



**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-24-000053 XSite (Lisle/District 5)**

DuPage County Board: September 24, 2024:

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

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:

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

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):

1. 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):
2. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000053 XSite
ZONING REQUEST	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. To increase the FAR from permitted .25 to approximately 0.66.
OWNER	MBMBM LLC., 940 MAPLE AVENUE, UNIT 301, DOWNERS GROVE, 60515-4415 / MBMBM LLC., 24W725 75 TH STREET, NAPERVILLE, IL 60565-1683 / JOHN FERRI, 6349 VALLEY VIEW COURT, YORKVILLE, IL 60560 / JOHN FERRI, 24W655 75 TH ST., AND 24W681 75TH ST., NAPERVILLE, IL 60565 / AGENT: PHILLIP A. LUETKEHANS, LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC., 2700 INTERNATIONAL DRIVE, SUITE 305, WEST CHICAGO, IL 60185
ADDRESS/LOCATION	24W655 75TH ST., NAPERVILLE, IL 60540; 24W681 75TH ST., NAPERVILLE, IL 60565; 24W725 75TH ST., NAPERVILLE, IL 60565
PIN	08-28-300-003, 08-28-300-004, 08-28-300-005
TWSP./CTY. BD. DIST.	Lisle DISTRICT 5
ZONING/LUP	R-2 SF RES 0-5 DU AC
AREA	4.73 ACRES (206,039 SQ. FT.)
UTILITIES	Well / Public Sewage Disposal System
PUBLICATION DATE	Daily Herald: Monday, July 8, 2024
PUBLIC HEARING	Tuesday, July 23, 2024; Continued to August 13, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "Traffic Impact Study and Que analysis are required for access to 75 th Street. Increase in FAR may make on-site circulation difficult due to interaction between the QSR and Daycare ques, which could impact access at 75 th St."
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "This proposal will be on an IEPA public sewage disposal system and not on a septic system."
Stormwater:	"In light of the 9/8/24 on-site negative wetland findings by wetland staff, I've revised my ZBA memo to the following: 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 mains in the area. It's in the Naperville Sanitary District."
EXTERNAL:	
City of Naperville:	<i>No Comments Received.</i>

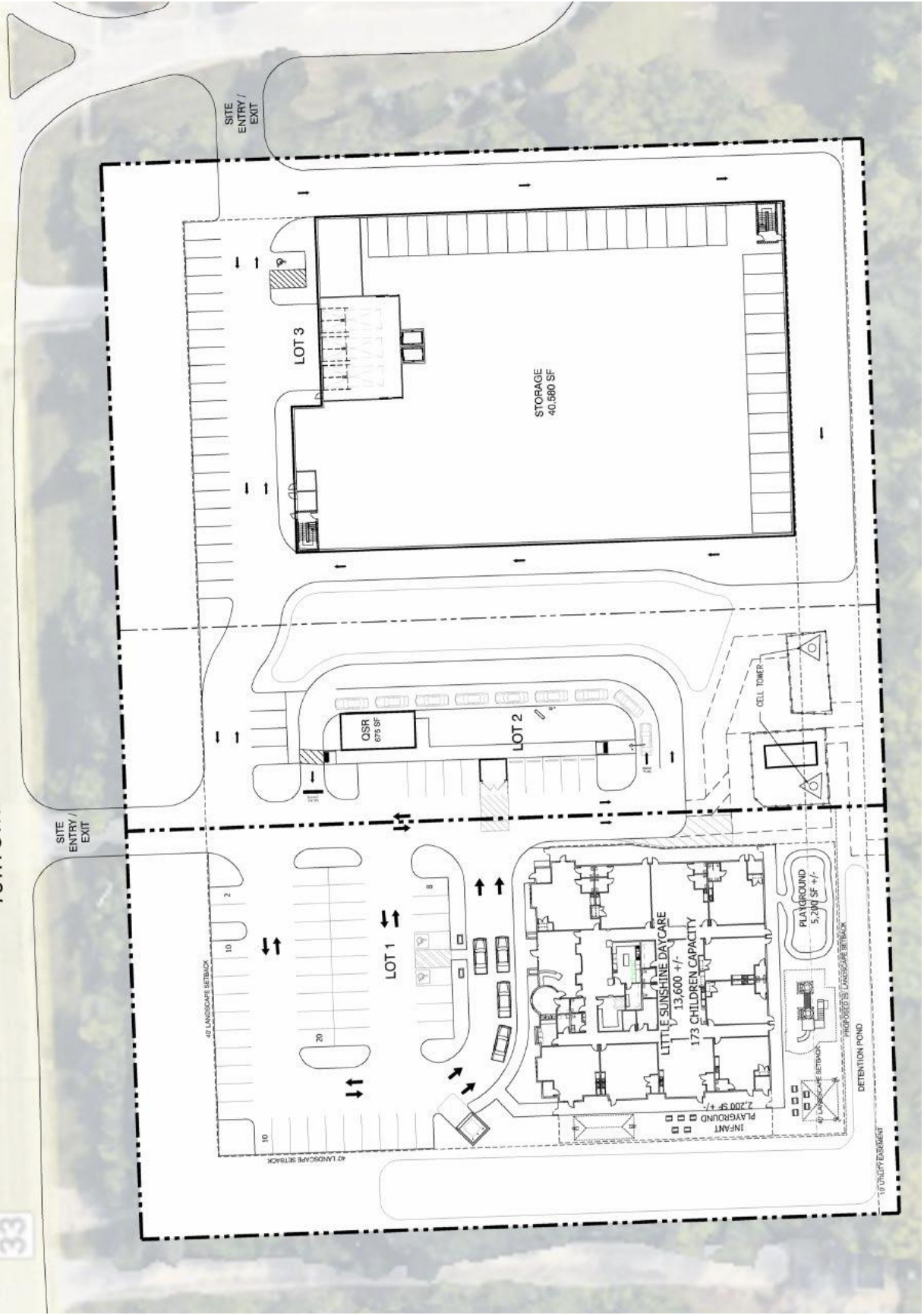
Village of Woodridge:	<i>No Comments Received.</i>
Village of Lisle:	Our office has no jurisdiction in this matter. “The subject property is outside of the Village of Lisle’s boundary agreement.”
Lisle Township:	<i>No Comments Received.</i>
Township Highway:	No Objections.
Lisle-Woodridge Fire Dist.:	“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.”

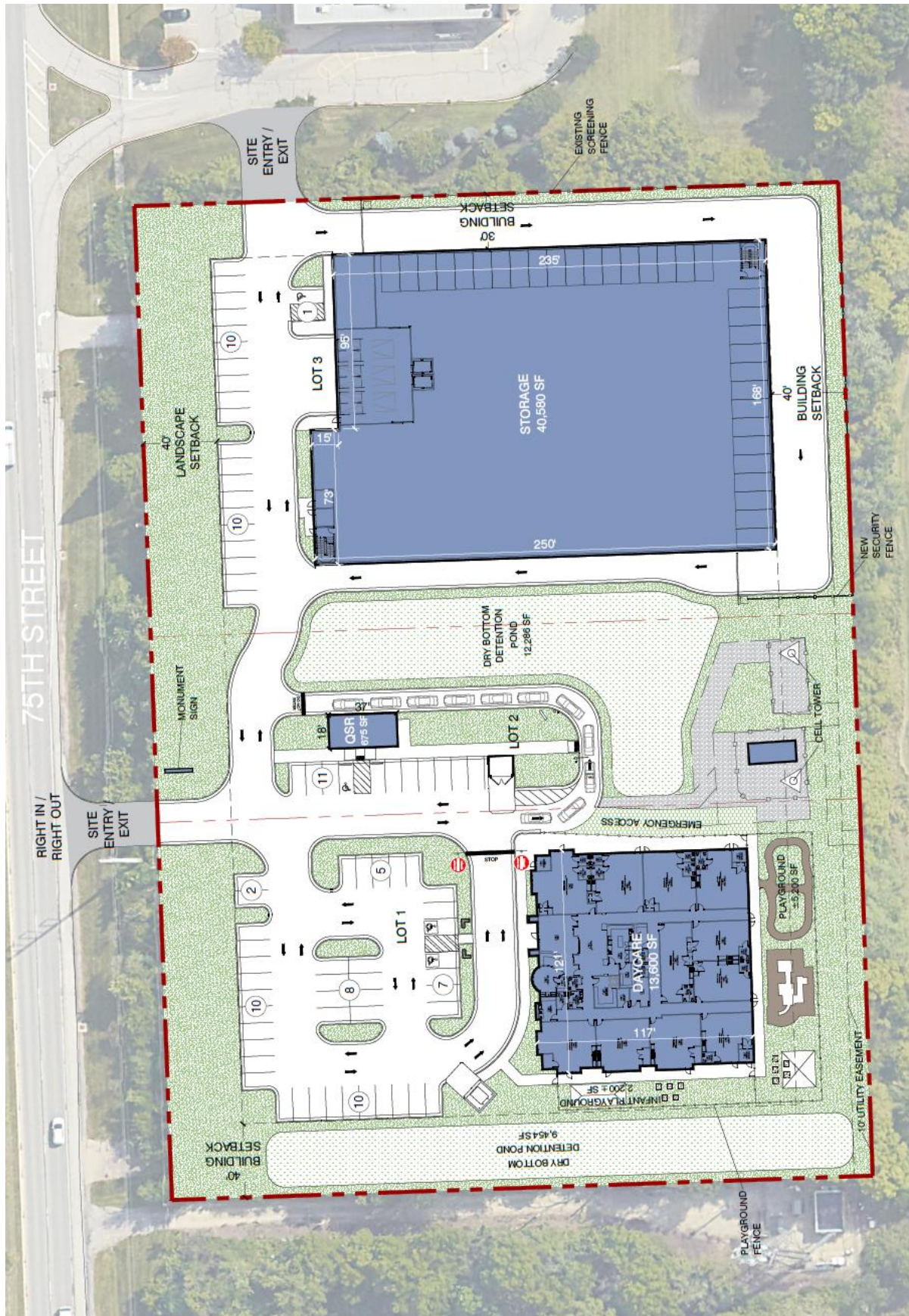
GENERAL BULK REQUIREMENTS:

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

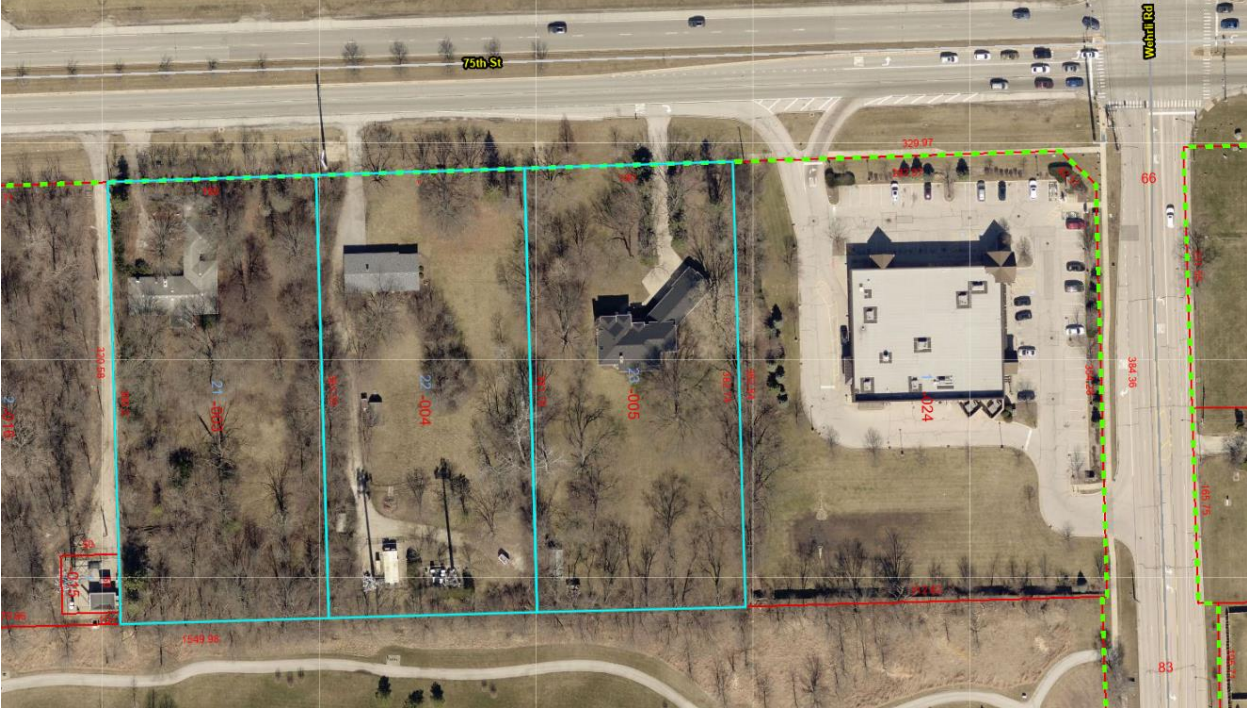
LAND USE

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









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

chair@dupagecounty.gov, Lucy.Evans@dupagecounty.gov, kari.ealassi@dupagecounty.gov,
brian.krajewski@dupagecounty.gov, sadia.covert@dupagecounty.gov, dawn.desart@dupagecounty.gov,
Patty.Gustin@dupagecounty.gov

DuPage County Building and Zoning Department Manager, Jim Stran

buildingandzoning@dupagecounty.gov

DuPage County Building and Zoning Department, Jessica Infelise

Jessica.Infelise@dupagecounty.gov

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

mgibson@napervilleparks.org, lruffing@napervilleparks.org, ransier@napervilleparks.org, cjacks@napervilleparks.org,
rjanor@napervilleparks.org, jrisvold@napervilleparks.org, athompson@napervilleparks.org

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 Dupagecounty.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