



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
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www.dupageco.org/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: January 23, 2024

RE: **ZONING-23-000087 Route 53 Café (Milton/ District 4)**

DuPage County Board: January 23, 2024:

Development Committee: January 16, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use for a Class B/Tavern Restaurant in a B-1 Local Business District.

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-23-000087 Route 53 Cafe** dated November 29, 2023.
2. That the Conditional Use zoning relief shall expire after five (5) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That the Conditional Use shall inure only to the owner, MAR LAC HOUSE LTD and/or ROBERT FABBRI, and shall terminate in the event that the owner, or any entity

owned or controlled by MAR LAC HOUSE LTD and/or ROBERT FABBRI discontinues operation of the subject Conditional Use on the subject property.

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

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

Zoning Hearing Officer: November 29, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use for a Class B/Tavern Restaurant in a B-1 Local Business District.

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-23-000087 **Route 53 Cafe** dated November 29, 2023.
2. That the Conditional Use zoning relief shall expire after five (5) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
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 - b. The structure is voluntarily removed.
3. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That the Conditional Use shall inure only to the owner, MAR LAC HOUSE LTD and/or ROBERT FABBRI, and shall terminate in the event that the owner, or any entity owned or controlled by MAR LAC HOUSE LTD and/or ROBERT FABBRI discontinues operation of the subject Conditional Use on the subject property.
5. 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 for a video gaming café, which is considered a Class B Restaurant/Tavern under the B-1 Zoning District.

- B. That petitioner testified that per the State of Illinois, a video gaming café requires a liquor license, which is obtainable under a Class B Restaurant/Tavern for unincorporated DuPage County.
 - a. That petitioner testified that he would be permitted to have up to six (6) video gaming machines.
- C. That petitioner testified that he proposes to sell packaged snacks and beer/wine, and that no food is cooked or prepared on the premises.
- D. That petitioner testified that the proposed hours of operation would be 10 AM – 11 PM Sunday through Thursday, and 10 AM – 12 AM Friday and Saturday.
- E. That petitioner testified that the proposed video gaming café will be operated in the existing building with ample parking and that he does not need to construct anything on the subject property..
 - a. Furthermore, that petitioner testified that there is sufficient parking for the proposed video gaming café, as the property is shared with a large banquet facility.
- F. That petitioner testified that the proposed video gaming café will have approximately two (2) employees.
- G. That the Zoning Hearing finds that petitioner has demonstrated sufficient evidence for a Conditional Use for a Class B/Tavern Restaurant in a B-1 Local Business District and that petitioner provided evidence that the proposed video gaming café will be operated in an existing storefront, will not impact adjacent properties, and that they will have sufficient parking for the video gaming café.

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 Class B/Tavern Restaurant will be located in an existing building/storefront on the subject property, and therefore 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 the proposed Class B/Tavern Restaurant will be operated in an existing building/storefront on the subject property and that he will receive a permit for any construction on the subject property.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** the proposed Class B/Tavern Restaurant will be an added benefit to the area and that the existing storefront is built to the current DuPage County building codes, which 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 Class B/Tavern Restaurant will not unduly increase traffic

congestion in the public streets and that petitioner testified that there is sufficient parking on the subject property.

- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed Class B/Tavern Restaurant will not increase the potential for flood damages, as it will be operated in the existing building on the subject property.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** the proposed Class B/Tavern Restaurant will not incur additional public expense for flood protection, rescue, or relief, as the proposed Class B/Tavern Restaurant will be operated in the existing building on the subject property.
- 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 Class B/Tavern Restaurant will be an added benefit to the area, and that it will be operated in the existing building/storefront on the subject property, which will not impair the public health, safety, comfort, morals, or general welfare.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000087 ROUTE 53 CAFE	
ZONING REQUEST	Conditional Use for a Class B/Tavern Restaurant in a B-1 Local Business District.	
OWNER	MAR LAC HOUSE LTD, 3S002 ROUTE 53, GLEN ELLYN, IL 60137/ AGENT: ROBERT FABBRI, 2095 SANDELL LANE, NORTH AURORA, IL 60542	
ADDRESS/LOCATION	3S002 ROUTE 53, GLEN ELLYN, IL 60137	
PIN	05-35-205-020	
TWSP./CTY. BD. DIST.	MILTON	DISTRICT 4
ZONING/LUP	B-1 LOCAL BUSINESS	LOCAL COMMERCIAL
AREA	6.38 ACRES (277,913 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: NOVEMBER 14, 2023	
PUBLIC HEARING	WEDNESDAY, NOVEMEBR 29, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Glen Ellyn:	No Comments Received.	
Village of Downers Grove:	“The Village of Downers Grove has no comments.”	
Village of Lombard:	No Comments Received.	
City of Wheaton:	No Comments Received.	
Milton Township:	No Comments Received.	
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Lisle-Woodridge Fire Dist.:	“N/A”	
Sch. Dist. 89:	No Comments Received.	
Sch. Dist. 87:	No Comments Received.	
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”	

LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-1 LOCAL BUSINESS	COMMERCIAL/ BANQUET FACILITY	LOCAL COMMERCIAL
North	BUTTERFIELD ROAD AND BEYOND R-3 SF RES	HOUSE	
South	B-1 LOCAL BUSINESS	COMMERCIAL	
East	ROUTE 53 AND BEYOND VILLAGE OF DOWNERS GROVE	FOREST PRESERVE	VILLAGE OF DOWNERS GROVE
West	R-4 SF RES	HOUSE	0-5 DU AC







