



**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 Board

FROM: DuPage County Development Committee

DATE: September 17, 2024

RE: **ZONING-24-000062 Falcon Point Subdivision (Milton/District 6)**

DuPage County Board: September 24, 2024:

Development Committee: September 17, 2024: The DuPage County Development Committee 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.

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

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-24-000062 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>

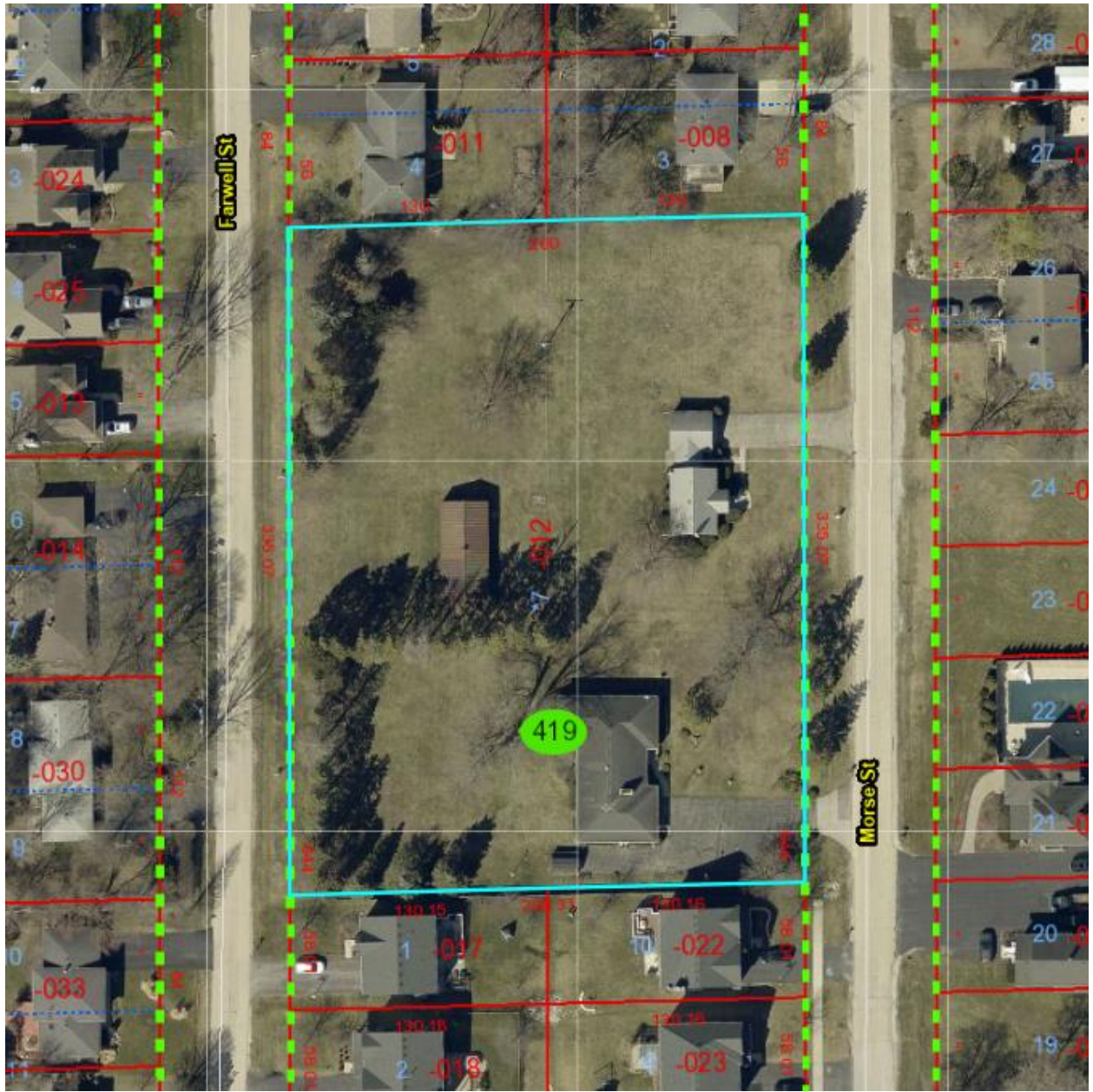
Township Highway:	<i>No Comments Received.</i>
Carol Stream Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 200:	<i>No Comments Received.</i>
Forest Preserve:	<i>No Comments Received.</i>

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 C
DUPAGE COUNTY ZONING MAP


Subject Property Highlighted 



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

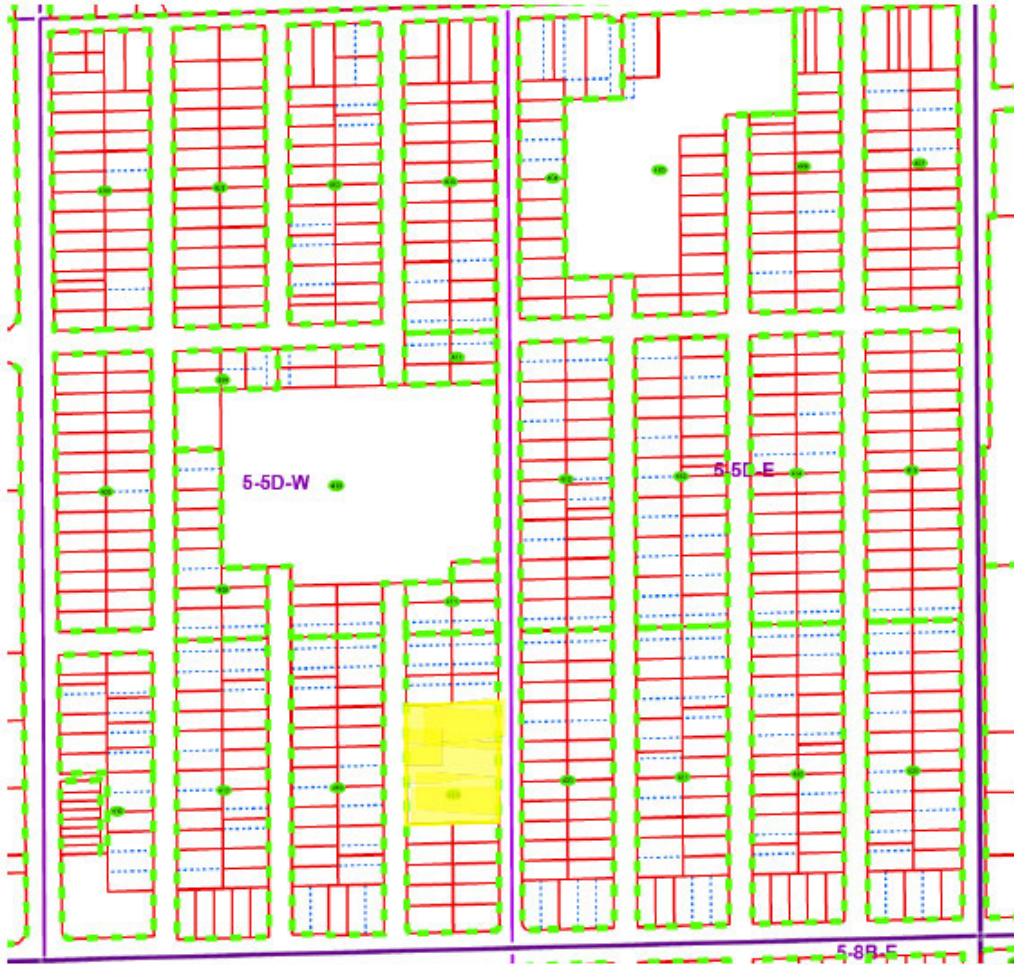


EXHIBIT E

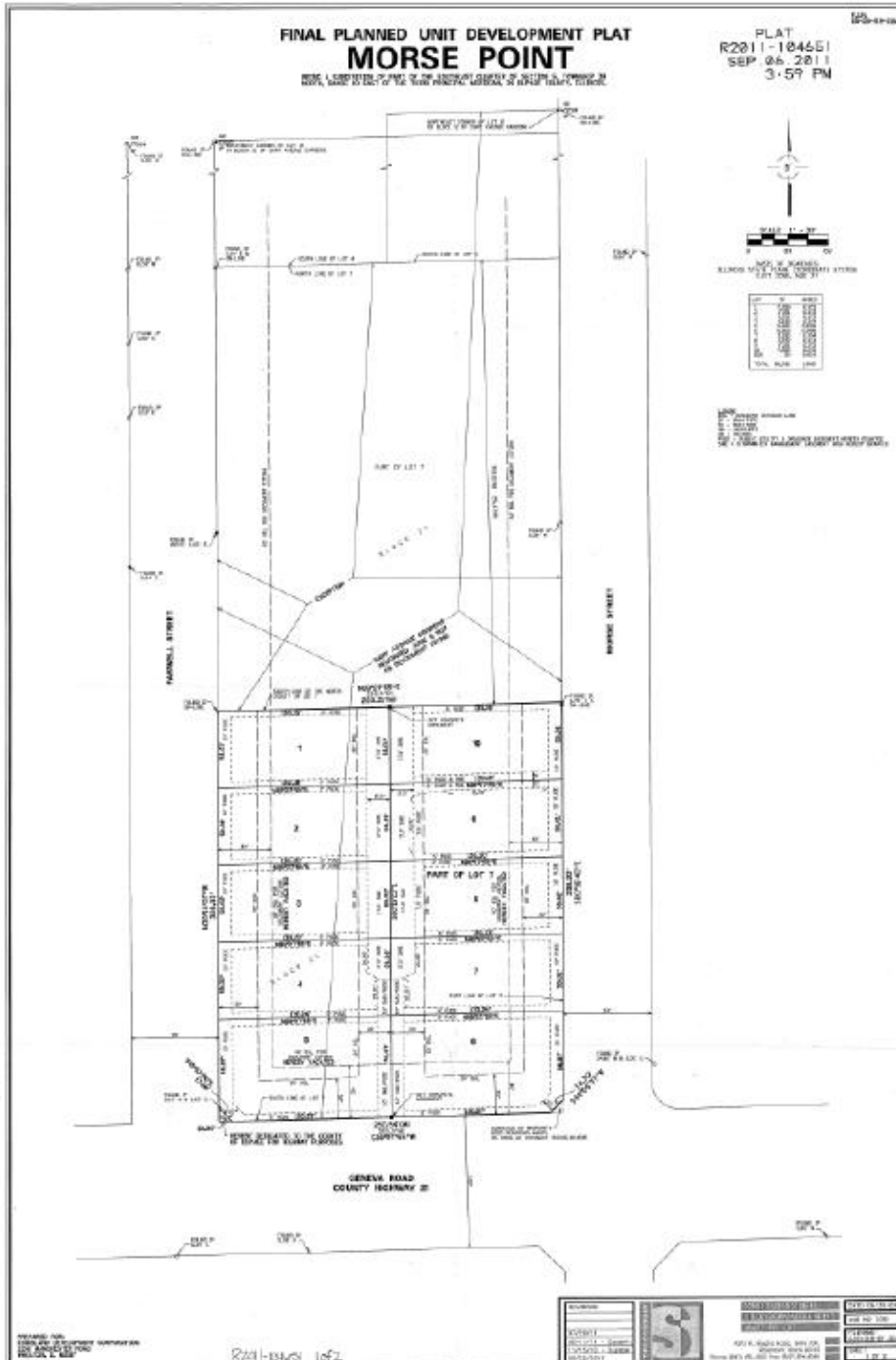


EXHIBIT G
SUBJECT PROPERTY

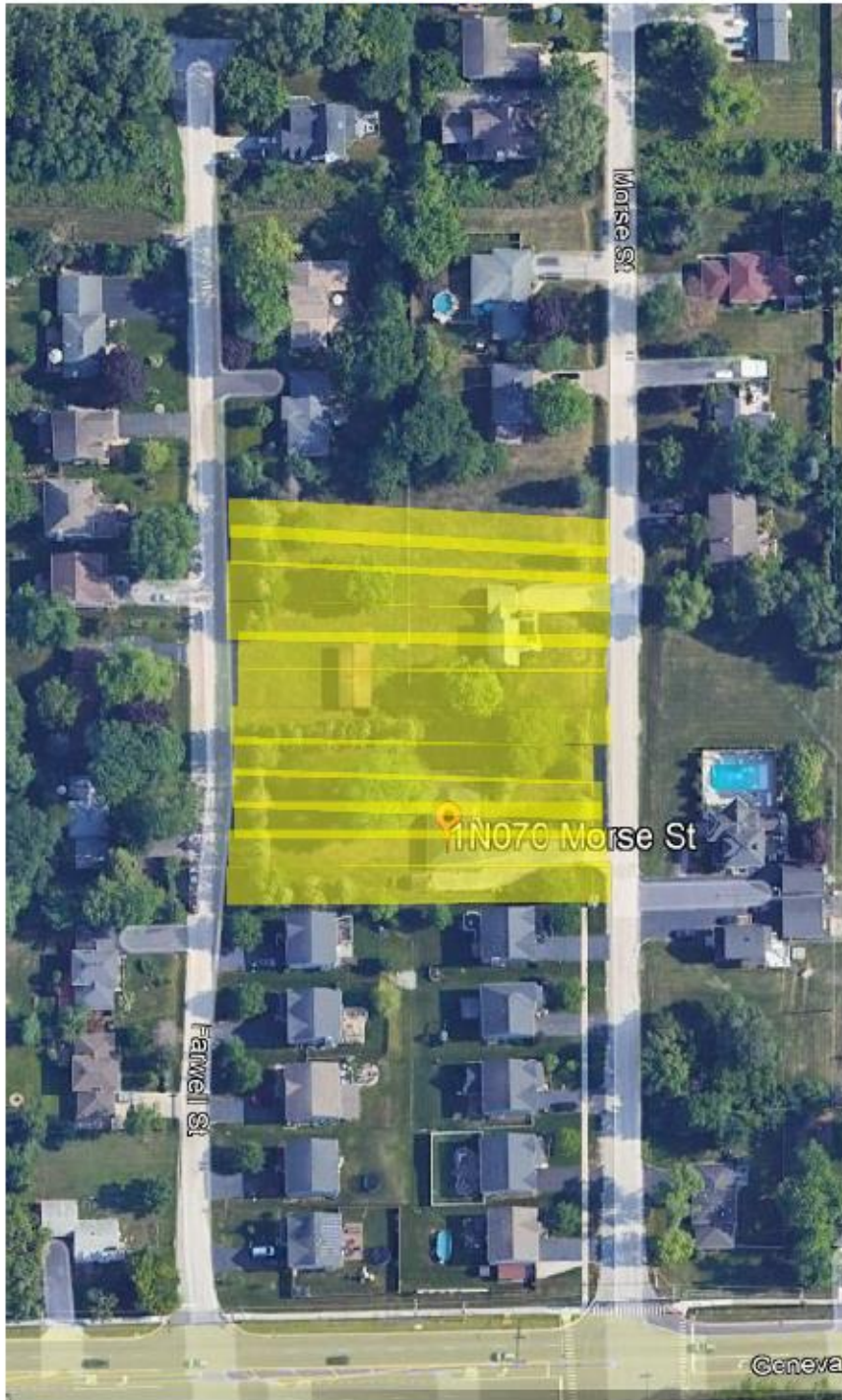


EXHIBIT H

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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