



DU PAGE COUNTY

Development Committee

Final Summary

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

Tuesday, June 18, 2024

10:30 AM

ROOM 3500B

1. CALL TO ORDER

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

2. ROLL CALL

Member Ozog left the meeting at 10:46 a.m.

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

3. CHAIRMAN'S REMARKS- CHAIR TORNATORE

No remarks were offered.

4. PUBLIC COMMENT

Attorney Phil Luetkehans spoke on behalf of client, petitioner for Somerset Plaza, LLC. They propose a conditional use for an underlying use of auto sales, for an already existing auto-repair business.

Attorney Vince Tessitore spoke in support of his client Sur Mac Builders, LLC. The petitioner recently purchased the property as a duplex, which is how the house was built in 1900 and used for many years. Sometime between the years of 2012-2017, the building was converted to a single family home for a brief period of time. This changed the status from legal non-conforming to non-conforming. The petitioner is requesting for the building to remain as a duplex and asking that the 3 year condition placed by the Zoning Board of Appeals be removed.

Attorney Joseph McQueeney representing Monte Nido, speaking on their behalf petition 80th St. Investments, LLC. The petition is to extend a conditional use for group quarters. They ask that the condition of the ZBA for a 5 year termination, be removed.

5. MINUTES APPROVAL

5.A. [24-1824](#)

Development Committee - Regular Meeting - June 4, 2024

Attachments: [Dev Comm Minutes Summary 6-4-2024.pdf](#)

RESULT:	APPROVED
MOVER:	Liz Chaplin
SECONDER:	Sheila Rutledge

AYES:	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
ABSENT:	Gustin

6. REGULATORY SERVICES

6.A. [DC-O-0038-24](#)

ZONING-24-000006 – Sur Mac Builders, LLC.: To approve the following zoning relief: Conditional Use for a Planned Development to allow an existing duplex to remain on the subject property. (Naperville/District 5)

ZBA VOTE (to Approve): 6 Ayes, 1 Nays, 0 Absent

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

Attachments: [Z-24-000006 Sur Mac Builders, LLC. Cty. Bd. \(06-25-2024\).pdf](#)

Paul Hoss explained the 3 year time period condition was placed, because Members of the ZBA are aware of the County Housing Solutions program. They will soon be a considering a text amendment relative to additional dwelling units. He informed the Committee Members that putting the 3 year time period is to correlate to what the County may be doing in the future. He added the two are mutually exclusive and in the opinion of staff is not necessary.

RESULT:	APPROVED AT COMMITTEE
MOVER:	Liz Chaplin
SECONDER:	Mary Ozog
AYES:	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
ABSENT:	Gustin

6.B. [DC-O-0039-24](#)

ZONING-24-000017 – 80th St. Investments, LLC.: To approve the following zoning relief:

To renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved under Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board. (Naperville/ District 5)

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

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

Paul Hoss explained why the 5 year time limit condition was placed on the petition. Parking has always been a concern, which has been mitigated by the petitioner. They haven't executed the agreements, but have agreements with two off site parking facilities. When overflow parking is needed, employees will park in these off site parking lots.

Attachments: [Z-24-000017 27W121 80TH ST INVESTMENTS LLC. Cty. Bd. \(06-25-2024\).pdf](#)

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

6.C. [DC-O-0040-24](#)

ZONING-24-000022 – Somerset Plaza, LLC.: To approve the following zoning relief: Conditional Use to allow auto sales with auto repair in the B-1 Local Business District. (Downers Grove/District 3)

ZBA VOTE (to Deny): 6 Ayes, 1 Nays, 0 Absent

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

Paul Hoss told the Committee the reason for recommended to deny. On the surface it appears that the petitioner is asking for two separate uses, auto sales and car repair. Actually, there will be only one use on the property, which has already existed on the property for many years. The other use, car sales is an ancillary use to sell cars, if you fix a car and the owner never picks up the car, they need to be able to sell that car. They must be licensed through the State of Illinois, and with that also need to be approved by the zoning district.

Attachments: [Z-24-000022 Somerset Plaza, LLC. Cty. Bd. \(06-25-2024\) Redacted.pdf](#)

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

6.D. [DC-O-0041-24](#)

ZONING-24-000027 – Bates: To approve the following zoning relief:

Variation to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage. (Milton/ District 4)

ZHO Recommendation to Approve

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

Attachments: [Z-24-000027 Bates Cty. Bd. \(06-25-2024\).pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Liz Chaplin

SECONDER:	Brian Krajewski
AYES:	Chaplin, Krajewski, Rutledge, and Tornatore
ABSENT:	Gustin, and Ozog

6.E. [DC-O-0043-24](#)

T-1-24 Text Amendments (a) to the DuPage County Zoning Ordinance: To approve the following zoning relief:

Zoning Petition T-1-24 (a) proposed text amendments to the DuPage County Zoning Ordinance relative to places of assembly, restaurants, fences, passenger and commercial vehicles, video gaming regulations, accessory structures and buildings, and historic lots of record. (Waive First Reading)

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

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

Attachments: [T-1-24 TEXT AMENDMENT \(a\) \(06-25-2024\).pdf](#)

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

7. **OLD BUSINESS**

No old business was discussed.

8. **NEW BUSINESS**

No new business was discussed.

9. **ADJOURNMENT**

With no further business, the meeting was adjourned at 10:52 A.M.



Minutes

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

File #: 24-1824

Agenda Date: 6/18/2024

Agenda #: 5.A.



DU PAGE COUNTY

Development Committee

Final Summary

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

Tuesday, June 4, 2024

10:30 AM

ROOM 3500B

1. CALL TO ORDER

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

2. ROLL CALL

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

3. CHAIRMAN'S REMARKS- CHAIR TORNATORE

Chair Tornatore thanked Vice-Chair Rutledge for presiding over the last meeting.

4. PUBLIC COMMENT

No remarks were offered.

5. MINUTES APPROVAL

5.A. [24-1673](#)

Development Committee - Regular Meeting - May 21, 2024

Attachments: [Dev Comm Summary 5-21-2024.pdf](#)

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

6. REGULATORY SERVICES

6.A. [24-1674](#)

ZSE-24-000002 Medinah Country Club: To approve the special event action item:
The Medinah Country Club Fireworks Display scheduled for Thursday, July 4, 2024, at
9:15 PM. (Bloomingdale/District 1) (Located at the northeast corner of Lake Street and
Medinah Road)

Attachments: [ZSE-24-000002 Medinah C.C. Firewords Display.pdf](#)

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

6.B. [DC-O-0035-24](#)

ZONING-24-000021 – Komlo: To approve the following zoning relief:
 Variation to reduce the interior side setback from 10' to approximately 4' for a new detached garage. (York/District 2)
 ZHO Recommendation to Approve
 Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

Attachments: [Z-24-000021 Komlo Cty. Bd. \(06-11-2024\).pdf](#)

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

6.C. [DC-O-0036-24](#)

ZONING-24-000023 – Griese: The Zoning Hearing Officer recommended to deny the following zoning relief:
 1. Variation to allow a boat on trailer (24' x 8' Recreational Vehicle) in front of the front wall.
 2. Variation to reduce the front yard setback from required 30' to approximately 5' to park a boat on trailer (24'x8' Recreational Vehicle). (Winfield/District 6) (Located at the northeast corner of Butterfield Frontage Road and Home Avenue)
 ZHO Recommendation to Deny

Attachments: [Z-24-000023 Griese Dev. Com. \(06-04-2024\) Redacted.pdf](#)

RESULT:	WITHDRAWN
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6.D. [DC-O-0037-24](#)

ZONING-24-000026 – K&D Elite, LLC.: To approve the following zoning relief:
 Variation to reduce the interior side setback from required 10' to approximately 1' to build a detached garage. (Bloomingdale/District 1)
 ZHO Recommendation to Approve
 Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

Attachments: [Z-24-000026 K&D ELITE LLC. Cty. Bd. \(06-11-2024\).pdf](#)

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

7. OLD BUSINESS

Member Rutledge asked for a status on allowing bees. Paul Hoss informed the Committee that June 6th, the Zoning Board of Appeals will be reviewing proposed text amendments, including bees, changing a provision that would allow as of right a certain size lot that has been plotted as of 1957, corner side yard setbacks for fences, and increasing the detached accessory building allowance.

Member Rutledge inquired if the accessory building allowance could be used as an accessory dwelling unit. Mr. Hoss added that this will be included in a separate set of text amendments. It will propose allowing people under age 62, who are non-related to live in already existing detached accessory buildings.

8. NEW BUSINESS

No new business was discussed.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 10:39 A.M.



Development Ordinance

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

File #: DC-O-0038-24

Agenda Date: 6/18/2024

Agenda #: 6.A.

Zoning Petition ZONING-24-000006 Sur Mac Builders, LLC.

WHEREAS, a public hearing was held on May 9, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional Use for a Planned Development to allow an existing duplex to remain on the subject property, on the property hereinafter described:

LOT 19 IN BLOCK 15 IN BELT CITY SUBDIVISION IN SECTION 17 AND 18, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF DUPAGE, STATE OF ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on June 6, 2024 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that the subject zoning relief is for a Conditional Use to allow an existing duplex to remain on the subject property, where it has existed since at least 1900.
2. That petitioner testified that they purchased the subject property in 2023 as a duplex within the R-4 Single Family Zoning District, and that the property was constructed as a duplex in 1900 per Naperville Township Assessor documents.
3. That petitioner testified that the subject property was used as a duplex for over one hundred (100) years and that the conversion to a single-family home changed the property's designation from legal non-conforming to a non-conforming use.
 - a. That petitioner testified that approximately ten (10) years ago, a previous property owner closed up one of the entrances and converted the subject property into a single-family home, thereby removing the legal non-conforming use as a duplex in a single-family zoning district

- b. Furthermore, that petitioner testified that based on Google Map Street View images, the subject property was used as a duplex from 1900 to approximately 2012, and that sometime between 2012-2017, one of the entrances was closed off and the property was converted to a single-family home, and then later reconverted to a duplex use with renovations sometime after 2018.
4. That petitioner testified that they did not discover that the subject property was not a legal non-conforming duplex until after they closed on the subject property in 2023.
5. That petitioner testified that they completed a series of Freedom of Information Act (FOIA) requests to Naperville Township, DuPage County Building and Zoning Department, City of Aurora, and DuPage County Sheriff and that the returned FOIAs did not find any evidence that the property received any nuisance complaints/evidence in the last fifty (50) years.
6. That petitioner testified that the subject property is zoned R-4 Single Family Residential and borders the I-2 General Industrial District to the south, and that the subject property is a suitable transition from single family to industrial uses.
7. That petitioner testified that the existing duplex home/building was constructed in 1900 and that the allowing the existing duplex to remain on the subject property will not and does not impair the public health, safety, comfort, morals, or general welfare.

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 duplex home/building was constructed in 1900 and that it does 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 duplex home/building was constructed in 1900 and that any updates were constructed to the current Building Code and do not increase 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 duplex home/building was constructed in 1900 and has not diminished 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 duplex home/building was constructed in 1900 and does 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 duplex home/building was constructed in 1900 and does not increase the potential for flood damages to adjacent properties.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the duplex home/building was constructed in 1900 and does not impact flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the duplex home/building was constructed in 1900 and that the allowing the existing duplex to remain on the subject property will not and does not impair the public health, safety, comfort, morals, or general welfare.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000006 Sur Mac Builders, LLC.
ZONING REQUEST	Conditional Use for a Planned Development to allow existing duplex to remain on the subject property.
OWNER	SUR MAC BUILDERS, LLC., 6S381 4 TH ST. EOLA, IL 60519 / SUR MAC BUILDERS, LLC, 1730 PARK BLVD, SUITE 300, GLEN ELLYN, IL 60137 / AGENT: VINCENT TESSITORE, LLC & TESSITORE P.C., 1730 PARK STREET, SUITE 117, NAPERVILLE, IL 60563
ADDRESS/LOCATION	6S381 4 TH STREET, EOLA, IL 60519
PIN	07-17-107-012
TWSP./CTY. BD. DIST.	NAPERVILLE DISTRICT 5
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.19 ACRES (8,276 SQ. FT.)
UTILITIES	Well/Septic
PUBLICATION DATE	Daily Herald: April 24, 2024
PUBLIC HEARING	Thursday, May 9, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections with the concept of the petition. Additional information may be provided at time of permit application. “Proper tenant separation will need to be identified and provided if not already existing.”
DUDOT:	Our office has no jurisdiction in this matter.
Health:	<i>No Comments Received.</i>
Stormwater:	No Objections.
Public Works:	Our office has no jurisdiction in this matter.
EXTERNAL:	

City of Aurora:	“The City of Aurora has no objection to this rezoning. Although it is contiguous to City limits, this is simply an existing 2 unit that is being brought into conformance with the City’s zoning code.”
City of Naperville:	<i>No Comments Received.</i>
Naperville Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Naperville Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 204:	<i>No Comments Received.</i>
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	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	EAST 4 TH STREET/POSS ROAD	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	EAST 4 TH STREET AND BEYOND CITY OF AURORA	HOUSE	CITY OF AURORA

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on June 6, 2024, recommends to approve the following zoning relief:

Conditional Use for a Planned Development to allow an existing duplex to remain on the subject property.

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-24-000006 Sur Mac Builders, LLC.** dated May 9, 2024.
2. That the Conditional Use zoning relief shall expire after three (3) 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 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.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZBA VOTE (to Approve): 6 Ayes, 1 Nays, 0 Absent

WHEREAS, the County Board Development Committee on June 18, 2024, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional Use for a Planned Development to allow an existing duplex to remain on the subject property.

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-24-000006 Sur Mac Builders, LLC.** dated May 9, 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.
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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): 5 Ayes, 0 Nays, 1 Absent

DEVELOPMENT COMMITTEE FINDINGS OF FACT:

1. That the Development Committee removed the three (3) year time limit on the subject zoning relief originally placed by the Zoning Board of Appeals, as the existing duplex was built in 1900 and that an expiration date of the Conditional Use is not needed for the building.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional Use for a Planned Development to allow an existing duplex to remain on the subject property, on the property hereinafter described:

LOT 19 IN BLOCK 15 IN BELT CITY SUBDIVISION IN SECTION 17 AND 18, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF DUPAGE, STATE OF ILLINOIS; and

The Zoning Relief is 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-24-000006 Sur Mac Builders, LLC.** dated May 9, 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.
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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.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; SUR MAC BUILDERS, LLC., 6S381 4TH STREET, EOLA, IL 60519 / SUR MAC BUILDERS, LLC., 45 S PARK BLVD, SUITE 300, GLEN ELLYN, IL 60137 / AGENT: VINCENT TESSITORE, LINDELL & TESSITORE P.C., 1730 PARK STREET, SUITE 117, NAPERVILLE, IL 60563; and Township Assessor, Naperville Township, 139 Water Street, Naperville, IL 60540.

Enacted and approved this 25th day of June, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**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: June 18, 2024

RE: **ZONING-24-000006 Sur Mac Builders, LLC.**
(Naperville/District 5)

DuPage County Board: June 25, 2024:

Development Committee: June 18, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use for a Planned Development to allow an existing duplex to remain on the subject property.

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-24-000006 Sur Mac Builders, LLC.** dated May 9, 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): 5 Ayes, 0 Nays, 1 Absent

DEVELOPMENT COMMITTEE FINDINGS OF FACT:

1. That the Development Committee removed the three (3) year time limit on the subject zoning relief originally placed by the Zoning Board of Appeals, as the existing duplex was built in 1900 and that an expiration date of the Conditional Use is not needed for the building.

Zoning Board of Appeals Meeting: June 6, 2024: The Zoning Board of Appeals recommended to approve following zoning relief:

Conditional Use for a Planned Development to allow an existing duplex to remain on the subject property.

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-24-000006 **Sur Mac Builders, LLC.** dated May 9, 2024.
2. That the Conditional Use zoning relief shall expire after three (3) 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 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.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZBA VOTE (to Approve): 6 Ayes, 1 Nays, 0 Absent

FINDINGS OF FACT:

1. That petitioner testified that the subject zoning relief is for a Conditional Use to allow an existing duplex to remain on the subject property, where it has existed since at least 1900.
2. That petitioner testified that they purchased the subject property in 2023 as a duplex within the R-4 Single Family Zoning District, and that the property was constructed as a duplex in 1900 per Naperville Township Assessor documents.

3. That petitioner testified that the subject property was used as a duplex for over one hundred (100) years and that the conversion to a single-family home changed the property's designation from legal non-conforming to a non-conforming use.
 - a. That petitioner testified that approximately ten (10) years ago, a previous property owner closed up one of the entrances and converted the subject property into a single-family home, thereby removing the legal non-conforming use as a duplex in a single-family zoning district
 - b. Furthermore, that petitioner testified that based on Google Map Street View images, the subject property was used as a duplex from 1900 to approximately 2012, and that sometime between 2012-2017, one of the entrances was closed off and the property was converted to a single-family home, and then later reconverted to a duplex use with renovations sometime after 2018.
4. That petitioner testified that they did not discover that the subject property was not a legal non-conforming duplex until after they closed on the subject property in 2023.
5. That petitioner testified that they completed a series of Freedom of Information Act (FOIA) requests to Naperville Township, DuPage County Building and Zoning Department, City of Aurora, and DuPage County Sheriff and that the returned FOIAs did not find any evidence that the property received any nuisance complaints/evidence in the last fifty (50) years.
6. That petitioner testified that the subject property is zoned R-4 Single Family Residential and borders the I-2 General Industrial District to the south, and that the subject property is a suitable transition from single family to industrial uses.
7. That petitioner testified that the existing duplex home/building was constructed in 1900 and that the allowing the existing duplex to remain on the subject property will not and does not impair the public health, safety, comfort, morals, or general welfare.

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 duplex home/building was constructed in 1900 and that it does 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 duplex home/building was constructed in 1900 and that any updates were constructed to the current Building Code and do not increase the hazard from fire or other dangers to said property.

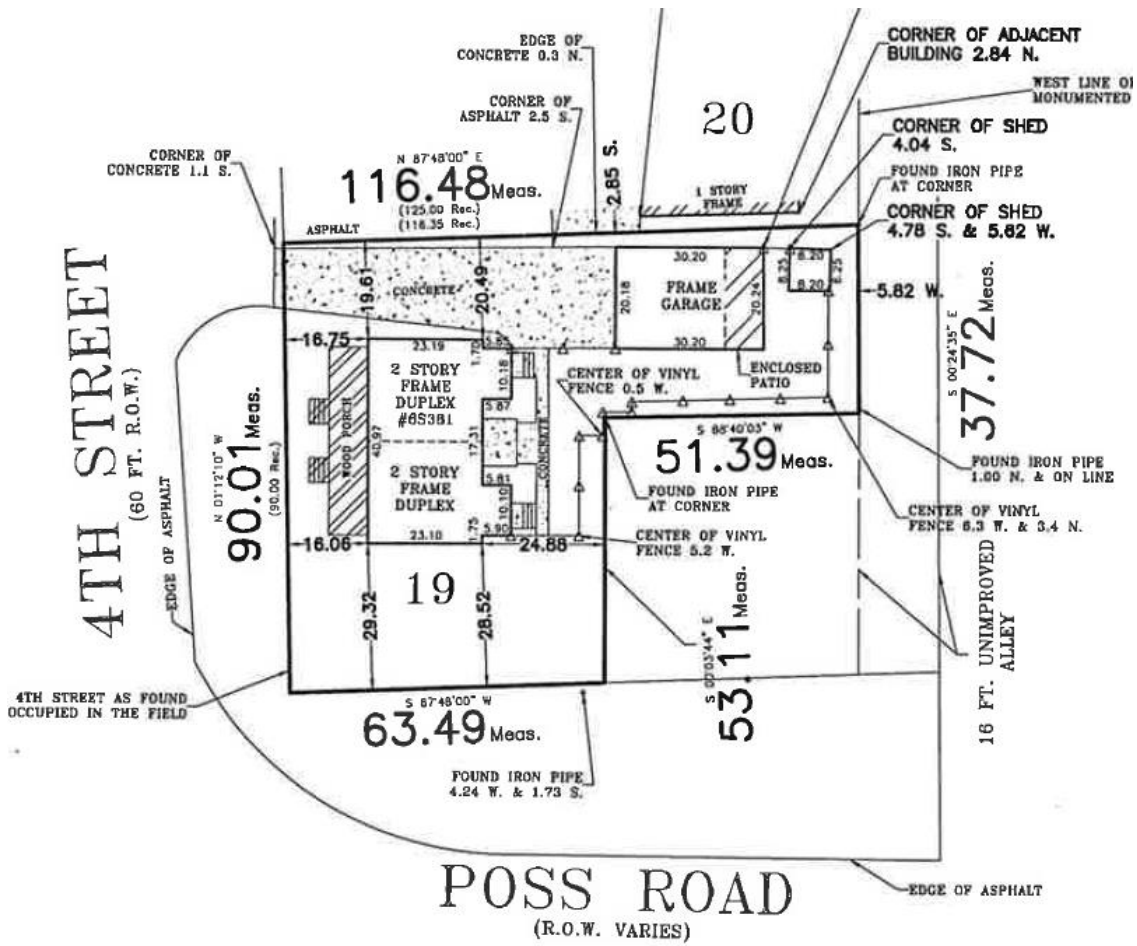
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the duplex home/building was constructed in 1900 and has not diminished the value of land and buildings throughout the County.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the duplex home/building was constructed in 1900 and does 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 duplex home/building was constructed in 1900 and does not increase the potential for flood damages to adjacent properties.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the duplex home/building was constructed in 1900 and does not impact flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the duplex home/building was constructed in 1900 and that the allowing the existing duplex to remain on the subject property will not and does not impair the public health, safety, comfort, morals, or general welfare.

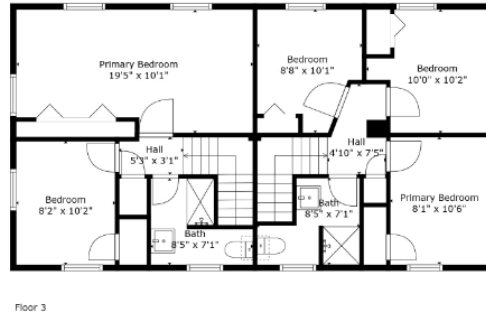
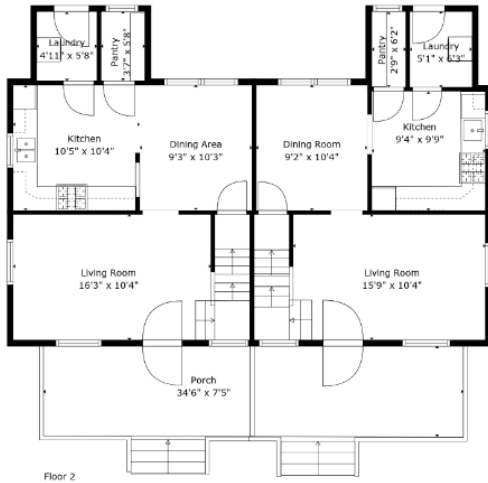
PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000006 Sur Mac Builders, LLC.
ZONING REQUEST	Conditional Use for a Planned Development to allow an existing duplex to remain on the subject property.
OWNER	SUR MAC BUILDERS, LLC., 6S381 4 TH STREET, EOLA, IL 60519 / SUR MAC BUILDERS, LLC., 45 S PARK BLVD, SUITE 300, GLEN ELLYN, IL 60137 / AGENT: VINCENT TESSITORE, LINDELL & TESSITORE P.C., 1730 PARK STREET, SUITE 117, NAPERVILLE, IL 60563
ADDRESS/LOCATION	6S381 4 TH STREET, EOLA, IL 60519
PIN	07-17-107-012
TWSP./CTY. BD. DIST.	NAPERVILLE DISTRICT 5
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.19 ACRES (8,276 SQ. FT.)
UTILITIES	Well/Septic
PUBLICATION DATE	Daily Herald: April 24, 2024
PUBLIC HEARING	Thursday, May 9, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "Proper tenant separation will need to be identified or provided if not already existing."
DUDOT:	Our office has no jurisdiction in this matter.
Health:	<i>No Comments Received.</i>
Stormwater:	No Objections.
Public Works:	Our office has no jurisdiction in this matter.
EXTERNAL:	
City of Aurora:	"The City of Aurora has no objection to this rezoning. Although it is contiguous to the City limits, this is simply an existing 2 unit that is being brought into conformity."
City of Naperville:	<i>No Comments Received.</i>
Naperville Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Naperville Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 204:	<i>No Comments Received.</i>
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."

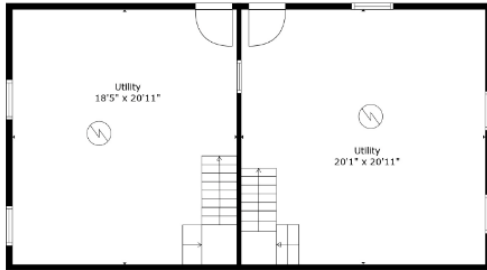
LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	EAST 4 TH STREET/POSS ROAD	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	EAST 4 TH STREET AND BEYOND CITY OF AURORA	HOUSE	CITY OF AURORA





Floor 3

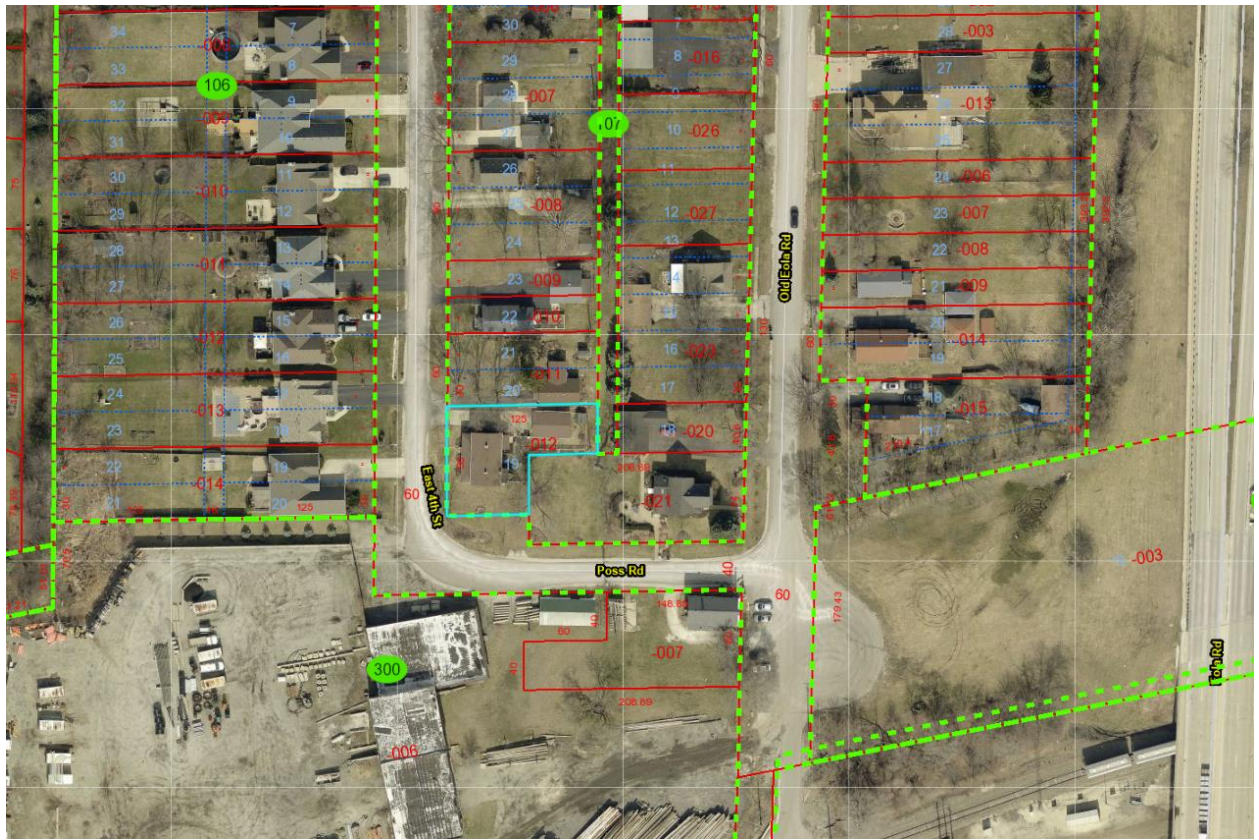


Floor 1

Estimated areas

GLA FLOOR 1: 0 sq. ft. excluded 868 sq. ft.
 GLA FLOOR 2: 991 sq. ft. excluded 257 sq. ft.
 GLA FLOOR 3: 876 sq. ft. excluded 0 sq. ft.
 Total GLA 1867 sq. ft. total scanned area 2992 sq. ft.

Sizes And Dimensions Are Approximate. Actual May Vary.







INDEX NUMBER 1003430
SECTION 19

BUILDING DESCRIPTION AND VALUATION

NAME AND ADDRESS

BLOCK 15

LEGAL DESCRIPTION	SEC. TOWNSHIP	RANGE	LOT	BLOCK	1971	1975	Land Value	Building Value	Total Value
Belt City (Post-Transition)			19	15	890	1260	5000	6438	11438
					5890	7690		5308	11498

PHYSICAL BUILDING DESCRIPTION

TYPE AND USE

DISCOVERED PHYSICAL CONDITION

ROOF AND INSULATION

FLOORS

FOUNDATION

EXTERIOR WALLS

INTERIOR FINISH

PLUMBING

LAND RECORDS

GROUND AREA CALCULATION

ROOM OR PART	WIDTH	DEPTH	AREA
23	41	23	943
11	11	622	132
TOTAL			1075

ADDITIONS AND DEDUCTIONS

Item	Number	Quantity	Unit	Cost
38	286	3.50		
380	160	4.52		
7A				
11A	430	5.58		

ADDITIONAL AND DEDUCTIONS

Item	Unit Cost	Area	Value
442		442	1969

LAND VALUATION

Full Class	Base Unit Value	Depth or Corner Reference	Adjusted Unit Value	Total Value
332A	45	18.57	2250	2250
332B	45	18.57	900	900
TOTAL				3150







Development Ordinance

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

File #: DC-O-0039-24

Agenda Date: 6/18/2024

Agenda #: 12.B.

Zoning Petition ZONING-24-000017 80th St. Investments, LLC.

WHEREAS, a public hearing was held on April 18, 2024 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

To renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved under Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board, on the property hereinafter described:

THE NORTH ½ OF LOT 12 IN STECK'S SPRING BROOK HEIGHTS ESTATES, UNIT 1, A SUBDIVISION IN THE NORTH ½ (EXCEPT THE WEST 330 FEET) OF THE NORTHEAST ¼ OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 25, 1957 AS DOCUMENT 847027, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on April 18, 2024 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that the subject property is currently owned by Monte Nido Real Estate Holdings, LLC. and operated by Monte Nido Illinois, LLC. ("Monte Nido").
2. That petitioner testified that Monte Nido & Affiliates oversees the operation of the Group Quarters at the subject property and is a leading national treatment provider for adults and adolescents with eating disorders.
3. That petitioner testified that the subject property currently operates a twelve (12) bed Group Quarters and provides care to adolescents seeking treatment for eating disorders, per approved zoning relief Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board.
 - Furthermore, that petitioner testified that the requested zoning relief is to renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved for a period of three (3) years under Z21-023 27W121 80th Street Investments, LLC., in order to review the operations and any

possible impact of the Group Quarters after three (3) years.

4. That petitioner testified that the subject Group Quarters is a residential setting, intended to replicate a large family setting, with all meals prepared and taken together, as data supports that this is the most effective treatment for eating disorders in a non-institutional setting.
5. That petitioner testified that a resident's average stay is between fifty (50) to sixty (60) days.
6. That petitioner testified that in the last three (3) years, the Group Quarters has had a positive impact on adjacent properties and improved property values.
7. That petitioner testified that the completed a traffic study with KLOA and that the Group Quarters does not result in a significant increase in traffic on the roadways.
8. That the Zoning Board of Appeals finds that since the approval of Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021 by the DuPage County Board, petitioners have adhered to the conditions placed on the zoning case for approximately three (3) years, followed Group Quarters operations that were set forth in that zoning relief, and that the Group Quarters have been added benefit to the surrounding area, with no impacts to adjacent properties.
 - Furthermore, that the Zoning Board of Appeals hereby removes the time limit condition originally placed on Z21-023 27W121 80th Street Investments, LLC

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 no changes will be made to exterior of the subject home or to the subject property, and therefore the proposed zoning relief 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 6,706 square foot subject home and property has easily accommodated twelve (12) residents and does not increase the hazard from fire or other dangers to adjacent properties.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the Group Quarters is operated in the existing home and that petitioner owns/operates similar types of residential programs in residential neighborhoods throughout the country with no diminishment of value of land.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing Group Quarters does not noticeable increase traffic in the area and that no residents have their own vehicles at the subject property.

- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing Group Quarters use has no structural or physical changes to the building, therefore there will be no increase in the potential for flood damages to adjacent properties.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the existing Group Quarters does not increase any additional expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the Monte Nido Group Quarters has operated the Group Quarters for over three (3) years with up to twelve (12) adolescents with no noticeable impact on surrounding properties, and that the use and property beautifications is a benefit to the surrounding area and DuPage County.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000017 80 th St. Investments, LLC
ZONING REQUEST	To renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, was previously approved under Z21-023 27W12 Street Investments, LLC. on July 13, 2021, by the DuPage County Board.
OWNER	27W121 80 TH ST INVESTMENTS, LLC., 6100 STREET, MIAMI, FL 33143 / AGENT: MARK GERSHON, POLSINELLI, PC, 150 N. RIVERS PLAZA, CHICAGO, IL 60606
ADDRESS/LOCATION	27W121 80 TH STREET, NAPERVILLE, IL 605
PIN	07-36-204-002
TWSP./CTY. BD. DIST.	NAPERVILLE DISTRICT 5
ZONING/LUP	R-1 SF RES 0-5 DU AC
AREA	2.4 ACRES (104,544 SQ. FT.)
UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: APRIL 2, 2024

PUBLIC HEARING		THURSDAY, APRIL 18, 2024
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	Our office has no jurisdiction in this matter. "We do not provide any serv (water) to that area."	
EXTERNAL:		
City of Naperville:	<i>No Comments Received.</i>	
Naperville Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections with the concept of the petition. Additional information n required at time of permit application.	
Naperville Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 204:	<i>No Comments Received.</i>	
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed the i provided in this notice and due to the sizable distance between the subject District property, we do not have any specific comments. Thank you."	

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-1 SF RES	GROUP QUARTERS	0-5 DU AC
North	80 TH STREET AND BEYOND R-1 SF RES	HOUSE	0-5 DU AC
South	R-1 SF RES	HOUSE	0-5 DU AC
East	R-1 SF RES	HOUSE	0-5 DU AC
West	R-1 SF RES	HOUSE	0-5 DU AC

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on June 6, 2024, recommends to approve the following zoning relief:

To renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was

previously approved under Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board.

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-24-000017 80th St. Investments, LLC.** dated April 18, 2024.
2. That the Conditional Use shall terminate in the event that Monte Nido Real Estate Holdings, LLC. sells or discontinues operation of the subject use on the property located at 27W121 80th Street Naperville, Illinois or otherwise transfers ownership of the subject property to another entity.
3. 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 property is conveyed to new ownership.
4. That no more than twelve (12) residents shall reside within the subject property and that the residents shall be of adolescent age only.
5. That there shall be no more than seventeen (17) parking spaces on the property, (four {4} spaces inside the two attached garages of the home and thirteen {13} spaces in the two designated outside parking areas as depicted on the site plan dated April 18, 2024).
 - a. That there shall be no parking in the driveway of the home and no parking on the grass areas of the home and no parking in the adjacent streets and public rights-of-way's adjacent to the home.
 - b. That during any special event or emergency event that necessitates more people on the property, certain staff will park off-site in legal parking areas and be shuttled to and from the Group Dwelling Quarters to the extent necessary to ensure that not more than 17 vehicles are parked on the legal parking spaces on the property.
 - c. That residents of the home shall not have their own automobiles at the Group Dwelling Quarters nor otherwise drive themselves to and from the Group Dwelling Quarters.
6. That all outside group activities shall only occur in the rear south yard and side west yard in the designated outdoor areas as depicted on the site plan dated April 18, 2024.
 - a. That all outside group activities shall only occur between the hours of 8 AM and 10 PM.
 - b. That all outside group activities shall be supervised by staff of the Group Dwelling Quarters.

7. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
8. 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

WHEREAS, the County Board Development Committee on June 18, 2024, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

To renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved under Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board.

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-24-000017 80th St. Investments, LLC.** dated April 18, 2024.
2. That the Conditional Use shall terminate in the event that Monte Nido Real Estate Holdings, LLC. sells or discontinues operation of the subject use on the property located at 27W121 80th Street Naperville, Illinois or otherwise transfers ownership of the subject property to another entity.
3. That no more than twelve (12) residents shall reside within the subject property and that the residents shall be of adolescent age only.
4. That there shall be no more than seventeen (17) parking spaces on the property, (four {4} spaces inside the two attached garages of the home and thirteen {13} spaces in the two designated outside parking areas as depicted on the site plan dated April 18, 2024).
 - a. That there shall be no parking in the driveway of the home and no parking on the grass areas of the home and no parking in the adjacent streets and public rights-of-way's adjacent to the home.
 - b. That during any special event or emergency event that necessitates more people on the property, certain staff will park off-site in legal parking areas and be shuttled to and from the Group Dwelling Quarters to the extent necessary to ensure that not more than 17 vehicles are parked on the legal parking spaces on the property.
 - c. That residents of the home shall not have their own automobiles at the Group Dwelling Quarters nor otherwise

drive themselves to and from the Group Dwelling Quarters.

5. That all outside group activities shall only occur in the rear south yard and side west yard in the designated outdoor areas as depicted on the site plan dated April 18, 2024.
 - a. That all outside group activities shall only occur between the hours of 8 AM and 10 PM.
 - b. That all outside group activities shall be supervised by staff of the Group Dwelling Quarters.
6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
7. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

DEVELOPMENT COMMITTEE FINDINGS OF FACT:

1. That the Development Committee removed the five (5) year time limit on the subject zoning relief originally placed by the Zoning Board of Appeals, as any concerns regarding parking have been mitigated by the updated parking agreements and conditions of the subject zoning relief, and that an expiration of the Conditional Use is no longer needed.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

To renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved under Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board, on the property hereinafter described:

THE NORTH ½ OF LOT 12 IN STECK’S SPRING BROOK HEIGHTS ESTATES, UNIT 1, A SUBDIVISION IN THE NORTH ½ (EXCEPT THE WEST 330 FEET) OF THE NORTHEAST ¼ OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 25, 1957 AS DOCUMENT 847027, IN DUPAGE COUNTY, ILLINOIS; and

The Zoning Relief is 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-24-000017 80th St. Investments, LLC.** dated April 18, 2024.
2. That the Conditional Use shall terminate in the event that Monte Nido Real Estate Holdings, LLC. sells or

discontinues operation of the subject use on the property located at 27W121 80th Street Naperville, Illinois or otherwise transfers ownership of the subject property to another entity.

3. That no more than twelve (12) residents shall reside within the subject property and that the residents shall be of adolescent age only.
4. That there shall be no more than seventeen (17) parking spaces on the property, (four {4} spaces inside the two attached garages of the home and thirteen {13} spaces in the two designated outside parking areas as depicted on the site plan dated April 18, 2024).
 - a. That there shall be no parking in the driveway of the home and no parking on the grass areas of the home and no parking in the adjacent streets and public rights-of-way's adjacent to the home.
 - b. That during any special event or emergency event that necessitates more people on the property, certain staff will park off-site in legal parking areas and be shuttled to and from the Group Dwelling Quarters to the extent necessary to ensure that not more than 17 vehicles are parked on the legal parking spaces on the property.
 - c. That residents of the home shall not have their own automobiles at the Group Dwelling Quarters nor otherwise drive themselves to and from the Group Dwelling Quarters.
5. That all outside group activities shall only occur in the rear south yard and side west yard in the designated outdoor areas as depicted on the site plan dated April 18, 2024.
 - a. That all outside group activities shall only occur between the hours of 8 AM and 10 PM.
 - b. That all outside group activities shall be supervised by staff of the Group Dwelling Quarters.
6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
7. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; 27W121 80TH ST INVESTMENTS, LLC., 6100 SW 76TH STREET, MIAMI, FL 33143 / AGENT: MARK GERSHON, POLSINELLI, PC, 150 N. RIVERSIDE PLAZA, CHICAGO, IL 60606; and Township Assessor, Naperville Township, 139 Water Street, Naperville, IL 60540.

Enacted and approved this 25th day of June, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**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: June 18, 2024

RE: **ZONING-24-000017 80th St. Investments, LLC.**
(Naperville/ District 5)

DuPage County Board: June 25, 2024

Development Committee: June 18, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

To renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved under Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board.

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-24-000017 80th St. Investments, LLC.** dated April 18, 2024.
2. That the Conditional Use shall terminate in the event that Monte Nido Real Estate Holdings, LLC. sells or discontinues operation of the subject use on the property located at 27W121 80th Street Naperville, Illinois or otherwise transfers ownership of the subject property to another entity.
3. That no more than twelve (12) residents shall reside within the subject property and that the residents shall be of adolescent age only.
4. That there shall be no more than seventeen (17) parking spaces on the property, (four {4} spaces inside the two attached garages of the home and thirteen {13} spaces in the two designated outside parking areas as depicted on the site plan dated April 18, 2024).

- a. That there shall be no parking in the driveway of the home and no parking on the grass areas of the home and no parking in the adjacent streets and public rights-of-way's adjacent to the home.
 - b. That during any special event or emergency event that necessitates more people on the property, certain staff will park off-site in legal parking areas and be shuttled to and from the Group Dwelling Quarters to the extent necessary to ensure that not more than 17 vehicles are parked on the legal parking spaces on the property.
 - c. That residents of the home shall not have their own automobiles at the Group Dwelling Quarters nor otherwise drive themselves to and from the Group Dwelling Quarters.
5. That all outside group activities shall only occur in the rear south yard and side west yard in the designated outdoor areas as depicted on the site plan dated April 18, 2024.
 - a. That all outside group activities shall only occur between the hours of 8 AM and 10 PM.
 - b. That all outside group activities shall be supervised by staff of the Group Dwelling Quarters.
 6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
 7. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

DEVELOPMENT COMMITTEE FINDINGS OF FACT:

1. That the Development Committee removed the five (5) year time limit on the subject zoning relief originally placed by the Zoning Board of Appeals, as any concerns regarding parking have been mitigated by the updated parking agreements and conditions of the subject zoning relief, and that an expiration of the Conditional Use is no longer needed.

Zoning Board of Appeals Meeting: June 6, 2024: The Zoning Board of Appeals considered the following zoning relief:

To renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved under Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board.

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-24-000017 80th St. Investments, LLC.** dated April 18, 2024.
2. That the Conditional Use shall terminate in the event that Monte Nido Real Estate Holdings, LLC. sells or discontinues operation of the subject use on the property located at 27W121 80th Street Naperville, Illinois or otherwise transfers ownership of the subject property to another entity.
3. 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 property is conveyed to new ownership.
4. That no more than twelve (12) residents shall reside within the subject property and that the residents shall be of adolescent age only.
5. That there shall be no more than seventeen (17) parking spaces on the property, (four {4} spaces inside the two attached garages of the home and thirteen {13} spaces in the two designated outside parking areas as depicted on the site plan dated April 18, 2024).
 - a. That there shall be no parking in the driveway of the home and no parking on the grass areas of the home and no parking in the adjacent streets and public rights-of-way's adjacent to the home.
 - b. That during any special event or emergency event that necessitates more people on the property, certain staff will park off-site in legal parking areas and be shuttled to and from the Group Dwelling Quarters to the extent necessary to ensure that not more than 17 vehicles are parked on the legal parking spaces on the property.
 - c. That residents of the home shall not have their own automobiles at the Group Dwelling Quarters nor otherwise drive themselves to and from the Group Dwelling Quarters.

6. That all outside group activities shall only occur in the rear south yard and side west yard in the designated outdoor areas as depicted on the site plan dated April 18, 2024.
 - a. That all outside group activities shall only occur between the hours of 8 AM and 10 PM.
 - b. That all outside group activities shall be supervised by staff of the Group Dwelling Quarters.
7. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
8. 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 property is currently owned by Monte Nido Real Estate Holdings, LLC. and operated by Monte Nido Illinois, LLC. (“Monte Nido”).
2. That petitioner testified that Monte Nido & Affiliates oversees the operation of the Group Quarters at the subject property and is a leading national treatment provider for adults and adolescents with eating disorders.
3. That petitioner testified that the subject property currently operates a twelve (12) bed Group Quarters and provides care to adolescents seeking treatment for eating disorders, per approved zoning relief Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board.
 - Furthermore, that petitioner testified that the requested zoning relief is to renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved for a period of three (3) years under Z21-023 27W121 80th Street Investments, LLC., in order to review the operations and any possible impact of the Group Quarters after three (3) years.
4. That petitioner testified that the subject Group Quarters is a residential setting, intended to replicate a large family setting, with all meals prepared and taken together, as data supports that this is the most effective treatment for eating disorders in a non-institutional setting.
5. That petitioner testified that a resident’s average stay is between fifty (50) to sixty (60) days.
6. That petitioner testified that in the last three (3) years, the Group Quarters has had a positive impact on adjacent properties and improved property values.
7. That petitioner testified that the completed a traffic study with KLOA and that the Group Quarters does not result in a significant increase in traffic on the roadways.

8. That the Zoning Board of Appeals finds that since the approval of Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021 by the DuPage County Board, petitioners have adhered to the conditions placed on the zoning case for approximately three (3) years, followed Group Quarters operations that were set forth in that zoning relief, and that the Group Quarters have been added benefit to the surrounding area, with no impacts to adjacent properties.
 - Furthermore, that the Zoning Board of Appeals hereby removes the time limit condition originally placed on Z21-023 27W121 80th Street Investments, LLC

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 no changes will be made to exterior of the subject home or to the subject property, and therefore the proposed zoning relief 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 6,706 square foot subject home and property has easily accommodated twelve (12) residents and does not increase the hazard from fire or other dangers to adjacent properties.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the Group Quarters is operated in the existing home and that petitioner owns/operates similar types of residential programs in residential neighborhoods throughout the country with no diminishment of value of land.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing Group Quarters does not noticeable increase traffic in the area and that no residents have their own vehicles at the subject property.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing Group Quarters use has no structural or physical changes to the building, therefore there will be no increase in the potential for flood damages to adjacent properties.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the existing Group Quarters does not increase any additional expense for flood protection, rescue, or relief.
 - g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the Monte Nido Group Quarters has operated the Group Quarters for over three (3) years with up to twelve (12)

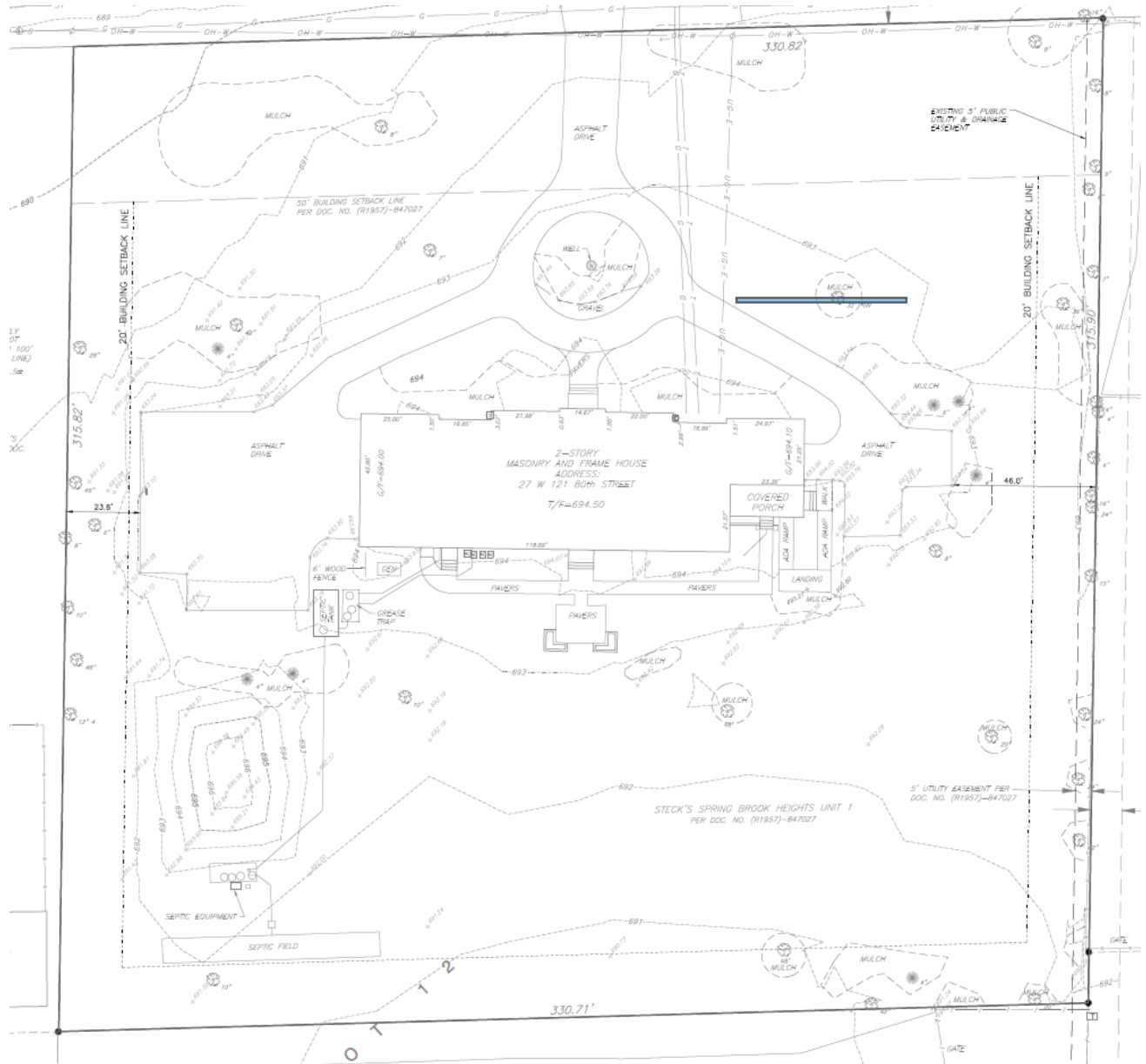
adolescents with no noticeable impact on surrounding properties, and that the use and property beautifications is a benefit to the surrounding area and DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000017 80th St. Investments, LLC.
ZONING REQUEST	To renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved under Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board.
OWNER	27W121 80 TH ST INVESTMENTS, LLC., 6100 SW 76 TH STREET, MIAMI, FL 33143 / AGENT: MARK GERSHON, POLSINELLI, PC, 150 N. RIVERSIDE PLAZA, CHICAGO, IL 60606
ADDRESS/LOCATION	27W121 80 TH STREET, NAPERVILLE, IL 60565-1270
PIN	07-36-204-002
TWSP./CTY. BD. DIST.	NAPERVILLE DISTRICT 5
ZONING/LUP	R-1 SF RES 0-5 DU AC
AREA	2.4 ACRES (104,544 SQ. FT.)
UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: APRIL 2, 2024
PUBLIC HEARING	THURSDAY, APRIL 18, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections.
Stormwater:	Our office has no jurisdiction in this matter.
Public Works:	Our office has no jurisdiction in this matter. "We do not provide any services (sewer or water) to that area."
EXTERNAL:	
City of Naperville:	<i>No Comments Received.</i>
Naperville Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Naperville Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 204:	<i>No Comments Received.</i>
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	R-1 SF RES	GROUP QUARTERS	0-5 DU AC
North	80 TH STREET AND BEYOND R-1 SF RES	HOUSE	0-5 DU AC
South	R-1 SF RES	HOUSE	0-5 DU AC
East	R-1 SF RES	HOUSE	0-5 DU AC
West	R-1 SF RES	HOUSE	0-5 DU AC











Development Ordinance

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

File #: DC-O-0040-24

Agenda Date: 6/18/2024

Agenda #: 12.C.

Zoning Petition ZONING-24-000022 Somerset Plaza, LLC.

WHEREAS, a public hearing was held on April 25, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional Use to allow auto sales with auto repair in the B-1 Local Business District, on the property hereinafter described:

LOTS 1 AND 7 IN KAREN'S ASSESSMENT PLAT OF LOT 3 IN RAMLIN ROSE SOUTH ASSESSMENT PLAT, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 20, 1978 AS DOCUMENT R78-111483 (EXCEPT THAT PART OF SAID LOT 1 DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST EASTERLY SOUTHEAST CORNER OF SAID LOT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 3 IN SAID KAREN'S ASSESSMENT PLAT; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 3, 152.69 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 3 SAID POITN ALSO BEING THE POINT OF BEGINNING OF THE PROPERTY TO BE DESCRIBED HEREIN; THENCE CONTINUING WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 3 EXTENDED 25.0 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL WITH THE WESTERLY LINE OF SAID LOT 3, 100 FEET; THENCE EASTERLY 25 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 3; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 3, 100 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE OCUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on June 6, 2024, does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that they requested a Conditional Use in order to allow the operation of auto sales, in addition to an existing automobile repair garage.
2. That petitioner testified that the subject property is over three (3) acres in size and is located within a strip shopping center with three (3) access points.
 - a. That the subject strip shopping center and shopping out-lot buildings include a restaurant, car wash,

office building, liquor store, dentist, pantry, and tax office.

3. That petitioner testified that the existing use is an auto repair garage that has operated for at least forty (40) years.
4. That petitioner testified that they purchased the subject property in 2016 with the ongoing auto repair shop and assumed it was permitted as it has operated for over forty (40) years.
 - a. That petitioner testified that they complete general auto repair, including engine work, oil changes, brakes, and tires, and that no bodywork or salvage work is completed on the property.
 - b. That petitioner testified that all repairs are performed inside of the building.
 - c. That petitioner testified that the repair shop operates until 6:00 PM Monday through Saturday.
 - d. That petitioner testified that no storage of inoperable vehicles or parts will take place outside and that all repairs are completed inside.
 - e. That petitioner testified that there is no long-term storage of vehicles and that the normal turn around is a day or two at most.
 - f. That petitioner testified that approximately 60-70% is direct from customer work and that 30-40% is direct from dealers.
5. That petitioner testified that they also propose to sell automobiles out of the same location via the internet.
 - a. That petitioner testified that the sale of automobiles would be internet-based direct to dealers and that there would be no display of vehicles for sale for the public.
 - b. That petitioner testified that they would sell between three (3) and five (5) vehicles a month.
6. That petitioner testified that they have recently installed three (3) cameras in the parking lot for safety purposes.
7. That the Zoning Board of Appeals finds that the petitioner has not presented or provided sufficient evidence in order to approve a Conditional Use to allow auto sales with auto repair in the B-1 Local Business District.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has not 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 not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales will not impair an adequate supply of light and air to the adjacent property.
- b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales will not increase the hazard from fire or other dangers to said property.
- c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales will not diminish in the value of land and buildings throughout the County.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales 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 not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales will not increase the potential for flood damages to adjacent property.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales will not incur additional public expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** or provide sufficient evidence that the existing automobile repair garage and proposed auto sales will not impair the public health, safety, comfort, morals, or general welfare.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000022 Somerset Plaza, LLC.
ZONING REQUEST	Conditional Use to allow auto sales with auto re the B-1 Local Business District.
OWNER	SOMERSET PLAZA, LLC., 1015 BUTTERFLIE ROAD, DOWNERS GROVE, IL 60515 / AGEN PHILLIP LUETKEHANS & BRIAN ARMSTR LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC., 105 EAST IRVING PAR ROAD, ITASCA, IL 60143

ADDRESS/LOCATION	10S644 SOUTH ROUTE 83, WILLOWBROOK 60527 / ALSO KNOWN AS: 10S644 KINGERY HIGHWAY, WILLOWBROOK, IL 60527 / ALSO KNOWN AS: 9300 S. RT 83, WILLOWBROOK 60527	
PIN	10-02-303-005 / 10-02-303-011	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	B-1 LOCAL DISTRICT	LOCAL COMMERCIAL
AREA	1.76 ACRES (76,666 SQ. FT.)	
UTILITIES	WATER / SEWER	
PUBLICATION DATE	Daily Herald: APRIL 10, 2024	
PUBLIC HEARING	THURSDAY, APRIL 25, 2024	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	<i>No Comments Received.</i>	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	No Objections with the concept of the petition. Additional information not required at time of permit application. "We are the sewer and water provider, a permit is required from us."	
EXTERNAL:		
Village of Burr Ridge:	(See attached documentation)	
City of Darien:	No Objections.	
Downers Grove Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections with the concept of the petition. Additional information not required at time of permit application. (See attached documentation)	
Tri-State Fire Dist.:	No Objections.	
Sch. Dist. 180:	No Objections.	
Sch. Dist. 86:	No Objections with the concept of the petition. Additional information not required at time of permit application.	
Forest Preserve:	<i>No Comments Received.</i>	

LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-1 LOCAL COMMERCIAL	COMMERCIAL	LOCAL COMMERCIAL
North	B-1 LOCAL COMMERCIAL	COMMERCIAL	LOCAL COMMERCIAL
South	MOCKINGBIRD LANE AND BEYOND R-6 GENERAL RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	5-15 DU AC

East	ROUTE 83 AND BEYOND VILLAGE OF BURR RIDGE	RESIDENTIAL	VILLAGE OF BURR RIDGE
West	R-6 GENERAL RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	15+ DU AC

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on June 6, 2024, recommends to deny the following zoning relief:

Conditional Use to allow auto sales with auto repair in the B-1 Local Business District.

ZBA VOTE (to Deny): 6 Ayes, 1 Nays, 0 Absent

Dissenting Opinion: That the one (1) dissenting Zoning Board of Appeals member found that petitioner presented sufficient evidence in order to approve the subject zoning relief.

WHEREAS, the County Board Development Committee on June 18, 2024, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to not concur with the findings and recommends to approve the following zoning relief:

Conditional Use to allow auto sales with auto repair in the B-1 Local Business District.

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

DEVELOPMENT COMMITTEE FINDINGS OF FACT:

1. That the Development Committee found that the primary use of the subject property is automotive repair and that the automotive sales are ancillary and minimal compared to the primary use of the property, which has operated for over forty (40) years at the subject property.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional Use to allow auto sales with auto repair in the B-1 Local Business District, on the property hereinafter described:

LOTS 1 AND 7 IN KAREN'S ASSESSMENT PLAT OF LOT 3 IN RAMLIN ROSE SOUTH ASSESSMENT PLAT, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 20, 1978 AS DOCUMENT R78-111483 (EXCEPT THAT PART OF SAID LOT 1 DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST EASTERLY SOUTHEAST CORNER OF SAID LOT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 3 IN SAID KAREN'S ASSESSMENT PLAT; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 3, 152.69 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 3 SAID POITN ALSO BEING THE POINT OF BEGINNING OF THE PROPERTY TO BE DESCRIBED HEREIN; THENCE CONTINUING WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 3 EXTENDED 25.0 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL WITH THE WESTERLY LINE OF SAID LOT 3, 100 FEET; THENCE EASTERLY 25 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 3; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 3, 100 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE OCUNTY, ILLINOIS; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; SOMERSET PLAZA, LLC., 1015 BUTTERFIELD ROAD, DOWNERS GROVE, IL 60515 / AGENT: PHILLIP LUETKEHANS & BRIAN ARMSTRONG, LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC., 105 EAST IRVING PARK ROAD, ITASCA, IL 60143; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 25th day of June, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**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: June 18, 2024

RE: **ZONING-24-000022 Somerset Plaza, LLC.
(Downers Grove/ District 3)**

DuPage County: June 25, 2024:

Development Committee: June 18, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use to allow auto sales with auto repair in the B-1 Local Business District.

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

DEVELOPMENT COMMITTEE FINDINGS OF FACT:

1. That the Development Committee found that the primary use of the subject property is automotive repair and that the automotive sales are ancillary and minimal compared to the primary use of the property, which has operated for over forty (40) years at the subject property.

Zoning Board of Appeals Meeting: June 6, 2024: The Zoning Board of Appeals recommended to deny the following zoning relief:

Conditional Use to allow auto sales with auto repair in the B-1 Local Business District.

ZBA VOTE (to Deny): 6 Ayes, 1 Nays, 0 Absent

Dissenting Opinion: That the one (1) dissenting Zoning Board of Appeals member found that petitioner presented sufficient evidence in order to approve the subject zoning relief.

FINDINGS OF FACT:

1. That petitioner testified that they requested a Conditional Use in order to allow the operation of auto sales, in addition to an existing automobile repair garage.
2. That petitioner testified that the subject property is over three (3) acres in size and is located within a strip shopping center with three (3) access points.
 - a. That the subject strip shopping center and shopping out-lot buildings include a restaurant, car wash, office building, liquor store, dentist, pantry, and tax office.
3. That petitioner testified that the existing use is an auto repair garage that has operated for at least forty (40) years.
4. That petitioner testified that they purchased the subject property in 2016 with the ongoing auto repair shop and assumed it was permitted as it has operated for over forty (40) years.
 - a. That petitioner testified that they complete general auto repair, including engine work, oil changes, brakes, and tires, and that no bodywork or salvage work is completed on the property.
 - b. That petitioner testified that all repairs are performed inside of the building.
 - c. That petitioner testified that the repair shop operates until 6:00 PM Monday through Saturday.
 - d. That petitioner testified that no storage of inoperable vehicles or parts will take place outside and that all repairs are completed inside.
 - e. That petitioner testified that there is no long-term storage of vehicles and that the normal turn around is a day or two at most.
 - f. That petitioner testified that approximately 60-70% is direct from customer work and that 30-40% is direct from dealers.
5. That petitioner testified that they also propose to sell automobiles out of the same location via the internet.
 - a. That petitioner testified that the sale of automobiles would be internet-based direct to dealers and that there would be no display of vehicles for sale for the public.
 - b. That petitioner testified that they would sell between three (3) and five (5) vehicles a month.

6. That petitioner testified that they have recently installed three (3) cameras in the parking lot for safety purposes.
7. That the Zoning Board of Appeals finds that the petitioner has not presented or provided sufficient evidence in order to approve a Conditional Use to allow auto sales with auto repair in the B-1 Local Business District.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has not 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 not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales will not impair an adequate supply of light and air to the adjacent property.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales will not increase the hazard from fire or other dangers to said property.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales will not diminish in the value of land and buildings throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales 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 not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales will not increase the potential for flood damages to adjacent property.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** or provided sufficient evidence that the existing automobile repair garage and proposed auto sales will not incur additional public expense for flood protection, rescue, or relief.
 - g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** or provide sufficient

evidence that the existing automobile repair garage and proposed auto sales will not impair the public health, safety, comfort, morals, or general welfare.

PETITIONER’S DEVELOPMENT FACT SHEET

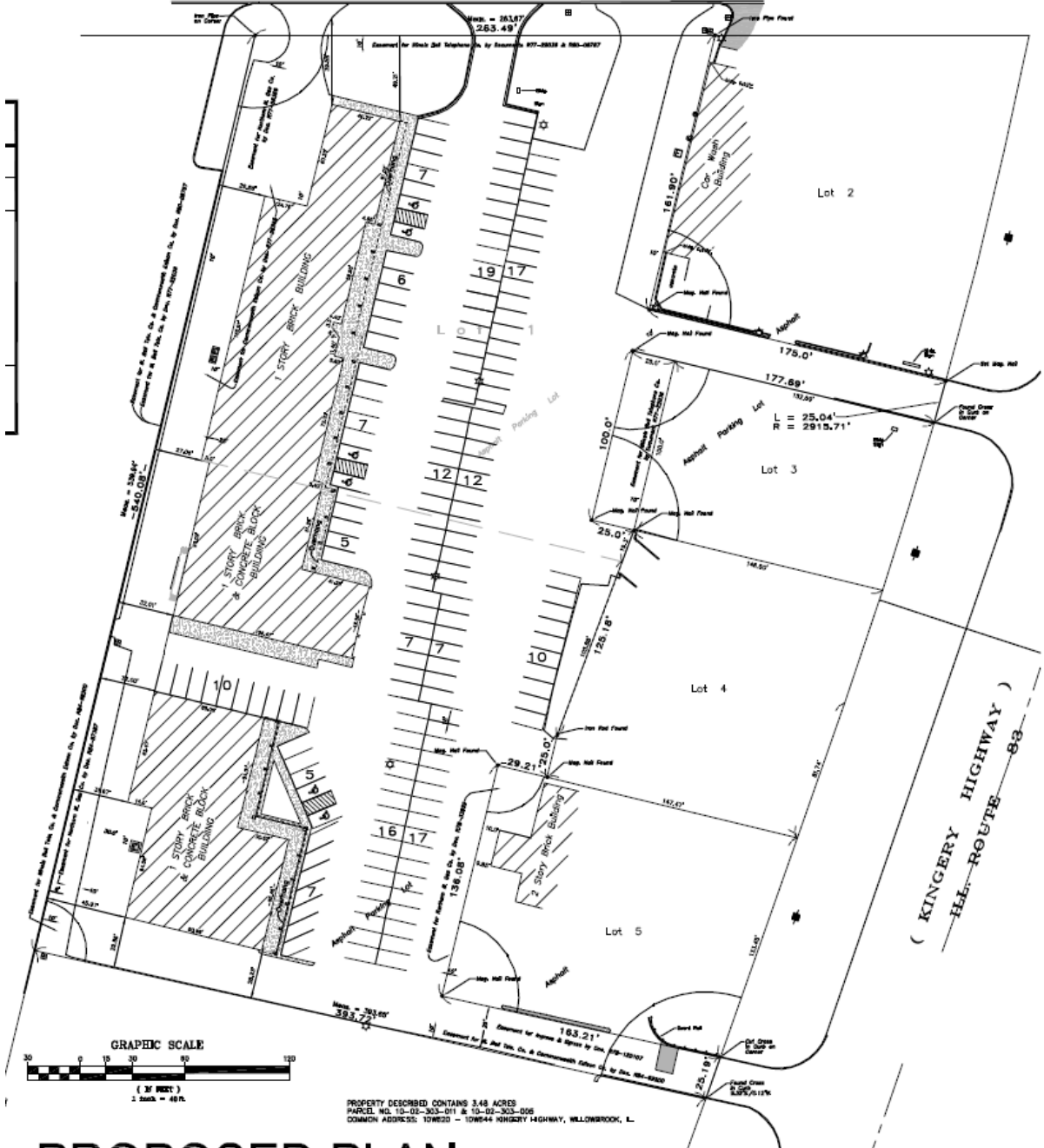
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-00022 Somerset Plaza, LLC.
ZONING REQUEST	Conditional Use to allow auto sales with auto repair in the B-1 Local Business District.
OWNER	SOMERSET PLAZA, LLC., 1015 BUTTERFIELD ROAD, DOWNERS GROVE, IL 60515 / AGENT: PHILLIP LUETKEHANS & BRIAN ARMSTRONG, LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC., 105 EAST IRVING PARK ROAD, ITASCA, IL 60143
ADDRESS/LOCATION	10S644 SOUTH ROUTE 83, WILLOWBROOK, IL 60527 / ALSO KNOWN AS: 10S644 KINGERY HIGHWAY, WILLOWBROOK, IL 60527 / ALSO KNOWN AS: 9300 S. RT 83, WILLOWBROOK, IL 60527
PIN	10-02-303-005 / 10-02-303-011
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	B-1 LOCAL DISTRICT LOCAL COMMERCIAL
AREA	1.76 ACRES (76,666 SQ. FT.)
UTILITIES	WATER / SEWER
PUBLICATION DATE	Daily Herald: APRIL 10, 2024
PUBLIC HEARING	THURSDAY, APRIL 25, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	<i>No Comments Received.</i>
Stormwater:	Our office has no jurisdiction in this matter.
Public Works:	No Objections with the concept of the petition. Additional information may be required at time of permit application. “We are the sewer and water provider, a permit is required from us.”
EXTERNAL:	
Village of Burr Ridge:	(See attached documentation)
City of Darien:	No Objections.
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)

Tri-State Fire Dist.:	No Objections.
Sch. Dist. 180:	No Objections.
Sch. Dist. 86:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Forest Preserve:	<i>No Comments Received.</i>

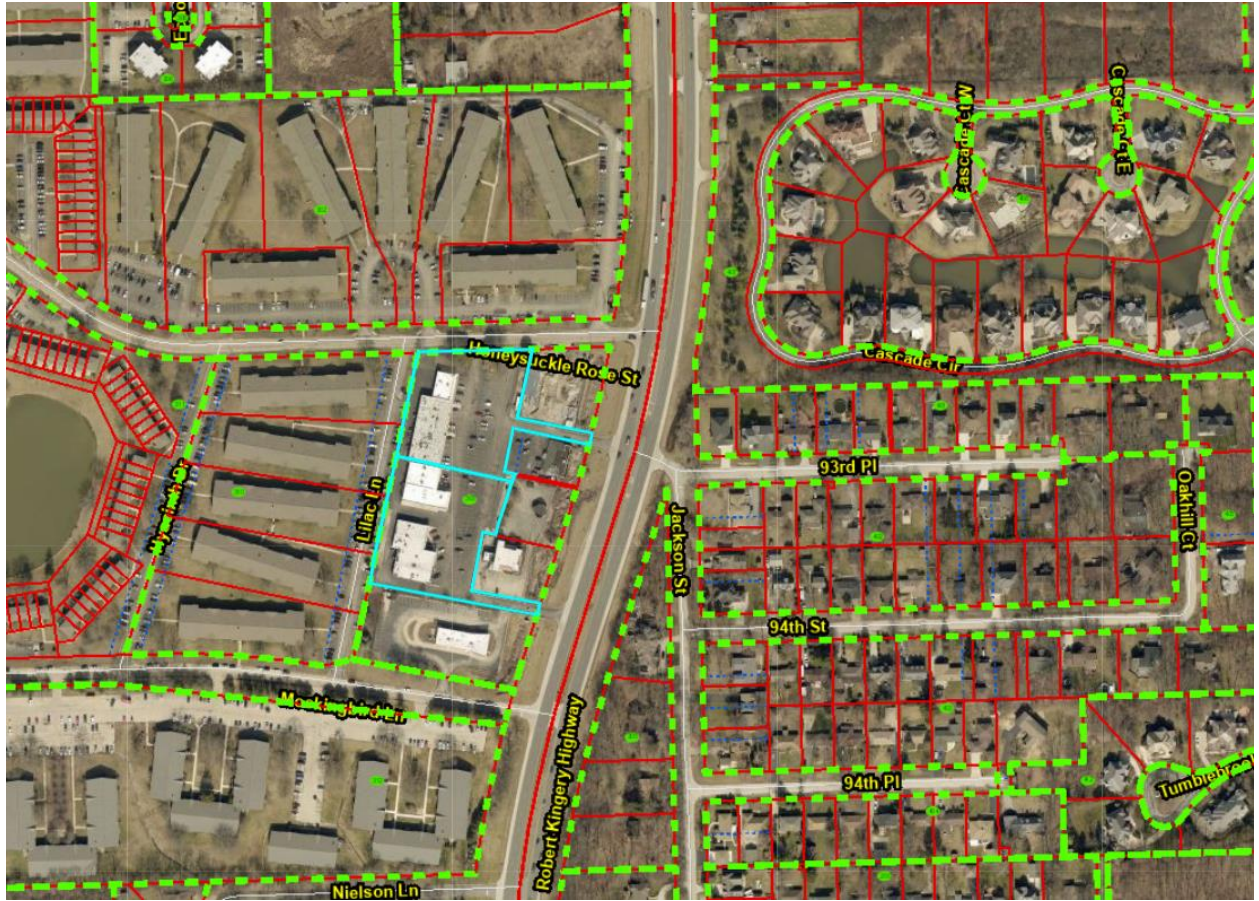
LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-1 LOCAL COMMERCIAL	COMMERCIAL	LOCAL COMMERCIAL
North	B-1 LOCAL COMMERCIAL	COMMERCIAL	LOCAL COMMERCIAL
South	MOCKINGBIRD LANE AND BEYOND R-6 GENERAL RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	5-15 DU AC
East	ROUTE 83 AND BEYOND VILLAGE OF BURR RIDGE	RESIDENTIAL	VILLAGE OF BURR RIDGE
West	R-6 GENERAL RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	15+ DU AC

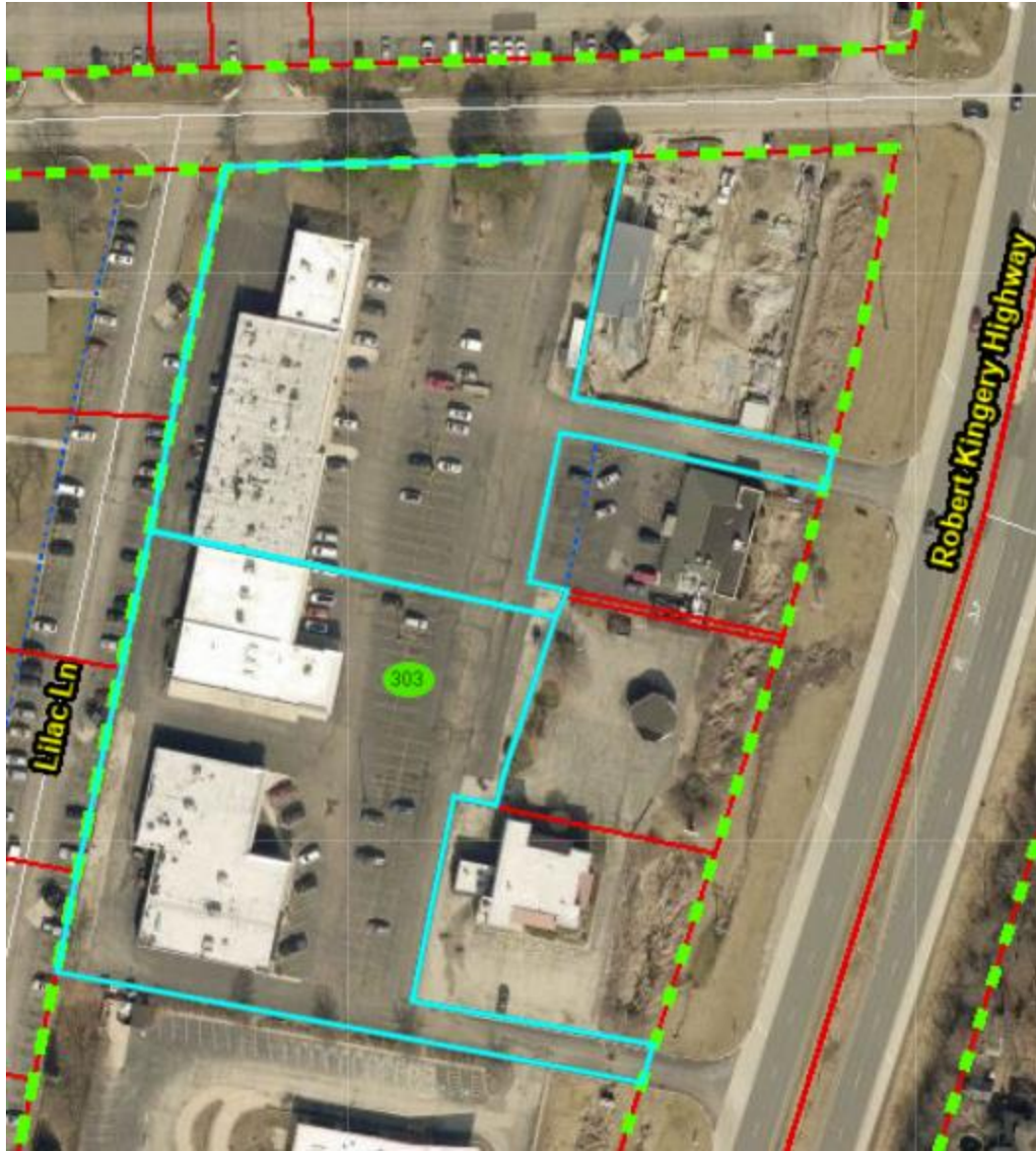
HONEYSUCKLE ROSE ROAD



PROPOSED PLAN









April 23, 2024

Jessica Infelise
DuPage County Building and Zoning Department
421 North County Farm Rd.
Wheaton, IL 60187

Via email to Jessica.infelise@dupageco.org

Re: Zoning Petition ZONING-24-000022 Somerset Plaza, LLC

Dear Ms. Infelise,

On April 15, 2024, the Village of Burr Ridge Plan Commission/Zoning Board of Appeals performed an extraterritorial review of the conditional use request to allow for auto sales with auto repair at 10S644 Kingery Highway, Willowbrook, IL 60527. This property is located to the west across from Village of Burr Ridge limits (east side of Kingery Highway).


While the Commissioners did not object to the use, they did have questions about the use which were not answered in the application materials:

- Are there other locations for the business and where?
- What is the business plan?
- What are the hours and days of operation?
- Are customers by appointment only or walk-ins?
- What kind of vehicles are for sale (i.e. passenger, trucks, vans, etc.) and what are the price-points (i.e. high end, luxury, used, etc.)?
- Based upon the configuration of the tenant space, it appears that a large volume of repair work will also be occurring at the property. Please clarify the nature of the auto repair work, how tires will be stored, and how fluid disposal will be handled.
- Will the auto repair work be conducted inside or outside the building?
- Where will the vehicles be displayed and stored, indoors or outside?
- Since this is a multi-tenant development, how many parking spaces are dedicated to the unit?
- What kind of security will be provided if the vehicles are outside (i.e. cameras, fencing, gates, etc.)?
- Will there be new parking lot lighting installed? If so, the Commission recommends that the lights be properly angled and shielded to prevent glare and light spillover.

Additionally, the Commission recommends that no sales signs, balloons, banners, streamers, inflatables, or other attention-getting devices be allowed. Currently the Waffles restaurant has several of these items which are distracting along an already dangerous stretch of road.

Should you have any questions, please do not hesitate to contact me at estern@burr-ridge.gov or (630) 654-8181 x 6260.

Sincerely,


Ella Stern, Planner

www.burr-ridge.gov
630.654.8181



DUPAGE

Building

Zoning &

Environmental

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

DU PAGE COUNTY ZONING BOARD OF APPEALS
Zoning Petition ZONING-24-000022 Somerset Plaza, LLC.

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm
Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupagecounty.gov or via
facsimile at 630-407-6702 by April 24, 2024.

Form with sections: COMMENT SECTION, COMMENTS, SIGNATURE, MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT, GENERAL ZONING CASE INFORMATION. Includes handwritten notes and dates.



Development Ordinance

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

File #: DC-O-0041-24

Agenda Date: 6/18/2024

Agenda #: 12.D.

Zoning Petition ZONING-24-000027 Bates

WHEREAS, a public hearing was held on June 5, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Variation to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage, on the property hereinafter described:

LOT 25 AND 26 IN THE FIRST ADDITION TO NORTHWEST ADDITION TO WHEATON, BEING A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 9, 1925, AS DOCUMENT 195881 IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on June 5, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage.
- B. That petitioner testified that the subject property was platted in the 1920s and that it is a historic lot of record.
- C. That petitioner testified that the proposed single-family home would be a raised-ranch and that the proposed basement is more than 50% above ground and therefore counted towards the total square footage that is permitted on the subject property.
- D. That petitioner testified that it is not feasible to lower the basement further into the ground due to the grade change on the subject property.

- E. That the Zoning Hearing Officer finds that petitioner had demonstrated sufficient evidence for a practical difficulty and particular hardship, as petitioner indicated that due to the grade change on the subject property, the proposed basement must be more than 50% above ground and therefore counted towards the total square footage that is permitted on the subject project.

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 will meet all required setbacks and height requirements and will not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will receive a building permit for the proposed single-family home, and that it will be built pursuant to the current building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed single-family home will be an added benefit to the neighborhood and will not diminish the value of land and buildings throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed single-family home will not unduly increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed single-family home will not increase the potential for flood damages to adjacent property.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed single-family home will not incur additional public expense for flood protection, rescue, or relief.
 - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed single-family home will not impair the public health, safety, comfort, morals or general welfare and will be an added benefit to the neighborhood.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000027 Bates
ZONING REQUEST	Variation to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage.
OWNER	DANIEL BATES, 0S050 PAGE STREET, WINFIELD, IL 60187 / DANIEL BATES, 148 S PROSPECT STREET, WHEATON, IL 60187
ADDRESS/LOCATION	0S050 PAGE STREET, WINFIELD, IL 60187
PIN	05-18-200-039 / 05-18-200-040
TWSP./CTY. BD. DIST.	MILTON DISTRICT 4
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	6,100 SQ. FT.
UTILITIES	WATER AND SEWER
PUBLICATION DATE	Daily Herald: MAY 21, 2024
PUBLIC HEARING	WEDNESDAY, JUNE 5, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	Our office has no jurisdiction in this matter.
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	Our office has no jurisdiction in this matter.
EXTERNAL:	
City of Wheaton:	<i>No Comments Received.</i>
Village of Winfield:	<i>No Comments Received.</i>
Village of Carol Stream:	Our office has no jurisdiction in this matter.
Milton Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Winfield Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 200:	<i>No Comments Received.</i>

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.”
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GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Floor Area Ratio:	2,135 SQ. FT.	N/A	APPROX. 2,415 SQ. FT.

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	PAGE STREET AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	PUBLIC ROW AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on June 5, 2024, recommends to approve the following zoning relief:

Variation to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage.

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-24-00027 Bates** dated June 5, 2024.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

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

ZHO Recommendation to Approve

WHEREAS, the County Board Development Committee on June 18, 2024, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

Variation to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage.

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-24-000027 Bates** dated June 5, 2024.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Variation to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage, on the property hereinafter described:

LOT 25 AND 26 IN THE FIRST ADDITION TO NORTHWEST ADDITION TO WHEATON, BEING A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 9, 1925, AS DOCUMENT 195881 IN DUPAGE COUNTY, ILLINOIS; and

The Zoning Relief is 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-24-000027 Bates** dated June 5, 2024.

2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; DANIEL BATES, 0S050 PAGE STREET, WINFIELD, IL 60187 / DANIEL BATES, 148 S PROSPECT STREET, WHEATON, IL 60187; and Township Assessor, Milton Township, 1492 N. Main Street, Wheaton, IL 60187.

Enacted and approved this 25th day of June, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

Building
Division

Zoning &
Planning Division

Environmental
Division

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: June 18, 2024

RE: **ZONING-24-000027 Bates (Milton / District 4)**

DuPage County Board: June 25, 2024:

Development Committee: June 18, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage.

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-24-000027 Bates** dated June 5, 2024.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

Zoning Hearing Officer: June 5, 2024: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage.

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-24-000027 Bates dated June 5, 2024.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage.
- B. That petitioner testified that the subject property was platted in the 1920s and that it is a historic lot of record.
- C. That petitioner testified that the proposed single-family home would be a raised-ranch and that the proposed basement is more than 50% above ground and therefore counted towards the total square footage that is permitted on the subject property.
- D. That petitioner testified that it is not feasible to lower the basement further into the ground due to the grade change on the subject property.
- E. That the Zoning Hearing Officer finds that petitioner had demonstrated sufficient evidence for a practical difficulty and particular hardship, as petitioner indicated that due to the grade change on the subject property, the proposed basement must be more than 50% above ground and therefore counted towards the total square footage that is permitted on the subject project.

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 will meet all required setbacks and height requirements and will not impair an adequate supply of light and air to the adjacent properties.
- b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will receive a building permit for the proposed single-family home, and that it will be built pursuant to the current building codes.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed single-family home will be an added benefit to the neighborhood and will not diminish the value of land and buildings throughout the County.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed single-family home will not unduly increase traffic congestion in the public streets and highways.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed single-family home will not increase the potential for flood damages to adjacent property.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed single-family home will not incur additional public expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed single-family home will not impair the public health, safety, comfort, morals or general welfare and will be an added benefit to the neighborhood.

PETITIONER'S DEVELOPMENT FACT SHEET

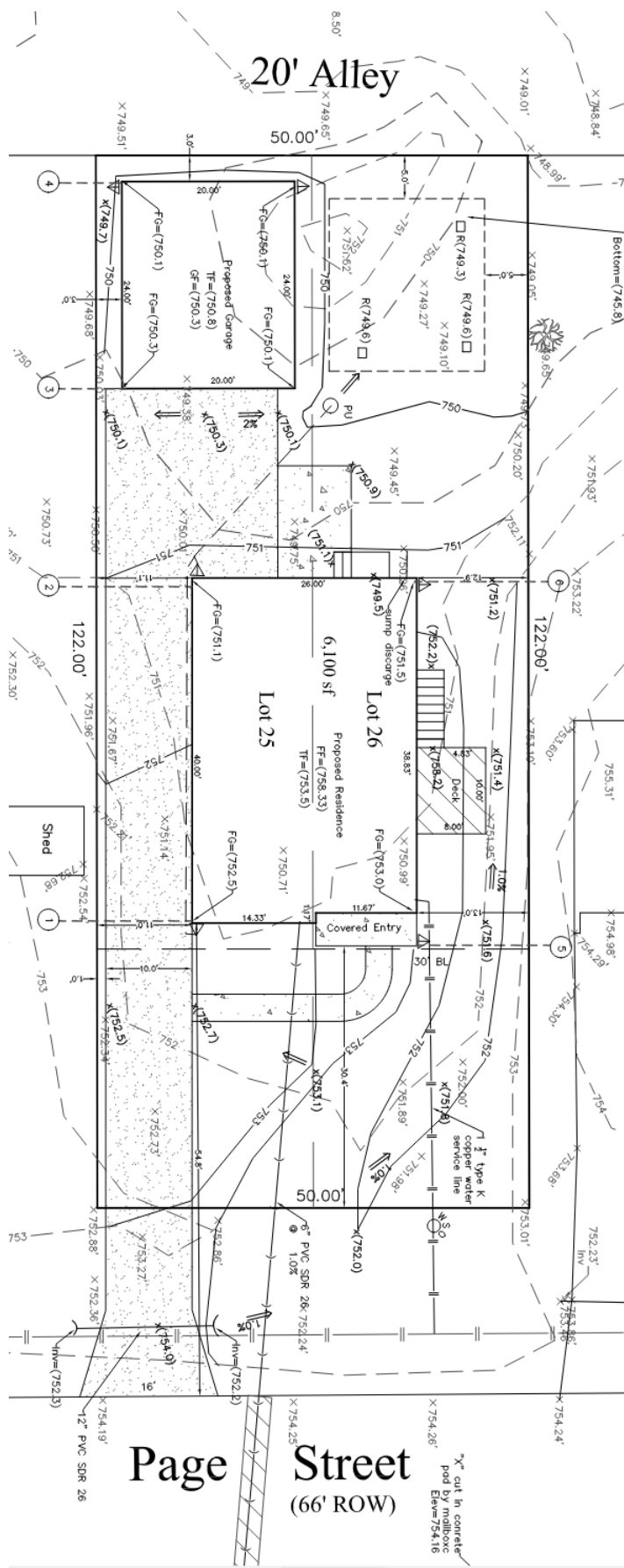
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-24-000027 Bates	
ZONING REQUEST	Variation to increase the total Floor Area Ratio on the subject property from permitted 35% (approximately 2,135 sq. ft.) to approximately 39.59% (approximately 2,415 sq. ft.), for a new house with detached garage.	
OWNER	DANIEL BATES, 0S050 PAGE STREET, WINFIELD, IL 60187 / DANIEL BATES, 148 S PROSPECT STREET, WHEATON, IL 60187	
ADDRESS/LOCATION	0S050 PAGE STREET, WINFIELD, IL 60187	
PIN	05-18-200-039 / 05-18-200-040	
TWSP./CTY. BD. DIST.	MILTON	DISTRICT 4
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	6,100 SQ. FT.	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: MAY 21, 2024	
PUBLIC HEARING	WEDNESDAY, JUNE 5, 2024	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
City of Wheaton:	<i>No Comments Received.</i>	
Village of Winfield:	<i>No Comments Received.</i>	
Village of Carol Stream:	Our office has no jurisdiction in this matter.	
Milton Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Winfield Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 200:	<i>No Comments Received.</i>	
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."	

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Floor Area Ratio:	2,135 SQ. FT.	N/A	APPROX. 2,415 SQ. FT.

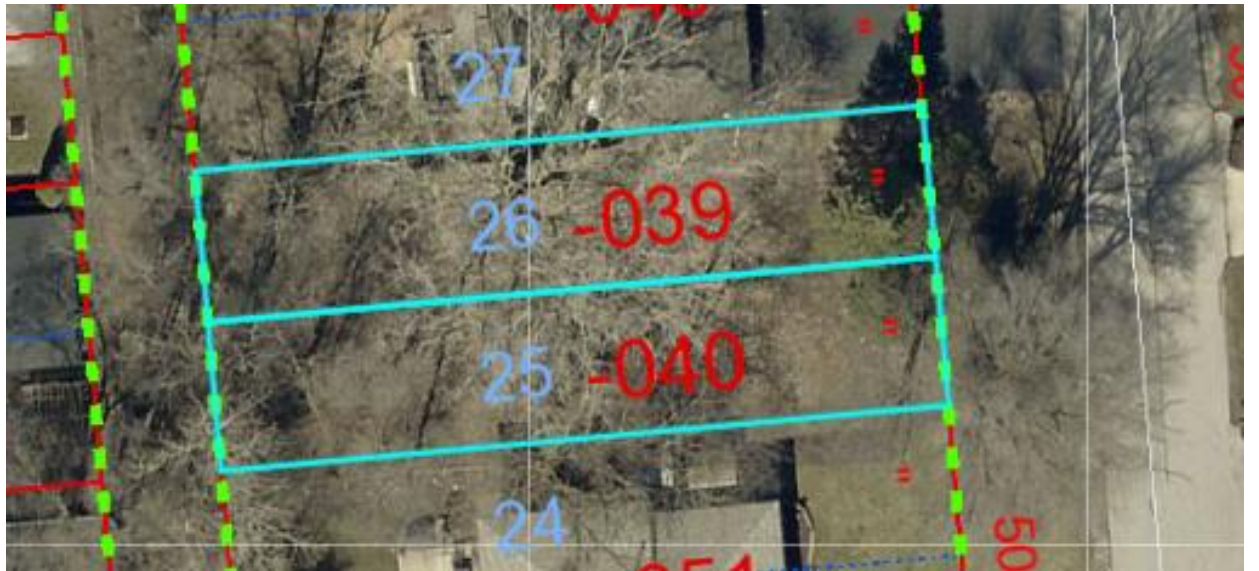
LAND USE

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	PAGE STREET AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	PUBLIC ROW AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC



Page Street
(66' ROW)







Development Ordinance

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

File #: DC-O-0043-24

Agenda Date: 6/18/2024

Agenda #: 12.E.

T-1-24 (a) PROPOSED TEXT AMENDMENTS TO THE DUPAGE COUNTY ZONING ORDINANCE RELATIVE TO PLACES OF ASSEMBLY, RESTAURANTS, FENCES, PASSENGER AND COMMERCIAL VEHICLES, VIDEO GAMING REGULATIONS, ACCESSORY STRUCTURES AND BUILDINGS, AND HISTORIC LOTS OF RECORD
(Waive First Reading)

WHEREAS, a public hearing was held on May 14, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following text amendment:

Text Amendments to the DuPage County Zoning Ordinance:

T-1-24 (a) to the DuPage County Zoning Ordinance Chapter 37 relative to places of assembly, restaurants, fences, passenger and commercial vehicles, video gaming regulations, accessory structures and buildings, and historic lots of record, presented on May 14, 2024, and attached hereto as Exhibit A; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested text amendment presented at the above hearing and at the recommendation meeting held on June 6, 2024 does find as follows:

FINDINGS OF FACT:

1. That the Zoning Board of Appeals finds that over the last several months, County Board members have requested staff to research various land use topics that are of importance to their constituents. Staff has completed its research and developed several proposed amendments to the County Zoning Ordinance that would address the concerns of the County Board members relative to the following:

- Restaurants and Video Gaming.
- Convenience stores and Gas Station relative to Video Gaming.
- Fencing regulations.
- Places of Assembly.
- Passenger and commercial vehicle regulations.
- New regulations for accessory structures and buildings.
- New residential guidelines that will allow for existing platted residential lots to be available for development as

of right.

2. That the Zoning Board of Appeals finds that on Tuesday April 16, 2024, the Development Committee voted to request staff to have the proposed text amendment considered at public hearing before the Zoning Board of Appeals

3. That the Zoning Board of Appeals finds that the proposed text amendments to the DuPage County Zoning Ordinance are important to the County in the furtherance of its goals to protect and enhance the health, welfare, and safety of its residents.

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on June 6, 2024, recommends to approve the following text amendment:

Text Amendments to the DuPage County Zoning Ordinance:

The Zoning Board of Appeals recommended to approve the proposed text amendments T-1-24 (a) to the DuPage County Zoning Ordinance Chapter 37 relative to places of assembly, restaurants, fences, passenger and commercial vehicles, video gaming regulations, accessory structures and buildings, and historic lots of record, presented on May 14, 2024, and attached hereto as Exhibit A:

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

WHEREAS, the County Board Development Committee on June 18, 2024, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following text amendment:

Text Amendments to the DuPage County Zoning Ordinance:

The DuPage County Development Committee recommended to approve the proposed text amendments T-1-24 (a) to the DuPage County Zoning Ordinance Chapter 37 relative to places of assembly, restaurants, fences, passenger and commercial vehicles, video gaming regulations, accessory structures and buildings, and historic lots of record, presented on May 14, 2024, and attached hereto as Exhibit A.

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

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following text amendment be granted:

Text Amendments to the DuPage County Zoning Ordinance:

T-1-24 (a) to the DuPage County Zoning Ordinance Chapter 37 relative to places of assembly, restaurants, fences, passenger and commercial vehicles, video gaming regulations, accessory structures and buildings, and historic lots of record, presented on May 14, 2024, and attached hereto as Exhibit A; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; and DuPage County Division of Transportation.

Enacted and approved this 25th day of June, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK

EXHIBIT A:

Add to ARTICLE III. RULES AND DEFINITIONS, Section 37-302: DEFINITIONS to include the following:

FRATERNAL ESTABLISHMENT: A location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

GARAGE, PRIVATE: A private garage is an accessory building or an accessory portion of the principal building or both, which is intended and used to store motor vehicles of the first division or second division with a gross vehicle weight rating of ~~eight thousand (8,000)~~ **ten thousand one pounds (10,001 lbs.)** or less.

PLACE OF ASSEMBLY: A premises where members or patrons gather together generally for common reason and generally at regular intervals including for, but not limited to, civic, cultural, **veterans' and** fraternal, political, religious, or social purpose. **(Including chapels, churches, synagogues, temples, mosques, and other religious institutions including parsonages and rectories).** It shall be permissible to serve food and meals on the premises, provided it is secondary and incidental to the promotion of some other common objective of the organization and provided adequate dining room space and kitchen facilities are available and is in compliance with applicable federal, state, and county laws, including, but not limited to the DuPage County Building Code and the DuPage County Health Department regulations. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that the sale of alcoholic beverages is in compliance with applicable federal, state, and county laws.

RESTAURANT: An establishment ~~whose~~ **wherein the** principal business ~~use~~ is the dispensing of edible, prepared food and/or beverages for consumption on and/or off the premises **depending on the type of restaurant herein**. Restaurant is further defined by class as follows:

Carry Out Only Restaurant: An <<https://www.lawinsider.com/dictionary/restaurant-carry-out>> establishment wherein the principal business is the sale of food and may ancillary include the sale of non-alcoholic beverages only to the customer in the ready-to-consume state for consumption off the premises and generally includes the following characteristics:

- 1. Sells prepared or prepackaged food for carryout only.**
- 2. Has no seating for patrons on the premises.**
- 3. Does not accept dining reservations.**
- 4. Has no County liquor license.**
- 5. Has no video gaming terminals.**

Class A Restaurant: An <<https://www.lawinsider.com/dictionary/restaurant-carry-out>> establishment wherein the principal business is the sale of food in the ready-to-consume state for consumption on/or off the premises and non-alcoholic beverages to the customer and generally includes the following characteristics:

- 1. Sells prepared and/or prepackaged food ready to carry out and/or dine in and/or via drive through service.**
- 2. Has on premises seating for patron's ancillary to the carry out and drive through services.**
- 3. Typically franchised or chain owned businesses.**
- 4. Has no meeting and/or banquet facilities.**
- 5. Does not accept dining reservations.**

6. Has no County liquor license.
7. Has no video gaming devices.

Class B Restaurant: An <<https://www.lawinsider.com/dictionary/restaurant-carry-out>> establishment wherein the principal business is the sale of food in the ready-to-consume state for consumption on the premises and beverages to the customer and generally includes the following characteristics:

1. Holds a County issued liquor license.
2. May accept dining reservations as a standard procedure.
3. May utilize a hostess to seat patrons.
4. Has meeting and/or banquet facilities incidental to the principal use.
5. Does not have carryout service on a regular basis.
6. May have video gaming terminals where video gaming terminals are ancillary to the principal business activity and holds a video gaming license from the State of Illinois and has secured a liquor license.

Class C Restaurant: An <<https://www.lawinsider.com/dictionary/restaurant-carry-out>> establishment wherein the principal business is the sale of food in the ready-to-consume state for consumption on the premises and beverages to the customer and generally includes the following characteristics:

1. Has a bar/lounge area separate from the restaurant which is utilized by non-eating customers.
2. Has, on a regular or semi-regular basis, entertainment facilities to include, but not be limited to, dance floors, disc jockeys, or live bands.
3. Has additional facilities other than the restaurant, to attract customers.
4. Holds a County issued liquor license.
5. Accepts dining reservations as a standard procedure.
6. Utilizes a hostess to seat patrons.
7. Has meeting and/or banquet facilities incidental to the principal use.
8. Does not have carryout service on a regular basis.
9. May have video gaming terminals where video gaming terminals are ancillary to the principal business activity and holds a video gaming license from the State of Illinois and has secured a liquor license.

Tavern/Bar: An establishment wherein the principal business use is the sale of beer, alcoholic, and non-alcoholic beverages to be consumed <https://www.google.com/search?scv=6480816f92634337&rlz=1C1GCEA_enUS1014US1014&sxsrf=ACQVn08fJ4fuBBAAsulKw-

Remove:

A. ~~Class A Restaurant: A restaurant which exhibits any four (4) or more of the following characteristics:~~

- ~~1. Sells prepackaged food ready to carryout.~~
- ~~2. Could have little or no on premises seating for patrons.~~
- ~~3. Franchised or chain owned businesses.~~
- ~~4. Has no meeting and/or banquet facilities.~~
- ~~5. Has no county liquor license.~~
- ~~6. Does not accept dining reservations.~~
- ~~7. Little or no advertising on an individual establishment basis.~~

B. ~~Class B Restaurant: A restaurant which exhibits any four (4) or more of the following characteristics:~~

- ~~1. Holds a county issued liquor license in the class B, C, or D.~~
- ~~2. Meeting and/or banquet facilities incidental to the principal use are available.~~

3. Normally accepts dining reservations as a standard procedure.
4. Does not have carryout service on a regular basis.
5. Advertises primarily on an individual establishment basis.
6. Utilizes a hostess to seat patrons.

C. Class C Restaurant: A class C restaurant is any class B restaurant that exhibits any one of the following characteristics:

1. Has a bar/lounge area separate from the restaurant which is utilized by non-eating customers.
2. Has, on a regular or semi-regular basis, entertainment facilities to include, but not be limited to, dance floors, disc jockeys or live bands.
3. Has additional facilities other than the restaurant, to attract customers.
4. Has additional facilities, as established in subsections C1 through C3 of this section, and has been determined by the director, department of economic development and planning to severely impact the provision of off-street parking spaces.

Truck stop, Small: A facility that is at least a 3-acre facility with a convenience store, has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and has parking spaces for commercial motor vehicles.

Truck stop, Large: A facility located within 3 road miles from a freeway interchange, as measured in accordance with the Department of Transportation's rules regarding the criteria for the installation of business signs, and is at least a 3-acre facility with a convenience store, has separate diesel islands for fueling commercial motor vehicles, sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month, and has parking spaces for commercial motor vehicles.

VIDEO GAMING CAFÉ RESTAURANT: An establishment wherein the principal business use is video gaming where the proprietor holds a video gaming license from the State of Illinois and provides alcohol service and may serve prepared food or packaged food for consumption on the premises incidental to the operation of video gaming.

VEHICLE:

Commercial Vehicle: Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle being used commercially **or any vehicle that has a gross vehicle weight rating over ten thousand one pounds (10,001 lbs.).**

Veteran's establishment: A location where a qualified veteran's organization that derives its charter from a national veteran's organization regularly meets.

VIDEO GAMING:

VIDEO GAMING CAFÉ RESTAURANT: An establishment wherein the principal business use is video gaming where the proprietor holds a video gaming license from the State of Illinois and provides alcohol service per a liquor license from the County and may serve prepared food or packaged food for consumption on the premises incidental to the operation of video gaming. (See also definition of Restaurant)

VIDEO GAMING TERMINAL ESTABLISHMENT: A accessory use that is not a Video Gaming Cafe, where video gaming terminals are an accessory use to the principal business use on the premises, and where the proprietor of the principal business use holds a video gaming license from the State of Illinois and may hold a liquor license from the County.

VIDEO GAMING TERMINAL: Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

VIDEO GAMING LICENSED ESTABLISHMENT: Any licensed retail establishment where alcoholic liquor may be drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis.

- **A Video Gaming Licensed Establishment includes any such establishment that has a contractual relationship with an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975, provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this Act to any licensee licensed under the Illinois Horse Racing Act of 1975. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be (i) an inter-track wagering location licensee, (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975, or (iii) the corporate subsidiary of a corporation that is also the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975.**

Amend Section 37-407: FENCES, WALLS AND SHRUBBERY: 37-407.1: GENERAL REQUIREMENTS: **37-407.2: RESIDENCE DISTRICTS: (and re-number accordingly)**

C. CORNER SIDE YARDS:

1. An open **or solid** fence may be erected at least three (3) inches from any lot line forming a part of the corner side yard to a height not to exceed **six feet six inches (6'6")** ~~four feet six inches (4'6")~~ above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.

2. An open or solid fence or non retaining wall may be erected at least ten (10) feet from the property line adjacent to any lot line forming a part of the corner side yard to a height not to exceed six feet six inches (6'6") above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.

Amend Section 37-700.7: OFF STREET PARKING AND LOADING REQUIREMENTS:

A. Single-Family Residence Districts:

1. Parking of motor vehicles shall be permitted as follows:

- a. Any motor vehicle parked on the lot shall be of the first division with a gross vehicle weight rating of ~~eight thousand (8,000)~~

ten thousand one pounds (10,001 lbs.) or less.; and

B. General Residence Districts:

1. Parking of motor vehicles shall be permitted as follows:

a. Any motor vehicle parked on the lot shall be of the first division with a gross vehicle weight rating of ~~eight thousand (8,000)~~ **ten thousand one pounds (10,001 lbs.) or less;** and

Amend Sections: 37-701.1: 37-702.1; 37-703.1; 37-704.1 PERMITTED USES:

Accessory buildings, structures and uses:

Floor area requirement: Detached accessory building shall not exceed the maximum amount of floor area as hereinafter set forth:

On lots containing forty thousand (40,000) square feet or less of lot area, detached accessory building shall contain no more than ~~six hundred fifty (650) one thousand (1,000)~~ square feet of floor area **and in no instance shall all detached accessory buildings, either individually or combined, be larger in size than the principal building on the property.**

On lots containing more than forty thousand (40,000) square feet of lot area, permissible area for detached accessory buildings shall be based on a floor area ratio (FAR) of ~~0.01625~~ **.025** but shall in no case exceed two thousand six hundred (2,600) square feet of floor area **and in no instance shall all detached accessory buildings, either individually or combined, be larger in size than the principal building on the property.**

Amend Section: 37-701.1: 37-702.1: 37-703.1: 37-704.1: PERMITTED USES

Place of Assembly including the following: private club, lodge, and fraternal organization; religious institutions (including chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories), where the subject property meets the following criteria:

Amend the table in Sections 37-701.3, 37-702.3, 37-703.3, 37-704.3: LOT REQUIREMENTS - SIZE, WIDTH AND DEPTH:

Historic Lot of Record Minimum Lot Size NA, Lot Width ~~66² when served with septic and well; 50² when served with sewer and well 44² when served with sewer and water.~~ **Fifty Feet (50')**

Amend Section 37-801: B-1 LOCAL BUSINESS DISTRICT: 37-801.2: 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:

Restaurants, class B and C, including open air dining- **and including Video Gaming Terminal Establishments. Any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.**

Amend Section 37-802: B-2 GENERAL BUSINESS DISTRICT: 37-802.1: PERMITTED USES:

The following uses are permitted:

Automobile service stations shall ~~not be eligible for yard reductions by conditional use.~~ **including Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.**

~~Open sales lots, need not be enclosed~~

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption, including Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment

Restaurants - carryout, class A, B, and C **Including Video Gaming Establishments and Video Gaming Café. Any Video Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.**

Taverns **including Video Gaming Terminal Establishments**

Any Tavern Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Tavern Use that also has a Video Gaming Terminal Establishment.

Amend Section 37-1001: I-1 LIGHT INDUSTRIAL DISTRICT: 37-1001.1: PERMITTED USES:

Automobile service stations shall not be eligible for yard reductions by conditional use. and may include Video Gaming Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption and may include Video Gaming Terminal Establishments. Any convenience store that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another convenience store that also has a Video Gaming Terminal Establishment

Restaurants - carryout, class A, B, and C and may include Video Gaming Establishments and Video Gaming Café. Video Gaming Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.

Truck stop, Large: May include Video Gaming Terminals. Any Large Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Large Truck facility that also has a Video Gaming Terminals

Truck stop, Small: May include Video Gaming Terminals. Any Small Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Small Truck facility that also has a Video Gaming Terminals

Amend Section 37-1002: I-2 GENERAL INDUSTRIAL DISTRICT: 37-1002.1: PERMITTED USES:

Automobile service stations shall not be eligible for yard reductions by conditional use. and may include Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption and may include Video Gaming Terminal Establishments. Any Convenience Store that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Convenience Store that also has a Video Gaming Terminal Establishment.

Restaurants - carryout, class A, B, and C and may include Video Gaming Establishments and Video Gaming Café. Video Gaming Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.

Truck stop, Large: May include Video Gaming Terminals. Any Large Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Large Truck facility that also has a Video Gaming Terminals

Truck stop, Small: May include Video Gaming Terminals. Any Small Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Small Truck facility that also has a Video Gaming Terminals

Amend Section 37-1203: SCHEDULE OF OFF-STREET PARKING REQUIREMENTS/ 6-6 RESTAURANT, TAVERN, AND BANQUET FACILITY

Tavern: Four (4) parking spaces per each 1,000 square feet of gross floor area.

Video Gaming Café Restaurant: Four (4) parking spaces per each 1,000 square feet of gross floor ar



**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: June 18, 2024

RE: **T-1-24 (a) Proposed Text Amendments (Waive First Reading)**

DuPage County Board: June 25, 2024:

DuPage County Development Committee: June 18, 2024: The DuPage County Development Committee recommended to approve the proposed text amendments T-1-24 (a) to the DuPage County Zoning Ordinance Chapter 37 relative to places of assembly, restaurants, fences, passenger and commercial vehicles, video gaming regulations, accessory structures and buildings, and historic lots of record, presented on May 14, 2024, and attached hereto as Exhibit A.

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

Zoning Board of Appeals Meeting: June 6, 2024: The Zoning Board of Appeals recommended to approve the proposed text amendments T-1-24 (a) to the DuPage County Zoning Ordinance Chapter 37 relative to places of assembly, restaurants, fences, passenger and commercial vehicles, video gaming regulations, accessory structures and buildings, and historic lots of record, presented on May 14, 2024, and attached hereto as Exhibit A.

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

FINDINGS OF FACT:

1. That the Zoning Board of Appeals finds that over the last several months, County Board members have requested staff to research various land use topics that are of importance to their constituents. Staff has completed its research and developed several proposed amendments to the County Zoning Ordinance that would address the concerns of the County Board members relative to the following:
 - Restaurants and Video Gaming.
 - Convenience stores and Gas Station relative to Video Gaming.
 - Fencing regulations.
 - Places of Assembly.
 - Passenger and commercial vehicle regulations.
 - New regulations for accessory structures and buildings.
 - New residential guidelines that will allow for existing platted residential lots to be available for development as of right.
2. That the Zoning Board of Appeals finds that on Tuesday April 16, 2024, the Development Committee voted to request staff to have the proposed text amendment considered at public hearing before the Zoning Board of Appeals
3. That the Zoning Board of Appeals finds that the proposed text amendments to the DuPage County Zoning Ordinance are important to the County in the furtherance of its goals to protect and enhance the health, welfare, and safety of its residents.

EXHIBIT A:

Add to ARTICLE III. RULES AND DEFINITIONS, Section 37-302: DEFINITIONS to include the following:

FRATERNAL ESTABLISHMENT: A location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

GARAGE, PRIVATE: A private garage is an accessory building or an accessory portion of the principal building or both, which is intended and used to store motor vehicles of the first division or second division with a gross vehicle weight rating of ~~eight thousand (8,000)~~ **ten thousand one pounds (10,001 lbs.)** or less.

PLACE OF ASSEMBLY: A premises where members or patrons gather together generally for common reason and generally at regular intervals including for, but not limited to, civic, cultural, **veterans' and fraternal**, political, religious, or social purpose. **(Including chapels, churches, synagogues, temples, mosques, and other religious institutions including parsonages and rectories)**. It shall be permissible to serve food and meals on the premises, provided it is secondary and incidental to the promotion of some other common objective of the organization and provided adequate dining room space and kitchen facilities are available and is in compliance with applicable federal, state, and county laws, including, but not limited to the DuPage County Building Code and the DuPage County Health Department regulations. The sale of alcoholic beverages to members and their

guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that the sale of alcoholic beverages is in compliance with applicable federal, state, and county laws.

RESTAURANT: An establishment ~~whose~~ **wherein the** principal business **use** is the dispensing of edible, prepared food and/or beverages for consumption on and/or off the premises **depending on the type of restaurant herein**. Restaurant is further defined by class as follows:

Carry Out Only Restaurant: An establishment wherein the principal business is the sale of food and may ancillary include the sale of non-alcoholic beverages only to the customer in the ready-to-consume state for consumption off the premises and generally includes the following characteristics:

- 1. Sells prepared or prepackaged food for carryout only.**
- 2. Has no seating for patrons on the premises.**
- 3. Does not accept dining reservations.**
- 4. Has no County liquor license.**
- 5. Has no video gaming terminals.**

Class A Restaurant: An establishment wherein the principal business is the sale of food in the ready-to-consume state for consumption on/or off the premises and non-alcoholic beverages to the customer and generally includes the following characteristics:

- 1. Sells prepared and/or prepackaged food ready to carry out and/or dine in and/or via drive through service.**
- 2. Has on premises seating for patron's ancillary to the carry out and drive through services.**
- 3. Typically franchised or chain owned businesses.**
- 4. Has no meeting and/or banquet facilities.**
- 5. Does not accept dining reservations.**
- 6. Has no County liquor license.**
- 7. Has no video gaming devices.**

Class B Restaurant: An establishment wherein the principal business is the sale of food in the ready-to-consume state for consumption on the premises and beverages to the customer and generally includes the following characteristics:

- 1. Holds a County issued liquor license.**
- 2. May accept dining reservations as a standard procedure.**
- 3. May utilize a hostess to seat patrons.**
- 4. Has meeting and/or banquet facilities incidental to the principal use.**
- 5. Does not have carryout service on a regular basis.**
- 6. May have video gaming terminals where video gaming terminals are ancillary to the principal business activity and holds a video gaming license from the State of Illinois and has secured a liquor license.**

Class C Restaurant: An establishment wherein the principal business is the sale of food in the ready-to-consume state for consumption on the premises and beverages to the customer and generally includes the following characteristics:

- 1. Has a bar/lounge area separate from the restaurant which is utilized by non-eating customers.**
- 2. Has, on a regular or semi-regular basis, entertainment facilities to include, but not be limited to, dance floors, disc jockeys, or live bands.**
- 3. Has additional facilities other than the restaurant, to attract customers.**
- 4. Holds a County issued liquor license.**
- 5. Accepts dining reservations as a standard procedure.**
- 6. Utilizes a hostess to seat patrons.**
- 7. Has meeting and/or banquet facilities incidental to the principal use.**

8. Does not have carryout service on a regular basis.
9. May have video gaming terminals where video gaming terminals are ancillary to the principal business activity and holds a video gaming license from the State of Illinois and has secured a liquor license.

Tavern/Bar: An establishment wherein the principal business use is the sale of beer, alcoholic, and non-alcoholic beverages to be consumed on the premises. The term tavern herein also can refer to bar or pub.

Remove:

A. ~~Class A Restaurant: A restaurant which exhibits any four (4) or more of the following characteristics:~~

- ~~1. Sells prepackaged food ready to carryout.~~
- ~~2. Could have little or no on premises seating for patrons.~~
- ~~3. Franchised or chain-owned businesses.~~
- ~~4. Has no meeting and/or banquet facilities.~~
- ~~5. Has no county liquor license.~~
- ~~6. Does not accept dining reservations.~~
- ~~7. Little or no advertising on an individual establishment basis.~~

B. ~~Class B Restaurant: A restaurant which exhibits any four (4) or more of the following characteristics:~~

- ~~1. Holds a county issued liquor license in the class B, C, or D.~~
- ~~2. Meeting and/or banquet facilities incidental to the principal use are available.~~
- ~~3. Normally accepts dining reservations as a standard procedure.~~
- ~~4. Does not have carryout service on a regular basis.~~
- ~~5. Advertises primarily on an individual establishment basis.~~
- ~~6. Utilizes a hostess to seat patrons.~~

C. ~~Class C Restaurant: A class C restaurant is any class B restaurant that exhibits any one of the following characteristics:~~

- ~~1. Has a bar/lounge area separate from the restaurant which is utilized by non eating customers.~~
- ~~2. Has, on a regular or semi regular basis, entertainment facilities to include, but not be limited to, dance floors, disc jockeys or live bands.~~
- ~~3. Has additional facilities other than the restaurant, to attract customers.~~
- ~~4. Has additional facilities, as established in subsections C1 through C3 of this section, and has been determined by the director, department of economic development and planning to severely impact the provision of off street parking spaces.~~

Truck stop, Small: A facility that is at least a 3-acre facility with a convenience store, has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and has parking spaces for commercial motor vehicles.

Truck stop, Large: A facility located within 3 road miles from a freeway interchange, as measured in accordance with the Department of Transportation's rules regarding the criteria for the installation of business signs, and is at least a 3-acre facility with a convenience store, has separate diesel islands for fueling commercial motor vehicles, sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month, and has parking spaces for commercial motor vehicles.

VIDEO GAMING CAFÉ RESTAURANT: An establishment wherein the principal business use is video gaming where the proprietor holds a video gaming license from the State of Illinois and provides alcohol service and may serve prepared food or packaged food for consumption on the premises incidental to the operation of video gaming.

VEHICLE:

Commercial Vehicle: Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle being used commercially **or any vehicle that has a gross vehicle weight rating over ten thousand one pounds (10,001 lbs.).**

Veteran's establishment: A location where a qualified veteran's organization that derives its charter from a national veteran's organization regularly meets.

VIDEO GAMING:

VIDEO GAMING CAFÉ RESTAURANT: An establishment wherein the principal business use is video gaming where the proprietor holds a video gaming license from the State of Illinois and provides alcohol service per a liquor license from the County and may serve prepared food or packaged food for consumption on the premises incidental to the operation of video gaming. (See also definition of Restaurant)

VIDEO GAMING TERMINAL ESTABLISHMENT: A accessory use that is not a Video Gaming Cafe, where video gaming terminals are an accessory use to the principal business use on the premises, and where the proprietor of the principal business use holds a video gaming license from the State of Illinois and may hold a liquor license from the County.

VIDEO GAMING TERMINAL: Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

VIDEO GAMING LICENSED ESTABLISHMENT: Any licensed retail establishment where alcoholic liquor may be drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis.

- A Video Gaming Licensed Establishment includes any such establishment that has a contractual relationship with an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975, provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this Act to any licensee licensed under the Illinois Horse Racing Act of 1975. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be (i) an inter-track wagering location licensee, (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975, or (iii) the corporate subsidiary of a corporation that is also the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975.

Amend Section 37-407: FENCES, WALLS AND SHRUBBERY: 37-407.1: GENERAL REQUIREMENTS: **37-407.2: RESIDENCE DISTRICTS: (and re-number accordingly)**

C. CORNER SIDE YARDS:

1. An open or solid fence may be erected at least three (3) inches from any lot line forming a part of the corner side yard to a height not to exceed six feet six inches (6'6") ~~four feet six inches (4'6")~~ above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.
2. An open or solid fence or non retaining wall may be erected at least ten (10) feet from the property line adjacent to any lot line forming a part of the corner side yard to a height not to exceed six feet six inches (6'6") above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.

Amend Section 37-700.7: OFF STREET PARKING AND LOADING REQUIREMENTS:

A. Single-Family Residence Districts:

1. Parking of motor vehicles shall be permitted as follows:

- a. Any motor vehicle parked on the lot shall be of the first division with a gross vehicle weight rating of ~~eight thousand (8,000)~~ ten thousand one pounds (10,001 lbs.) or less.; and

B. General Residence Districts:

1. Parking of motor vehicles shall be permitted as follows:
 - a. Any motor vehicle parked on the lot shall be of the first division with a gross vehicle weight rating of ~~eight thousand (8,000)~~ **ten thousand one pounds (10,001 lbs.) or less**; and

Amend Sections: 37-701.1: 37-702.1; 37-703.1; 37-704.1 PERMITTED USES:

Accessory buildings, structures and uses:

Floor area requirement: Detached accessory building shall not exceed the maximum amount of floor area as hereinafter set forth:

On lots containing forty thousand (40,000) square feet or less of lot area, detached accessory building shall contain no more than ~~six hundred fifty (650)~~ **one thousand (1,000)** square feet of floor area **and in no instance shall all detached accessory buildings, either individually or combined, be larger in size than the principal building on the property.**

On lots containing more than forty thousand (40,000) square feet of lot area, permissible area for detached accessory buildings shall be based on a floor area ratio (FAR) of ~~0.01625~~ **.025** but shall in no case exceed two thousand six hundred (2,600) square feet of floor area **and in no instance shall all detached accessory buildings, either individually or combined, be larger in size than the principal building on the property.**

Amend Section: 37-701.1: 37-702.1: 37-703.1: 37-704.1: PERMITTED USES

Place of Assembly ~~including the following: private club, lodge, and fraternal organization; religious institutions (including chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories)~~, where the subject property meets the following criteria:

Amend the table in Sections 37-701.3, 37-702.3, 37-703.3, 37-704.3: LOT REQUIREMENTS - SIZE, WIDTH AND DEPTH:

Historic Lot of Record Minimum Lot Size NA, Lot Width 66' when served with septic and well; 50' when served with sewer and well 44' when served with sewer and water. Fifty Feet (50')

Amend Section 37-801: B-1 LOCAL BUSINESS DISTRICT: 37-801.2: 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:

Restaurants, class B and C, including open air dining, ~~and including Video Gaming Terminal Establishments.~~ **Any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.**

Amend Section 37-802: B-2 GENERAL BUSINESS DISTRICT: 37-802.1: PERMITTED USES:

The following uses are permitted:

Automobile service stations ~~shall not be eligible for yard reductions by conditional use.~~ **including Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.**

Open sales lots, need not be enclosed

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption, including Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment

Restaurants - carryout, class A, B, and C Including Video Gaming Establishments and Video Gaming Café. Any Video Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.

Taverns including Video Gaming Terminal Establishments

Any Tavern Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Tavern Use that also has a Video Gaming Terminal Establishment.

Amend Section 37-1001: I-1 LIGHT INDUSTRIAL DISTRICT: 37-1001.1: PERMITTED USES:

Automobile service stations shall not be eligible for yard reductions by conditional use. and may include Video Gaming Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption and may include Video Gaming Terminal Establishments. Any convenience store that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another convenience store that also has a Video Gaming Terminal Establishment

Restaurants - carryout, class A, B, and C and may include Video Gaming Establishments and Video Gaming Café. Video Gaming Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.

Truck stop, Large: May include Video Gaming Terminals. Any Large Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Large Truck facility that also has a Video Gaming Terminals

Truck stop, Small: May include Video Gaming Terminals. Any Small Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Small Truck facility that also has a Video Gaming Terminals

Amend Section 37-1002: I-2 GENERAL INDUSTRIAL DISTRICT: 37-1002.1: PERMITTED USES:

Automobile service stations shall not be eligible for yard reductions by conditional use. and may include Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption and may include Video Gaming Terminal Establishments. Any Convenience Store that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Convenience Store that also has a Video Gaming Terminal Establishment.

Restaurants - carryout, class A, B, and C and may include Video Gaming Establishments and Video Gaming Café. Video Gaming Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.

Truck stop, Large: May include Video Gaming Terminals. Any Large Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Large Truck facility that also has a Video Gaming Terminals

Truck stop, Small: May include Video Gaming Terminals. Any Small Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Small Truck facility that also has a Video Gaming Terminals

Amend Section 37-1203: SCHEDULE OF OFF-STREET PARKING REQUIREMENTS/ 6-6 RESTAURANT, TAVERN, AND BANQUET FACILITY

Tavern: Four (4) parking spaces per each 1,000 square feet of gross floor area.

Video Gaming Café Restaurant: Four (4) parking spaces per each 1,000 square feet of gross floor ar