approved this 24th day of September, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK

DEV 9/17
FI+CB 9/24



Request for Change Order
Procurement Services Division
 Attach copies of all prior Change Orders

Date: Aug 26, 2024
 MinuteTraq (IQM2) ID #: _____

Purchase Order #: 4673-0001 SERV	Original Purchase Order Date: Jun 23, 2020	Change Order #: 3	Department: Building & Zoning
Vendor Name: Accela Inc		Vendor #: 23818	Dept Contact: Marla Flynn
Background and/or Reason for Change Order Request:	Add two (2) additional seats for Building & Zoning for Permitting software.		
IN ACCORDANCE WITH 720 ILCS 5/33E-9			

- (A) Were not reasonably foreseeable at the time the contract was signed.
- (B) The change is germane to the original contract as signed.
- (C) Is in the best interest for the County of DuPage and authorized by law.

INCREASE/DECREASE		
A	Starting contract value	\$917,541.91
B	Net \$ change for previous Change Orders	\$47,967.88
C	Current contract amount (A + B)	\$965,509.79
D	Amount of this Change Order <input checked="" type="checkbox"/> Increase <input type="checkbox"/> Decrease	\$4,354.20
E	New contract amount (C + D)	\$969,863.99
F	Percent of current contract value this Change Order represents (D / C)	0.45%
G	Cumulative percent of all Change Orders (B+D/A); (60% maximum on construction contracts)	5.70%

DECISION MEMO NOT REQUIRED

Cancel entire order
 Close Contract
 Contract Extension (29 days)
 Consent Only
 Change budget code from: _____ to: _____
 Increase/Decrease quantity from: _____ to: _____
 Price shows: _____ should be: _____
 Decrease remaining encumbrance and close contract
 Increase encumbrance and close contract
 Decrease encumbrance
 Increase encumbrance

DECISION MEMO REQUIRED

Increase (greater than 29 days) contract expiration from: _____ to: _____
 Increase ≥ \$2,500.00, or ≥ 10%, of current contract amount
 Funding Source 1100-2810-53806 Line 2
 OTHER - explain below:

Prepared By (Initials)	<u>6789</u>	Date	<u>9/3/24</u>	Recommended for Approval (Initials)	<u>6/43</u>	Date	<u>9/3/24</u>
REVIEWED BY (Initials Only)							
Buyer	Date	Procurement Officer	Date				
Chief Financial Officer (Decision Memos Over \$25,000)	Date	Chairman's Office (Decision Memos Over \$25,000)	Date				



9110 Alcosta Blvd, Suite H #3030
 San Ramon, CA, 94583

Proposed by: Matthew Donovan
 Contact Phone:
 Contact Email: mdonovan@accela.com
 Quote ID: Q-34106
 Valid Through: 10/18/2024
 Currency: USD

Order Form

Address Information

Bill To:

DuPage County
 421 N. County Farm Road
 Wheaton, Illinois 60187
 United States

Ship To:

DuPage County
 421 N. County Farm Road
 Wheaton, Illinois 60187
 United States

Billing Name: Jim Stran
 Billing Phone: 6304076700
 Billing Email: jim.stran@dupageco.org

Services	Year	Start Date	End Date	Term (Months)	Price	Qty	Net Total
Multi Solution User	Year 1	8/30/2024	6/22/2025	10	\$2,668.82	2	\$4,354.20
> Accela Building - SaaS	Year 1	8/30/2024	6/22/2025	10	\$0.00	2	\$0.00
> Accela Planning - SaaS	Year 1	8/30/2024	6/22/2025	10	\$0.00	2	\$0.00
TOTAL:							\$4,354.20

Pricing Summary

Period	Net Total
Year 1	\$ 4,354.20
Total	\$ 4,354.20

Additional Terms:

1. No additional or conflicting terms or conditions stated in Customer's order documentation, including purchase orders, will be incorporated into or form any part of this Order Form or the governing agreement, and all such terms or conditions will be null.
2. This Order Form, including any OnPrem Licenses, Maintenance and Support, and Subscription Services, Enhanced Reporting Database and Managed Application Services will be governed by the applicable terms and conditions. If those

terms and conditions are non-existent, have expired, do not apply or have otherwise been terminated, the following terms at <https://www.accela.com/terms/> will govern as applicable, based on the Customer's purchase.

3. All Software Licenses, Maintenance, and Subscription purchases are non-cancelable and non-refundable.

4. If Customer has a prior agreement with Accela, and this purchase is co-termining with that prior agreement, if the start date on this Order Form is before the actual delivery date of the purchase, Accela may pro-rate this purchase so that it can co-term with the prior agreement.

5. If this Order Form is executed and/or returned to Accela by Customer after the Order Start Date above, Accela may adjust the Order Start Date and Order End Date without increasing the total price based on the date Accela activates the products and provided that the total term length does not change.

6. Pricing is based upon payment by ACH or check. Payment by credit card (including Purchase Cards) for product and services in this Order Form will be subject to a service charge of 3%. There is no service charge for ACH or check payment.

Signatures	
Accela, Inc.	Customer
Signature:	Signature:
Print Name:	Print Name:
Title:	Title:
Date:	Date:



Decision Memo
Procurement Services Division

This form is required for all Professional Service Contracts over \$25,000 and as otherwise required by the Procurement Review Checklist.

Date: Aug 26, 2024

File ID #: _____

Purchase Order #: 4673-0001SERV

Requesting Department: Building & Zoning	Department Contact: Marla Flynn
Contact Email: Marla.Flynn@dupagecounty.gov	Contact Phone: X6789
Vendor Name: Accela Inc	Vendor #: 23818

Action Requested - Identify the action to be taken and the total cost; for instance, approval of new contract, renew contract, increase contract, etc.
 Increase the contract amount \$4,354.20 for the addition of two (2) additional licenses for the period of 8/30/24 through 6/22/25 for Building & Zoning.

Summary Explanation/Background - Provide an executive summary of the action. Explain why it is necessary and what is to be accomplished.
 The contract with Accela Inc went into place in 2020. Since then, departments and staff have increased usage of the program, additional seats are necessary for access to the Permitting Software.

Original Source Selection/Vetting Information - Describe method used to select source.
 Accela was selected through a public RFP process in accordance with the Local Government Professional Services Selection Act (50-ILCS 10) and the DuPage County Procurement Ordinance.

Recommendations/Alternatives - Describe staff recommendation and provide justification. Identify at least 2 other options to accomplish this request.
 1. Add the additional seats requested for real time access for Building & Zoning.
 2. Do not add seats. This will delay access to real time data and permit reviews.

Fiscal Impact/Cost Summary - Include projected cost for each fiscal year, approved budget amount and account number, source of funds, and any future funding requirements along with any narrative.
 FY24 1100-2810-53806 \$4,354.20



Required Vendor Ethics Disclosure Statement

Failure to complete and return this form may result in delay or cancellation of the County's Contractual Obligation.

Date: Sep 4, 2024

Bid/Contract/PO #: _____

Company Name: Accela Inc	Company Contact: Juan Raygoza
Contact Phone: 925-659-3200	Contact Email: JRaygoza@accela.com

The DuPage County Procurement Ordinance requires the following written disclosures prior to award:

1. Every contractor, union, or vendor that is seeking or has previously obtained a contract, change orders to one (1) or more contracts, or two (2) or more individual contracts with the county, shall provide to Procurement Services Division a written disclosure of all political campaign contributions made by such contractor, union, or vendor within the current and previous calendar year to any incumbent county board member, county board chairman, or countywide elected official whose office the contract to be awarded will benefit. The contractor, union or vendor shall update such disclosure annually during the term of a multi-year contract and prior to any change order or renewal requiring approval by the county board. For purposes of this disclosure requirement, "contractor or vendor" includes owners, officers, managers, lobbyists, agents, consultants, bond counsel and underwriters counsel, subcontractors and corporate entities under the control of the contracting person, and political action committees to which the contracting person has made contributions.

NONE (check here) - If no contributions have been made

Recipient	Donor	Description (e.g. cash, type of item, in-kind services, etc.)	Amount/Value	Date Made

2. All contractors and vendors who have obtained or are seeking contracts with the county shall disclose the names and contact information of their lobbyists, agents and representatives and all individuals who are or will be having contact with county officers or employees in relation to the contractor bid and shall update such disclosure with any changes that may occur.

NONE (check here) - If no contacts have been made

Lobbyists, Agents and Representatives and all individuals who are or will be having contact with county officers or employees in relation to the contract or bid	Telephone	Email

A contractor or vendor that knowingly violates these disclosure requirements is subject to penalties which may include, but are not limited to, the immediate cancellation of the contract and possible disbarment from future county contracts.

Continuing disclosure is required, and I agree to update this disclosure form as follows:

- If information changes, within five (5) days of change, or prior to county action, whichever is sooner
- 30 days prior to the optional renewal of any contract
- Annual disclosure for multi-year contracts on the anniversary of said contract
- With any request for change order except those issued by the county for administrative adjustments

The full text for the county's ethics and procurement policies and ordinances are available at:

http://www.dupagecounty.gov/government/county_board/ethics_at_the_county/

I hereby acknowledge that I have received, have read, and understand these requirements.

Authorized Signature Signed by: _____
 Printed Name 73668EE5EB274C8... Michael E Gigliello
 Title Controller
 Date 9/5/2024

Attach additional sheets if necessary. Sign each sheet and number each page. Page 1 of 1 (total number of pages)



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0059-24

Agenda Date: 9/17/2024

Agenda #: 6.B.



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Board of Appeals
DATE: September 5, 2024
RE: **ZONING-24-000053 XSite (Lisle/District 5)**

Development Committee: September 17, 2024:

DuPage County Zoning Board of Appeals Meeting: September 5, 2024: The Zoning Board of Appeals recommended to approve the following zoning relief:

1. Rezoning from R-2 to B-2 General Business District.
2. Conditional Use for a Planned Development with a Self-Storage Facility, Day Care Center, and Drive-Through Coffee Shop with the following exception:
 - a. To increase the FAR from permitted 0.25 to approximately 0.66.

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-24-000053 XSite** dated August 13, 2024.
2. That no more than one hundred sixty (160) children shall be permitted to be cared for on the subject property in the children's day care center at any given time.
3. That the hours of operation of the children's day care center shall be from 6:00 AM to 6:30 PM, Monday through Friday.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. 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.

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

Dissenting Opinion:

FINDINGS OF FACT:

1. That petitioner testified that they seek the subject zoning relief to rezone the subject property and for a Conditional Use for Planned Development with a self-storage facility, day care center, and drive-through coffee shop with an exception for increased FAR.
2. That petitioner testified that the subject property consists of three (3) parcels totaling approximately 4.7 acres.
3. That petitioner testified that the current property consists of three (3) parcels, with three (3) single-family homes, two (2) of which are vacant and one (1) that is currently occupied.
 - a. Furthermore, that petitioner testified that one of the vacant houses previously had squatters on the premises, which caused a fire in the principal structure.
4. That petitioner testified that the subject property is located on the southside of 75th Street, near Wehrli Road, and that this area of 75th Street is a major arterial roadway consisting of four (4) lanes and turn lanes, as well as a landscaped-barrier median.
5. That petitioner testified that directly to the east of the subject property is a commercial use (Walgreens), to the south is a passive and active recreational use (Naperville Park District), to the west is a vacant residential parcel with cell towers, and to the north is 75th Street and beyond residential townhomes.
6. That petitioner testified that the subject property has been for sale since at least 2016, and that at that time, applicants came forward with a self-storage development on the property through both the City of Naperville and DuPage County, which was ultimately denied.
7. That petitioner testified that the trend of development in the general area is towards commercial and not to single family residential, and that due to the location of the subject property on 75th Street, no additional single family home buyers or builders have been interested in the property.
 - a. Additionally, that petitioner testified the subject property lacks the ability and interest to develop as a R-2 Single Family residential development and that the current zoning designation prohibits the subject property from being developed in its highest and best use.
8. That petitioner testified that for the last fifty (50) years, the subject property has been zoned single-family residential, and that the trend of the development at 75th and Wehrli since that time has been for multi-family residential developments, such as the townhomes north of 75th Street and commercial uses.

9. That petitioner testified that due to the surrounding uses and location on a major arterial roadway, the R-2 Single Family Residential zoning classification significantly decreases the interest of the subject property, and that a rezoning from R-2 to B-2 would be highly appropriate.
10. That petitioner testified that the proposed self-storage facility would have all operations conducted completely inside, including loading/ unloading of a customer's personal property and that there would no outside storage permitted on the property.
 - a. That petitioner testified that the proposed self-storage facility would be monitored 24/7, with onsite staff from 8:00 AM to 6:00 PM, and that the facility would be able to be accessed by customers 24/7 with a passcode.
 - b. That petitioner testified that although it would be the largest of the buildings, the traffic report submitted by KLOA indicates that the self-storage use would only generate approximately twenty (20) users a day, as it is primarily a dormant use.
11. That petitioner testified that the proposed day care center would be operated by Little Sunshine's Day Care, which has a number of locations throughout the Chicagoland area.
 - a. That petitioner testified that the proposed day care center would be operated with thirty-five (35) employees and have approximately one hundred and sixty (160) pre-school aged children.
12. That petitioner testified that the proposed hours of operation of the day care center would be from 6:00 AM to 6:30 PM.
 - a. Additionally, that petitioner testified that parents/ guardians of children at the day care center will park their car and walk their children into the day care center, eliminating the need for a queue-up line.
13. That petitioner testified that the proposed hours of operation of the drive-through coffee shop are from 5:30 AM to 8:00 PM, with staffing of two (2) to three (3) people at all times.
 - a. Furthermore, that petitioner testified that only coffee and cold food would be served at the proposed coffee shop, and that no food would be physically prepared at the subject property.
14. That petitioner testified the proposed development would be utilizing a well and an IEPA-approved sewage system.
15. That petitioner testified that although they have requested an exception to increase the FAR on the subject property from permitted 0.25 FAR to approximately 0.66, that a 0.66 FAR is not an unreasonable number for a modern commercial development, especially including a development that contains a self-storage use that is a primarily dormant use.

16. That petitioner testified that they completed a wetland delineation with the DuPage County Stormwater Department and that the Stormwater Department has no concerns of wetlands on the subject property.

STANDARDS FOR MAP AMENDMENT (REZONING):

That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the map amendment (rezoning) is in harmony with the general purpose and intent of the Zoning Ordinance, and that the petitioner has not demonstrated the following standards for a map amendment (rezoning):

1. Existing uses of property within the general area of the property in question, as petitioner **has demonstrated** that the existing uses of property within the general area of the property in question are primarily multi-family and commercial, and that directly to the east of the subject property is a commercial use (Walgreens), to the south is a passive and active recreational use (Naperville Park District), to the west is a vacant residential parcel with cell towers, and to the north is 75th Street and beyond residential townhomes.
2. The zoning classification of property within the general area of the property in question, as petitioner **has demonstrated** that directly to the east of the subject property is zoned commercial within the City of Naperville (Walgreens), to the south is a passive and active recreational use (Naperville Park District), to the west is zoned single family residential that is a vacant parcel with cell towers, and to the north is 75th Street and beyond is zoned multi-family with a townhome development within the City of Naperville.
3. The suitability of the property in question for the uses permitted under the existing zoning classification, as petitioner **has demonstrated** that due to the location of the subject property on 75th Street, no additional single family home buyers or builders have been interested in the property.
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification, as petitioner **has demonstrated** that the trend of development in the general area is towards commercial and multi-family residential, and that due to the location of the subject property on 75th Street, no additional single family home buyers or builders have been interested in the property.
5. The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property, as petitioner **has demonstrated** that the subject property has lacked the ability and interest to develop as a R-2 Single Family residential development since 2016, and that the current zoning designation prohibits the subject property from being developed in its highest and best use.

6. The extent to which the property values are diminished by particular zoning restrictions, as petitioner **has demonstrated** that due to the surrounding uses and location on a major arterial roadway (75th Street), the R-2 Single Family Residential zoning classification significantly decreases the interest of the subject property, and that a rezoning from R-2 to B-2 would be the highest and best use of the subject property.

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 would meet all required setbacks and that it would not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed development and developer will obtain building permits for all proposed construction and that there would not be an increase in the hazard from fire or other dangers to said property.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed development would be an added benefit to the neighborhood, as the currently property has two (2) vacant homes and that one of the homes has since caught fire due to squatters.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that according to the traffic report submitted by KLOA, the proposed development will not unduly increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the Stormwater Department has no objections to the concept of the proposed development.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the Stormwater Department has no objections to the concept of the proposed development.
 - 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 will be an added benefit to the surrounding area and will not otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

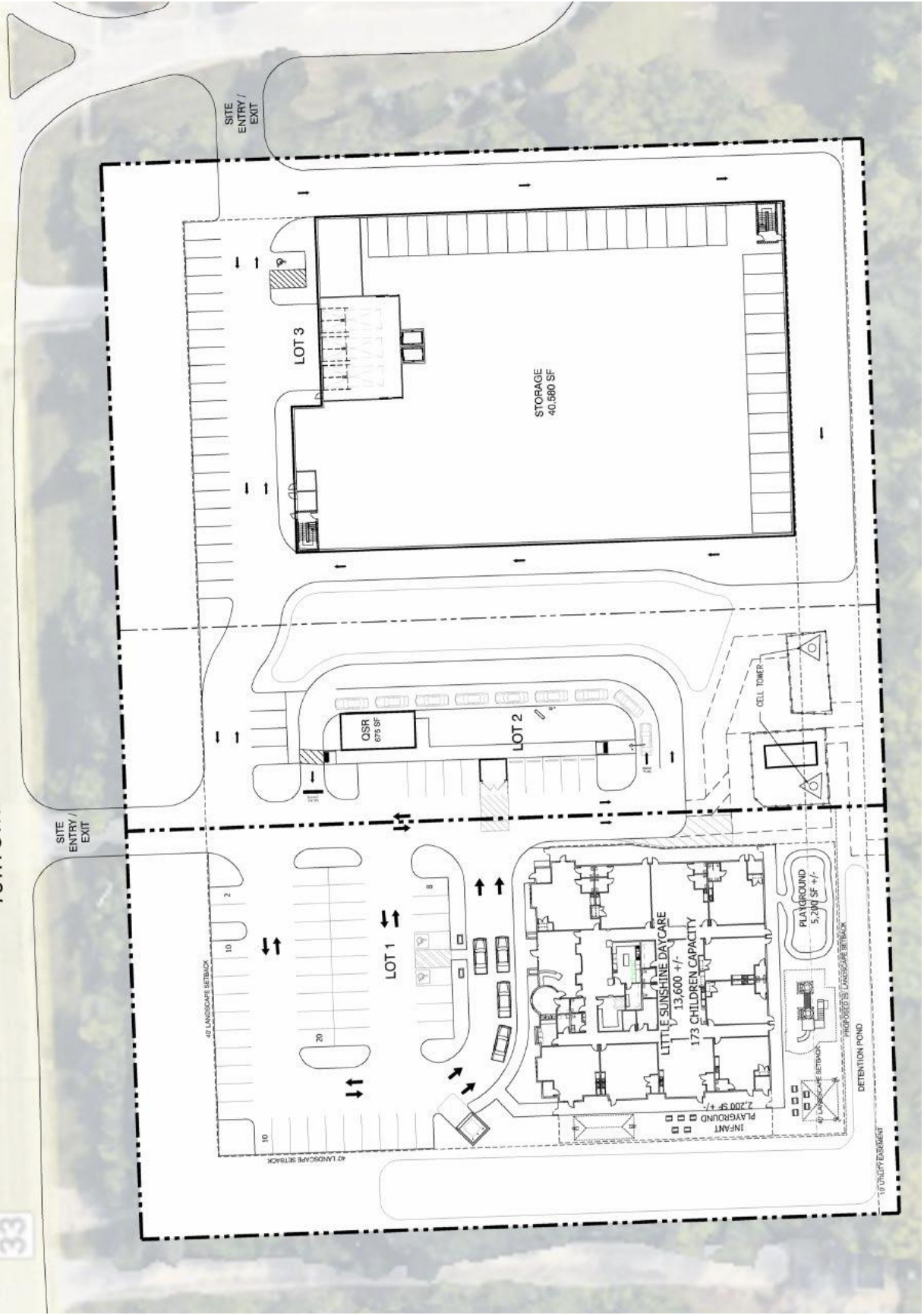
Village of Woodridge:	<i>No Comments Received.</i>
Village of Lisle:	Our office has no jurisdiction in this matter. “The subject property is outside of the Village of Lisle’s boundary agreement.”
Lisle Township:	<i>No Comments Received.</i>
Township Highway:	No Objections.
Lisle-Woodridge Fire Dist.:	“Currently in Fire District – N/A”
Sch. Dist. 203:	<i>No Comments Received.</i>
Forest Preserve:	“The Forest Preserve District of DuPage County staff have reviewed the information provided in this Notice and do not have any specific comments. Thank you.”

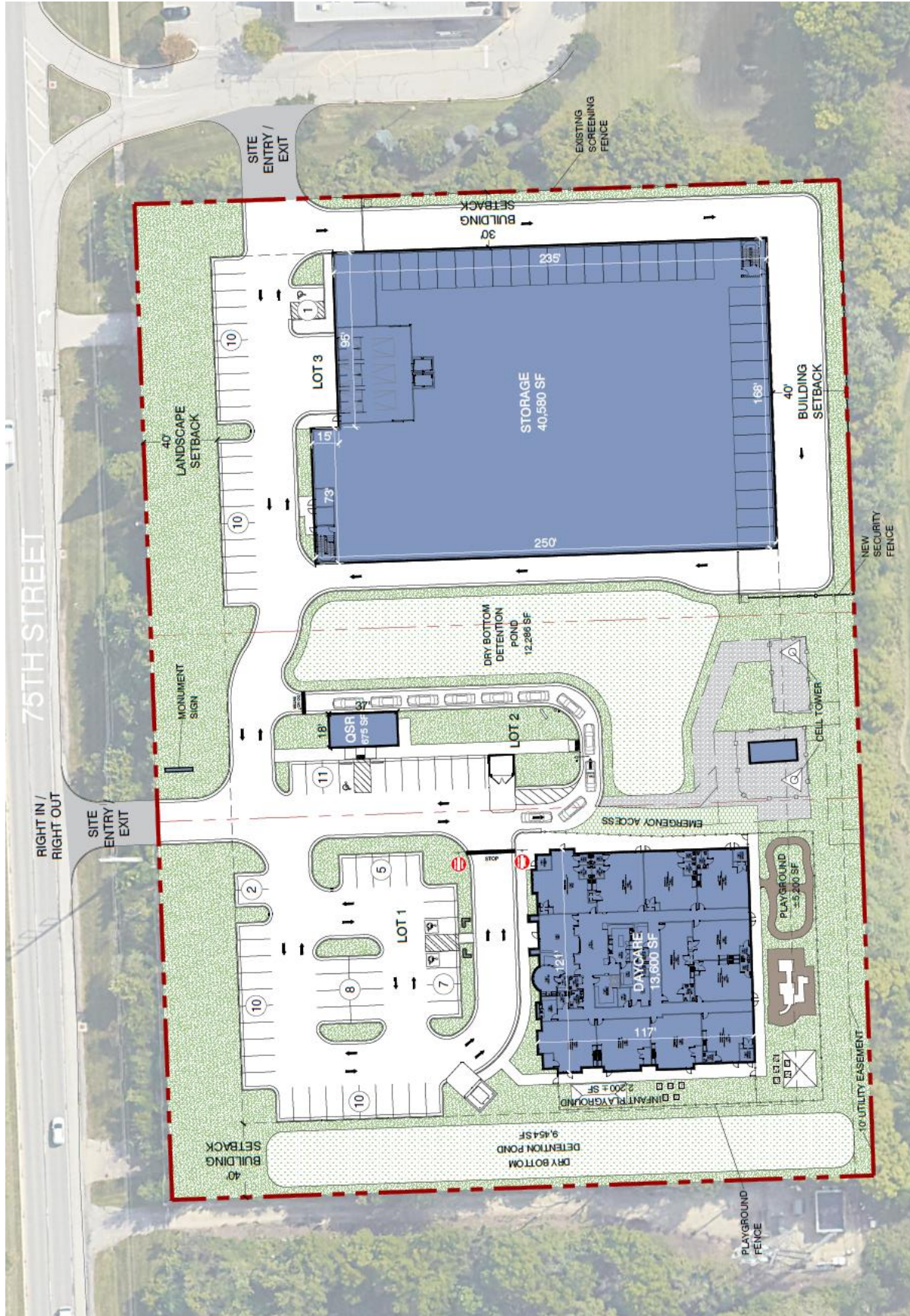
GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Floor Area Ratio:	0.25	NA	0.66

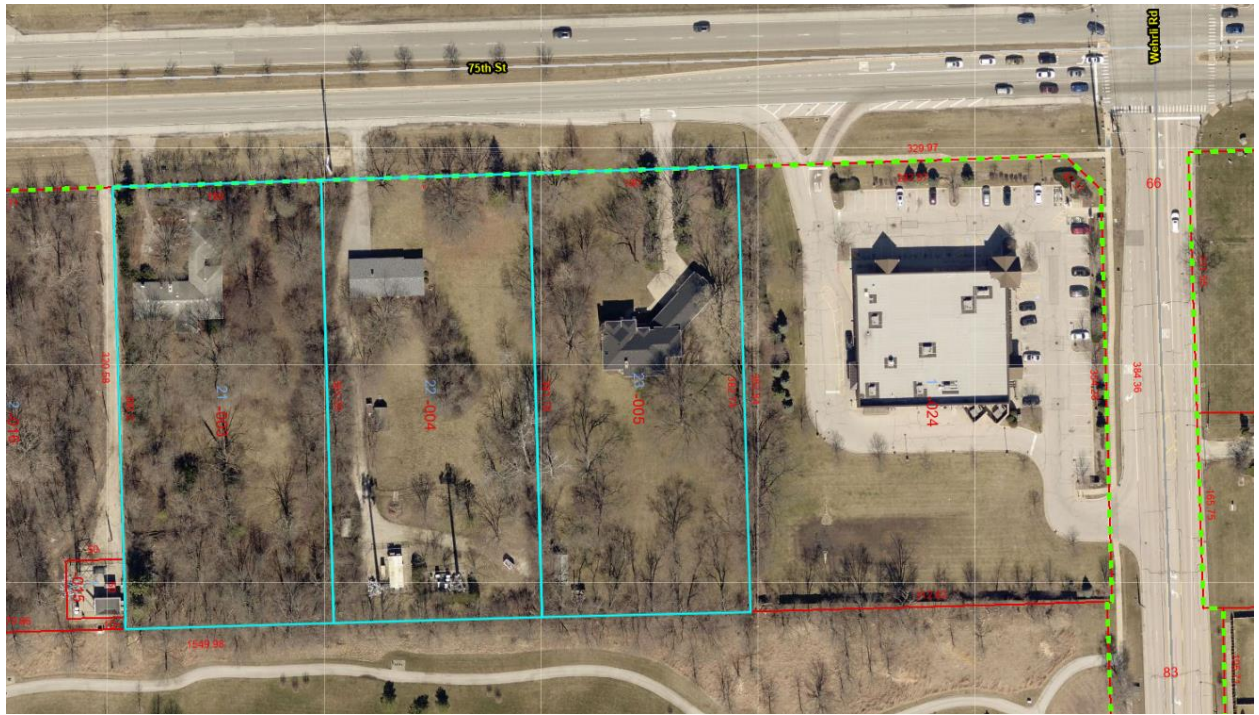
LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-2 SF RES	HOUSE	0-5 DU AC
North	75 TH STREET AND BEYOND CITY OF NAPERVILLE	TOWNHOME	CITY OF NAPERVILLE
South	CITY OF NAPERVILLE	PARK DISTRICT	CITY OF NAPERVILLE
East	CITY OF NAPERVILLE	COMMERCIAL	CITY OF NAPERVILLE
West	R-2 SF RES	HOUSE	0-5 DU AC









August 12, 2024

IN RE: ZONING PETITION 24-53, XSite

Applicant's Supplemental Narrative

At the Public Hearing before the Zoning Board of Appeals (the "ZBA") on July 23, 2024, the ZBA asked for additional information related to certain issues that were raised at the Hearing topics. That information is addressed below.

Stormwater

The Stormwater Department noted in its original comments that their staff believed wetlands may currently exist on the Subject Property. The Applicant hired an engineering consultant, Weaver Consultants Group, to prepare a wetland delineation. The report was provided to the County staff and "observed no wetlands on the Property or within 100 feet of the Property." The County Stormwater Department concurred with the findings of the report and modified their comment to "no objections/concerns."

Building Dimensions and Heights

An updated Site Plan has been provided as Exhibit 6. The building dimensions and heights are shown on that Exhibit 6. The storage facility is 13,900 square feet with a building height of 29 feet. The drive through coffee shop is only 675 square feet and has a building height of 19 feet. The day-care center contains 40,850 square feet of space with a building height of 37'4".

Day-Care Center Use and Hours

The hours for the Day-Care Center are between 6:00 am and 6:30 pm Monday to Friday only. We expect approximately 160 preschool children and 35 staff members present per day.

Landscaping and Fencing

The landscape buffer area and the proposed fence locations are shown on the updated Site Plan. Landscaping will comply with the County point system. A playground fence is to be provided for the day-care center and a security fence will be constructed for the storage facility.

Signage

Other than any signage that may be allowed on the actual buildings by the County sign ordinance, only one free-standing monument sign for the entire Subject Property is expected. The sign would ideally be located near the northern lot line as shown on the latest Site Plan, Exhibit 6.

Lighting

A lighting plan has now been submitted as part of the application as is shown on Exhibit 7.

Storage Agreement

A question was raised about whether the rental agreement prohibits the storage of hazardous materials in the storage facility. We have provided Exhibit 8 which is the form Rental Agreement. Under the second item under Terms and Conditions on page 2, it refers to and incorporates the Rules and Regulations, a copy of which is also being provided as Exhibit 9. As

you can see at the bottom of page 1, customers are prohibited from storing or abandoning hazardous materials per the Rules and Regulations.

July 24 2024

To: DuPage County Board Chair and Members of Districts 3 and 5;
DuPage Building and Zoning Department Manager and Staff
Naperville Mayor Wehrli and City Council Members; and
Naperville Park District Board of Commissioners, Executive Director, and Planning Staff

RE: Zoning Petition ZONING-24-000053 XSite

<https://www.chicagotribune.com/2024/07/22/naperville-city-council-dupage-county-development-project-coffee-daycare-storage/>

<https://naperville.legistar.com/calendar.aspx>

(Select 07/18/2024 City Council - Agenda)

<https://dupage.legistar.com/Calendar.aspx>

(Select 07/23/2024 Zoning Board of Appeals - Agenda)



After just learning about this 75th Street project late Monday evening, July 22, and finding out after the fact last night (Tue, July 23) it went up before the county board, I am really very troubled.

I live in the nearest residential subdivision south of the property that is to be developed into a boxy (warehouse) storage facility and, as I understand it, a daycare center and coffee shop drive thru.

Other than the lack of notification about potential changes to the property (which for these infill properties should be increased to more than 300 feet due to the dramatic affect they have on the established neighborhood), I am concerned about 3 issues.

1) Height & Character of the buildings

This is a residential neighborhood with pockets of large properties fronting 75th Street. The properties in consideration are currently densely forested. I along with others have voiced concern about not wanting to see our beautiful green corridor ("gateway to the city") turn into a concrete jungle, which apparently is beginning to happen when 3-4 story buildings are being allowed to infill into our 2-story residential areas. Because it was hidden behind a paywall, I briefly saw only 1 depiction of 1 building in the Tribune article about the project. I looked at the documents provided in the county and city agendas but could find no information about the proposed heights of the buildings neither in written description or via elevation diagrams and the rendering shown in the Tribune was not included either. The Naperville 75th Street corridor study which I participated in along with many others had recommended that buildings look residential in nature in keeping with the character of the neighborhood. That is why the Walgreens building has the peaks on its sides and signage is low to the ground. What is the height of the proposed buildings and what will be done to make the buildings fit in with the residential character of the neighborhood?

2) Loss of Habitat & Natural Screening bordering park property

The property is adjacent to an open park area, Meadow Glens Park, and the properties to be developed provide a beautiful natural green backdrop to the park. Based on the site map I have seen, it is hard to tell if any of this natural screening will remain since there are roadways and retention areas in the back that is adjacent to the park. Living here for 25 years we have seen the natural habitat disappear and you cant help but feel for the many creatures who get evicted from their homes with no where to go next. We keep taking away natural habitat and offer nothing in exchange. We need to keep as many trees as possible and supplement where we can. Can this be done? Will the natural screening remain intact?



3) Walgreens Access Hazard

The site map shows connectivity to the Walgreens lot. I am not sure what the plan is for this? Is the expectation that this is to be a point of entrance and egress for the new development? If so this is a major problem as the Walgreens development's Wehrli entrance is configured as an "S" type curve and currently encounters issues because exiting vehicles cannot closely navigate the curve. This then blocks entering vehicles from turning in. It is a very bad layout as you can see in the photo above as it is too tight of a turn. This will only become a bigger hazard with more traffic funneling thru an already congested entrance. What is the plan?

I am asking for whatever help can be provided to minimize the impact the project has on my above concerns.

I am also asking that the county (and the city of Naperville where applicable) increase the range of communication for future infill projects along 75th Street. The 300-foot range is not reasonable given the nature of the properties in this area. How are the residents who will bear the long-lasting impacts of the non-conforming developments supposed to find out or offer input if the occupiers 300 feet from the properties have the same interests as the developers? With email and robocalls, it seems easy to communicate such important information to the nearest 25-50 residential units in each direction from the proposed developments requesting zoning changes. To me this is the biggest offense as a taxpayer! The process for those that want to go outside the norms should be a negotiated partnership with the community....not a huge payday at the community's expense.

And even more hurt is felt that the Naperville City Council did not support its own staff who OBJECTED to this project. Had the community been aware of it, residents would have raised the concern to the City Council of the incongruous nature of the project (warehouse) to the longstanding residential character of our neighborhood.

My husband, Jim, and I would appreciate your thoughts or those of your colleagues at your earliest convenience. We are available to talk or meet...just let us know.

Sincerely,

Debbie Hojnicki
[REDACTED] Nevis Drive
Naperville, IL 60565
[REDACTED]

Recipient List:

DuPage County Board Chair, Deborah Conroy, and Members of Districts 3 & 5

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Naperville Mayor & City Council via <https://napervilleil.mycusthelp.com/>

Mayor Scott A. Wehri, Councilman Ian Holzhauer, Councilman Patrick Kelly, Councilman Paul Leong, Councilwoman Allison Longenbaugh, Councilman Josh McBroom, Councilwoman Jennifer Bruzan Taylor, Councilman Dr. Benjamin M. White, Councilman Nate Wilson

Naperville Park District Board of Commissioners

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Naperville Park District Executive Director, Brian Wilson & Planning Staff, Eric Shutes & Jessica Burgdorf

bwilson@napervilleparks.org, eshutes@napervilleparks.org, jburgdorf@napervilleparks.org

From: Max Coolidge II [REDACTED]
Sent: Monday, August 12, 2024 3:15 PM
To: Infelise, Jessica
Subject: Further Comments in Zoning Petition Zoning-24-000053 XSite

[Caution: This email originated outside Dupage county.gov. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Jessica Infelise Datzman, AICP,

Please submit these comments to the DuPage County Board of Appeals for review in Zoning Petition Zoning-24-000053 XSite.

To the DuPage County Board of Appeals, my name is Max W. Coolidge II and I live at [REDACTED] 75th Street Naperville, Illinois 60565 in the Hobson Homelands unit #2 subdivision, the same subdivision as the three properties which are requesting Rezoning and a Conditional Use. To my knowledge all properties in this subdivision are all Zoned Residential and previous properties from this subdivision when they were Rezoned as Residential or Commercial were annexed to the City of Naperville with access to public utilities. These annexations have essentially surrounded the remaining unincorporated DuPage County Residential District, which has created the appearance that DuPage County had yielded any future development to the City of Naperville. The remaining properties in the subdivision either remained residences or had their use changed so as to not technically be considered spot Zoning but at the very least should be considered spot Usage. The CVET ANIMAL HOSPITAL sandwiched between two residences is an example of such a Use.

If the 1990 DuPage Land Use Plan is still being implemented the current Zoning Petition appears to go against it. I have been made aware that DuPage County has established a Zoning Ordinance for properties specifically located on major arterials such as those in the Zoning Petition. The past DuPage County Chairman explained that the County created the Principal Arterial Office Use Zoning to allow single family residential properties located on major roadways to transition from dilapidated properties impacted greatly by the heavy traffic on these roadways to relatively low intensity office uses. The petitioners properties have been envisioned for Residential Use in the 1990 Land Use Plan and apparently Commercial Use specifically for relatively low office use by utilizing the Zoning relief provided in the DuPage County created Principal Arterial Office Use Zoning Ordinance. The petitioner referred to their properties as being prohibited from any type of development in the last ten years, while two properties in the same subdivision were apparently redeveloped using the Principal Arterial Office Use Zoning Ordinance.

The City of Naperville has previously opposed the Use of a Storage facility for two of these properties in the past, they also created a new Land Use Master Plan in 2022, and while the Naperville City Council directed staff with a motion stating "I move to not direct staff to file written comments opposing DuPage County Zoning Petition 24-00053", the City staff however during their Questions and Answers session related the proposed self-storage facility is not consistent with the land uses recommended for the 75th Street Corridor by the Naperville Land Use Master Plan. The DuPage County Board denied the prior storage facility request. The City of Naperville was not afforded the opportunity to object to the Principal Arterial Office Use properties in the Hobson Homelands Unit #2 subdivision. The City of Naperville however was given the opportunity to object to the prior Use of the CVET ANIMAL HOSPITAL. That Use was for a Montessori Day Care Facility for a Conditional Use which was approved by DuPage County Ordinance ZP#4658-00 Saloga.

In the DuPage County Zoning Board of Appeals Petition No. 4658-00 on May 15, 2000 the Chairman was Robert Kartholl. The Zoning Board of Appeals recommended the denial of all requested forms of Zoning relief. Those basically were that

the parking lot would be detrimental to adjacent properties to the west, that it was not in agreement with the comprehensive plan, and that the petitioner failed to show it would not be detrimental to the public welfare, diminish the value of land and buildings, impair the public health, safety, morals, general welfare of the inhabitants of the County and that it is in the best interest of the public and not just the interest of the applicant. The DuPage County Development Committee did not concur with that denial and recommended the Conditional Use for the Day Care to the DuPage County Board which subsequently Ordained the Ordinance for a Conditional Use for a Day Care facility on lot 18 in Hobson Homelands Unit #2. There were those who opposed this Use including my mother, myself and many surrounding neighbors including those from the properties which are now requesting a Conditional Use for a different Day Care albeit now with a rezoning request as well. Most concerns were in regards to well and septic use, Stormwater runoff, traffic, and the loss of tranquility. A Variance for the septic system was approved for this Use as a Day Care on 11/15/2000 and recorded on 11/29/2000 with the DuPage County Recorder under R2000-186921 with a Shara Branch as the owner.

Ordinance ZP#4658-00 Saloga while requiring a Variance and a Conditional Use strictly for Day Care Use also required a Best Management Practice and to remain in the R2 Single Family Zoning Classification and serve as a buffer between existing single family development to the East and any future development to the West on 75th Street. The Development Committee not only disagreed with the Zoning Board of Appeals but essentially created a single isolated single-family residence which would have to incur all detrimental effects for any future development in the Hobson Homelands Unit #2 subdivision, not to mention the ones being created in this Ordinance. Somehow the BMP requirement along with the Conditional Use have disappeared from this property while the septic system Variance for a Day Care has remained, even though a change in Use occurred from the Day Care to the Animal Hospital.

I believe that the change in Use from the Day Care Facility to the CVET ANIMAL HOSPITAL should have required a Conditional Use. The Business Districts in DuPage County require a Conditional Use for Animal Hospitals. I believe Animal Hospitals in Residential Districts should not have less restrictive requirements than Animal Hospitals in Business Districts. I believe the City of Naperville should have had the opportunity to oppose the Use of the CVET ANIMAL HOSPITAL even though the Naperville Fire Department apparently did. In reviewing Zoning Ordinances along with acquired documents I believe that Use and Zoning confusion has occurred not only through DuPage County but with the City of Naperville, Lisle Township Tax assessor, and now with the petitioner in this case. I believe that the automatic approval of the CVET ANIMAL HOSPITAL under the Principal Arterial Office Use Zoning Ordinance by not requiring a Conditional Use has greatly contributed to this.

I do not believe the objective of Zoning in DuPage County is to have Conditional Use standards in Business Districts for Animal Hospitals and have such Use approved by the DuPage County Board on 03/25/14 in Ordinance Z14-001, to then approve the CVET Animal Hospital in a Residential District with no Conditional Use standards in Permit #35672 (issued on 11/19/14) and its associated documents as well as the Certificate of Use and Occupancy # CO 5717 (issued on 09/11/15). While Permit #35672 does not have the Principal Arterial Office Use Zoning Ordinance on it, the permits associated documents do include references to the Ordinance, and the associated documents also contain a reference in Building Comments that the proposed use of a veterinary/ animal hospital is a change in use from the previous use as a day care center. This change in Use certainly then changed the character of the Residential District. Which apparently has created confusion as the current ReZoning/Conditional Use Petition applicants have presented the Cell Towers and the CVET ANIMAL HOSPITAL as currently being Zoned Commercial and not Residential as they actually are. I do not believe Zoning objectives are to have conflicting provisions and conflicting approvals in order to create Spot Uses in a District, which then applies incorrect Zoning classifications to those Uses in order to ReZone properties from Residential to Commercial.

The Zoning Board of Appeals should consider their past denial of a Conditional Use for a Day Care Facility in Ordinance ZP-4658-00 and the reversal of that recommendation by the Development Committee and allow the Development Committee to solely undertake the decision as to any future development in the Hobson Homelands Unit #2 subdivision. The Zoning Board of Appeals should consider how the HOA Representative thought there was a desire by the County to develop these properties and how if they were not developed they could endure a deeper financial impact on what could be approved next. The Zoning Board of Appeals should consider in my opinion the peculiar ultimatum if the

ReZoning is approved then Planned Unit Developments are considered as Conditional Uses in Case Law which somehow would give their proposed Uses automatic approval, if this is the case I wonder the necessity of requesting a Conditional Use.

The Zoning Board of Appeals should consider past approvals in the Hobson Homelands Unit #2 subdivision in order to treat properties equally. If an Animal Hospital can operate on a previous Use septic system surely the Storage Facility, Coffee Shop, and Day Care Facility can operate on the single family septic systems. If the Animal Hospital can provide bottled water for its operation, certainly the Day Care Facility, Coffee Shop, and Storage Facility can as well. If the CVET ANIMAL HOSPITAL can be considered a medical office under the Principal Arterial Office Use Zoning Ordinance and not require ReZoning from a Residential District to a Business District surely a Day Care Facility, Storage Facility, and a Coffee Shop can be considered as a Business office, have no need for ReZoning and be approved under the Principal Arterial Office Use Zoning Ordinance as well. If the CVET Animal Hospital does not have any BMP or PCBMP's will any of these facilities require them. The Zoning Board of Appeals should consider the past Day Care Facility Variance for a septic system which is now being used for the CVET Animal Hospital even though the last recorded owner was/is the Day Care Facility owner and not the current CVET Animal Hospital owner/s. The Zoning Board of Appeals should consider the Cell Tower/s Access Easement agreement which appears to provide a exclusive perpetual right of way through the middle of these properties, possibly creating conflicts of who gets to use it when(R2016-127132). If these properties were allocated for single family use where public utilities are not available why would ReZoning these properties to Business Districts where they appear to be adjacent to the Public Utilities, not be a requirement to show the necessity to ReZone to begin with.

I believe the mismatched Uses which have been described as making this a rough area has all been created by The City of Naperville, Lisle Township, and DuPage County. I believe my comments have demonstrated this. I believe that there has been a significant effort to develop properties using multiple methods even if those efforts cause severe consequences to others. I believe there should be a collaborative effort with all these entities, stakeholders, and possibly public input to try and amend the past and make an attempt to provide desired outcomes for all without causing concerns as to what would be approved next.

Thank you,
Max W. Coolidge II
Sent from my iPad

From: Max Coolidge II [REDACTED]
Sent: Monday, August 26, 2024 3:12 PM
To: Infelise, Jessica
Subject: Supplemental additional comments Zoning Petition Zoning-24-000053

[Caution: This email originated outside Dupage county.gov. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Jessica Infelise Datzman, AICP,

Please submit these supplemental additional comments to the DuPage County Zoning Board of Appeals for review in Zoning Petition Zoning-24-000053 XSite.

My name is Max W. Coolidge II and I would like to express my gratitude for having the opportunity to provide these supplemental additional comments. At the end of the July 23rd, 2024 the Chairman of the DuPage County Zoning Board of Appeals stipulated the August 13th, 2024 hearing was to only be for site plan changes which don't require a republication and for wetlands. Then at the August 13th, 2024 hearing, lo and behold the petitioner is allowed to present additional information unrelated to site plan changes and wetlands, the Chairman of the ZBA presents comments apparently from the Health Department, (which in my opinion would require a republication of the entire Case and not just the site plan,) and a fellow audience member was allowed to repeat many of his previous comments. However, when I was given the opportunity to speak the Chairman directed me to speak only to the additional information presented tonight. I believe this to be yet another example of the mistreatment my family has had to endure pertaining to the properties in the Hobson Homelands Unit #2 subdivision.

During this 8/13/2024 hearing I believe for the first time the public is hearing the word "Public" in regards to the system being used for the removal of waste for these properties. I believe this change alone should be grounds to revisit any part of either hearing and not be used in a manner which allows for a significant change to occur in the petition and then limit the response to anyone in regards to the petition in its entirety.

In this Case it has been published as being on well and septic in the July 8th, 2024 Daily Herald, I believe this information was provided to at least the DuPage County Building and Zoning Department, the DuPage County Stormwater Department, the DuPage Public Works Department, the DuPage County Department of Transportation, the DuPage Health Department, the Lisle Township, the Lisle Township Highway Commissioner, the Village of Lisle, the Village of Woodridge, Naperville School District 203 and the City of Naperville. I believe the petitioner presented to the Naperville City Council during their July 16th, 2024 meeting that they would be on a separate EPA septic system. I do believe the petitioner during the July 23rd, 2024 ZBA hearing presented the system as being on a IEPA approved sewage system without stating it's "Public". I do believe the Chairman of the ZBA was the first to present this system as being a IEPA "Public" sewage disposal system and not a septic system during the August 13th 2024 public hearing. This IEPA "Public" sewage disposal system appears to have originated from the Health Department after the July 8th, 2024 publication describing it as a septic system, after all those other entities were presented with this use being a septic system, and before the Naperville City Council meeting on July 16th, 2024 where it was still being presented as a septic system. In a response on August 20th, 2024 to inquiries I made in regards to these systems I was recently informed by a Planning and Zoning Coordinator they were still being developed by well and septic, while I also was fortunate to be provided with information from a Zoning Administration Coordinator containing the PETITIONER'S DEVELOPMENT FACT SHEET which declares the system as Well / Public Sewage Disposal System. I feel these discrepancies are further examples of mistreatment in regards to the properties in the Hobson Homelands Unit #2 subdivision we have endured. This also appears to be mistreatment of the General Public, multiple departments and municipalities, and the other resident(s), as

to exactly which system was applied in the decision making any of those entities determinations relative to this Case. For example, would the City of Naperville actually provided comments objecting or not to the ReZoning and Conditional Use if the Use of their Sanitary District was a condition. I feel a Bait and Switch septic system, ReZoning Conditional Use Zoning Petition is taking place and I feel if a Bait and Switch tactic is not supposed to be allowed for car dealers it should not be tolerated in Zoning Cases.

In this Case (Zoning -24-000053) the Health Department has decided to require these properties (currently in the Hobson Homelands Unit #2) to be on an IEPA Public Sewage Disposal System and not on a septic system as was first published for not just a ReZoning request but a Conditional Use as well. However the Health Department approved the current Use of the CVET ANIMAL HOSPITAL to utilize a private septic system which was granted a Variance for the prior Use as a DayCare facility with food service (currently in Hobson Homelands Unit #2 as well). Now while I have objected to how no Conditional Use has been required for the CVET ANIMAL HOSPITAL in this Residential District for years, I was informed by the Health Department in a letter dated May 4, 2021, 2021(it did have two identical years) with the C-Vet Animal Hospital's septic system as the subject, that a particular section of the Septic Ordinance that describes prohibiting medical facilities to be served by a septic system, only pertains to what goes into the septic system and cannot be used for zoning purposes. The Ordinance in question was/is 18-303.5 which pertains to medical facilities being prohibited from the use of a private sewage disposal system. This should be in my opinion a determinant to be considered for Zoning purposes. For one, the Ordinance does not have that stipulation the Health Department Assistant Director referred to as "only pertains to what goes in to the septic system ", and another is for exactly how the Health Departments response to this petition has indicated. If the Health Department can determine the requirement for which system these properties can utilize in this Zoning Petition(from a private septic to a public sewage system), I believe the Health Department had/has the authority to determine if the CVET ANIMAL HOSPITAL is a medical facility and determine that they also need(ed) to be changed from a private septic to a public sewage system. This authority could have been applied when the Zoning for this Property allowed the DuPage County Ordinance ZP#4658-00, which granted a Conditional Use for the DayCare Facility to change its Use to the Principal Arterial Office Use Zoning Ordinance for the CVET ANIMAL HOSPITAL (even though somehow a Conditional Use was not required). Now I have not been provided any documentation from the Health Department as to how this facility keeps all medical waste out of the private septic system (waste, wastewater) although in a 5/13/19 Health Department active summary report ,to Complaint ID: CO0006046 filed on 04/23/19 which primarily regards to 18-303.5 , a Health Department Employee describes speaking with an employee at the C-Vet animal hospital regarding the septic system and was told "any animal waste that occurs inside facility is flushed down the toilet ". I did not see any activity describing how they determined if the waste was infectious or not. Now I have been told this doesn't happen anymore from Health Department personnel but I believe it should of never occurred if standard Health and Zoning provisions were followed. The Health Department and the Zoning Department both have provisions regarding conflicting Ordinances, both contain information describing if any Zoning provision is in conflict with any other provision the more stringent provision shall prevail. While I believe the International Building Code which states their in full compliance with the International Zoning Code and the International Private Sewage Disposal Code has Animal Hospitals designated in Business Districts. The DuPage Zoning Ordinance for Business Districts goes further in requiring a Conditional Use for Animal Hospitals in Business Districts. Both the Health Department and Zoning Departments had been involved with a Conditional Use for a Animal Hospital in a Business District just 8 months prior to issuing a permit for the CVET Animal Hospital. I believe both departments clearly were aware of the more stringent provision of requiring a Conditional Use for a Animal Hospital in their Business Districts when the CVET Animal Hospital was approved using a less stringent provision (37-418.1B) without requiring a Conditional Use in (Hobson Homelands Unit#2 subdivision) a Residential District. As a matter of fact the CVET Animal Hospital had Kennels in their permit application which still somehow avoided needing a Conditional Use, while a Conditional Use for Kennel use in a Residential District occurred with the ZBA under Zoning Petition Z17-032 WOLF. I am always concerned with what might be going down the toilet/drains and what effect it has on our wells. The Use of a Public Sewage Disposal System would certainly benefit only those properties (even though the City of Naperville whose Sanitary District is needed ,was informed it was to be on a septic system) I am concerned with those properties daily water consumption and the potential negative effects for the remaining properties as the old expression goes ; you never miss the water until the well runs dry. While it's unclear if a Bait and Switch method will occur with the use of well(s) to a Public Water Supply System as WELL, the thought of what may have occurred and what might occur to our

water supply and the CVET Animal Hospital Private Septic System Use in this Residential District is yet another example of the treatment we have to endure.

As far as lighting is concerned the Principal Arterial Office Use Zoning Ordinance has already allowed Commercial Lighting in the Hobson Homelands Unit #2 Residential District anyway.

As far as Signage, I believe this also has been allowed under 37-418.1B while not affording the City of Naperville the opportunity to object for the use of illuminated signs.

Stormwater has been another issue for years. When I seen how it appears in the Developers Fact Sheet , that a on-site wetlands findings has contributed to a revised ZBA memo, even though the date of those findings has yet to occur, it reminds me how BMP's were stipulated to in Ordinance ZP#4658-00 Saloga and then PCBMP's were discussed in a memorandum during the Change in Use from the DayCare Ordinance to the Animal Hospital, Principal Arterial Office Use Zoning Ordinance and have now somehow disappeared, (keep in mind this parking lot has most definitely increased over 2500 sq ft. from the single family driveway in 1992) the Change of Use now drains directly to our house instead of to the East as the previous Ordinance ZP#4658-00 Saloga stipulated. Not to mention the newer North parking lot runoff onto our property after the Change in Use as well. I believe that the ZBA was correct in their(Ordinance)Zp#4658-00 Saloga decision and that detrimental effects have been caused by the approval of Ordinance ZP#4658-00 Saloga. Then the USE was allowed to amplify those detrimental effects for the benefit of the CVET Animal Hospital under Ordinance 37-418.1B. Forgive me of my cynicism as I would have to have a wait and see approach toward the Stormwater and how ReZoning a few properties in the Hobson Homelands Unit #2 wouldn't create further detrimental effects to become another mistreatment example, as I believe the current approvals for the CVET ANIMAL HOSPITAL and the Prior DayCare Use have already been further example's of the mistreatment we have endured.

At the beginning of the August 13, 2024 the Chairman introduced a new commissioner without any mention of what happened with the previous commissioner Ms. Anderson. I was surprised at some of her comments on July 23, 2024. Like one comment where she apparently agrees with the attorney with commenting , that area has always been a rough area, but she doesn't disagree with the attorney when he stated Cell Towers were Zoned Commercial , does not disagree when he claimed the " Vet Hospital is Zoned Commercial in Naperville I looked it up on the G.I.S. website, just so you know, the one I talked about", and does not point out how all the properties in the Hobson Homelands Unit #2 subdivision are all in the R2 Residential District including the Cell Towers and the CVET Animal Hospital. Also a portion of her comments mentions it's compatible to the USE, which as I stated this is a Residential District , and they are asking for a Conditional Use which I believe has neither Use as being compatible. Plus other comments provide her view in developing the Hobson Homelands Unit #2 subdivision, with commenting; one of the big things was this area has been on the County plan for a while, that when we went on the County Board did the Estuary Living Center, it's really important for us members to look at the area here, it's not a normal area, but it needs to be developed. This all appears to me to be how the County has not only had a plan, but has developed properties in unique methods which has created this abnormal area that now needs to be developed and which apparently now has created a desire from the ZBA to develop this area. These comments also appear to me to corroborate not only my comments in this case but how we have arrived at these questionable (spot) Zoning Uses and the current desire to apparently progress to Spot Zoning these properties, to add yet another example of the mistreatment we have to endure.

Plus I heard the petitioner mention they went around the neighborhood to engage with residents in the Naperville City Council meeting on July 16, 2024 and they did speak with the Hobson Villas people and other than those residents it was unclear as to how many other properties they did go to, and if it was just the properties within the 300 ft. notification range, but I do know that minus their 3 properties there would be about 7 properties left in the entire Hobson Homelands Unit #2 subdivision and we were not approached by anyone from either the petitioners group or any County personnel, It appears that not only was the DayCare Facility created to serve as a buffer for any future development to the West in ZP#4658-00 Saloga, but now the CVET ANIMAL HOSPITAL apparently not only continues to also serve in this manner but now in a manner to further isolate our SINGLE Family residence by completely disregarding our presence in this subdivision and not providing any information for the participation in ReZoning these Properties in the Hobson Homelands Unit #2 subdivision, as we are the only Single Family Resident not within the 300ft. notification range who

just so happens to be the residents who have resided in this subdivision the longest, it appears to be yet another example.

Thank you,
Max W. Coolidge II

Sent from my iPad



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0060-24

Agenda Date: 9/17/2024

Agenda #: 6.C.



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Hearing Officer
DATE: August 14, 2024
RE: **ZONING-24-000058 Mies (Lisle/District 2)**

Development Committee: September 17, 2024:

Zoning Hearing Officer: August 14, 2024: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce the corner side setback from required 30 feet to approximately 12.08 feet. for a one-story, three car garage addition and interior renovation project.

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-24-000058 Mies** dated August 14, 2024
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.

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to reduce the corner side setback from required 30 feet to approximately 12.08 feet. for a one-story, three car garage addition and interior renovation project.

- B. That petitioner testified that the existing home is bilevel, with no main-level family room, and that the proposed zoning relief would allow for the expansion of the existing kitchen/dining and family room into the existing three (3) car garage area, by constructing a new three (car) garage onto the front of the existing home.
 - a. Furthermore, that petitioner testified that the new design would allow for a family room, powder room, and mudroom to be located on the main level of the existing house.
- C. That petitioner testified that the existing home was originally constructed 12.08 feet from the corner side property line.
- D. That petitioner testified that the proposed addition would not encroach further into the corner side yard setback than the existing attached garage/residence (which is located at 12.08 feet from the corner side property line) and will not go any further into the front yard than the existing residence does.
- E. That the Zoning Hearing Officer finds that petitioner has demonstrated sufficient evidence for a practical difficulty and particular hardship, as petitioner indicated that the existing home was originally constructed 12.08 feet from the corner side property line, and that in order to build an addition onto the existing bilevel home, the proposed addition would be less than 30 feet from the corner side property line (approximately 12.08 feet) due to the layout of the subject home on the property and would follow the existing home building lines and architectural integrity.

STANDARDS FOR VARIATIONS:

1. That the Zoning Hearing Officer 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.
2. That the Zoning Hearing Officer finds that petitioner **has demonstrated** 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 house addition will follow the existing house setbacks and therefore, will not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will receive a building permit for the proposed house addition, and that it will be built pursuant to the current building codes.

- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed house addition will be an added benefit to the neighborhood and will not diminish the value of land and buildings throughout the County.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed house addition will not unduly increase traffic congestion in the public streets and highways.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed house addition will not increase the potential for flood damages to adjacent property.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed house addition will 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 demonstrated** that the proposed house addition will not impair the public health, safety, comfort, morals, or general welfare and will be an added benefit to the neighborhood.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000058 Mies
ZONING REQUEST	Variation to reduce the corner side setback from required 30 feet to approximately 12.08 feet. for a one-story, three car garage addition and interior renovation project.
OWNER	SCOTT AND BARBARA MIES, 25W151 LACEY AVENUE, NAPERVILLE, IL 60563 / AGENT: DAN ROBERTS, ROBERTS DESIGN & BUILD, 5105 DEWITT LANE, DOWNERS GROVE, IL 60515
ADDRESS/LOCATION	25W151 LACEY AVENUE, NAPERVILLE, IL 60563
PIN	08-05-408-012
TWSP./CTY. BD. DIST.	LISLE DISTRICT 2
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.56 ACRES (24,394 SQ. FT.)
UTILITIES	WELL/SEPTIC
PUBLICATION DATE	Daily Herald: JULY 30, 2024
PUBLIC HEARING	WEDNESDAY, AUGUST 14, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	<i>No Comments Received.</i>
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	“DPC PW doesn’t own any sewer or water in the area.”
EXTERNAL:	
City of Naperville:	<i>No Comments Received.</i>
City of Wheaton:	<i>No Comments Received.</i>
Village of Lisle:	<i>No Comments Received.</i>
Lisle Township:	<i>No Comments Received.</i>
Township Highway:	No Objections.
Lisle-Woodridge Fire Dist.:	“N/A”
Sch. Dist. 203:	<i>No Comments Received.</i>
Forest Preserve:	“The Forest Preserve District of DuPage County staff have reviewed the information provided and we do not have any specific comments. Thank you.”

GENERAL BULK REQUIREMENTS:

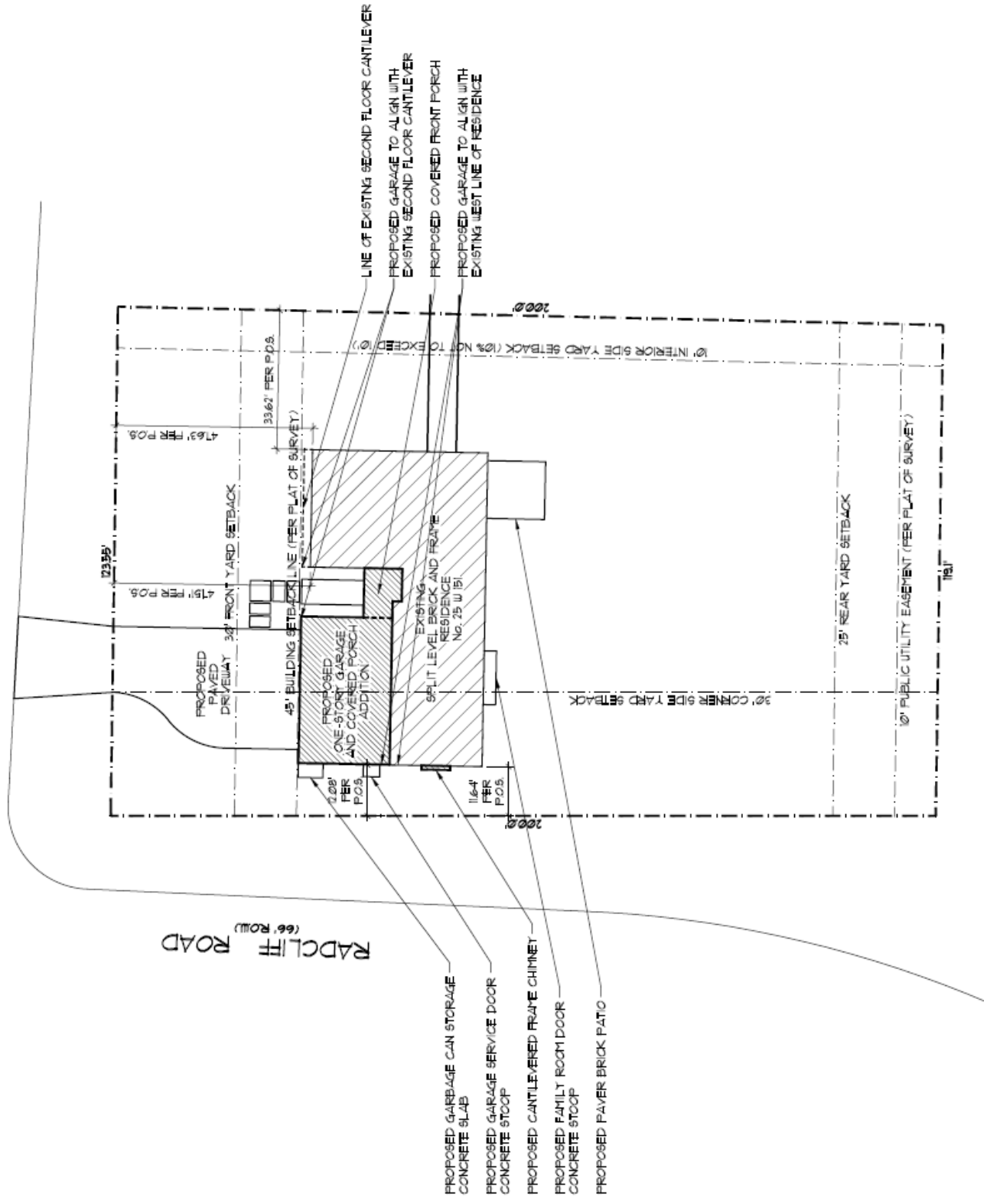
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Corner Side Yard:	30'	APPROX. 12.08'	APPROX. 11.64'

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	LACEY AVENUE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	R-3 SF RES	HOUSE	0-5 DU AC
West	HIGHVIEW DRIVE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC

LACEY AVENUE
(66' ROW)

RADCLIFF ROAD
(66' ROW)



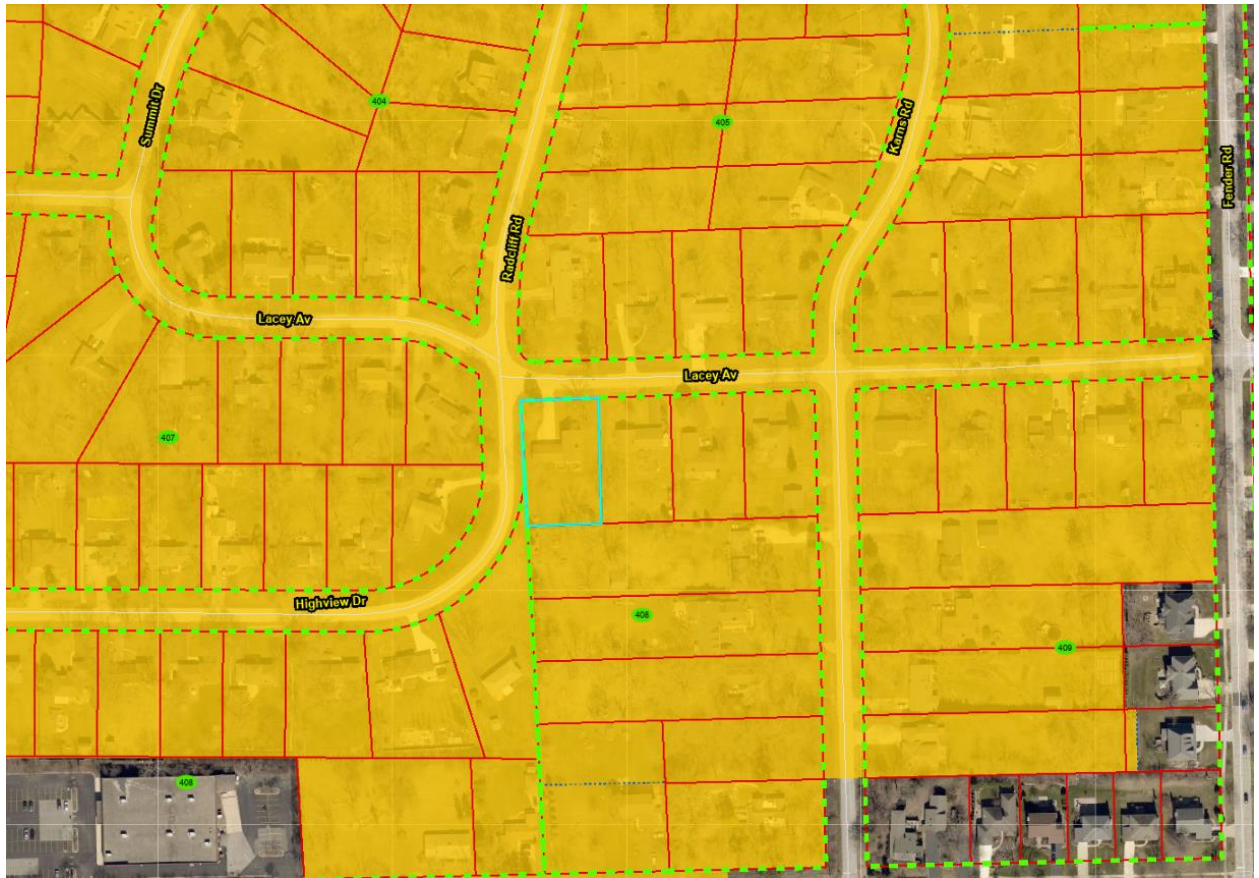
LINE OF EXISTING SECOND FLOOR CANTILEVER

PROPOSED GARAGE TO ALIGN WITH EXISTING SECOND FLOOR CANTILEVER

PROPOSED COVERED FRONT PORCH

PROPOSED GARAGE TO ALIGN WITH EXISTING WEST LINE OF RESIDENCE







Request for Variation

Scott and Barbara Mies Residence
25 W 151 Lacey Avenue
Naperville, Illinois 60563

Variance Request: Corner Side setback variation from 30'-0" to match existing building 12.08' setback.

The Project: The project consists of a 3 car addition in front (north) of the existing attached 3 car Garage to allow for an expansion of the existing Kitchen/Dining and Family Room into the existing 3 car Garage Area.

This choice for the design solution will allow the Family Room to be on the main level of the house and to allow for a first floor Powder Room and Mudroom. Which are typical for current home designs.

The location of this addition allows access to the existing Foyer and prevents the new addition from going to the rear (south) of the house where the septic system and tank are location.

The proposed addition would not encroach further into the corner side yard setback than the existing attached Garage/Residence built before the current zoning ordinance. This location being on a corner does not affect an adjacent neighbor and this new addition will not cause any issues in being where it is to date.

This proposed addition will not go any further into the front yard than the existing residence does and does meet the required 30' front yard setback.

Hardships: There are a number of hardships for this design including:

1. The existing Residence and attached Garage are currently 12.08' setback from the current corner side yard setback.
2. The unique design of this residence being a bi-level multilevel home does not allow the Family Room or the Powder Room on the same level. Requiring us to either do an addition to the rear where the septic field are or expand into the existing front yard.
3. The existing septic system is directly in the rear yard adjacent to the existing Kitchen and Dining Room which is where an addition would be placed.
4. The architectural difficulties are caused by the multi-level home, the location of the septic field and the existing location of the residence within the corner side yard setback.

Conclusions:

1. This location will not affect adjacent neighbors due to the existing house being on a corner.
2. The only setback requiring a variation is the corner side yard setback and the proposed addition will be within the required 30' front yard setback.
3. The addition will not affect the existing well or septic field locations.
4. The addition is pleasing to the eye and will be an improvement to the existing home and value to the community.
5. The location of this addition will not cause any hardship to the community or adjacent neighbors.



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0061-24

Agenda Date: 9/17/2024

Agenda #: 6.D.



**DUPAGE
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BUILDING & ZONING DEPARTMENT

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

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MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Board of Appeals
DATE: September 5, 2024
RE: **ZONING-24-000062 Falcon Point Subdivision (Milton/District 6)**

Development Committee: September 17, 2024:

DuPage County Zoning Board of Appeals Meeting: September 5, 2024: The Zoning Board of Appeals recommended to approve the following zoning relief:

Conditional Use for a Planned Development in the R-4 Single Family Residential District for a 9-lot single family subdivision, with the following exceptions:

1. To reduce the required lot size from 20,000 sq. ft. to approximately 7,555 sq. ft. for proposed Lots 1-4 and to approximately 7,561 for proposed Lots 5-9.
2. To reduce the required lot width from 100 ft. to approximately 58 ft.
3. To increase the FAR from required 0.35 to approximately 0.45.

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-24-000062 Falcon Point Subdivision** dated August 27, 2024.
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 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

FINDINGS OF FACT:

1. That petitioner testified that the subject zoning relief is for the creation of a proposed planned development in the R-4 Single Family Residential Zoning District for a 9-lot subdivision with exceptions.
2. That petitioner testified that they propose to build nine (9) custom, single family homes with a retention pond on the subject two (2) acre property.
3. That petitioner testified that the existing property consists of one (1) parcel/PIN number with two (2) single family homes and a barn, and that the subject property was a “hold-out” from when the surrounding subdivision was originally created.
4. That petitioner testified that the proposed development would be in character with the surrounding neighborhood and would mirror the existing lot sizes and widths that were developed in 2011 for the subdivision immediately south of the subject property.
5. That petitioner testified that there would be no signage indicating the subdivision and that it would match the adjacent lot sizes and widths.
6. That petitioner testified that they would improve the subject property and surrounding properties significantly through the development of a retention pond on Outlot A.

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 single-family home development will meet all required setbacks and height requirements and will not impair an adequate supply of light and air to adjacent properties.
 - B. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will obtain permits for the proposed single-family home 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 single-family home development will be an added benefit to the surrounding area and will increase the value of land and buildings throughout the County.
 - D. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed single-family home development will not increase traffic congestion in the public streets and highways.

- E. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the Stormwater Department has no objections to the proposed development.
- 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.
- 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 will be an added benefit to the surrounding area, will mirror the lot size and lot width of the surrounding subdivisions, and that the nine (9) single family homes will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-00062 Falcon Point Subdivision
ZONING REQUEST	Conditional Use for a Planned Development in the R-4 Single Family Residential District for a 9-lot single family subdivision, with the following exceptions: 1. To reduce the required lot size from 20,000 sq. ft. to approximately 7,555 sq. ft. for proposed Lots 1-4 and to approximately 7,561 for proposed Lots 5-9. 2. To reduce the required lot width from 100 ft. to approximately 58 ft. 3. To increase the FAR from required 0.35 to approximately 0.45.
OWNER	FALCON POINT, LLC., 1N060 MORSE STREET, WHEATON, IL 60187 / AGENT: LIONEL MARTINEZ, L. MARTINEZ CONSTRUCTION, INC., 29W030 MAIN STREET, WARRENVILLE, IL 60555 AND NICHOLAS VARCHETTO, ENGINEERING RESOURCE ASSOCIATES, 3S701 WEST AVENUE, SUITE 15, WARRENVILLE, IL 60555 AND RICH GUERARD, GUERARD, KALINA & BUTKUS, 310 S. COUNTY FARM ROAD, SUITE H, WHEATON, IL 60187
ADDRESS/LOCATION	1N060 MORSE STREET, WHEATON, IL 60187 (ALSO KNOWN AS 1N070 MORSE STREET, WHEATON, IL 60187)
PIN	05-05-419-012
TWSP./CTY. BD. DIST.	MILTON DISTRICT 6
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	2 ACRES (87,120 SQ. FT.)
UTILITIES	WELL AND SEWER
PUBLICATION DATE	Daily Herald: AUGUST 12, 2024
PUBLIC HEARING	TUESDAY, AUGUST 27, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	<i>No Comments Received.</i>
Health:	<i>No Comments Received.</i>
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	“SCP R2 Best Practices Webinar October 9th & December 11 th .”
EXTERNAL:	
Village of Carol Stream:	(See attached documentation)
Village of Winfield:	<i>No Comments Received.</i>
City of Wheaton:	<i>No Comments Received.</i>
Village of Glen Ellyn:	<i>No Comments Received.</i>
Village of Glendale Heights:	“No comment from GH.”
Milton Township:	<i>No Comments Received.</i>

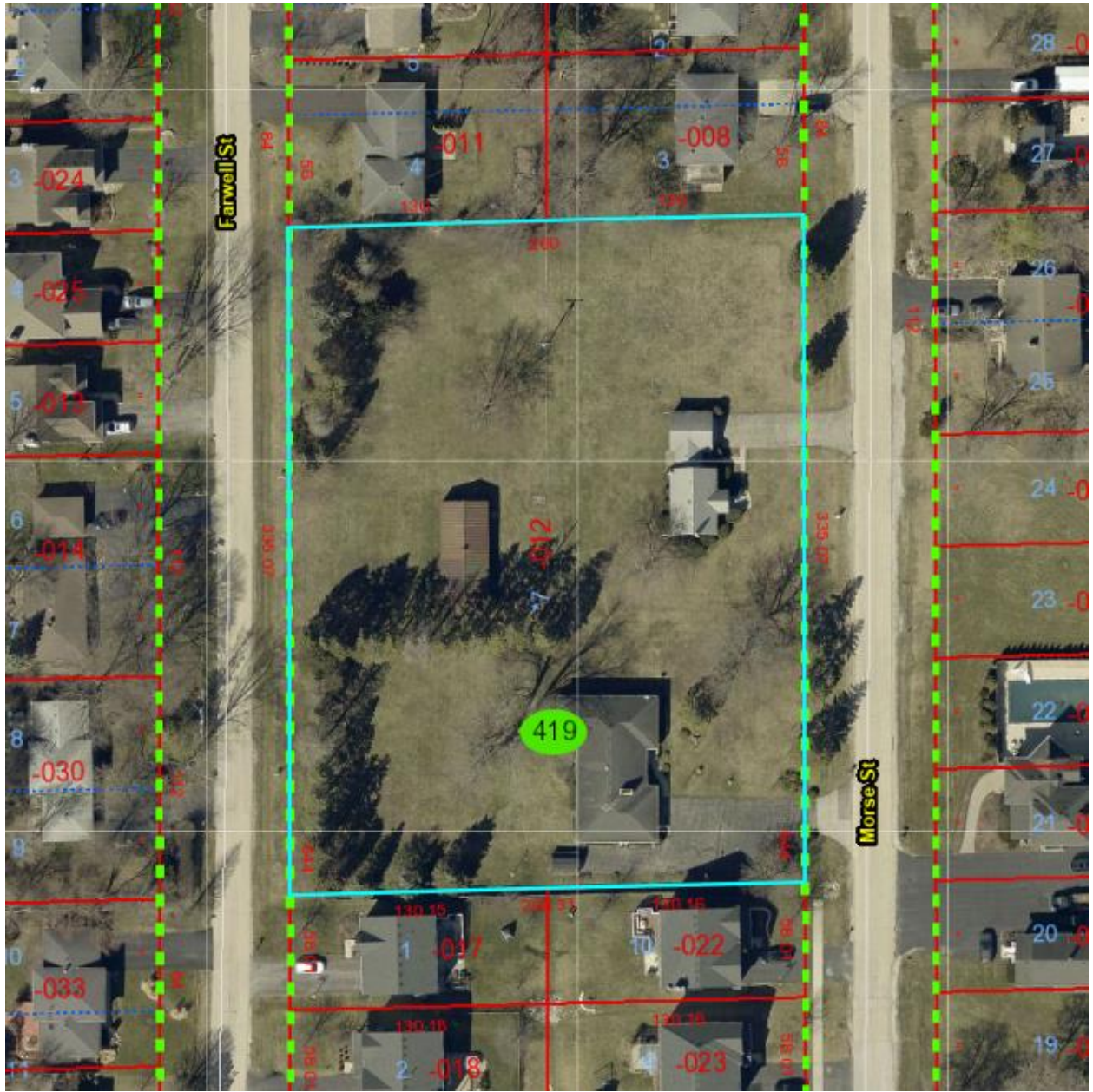
Township Highway:	<i>No Comments Received.</i>
Carol Stream Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 200:	<i>No Comments Received.</i>
Forest Preserve:	<i>No Comments Received.</i>

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	R-4 SF RES	HOUSE	0-5 DU AC
East	MORSE ST AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	FARWELL ST AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC









RICHARD M. GUERARD
 MARK F. KALINA
 MARY E. KRASNER
 J. STEVEN BUTKUS
 JOHN J. PCOLINSKI, JR.

GUERARD, KALINA & BUTKUS
 ATTORNEYS AT LAW

310 S. COUNTY FARM ROAD
 SUITE H
 WHEATON, IL 60187
 PH. (630) 698-4700
 Email: richguerard@wydp.com

August 13, 2024

Re: ZONING-24-000049 Falcon Point Subdivision

NARRATIVE AND STATEMENT OF OBJECTIVES

APPLICANT: FALCON POINT, LLC., 1N060 MORSE STREET, WHEATON, IL 60187 / **AGENT:** LIONEL MARTINEZ, L. MARTINEZ CONSTRUCTION, INC., 29W030 MAIN STREET, WARRENVILLE, IL 60555 AND NICHOLAS VARCHETTO, ENGINEERING RESOURCE ASSOCIATES, 3S701 WEST AVENUE, SUITE 15, WARRENVILLE, IL 60555

REQUEST: Conditional Use for a Planned Development in the R-4 Single Family Residential District for a 9-lot single family detached subdivision, with the following exceptions:

1. To reduce the required lot size from 20,000 sq. ft. to approximately 7,555 sq. ft. for proposed Lots 1-4 and to approximately 7,561 for proposed Lots 5-9.
2. To reduce the required lot width from 100 ft. to approximately 58 ft.
3. To increase the FAR from required 0.35 to approximately 0.45.

ADDRESS OR GENERAL LOCATION: 1N060 MORSE STREET, WHEATON, IL 60187 (ALSO KNOWN AS 1N070 MORSE STREET, WHEATON, IL 60187) (Exhibit A)



Purpose of exceptions to the PUD is to adjust the plan to the appropriate building conditions for the size of the lot and to permit development of a quality subdivision of 9 single family homes to complete an established neighborhood in accordance with the planning objectives of DuPage County, consistent with and in harmony with the existing single-family neighborhood.

The Applicant meets the requirements of the granting of a Conditional Use as set out by the DuPage County Ordinance, CONDITIONAL USE, Section: 37-1413. The requirements and applicant's responses follow:

That the granting of any 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:

1. **Impair an adequate supply of light and air to the adjacent property;** The Plan is for 9 single family homes on 2.0 acres of land. The homes will have the required setbacks and common detention open space. No neighbors will be negatively impacted, The homes will have the required setbacks to supply light and will not impair an adequate supply of light and air to the adjacent property.
2. **Increase the hazard from fire or other dangers to said property;** The homes will have the required setbacks and there will be public utility fire hydrants provided as part of the subdivision improvements in accordance with DuPage County subdivision and building codes and the granting of the Conditional Use will not increase the hazard from fire or other dangers to said property.
3. **Diminish the value of land and buildings in the vicinity of the proposed Conditional Use;** The homes on the subdivided lots will be built by L. Martinez Constructions, a local family-owned builder. L. Martinez Construction is owned and operated by Lionel Martinez, a lifelong resident of DuPage County, who has been working in the home-building industry for over 25 years. L. Martinez is not a tract builder, and each home is individually designed to meet the needs of the customer. It has never built the same house twice. Lionel works together with the customer to build a cost-effective home which meets the goals and needs of the customer. The homes will be designed with the neighborhood in mind and will be high quality construction which will not diminish the value of land and building in the vicinity of the Conditional Use.
4. **Unduly increase traffic congestion in the public streets and highways;** The project is low density with only 9 homes on 2 acres of land. There will be 5 single family detached homes on Morse Street and 4 homes on Fawell Street. Both streets connect to Geneva Road. The increase of traffic is negligible and will not increase traffic congestion in the public streets and highways.
5. **Increase the potential for flood damages to adjacent property;** A Stormwater Study has been conducted and submitted to DuPage County for review. The project has been designed to comply with the DuPage County Stormwater and Subdivision Ordinances. It will be reviewed and approved by and permitted by DuPage County as part of the subdivision process and the construction of the improvements prior to any construction. This granting of a Conditional Use for the project will not increase the potential for flood damages to adjacent property.
6. **Incur additional public expense for fire protection, rescue, or relief;** The property is in an existing fire protection district with adequate facilities and the granting of the Conditional Use will not incur additional public expense for fire protection, rescue, or relief
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.** The project will be served by utilities and the permits for construction and engineering will be reviewed and approved by DuPage County prior to construction. The granting of the Conditional Use will not otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.

Statement of Objectives: The planning objectives to be achieved by the applicant are to build a subdivision with single family homes in a character and quality consistent with the existing neighborhood. The Applicant's request for a Conditional Use for a Planned Development in the R-4 Single Family Residential District is in conformance with the DuPage County Ordinances. A Planned Development is appropriate for a project which has a common plan, multiple lots, with common stormwater facilities and subdivision improvements. The County Ordinances state that the Planned Development provisions allow greater design flexibility than is normally permitted by the zoning district regulations thereby encouraging more rational utilization of the topographic and natural characteristics of the property to produce an economical and stable development.

The County Ordinances further state in the Purposes and Objectives of Planned Developments that Planned Developments are intended to provide for projects incorporating a single type of use or a variety of related and complementary uses which are planned and developed as a unit. Such development may provide for a wide range of development techniques and ownership methods, including conventional subdivisions. (see, DuPage County Ordinance references on Exhibit H). The applicants' project will meet the stated purposes and objectives of the County ordinance for Planned Developments.



The neighborhood is a compact area bordered by Gary Ave to the West and Geneva Road to the south with Doris Street on the north and West Street on the east. It has been platted with a grid development plan with a lot width frontage of predominantly 56' lots. There are nonresidential uses outside the borders of approximately 85% of the neighborhood. There are only 3 large parcels undeveloped in the neighborhood. Two of the parcels are parks and the last remaining parcel to develop to complete the neighborhood is the 2-acre subject property. (Exhibit B), My Office Manager lived across the street from the property growing up and she verifies that the property was farmed and has remained undeveloped into residential lots for a period of more than 50 years. This property remaining 2.0 acre parcel remaining undeveloped greatly diminishes the value of the property, does not use the rational utilization of the property and does not meet the planning objectives of the County.



The neighborhood is zoned R-4 in unincorporated DuPage County. (Exhibit C)

The neighborhood contains approximately 563 subdivided lots. These lots are platted with a frontage width of 58' or less. Although the entire neighborhood is zoned R-4 the predominate lot frontage width is 56'. There has been some consolidation of lots and portions of lots by individual lot owners, however the vast majority of the neighborhood was built out by means of grandfathered pre-existing uses, variances, or a PUD with exceptions and have lot widths of 58' or less. The typical lot size is 56' X 130' or 7,280 square feet. (DuPage County GIS Tax Parcel Map, Exhibit D)



The applicants proposed subdivision, Falcon Pointe, is a match to the existing, contiguous to the south of the property, the Subdivision of Morse Pointe, which has been completed with 10 detached single homes (Exhibits, A, E, F and G).

The Applicant's request, with the requested exceptions, is consistent with the pattern of development in the neighborhood and meets the County objectives for PUD's and a well-planned residential development.

In addition to meets the requirements of the granting of a Conditional Use as set out by the DuPage County Ordinance, **CONDITIONAL USE**, Section: 37-1413, the Applicant also meets the requirements Rezoning for a Map Amendment, Section: 37-1412 as established above. Each of the following requirements are met by the requested Application:

REZONING (MAP AMENDMENT): Section: 37-1412

- A. Existing uses of property within the general area of the property in question.
- B. The zoning classification of property within the general area of the property in question.
- C. The suitability of the property in question for the uses permitted under the existing zoning classification.
- D. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.
- E. The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.
- F. The extent to which the property values are diminished by particular zoning restrictions.



Applicant requests approval of a Conditional Use for a Planned Development in the R-4 Single Family Residential District for a 9-lot single family detached subdivision, with the following exceptions, for the reasons stated:

1. To reduce the required lot size from 20,000 sq. ft. to approximately 7,555 sq. ft. for proposed Lots 1-4 and to approximately 7,561 for proposed Lots 5-9. (The large majority of existing neighborhood lots are smaller at 7,280 sq.ft. size).
2. To reduce the required lot width from 100 ft. to approximately 58 ft. (The large majority of existing neighborhood lots are smaller with lot widths of 56' or smaller).
3. To increase the FAR from the required 0.35 to approximately 0.45. The increase of the FAR to 0.45 will permit flexibility of the home plan, ranch homes, patios and a modern design to better meet the needs and goals of homeowners with the unique design of each home. The setback requirements will remain the same and the fact that the 9 homes are in the same subdivision with a common development plan, built by the same builder will assure that there are no negative impacts to either the existing neighbors or future homeowners.

Respectfully submitted,



Richard M. Guerard

EXHIBIT B
NEIGHBORHOOD AERIAL

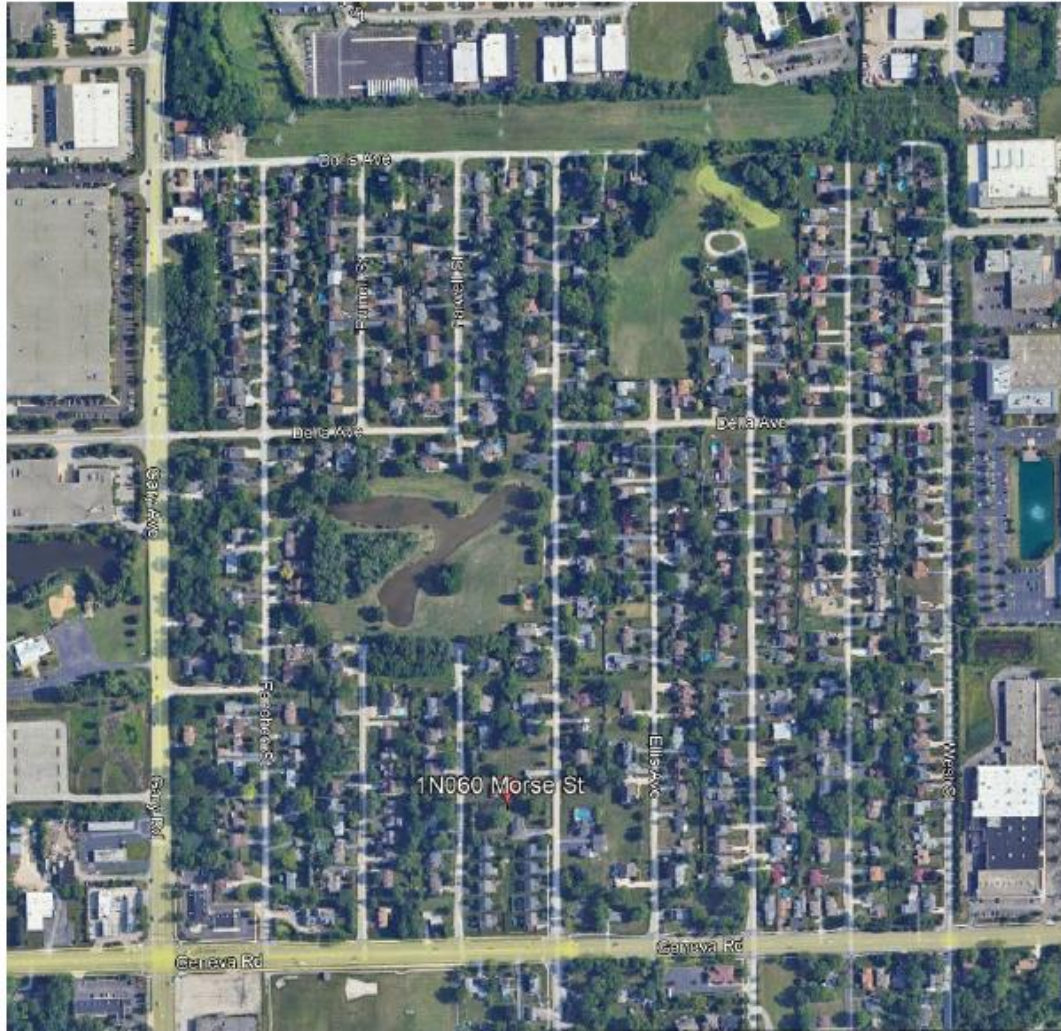


EXHIBIT C
DUPAGE COUNTY ZONING MAP


Subject Property Highlighted 



EXHIBIT D
DUPAGE COUNTY GIS PIN MAP
Subject Property Outlined in Yellow

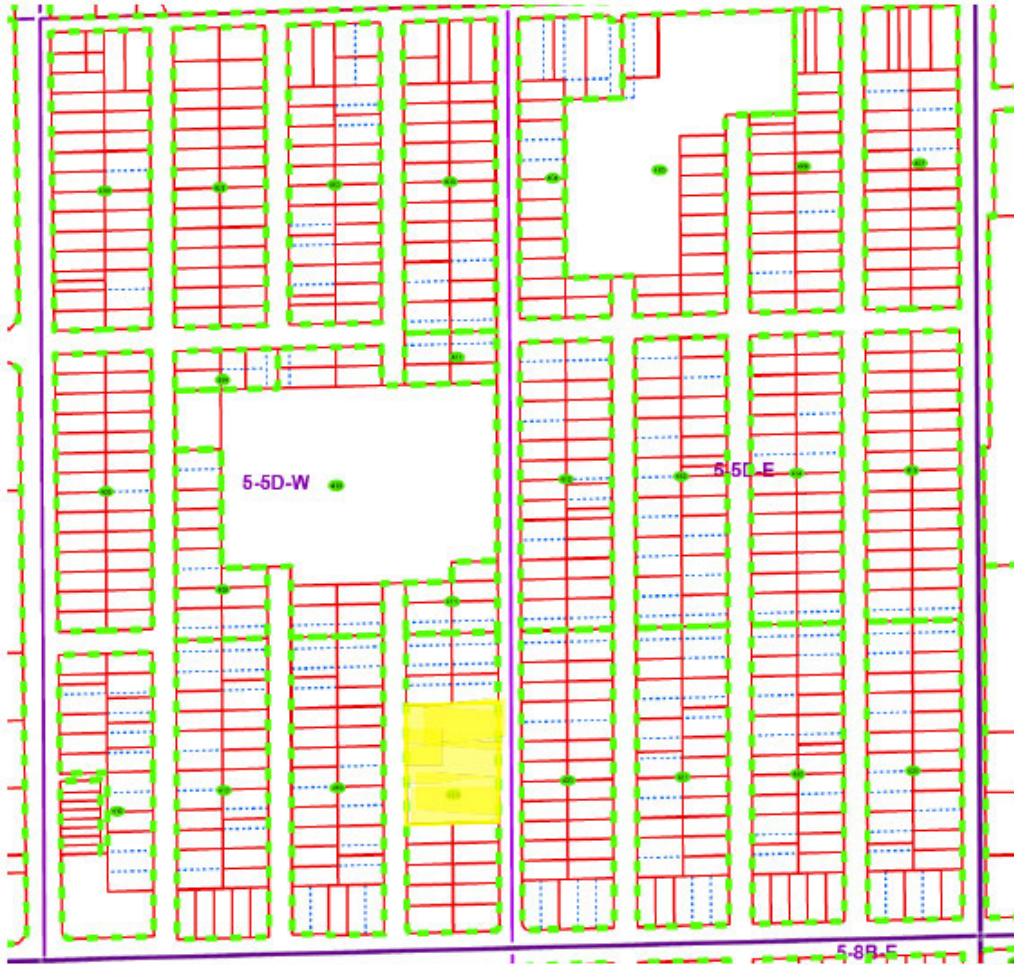


EXHIBIT E

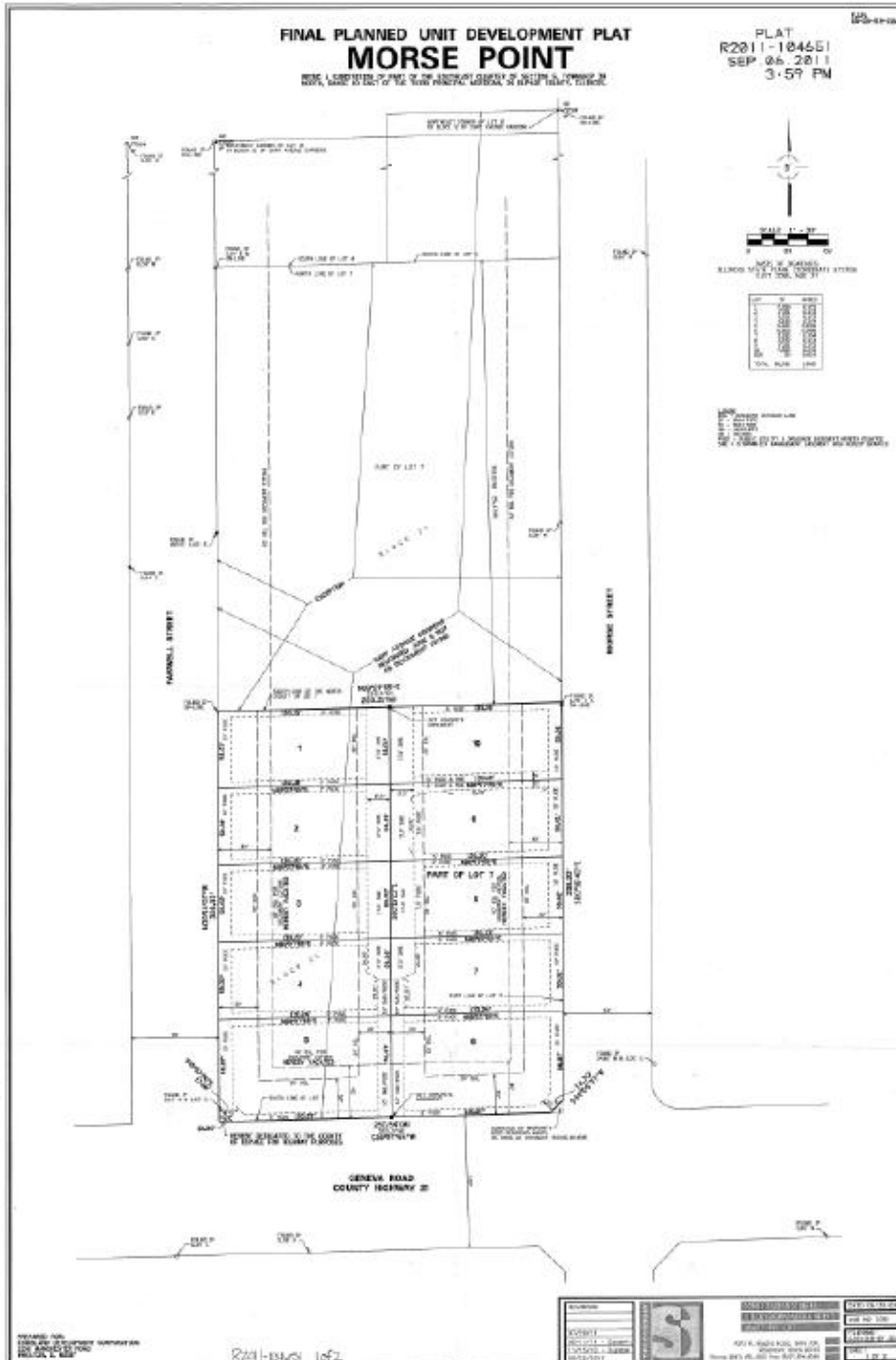


EXHIBIT F

FALCON POINT SUBDIVISION AND MORSE SUBDIVISION OVERLAY



EXHIBIT G
SUBJECT PROPERTY

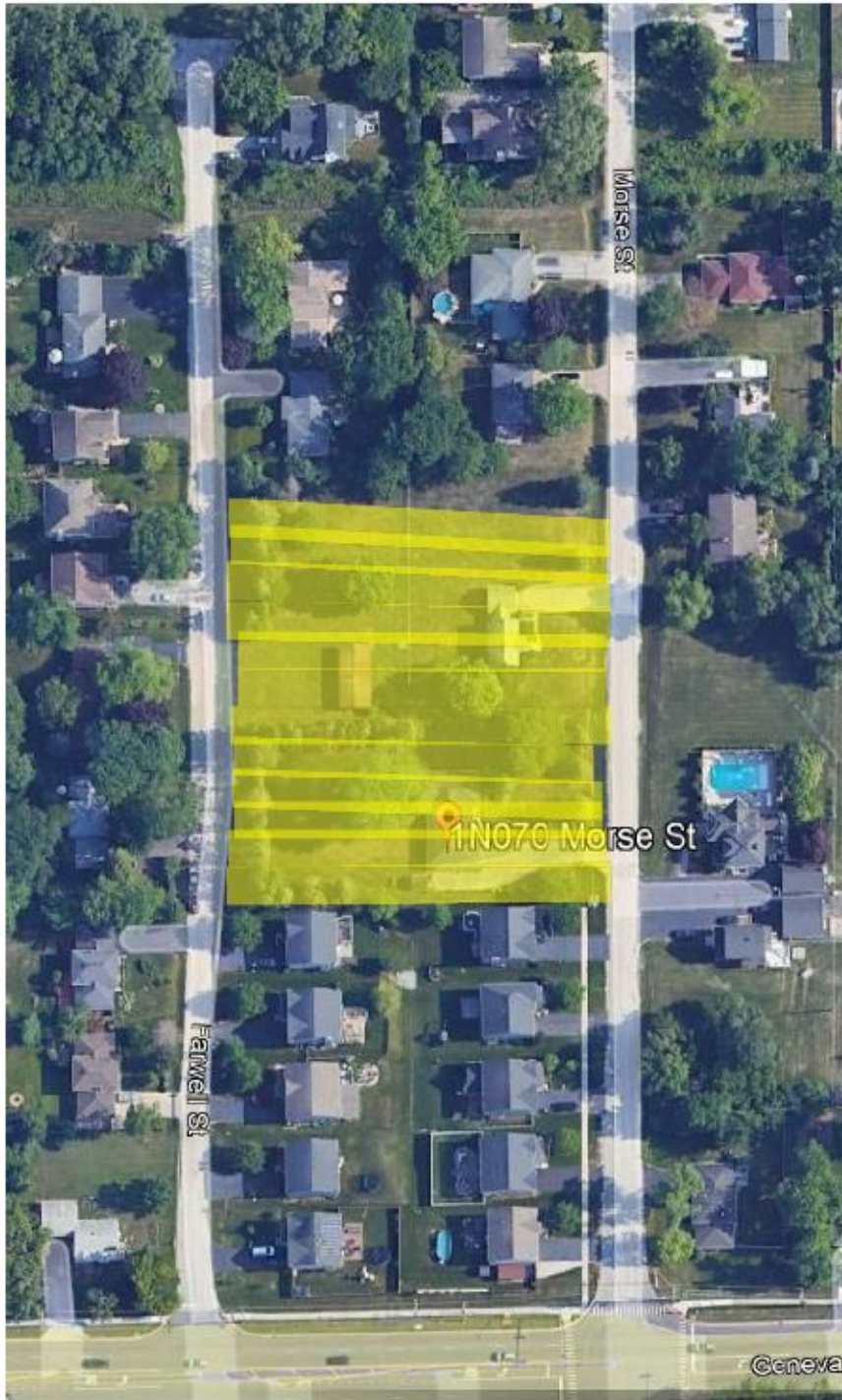


EXHIBIT H

DUPAGE COUNTY ORDINANCE REFERENCES

37-700.2: - CONDITIONAL USES.

Conditional uses, as hereinafter listed in the zoning districts, may be allowed subject to the granting of a conditional use in accordance with the provisions of Section 37-1413 of this chapter.

37-700.10: - ADDITIONAL CONDITIONS.

Permitted or conditional uses established in the residence districts shall be required to observe all additional regulations as specified within each zoning district in Article VII, Part 2 of this chapter.

37-704: - R-4 SINGLE-FAMILY RESIDENCE DISTRICT.

The R-4 single-family residence district is established to preserve and maintain existing single-family areas of the County and permit the continued development of residential uses in areas where public utilities are readily available.

37-704.2: - CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Planned developments.

37-704.3: - LOT REQUIREMENTS - SIZE, WIDTH AND DEPTH.

Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

Use	Minimum Lot Size	Lot Width		Lot Depth
		Interior	Corner	
Planned Developments	NA	NA	NA	NA

37-1414: - PLANNED DEVELOPMENT.

37-1414.1: - PURPOSE AND OBJECTIVES.

Planned developments are unique and substantially different from conventional subdivisions and therefore require administrative processing as "conditional uses" in this chapter. Planned developments are complex and of a different character than other conditional uses requiring the establishment of more specific procedures, standards and exceptions in order to guide the recommendations of the Zoning Board of Appeals and the County Development Committee of the County Board to facilitate appropriate action of the County Board.

The planned development provisions allow greater design flexibility than is normally permitted by the zoning district regulations thereby encouraging more rational utilization of the topographic and natural

characteristics of the property to produce an economical and stable development while conserving natural features.

Planned developments are intended to provide for projects incorporating a single type of use or a variety of related and complementary uses which are planned and developed as a unit. Such development may provide for a wide range of development techniques and ownership methods, including conventional subdivisions, cluster developments, condominium ownership of land and buildings, or other ownership techniques. The entire development shall be controlled by means of a planned development ordinance, including graphics, which establishes densities, approximate height and location of buildings and improvements and records the location of natural features of the property in keeping with the land use development policies of DuPage County.

The following objectives may be obtained through the use of the planned development procedure:

- A. To ensure that the future growth and development of the area is in accordance with the adopted land use plan and development goals and policies of DuPage County.
- B. To provide a desirable living environment by preserving and integrating the natural environmental and landscape features of the property.
- C. To encourage developers to use a more creative approach to development by recognizing and respecting the natural limitations and constraints of the property.
- D. To encourage an efficient and ecologically sound development through a design process which minimizes development costs and services.
- E. To encourage the dedication and maintenance of usable open space accessible to all dwelling units.
- F. To facilitate the development and maintenance of public services such as transportation, water, sewage, storm drainage and open space in a cost effective manner.
- G. To encourage land use relationships which decrease automobile trip length and encourage trip consolidation.
- H. To provide public access to mass transit, bicycle routes and alternative modes of transportation.
- I. To reduce energy demand and consumption.
- J. To provide for efficient location of recreation facilities, schools, and other public and private facilities.
- K. To encourage the introduction of complementary uses, such as residential uses with offices and commercial activities.

Village of Carol Stream
Interdepartmental Memo

TO: William Holmer, Village Manager

FROM: Bravo Berisha, Assistant Planner

THROUGH: Donald T. Bastian, Community Development Director

DATE: June 26, 2024

RE: **Agenda Item for the Village Board Meeting of July 1, 2024 – Proposed Falcon Point Plat of Subdivision, 1N060 Morse Street (Unincorporated DuPage County)**

Lionel Martinez, of L. Martinez Construction, contacted the Village in February this year regarding his intention to subdivide the two-acre unincorporated parcel at 1N060 Morse Street, which is located north of Geneva Road between Morse Street and Farwell Street. The attached letter and plat provide additional information about the proposed Falcon Point Subdivision, but in summary, the subdivision would have nine buildable lots measuring 58' by 130' (7,540-s.f.) and the homes would measure approximately 2,400-s.f. The homes would be served by Wheaton Sanitary District and individual private wells. The development will be very similar to the ten-lot Morse Point subdivision immediately to the south, approved by the County in 2011.

Mr. Martinez is currently seeking approval of the Falcon Point Subdivision through DuPage County's approval process. The plat was approved by the DuPage County Plat Committee at their hearing on June 11, 2024, and is scheduled for review by the DuPage County Zoning Board of Appeals on July 16, 2024. Although the property will remain unincorporated, it is located within the Village of Carol Stream's extraterritorial planning jurisdiction as set forth within State Statutes. As such, the Village is entitled to be a signatory on the subdivision plat. By signing the plat, the Village would be stating that the proposed subdivision complies with Village codes and standards, but the proposed subdivision would in fact not comply with various Village codes, such as the level of public improvements (curb, gutter, sidewalk, streetlights, etc.) and zoning requirements (such as lot size and setbacks).

Staff has no objection to the subdivision plat being approved by the County and constructed as an unincorporated development. However, after consulting with the Village Attorney, staff recommends that the Village waive its right to be included as a signatory on the plat. If the Village Board concurs with the staff recommendation, the Village Board should, by motion, waive the Village's right to be a signatory on the proposed Falcon Point Plat of Subdivision.

ec: Lionel Martinez, L. Martinez Construction

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