



DU PAGE COUNTY

Development Committee

Final Regular Meeting Agenda

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

Tuesday, January 21, 2025

10:30 AM

Room 3500B

1. CALL TO ORDER
2. ROLL CALL
3. CHAIRMAN'S REMARKS- CHAIR TORNATORE
4. PUBLIC COMMENT
5. MINUTES APPROVAL
 - 5.A. [25-0271](#)
Development Committee- Regular Meeting - December 3, 2024
6. BUDGET TRANSFERS
 - 6.A. [25-0272](#)
Transfer of funds from 1100-2810-50000 (Regular Salaries) in the amount of \$33,000 to 1100-2810-51000 (Benefit Payments), to cover FY24 year-end benefit payout.
7. REGULATORY SERVICES
 - 7.A. [DC-O-0001-25](#)
ZONING-24-000074 – ORDINANCE – Biagio Land Corporation: The Zoning Board of Appeals recommended to approve the following zoning relief:
Rezoning from B-1 Local Business District to B-2 General Business District. (Bloomington/District 1) (Generally located southeast of Lake Street and Wheaton Road, on the south side of Lake Street)
ZBA VOTE (to Approve): 5 Ayes, 0 Nays, 2 Absent
 - 7.B. [DC-O-0002-25](#)
ZONING-24-000075 – ORDINANCE – Moksh Dham: The Zoning Board of Appeals recommended to approve the following zoning relief:
Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District. (Addison/District 1) (Located directly east of Route 83 and Deerpath Road)
ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent

- 7.C. [DC-O-0003-25](#)
ZONING-24-000061 – ORDINANCE – Phillips: The Zoning Hearing Officer recommended to approve the following zoning relief:
Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake. (Downers Grove/ District 3) (Generally located southwest of Fairmont Avenue and 81st Street, on the south side of 81st Street)
ZHO Recommendation to Approve
- 7.D. [DC-O-0004-25](#)
ZONING-24-000065 – ORDINANCE - Sessions: The Zoning Hearing Officer recommended to deny the following zoning relief:
1. Variation to reduce the required lot size for two lots serviced with water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet.
3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage). (York/District 2) (Located at the southwest corner of Poplar Avenue and Concord Street)
ZHO Recommendation to Deny
- 7.E. [DC-O-0005-25](#)
ZONING-24-000069 – ORDINANCE – Kosela: The Zoning Hearing Officer recommended to deny the following zoning relief:
1. Variation to reduce the required lot size (area) for two (2) new lots serviced with well and septic, from required 40,000 sq. ft. to approximately 10,314 sq. ft. for Lot 1 and 21,940 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for one new interior lot serviced with well and septic, from required 125 feet wide to approximately 91.33 feet wide for Lot 1. (Lisle/District 2) (Located at the northeast corner of Kohley Road and Essex Road)
ZHO Recommendation to Deny
- 7.F. [DC-O-0006-25](#)
T-3-24 Text Amendments to the DuPage County Zoning Ordinance: T-3-24 Proposed Text Amendments to the DuPage County Zoning Ordinance relative to the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units.
ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent
- 7.G. [25-0273](#)
T-1-25 Proposed Text Amendments: Request to proceed with a public hearing before the DuPage County Zoning Board of Appeals to consider proposed Text Amendments T-1-25 to the DuPage County Zoning Ordinance regarding video gaming, to align the Zoning Ordinance with current liquor license regulations for greater consistency.

8. OLD BUSINESS

9. NEW BUSINESS

10. ADJOURNMENT



Minutes

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

File #: 25-0271

Agenda Date: 1/7/2025

Agenda #: 5.A.



DU PAGE COUNTY

Development Committee

Final Summary

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

Tuesday, December 3, 2024

10:30 AM

Room 3500B

1. CALL TO ORDER

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

PRESENT Haider, Honig, Krajewski, Ozog, Rutledge, and Tornatore

2. ROLL CALL

PRESENT Haider, Honig, Ozog, Rutledge, and Tornatore
ABSENT Krajewski

3. CHAIRMAN'S REMARKS- CHAIR TORNATORE

Chair Tornatore welcomed newly elected County Board Members, Saba Haider and Andrew Honig.

4. PUBLIC COMMENT

No public comments were offered.

5. MINUTES APPROVAL

5.A. [24-3169](#)

Development Meeting - Regular Meeting - November 19, 2024

Attachments: [Summary Min 11-19-24.pdf](#)

RESULT: APPROVED
MOVER: Sheila Rutledge
SECONDER: Mary Ozog
AYES: Haider, Honig, Ozog, Rutledge, and Tornatore
ABSENT: Krajewski

6. BUDGET TRANSFERS

6.A. [24-3167](#)

Transfer of funds from 1100-2810-53830 (Other Contractual Expenses) to 1100-2810-54100-0700 (IT Equipment – Capital Lease) in the amount of \$1,000.00 to cover FY24 year-end expenses.

Attachments: [BT-IT-CAP LEASE \\$1000 11-15-24.pdf](#)

| | |
|------------------|--|
| RESULT: | APPROVED |
| MOVER: | Sheila Rutledge |
| SECONDER: | Mary Ozog |
| AYES: | Haider, Honig, Ozog, Rutledge, and Tornatore |
| ABSENT: | Krajewski |

6.B. [24-3168](#)

Transfer of funds from 1100-2810-50000 (Regular Salaries) and 1100-2810-50080 (Salary & Wage Adjustments) in the amount of \$64,000.00 to 1100-2810-51000 (Benefit Payments) and 1100-2810-51040 (Employee Med & Hosp Insurance) in the amount of \$64,000.00 to cover FY24 year-end Personnel expenses.

Attachments: [BT-PERSONNEL \\$64000 11-15-24.pdf](#)

| | |
|------------------|--|
| RESULT: | APPROVED |
| MOVER: | Sheila Rutledge |
| SECONDER: | Mary Ozog |
| AYES: | Haider, Honig, Ozog, Rutledge, and Tornatore |
| ABSENT: | Krajewski |

7. **REGULATORY SERVICES**

7.A. [DC-O-0064-24](#)

ZONING-24-000070 – ORDINANCE – Hajek: The DuPage County Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce the corner side yard setback for a new attached garage addition from required 30 feet to approximately 22 feet. (Milton/District 6) (Located at the northwest corner of Delles Road and 39th Street)

ZHO Recommendation to Approve

Attachments: [Z-24-000070 Hajek Dev. Com. \(12-03-2024\).pdf](#)

| | |
|------------------|--|
| RESULT: | APPROVED AT COMMITTEE |
| MOVER: | Sheila Rutledge |
| SECONDER: | Mary Ozog |
| AYES: | Haider, Honig, Ozog, Rutledge, and Tornatore |
| ABSENT: | Krajewski |

7.B. [DC-O-0065-24](#)

ZONING-24-000071 - ORDINANCE- Invest a Little, LLC: The DuPage County Zoning Hearing Officer recommended to approve the following zoning relief:
 Variation to reduce the front yard setback from 30 feet to approximately 22.7 feet for a new house on existing foundation. (Wayne/District 6) (Located at the southeast corner of Woodland Avenue and Shady Lane)
 ZHO Recommendation to Approve

Attachments: [Z-24-000071 INVEST A LITTLE, LLC. Dev. Com. \(12-03-2024\)_Redacted.pdf](#)

| | |
|------------------|--|
| RESULT: | APPROVED AT COMMITTEE |
| MOVER: | Mary Ozog |
| SECONDER: | Sheila Rutledge |
| AYES: | Haider, Honig, Ozog, Rutledge, and Tornatore |
| ABSENT: | Krajewski |

7.C. [DC-O-0066-24](#)

ZONING-24-000072 – ORDINANCE – Goin: The DuPage County Zoning Hearing Officer recommended to deny the following zoning relief:
 1. Conditional Use to increase the number of hens permitted on the subject property from 5 to 23.
 2. Variation to reduce the interior side setback for an existing chicken coop and chicken run from required 25 feet to approximately 6 feet. (Winfield/District 6) (Generally located northwest of Herrick Road and Cove Lane, on the north side of Cove Lane)
 ZHO Recommendation to Deny

Attachments: [Z-24-000072 Goin Dev. Com. 1\(12-03-2024\)_Redacted.pdf](#)

| | |
|------------------|--|
| RESULT: | RECOMMENDED TO DENY (DEVELOPMENT ONLY) |
| MOVER: | Sheila Rutledge |
| SECONDER: | Mary Ozog |
| NAY: | Haider, Honig, Ozog, Rutledge, and Tornatore |
| ABSENT: | Krajewski |

7.D. [24-3166](#)

Recommendation for the approval of a contract to Veritext, LLC, to provide court reporting services, as needed for Building & Zoning, for the period of December 24, 2024 through December 23, 2025, for a contract total not to exceed \$24,213.75; per lowest responsible bid #24-120-BZP.

Attachments: [Veritext PRCC FY25](#)
[Veritext 24-120-BZP - BID Tab](#)
[Veritext Pricing Pages](#)
[Veritext FY25 Vendor Ethics](#)

| | |
|------------------|--|
| RESULT: | APPROVED |
| MOVER: | Sheila Rutledge |
| SECONDER: | Andrew Honig |
| AYES: | Haider, Honig, Ozog, Rutledge, and Tornatore |
| ABSENT: | Krajewski |

8. OLD BUSINESS

No old business was discussed.

9. NEW BUSINESS

Chair Tornatore wished the Committee Happy Holidays, since they will not meet again until after the first of the year.

10. ADJOURNMENT

With no further business, the meeting was adjourned at 10:38 AM



Budget Transfer

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

File #: 25-0272

Agenda Date: 1/21/2025

Agenda #: 6.A.

FY 24

DuPage County, Illinois
 BUDGET ADJUSTMENT
 Effective May 29, 2024

From: 1100
 Company #

BUILDING, ZONING & PLANNING
 From: Company/Accounting Unit Name

| Accounting Unit | Account | Sub-Account | Title | Amount | Finance Dept Use Only Available Balance | | Date of Balance |
|-----------------|---------|-------------|------------------|--------------|---|----------------|-----------------|
| | | | | | Prior to Transfer | After Transfer | |
| 2810 | 50000 | | REGULAR SALARIES | \$ 33,000.00 | 43,646.05 | 10,646.05 | 1/3/25 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Total | | | | \$ 33,000.00 | | | |

To: 1100
 Company #

BUILDING, ZONING & PLANNING
 To: Company/Accounting Unit Name

| Accounting Unit | Account | Sub-Account | Title | Amount | Finance Dept Use Only Available Balance | | Date of Balance |
|-----------------|---------|-------------|------------------|--------------|---|----------------|-----------------|
| | | | | | Prior to Transfer | After Transfer | |
| 2810 | 51000 | | BENEFIT PAYMENTS | \$ 33,000.00 | (32,213.81) | 786.19 | 1/3/25 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Total | | | | \$ 33,000.00 | | | |

Reason for Request:

For year end benefit payout.

[Redacted Signature]

Department Head

1/3/25
Date

Activity _____
 (optional)

[Redacted Signature]

Chief Financial Officer

1/10/25
Date

****Please sign in blue ink on the original form****

Finance Department Use Only

Fiscal Year 24 Budget Journal # _____ Acctg Period _____

Entered By/Date _____ Released & Posted By/Date _____

Development - 1/21/25
 FIN/CB - 1/28/25

g



Development Ordinance

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

File #: DC-O-0001-25

Agenda Date: 1/21/2025

Agenda #: 7.A.



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: December 5, 2024

RE: **ZONING-24-000074 Biagio Land Corporation
(Bloomingdale/District 1)**

Development Committee: January 21, 2025:

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

Rezoning from B-1 Local Business District to B-2 General Business District.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-24-000074 Biagio Land Corporation** dated November 14, 2024.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing full landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZBA VOTE (to Approve): 5 Ayes, 0 Nays, 2 Absent

FINDINGS OF FACT:

1. That petitioner testified that they seek the subject zoning relief to rezone the subject property from B-1 Local Commercial to B-2 General Business District.

2. That petitioner testified that the current property is used by the petitioner, a concrete contractor, and that they propose to continue to use the property as construction office and yard as a concrete contractor, which is permitted in the B-2 General Business Zoning District.
3. That petitioner testified that if the rezoning is granted, they plan to tear down the existing building and construct a new building that will comply with all required codes of DuPage County.
 - a. That petitioner testified that have two (2) to three (3) employees in the office every day and then have a number of employees that come to the subject property, pick up a company vehicle, and take them to a job site.
4. That petitioner testified that the intention of the B-1 Zoning District is to service neighborhoods, and that due to the growth and development of Lake Street as a heavily traveled arterial roadway and regional corridor, the highest and best use would be a permitted use under the B-2 General Business District.
5. That petitioner testified that everything north of Lake Street across from the subject property is within the Village of Roselle and zoned B-5 commercial.
6. That petitioner testified that most of the properties abutting Lake Street that take direct access to Lake Street (such as the subject property), are either zoning B-2 in the County or B-5 in the Village of Roselle, with the exception of the subject property and the lots on either side of the subject property.
7. That petitioner testified that the existing uses of the property in question are primarily commercial and residential, and that directly to the east of the subject property is a commercial use, to the west is a vacant lot and beyond that are commercial uses, to the north is a commercial use within the Village of Roselle, and to the south are residential uses.
8. That petitioner testified that to the east of the subject property is zoned B-1 Local Business (operating as a B-2 use), to the west is zoned B-1 Local Business and is vacant but beyond that is zoned B-2 General Business, to the north is zoned commercial in the Village of Roselle, and the south is zoned R-4 Single Family Residential
9. That petitioner testified that due to the location of the subject property on Lake Street, the long-standing use of properties directly abutting Lake Street are commercial uses primarily found in the B-2 Zoning District and commercial uses primarily found in the B-5 District of the Village of Roselle.
10. That petitioner testified that the trend of development in the general area is towards commercial uses in the B-2 General Business District, and that due to

the location of the subject property on Lake Street, no B-1 Local Business District uses have been interested in the subject property.

11. That petitioner testified that the subject property has lacked the ability and interest to develop as a use within the B-1 Local Business District, and that the current zoning designation prohibits the subject property from being developed in its highest and best use.
12. That petitioner testified that due to the surrounding uses and location on a major arterial roadway (Lake Street), the B-1 Local Business zoning classification significantly decreases the interest of the subject property, and that a rezoning from B-1 to B-2 would be the highest and best use of the subject property.
13. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the map amendment (rezoning) is in harmony with the general purpose and intent of the Zoning Ordinance, and that the petitioner has demonstrated sufficient evidence and testimony regarding the required six (6) standards for a map amendment (rezoning).

STANDARDS FOR MAP AMENDMENT (REZONING):

That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the map amendment (rezoning) is in harmony with the general purpose and intent of the Zoning Ordinance, and that the petitioner has demonstrated the following standards for a map amendment (rezoning):

1. Existing uses of property within the general area of the property in question, as petitioner **has demonstrated** that the existing uses of property within the general area of the property in question are primarily commercial and residential, and that directly east of the subject property is a commercial use, to the west is a vacant lot and beyond that are commercial uses, to the north is a commercial use within the Village of Roselle, and to the south is a residential use.
2. The zoning classifications of property within the general area of the property in question, as petitioner **has demonstrated** that directly to the east of the subject property is zoned B-1 Local Business (operating as a B-2 use), to the west is zoned B-1 Local Business and is vacant but beyond that are zoned B-2 General Business, to the north is zoned commercial in the Village of Roselle, and the south is zoned R-4 Single Family Residential
3. The suitability of the property in question for the uses permitted under the existing zoning classification, as petitioner **has demonstrated** that due to the location of the subject property on Lake Street, the long-standing use of the properties directly abutting Lake Street are commercial uses primarily found in the B-2 Zoning District.
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its

present zoning classification, as petitioner **has demonstrated** that the trend of development in the general area is towards commercial uses in the B-2 General Business District, and that due to the location of the subject property on Lake Street, no B-1 Local Business District uses have been interested in the subject property.

5. The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property, as petitioner **has demonstrated** that the subject property has lacked the ability and interest to develop as a use within the B-1 Local Business District, and that the current zoning designation prohibits the subject property from being developed in its highest and best use.
6. The extent to which the property values are diminished by particular zoning restrictions, as petitioner **has demonstrated** that due to the surrounding uses and location on a major arterial roadway (Lake Street), the B-1 Local Business zoning classification significantly decreases the interest of the subject property, and that a rezoning from B-1 to B-2 would be the highest and best use of the subject property.

PETITIONER'S DEVELOPMENT FACT SHEET

| GENERAL ZONING CASE INFORMATION | |
|--|--|
| CASE #/PETITIONER | ZONING-24-000074 Biagio Land Corporation |
| ZONING REQUEST | Rezoning from B-1 Local Business District to B-2 General Business District. |
| OWNER | BIAGIO LAND CORP, 24W733 LAKE STREET, ROSELLE, IL 60172 / BIAGIO LAND CORP, 4N475 MEDINAH ROAD, ADDISON, IL 60101 / AGENT: BRIAN ARMSTRONG, LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC., 2700 INTERNATIONAL DRIVE, SUITE 305, WEST CHICAGO, IL 60185 |
| ADDRESS/LOCATION | 24W733 LAKE STREET, ROSELLE, IL 60172 |
| PIN | 02-09-302-006 |
| TWSP./CTY. BD. DIST. | BLOOMINGDALE DISTRICT 1 |
| ZONING/LUP | B-1 LOCAL BUSINESS 0-5 DU AC |
| AREA | 1.19 ACRES (51,836 SQ. FT.) |
| UTILITIES | WELL/SEPTIC |
| PUBLICATION DATE | Daily Herald: OCTOBER 30, 2024 |
| PUBLIC HEARING | THURSDAY, NOVEMBER 14, 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: | “DPC PW doesn’t own any sewer or water in the area. |
| EXTERNAL: | |
| Village of Roselle: | <i>No Comments Received.</i> |
| Village of Bloomingdale: | <i>No Comments Received.</i> |
| Village of Hanover Park: | No Objections. “The site is 3000-3500 ft. east of Hanover Park’s boundaries and does not abut our existing lots. Proposed use is similar to existing (landscaping/paving contractor). |
| Village of Schaumburg: | <i>No Comments Received.</i> |
| Bloomington Township: | <i>No Comments Received.</i> |
| Township Highway: | Our office has no jurisdiction in this matter. |
| Bloomington Fire Dist.: | No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation) |
| Sch. Dist. 20: | <i>No Comments Received.</i> |
| Sch. Dist. 108: | <i>No Comments Received.</i> |

| | |
|------------------|------------------------------|
| Forest Preserve: | <i>No Comments Received.</i> |
|------------------|------------------------------|

LAND USE

| Location | Zoning | Existing Use | LUP |
|-----------------|---|---------------------|-----------------------|
| Subject | B-1 LOCAL BUSINESS | COMMERCIAL | 0-5 DU AC |
| North | LAKE STREET AND BEYOND VILLAGE OF ROSELLE | COMMERCIAL | VILLAGE OF ROSELLE |
| South | R-4 SF RES | HOUSE | 0-5 DU AC |
| East | B-1 LOCAL BUSINESS | COMMERCIAL | 0-5 DU AC |
| West | B-1 LOCAL BUSINESS | COMMERCIAL | 0-5 DU AC |







Sent: Tuesday, November 12, 2024 3:30 PM
To: Web Master <Webmaster@dupagecounty.gov>; County Board Public Comment
<PublicComment@dupagecounty.gov>
Subject: PublicComment

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



Formstack Submission For: PublicComment
Submitted at 11/12/24 3:29 PM

Meeting Date: 11/14/24

1

| | |
|----------------|---|
| Meeting: | Zoning Board of Appeals |
| Name: | NICOLE TOTH |
| Organization: | |
| Address: | [REDACTED] ROSELLE, IL 60172 |
| Daytime Phone: | [REDACTED] |
| Subject: | BIAGIO LAND CORP, 24W733 LAKE STREE, ROSELLE IL - CONCERN FROM RESIDENTIAL NEIGHBOR |
| Comment: | <p>We are residents living adjacent to Biagio Land Corp, [REDACTED] Roselle, IL 60172.</p> <p>Fortis has been operating next to us for several years now. They do not demonstrate a respect for the residential environment they are located in, and we find their operations disruptive to our quality of life and to the value of our property. Here are some supporting details:</p> <ol style="list-style-type: none">1. Noise pollution: They are loud. They routinely begin operating their vehicles around 6am in the warmer months (whenever the sun rises) and these sounds continue through the day, including Sundays. If our windows are open in the AM we wake up to the "beep beep" of trucks in reverse, often accompanied by hammering and yelling.2. Liquid waste and stormwater runoff: They regularly engage in a routine of cleaning their cement trucks with power washers. This is also loud, but we are more concerned about leaching to the underlying aquifer which is our drinking water source. What is in that water? We also observed a pool of concrete sludge on their land at one point.3. Solid waste: They stockpile garbage and debris on their lot, and up against the fence. Notably right now there is a hefty pile of soil mixed with debris, of questionable quality. We are concerned about runoff and leaching to the underlying aquifer.4. Change of ground surface elevation: Several years ago they raised the elevation of their property, applying crushed gravel to the ground surface (maybe 1-2' in thickness). Was it permitted? This uncertainty adds to our concerns about stormwater runoff and water quality. |

2

We have photos and video to support these claims.

Before Fortis settles in to rebuild and continue growing their business we want assurance that our drinking water is not being impacted by their activities. We also want to know how they will mitigate the noise they make, and when they plan to clean up all the garbage.

Copyright © 2024 Formstack, LLC. All rights reserved. This is a customer service email.

Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

Sent: Tuesday, November 12, 2024 4:40 PM
To: Infelise, Jessica
Subject: Fwd: Concerns about 24W733 Lake Street, Roselle.
Attachments: Gmail - Re_24W733 Lake Street, Roselle and 24W733 Lake Street, Roselle.pdf

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

Jessica, sorry for the second email, it looks like the photos didn't come through with the first one.

----- Forwarded message -----

From: Nicole Toth <[REDACTED]>
Date: Sun, Nov 10, 2024 at 2:31 PM
Subject: Concerns about 24W733 Lake Street, Roselle.
To: <StormwaterReg@dupagecounty.gov>
Cc: Lorian Toth <[REDACTED]>

Good Morning Stormwater Office,

We are residents living adjacent (south) to Biagio Land Corp, 24W733 Lake Street, Roselle, IL 60172. Our address is [REDACTED] Roselle, IL 60172. There is a public hearing scheduled Thursday November 14th, 2024 with the zoning board of appeals, for Biagio Land Corps (a.k.a. "Fortis") request to rezone their property from B-1 to B-2 business district, then do some building. My husband and I have a lot to say about this and would rather send it to you this way then try to present it all at a public hearing.

Fortis has been operating next to us for several years now. They do not demonstrate a respect for the residential environment they are located in, and we find their operations disruptive to our quality of life and to the value of our property. Here are some supporting details:

1. Noise pollution: They are loud. They routinely begin operating their vehicles around 6am in the warmer months (whenever the sun rises) and these sounds continue through the day, including Sundays. If our windows are open in the AM we wake up to the "beep beep" of trucks in reverse, often accompanied by hammering and yelling.
2. Liquid waste and stormwater runoff: They regularly engage in a routine of cleaning their cement trucks with power washers. This is also loud (video in the dropbox location below), but we are more concerned about leaching to the underlying aquifer which is our drinking water source. What is in that water? We also observed a pool of concrete sludge on their land at one point (see attached photos).
3. Solid waste: They stockpile garbage and debris on their lot, and up against the fence. Notably right now there is a hefty pile of soil mixed with debris, of questionable quality (see attached photo). We are concerned about runoff and leaching to the underlying aquifer.
4. Change of ground surface elevation: Several years ago they raised the elevation of their property, applying ~1.5- 2.0 feet of crushed gravel to the ground surface. Was it permitted? This uncertainty adds to our concerns about stormwater runoff and water quality. I reported this in an email back in 2022 along with some of these other concerns (email attached as a reference).

Before Fortis settles in to rebuild and continue growing their business we want assurance that our drinking water is not being impacted by their activities. We also want to know how they will mitigate the noise they make, and when they plan to clean up all the garbage.

There are more photographs of solid and liquid waste, and video of noise and stormwater see page, posted here to dropbox, https://www.dropbox.com/scl/fo/tnqg1ukv8i8blio4nz2o/AK2gsihLSXsicsXe_rf1Grc?rlkey=rwktirdr0thzo35q5hz5f501r&e=1&st=ykfp3npm&dl=0

As a fellow environmental professional I want to thank you for what you do. If your office has a preferred method to share files or if there are any questions for us, please don't hesitate to contact me at this email address or my cell

Nicole Toth









Development Ordinance

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

File #: DC-O-0002-25

Agenda Date: 1/21/2025

Agenda #: 7.B.



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Board of Appeals
DATE: January 9, 2025
RE: **ZONING-24-000075 Moksh Dham (Addison/District 1)**

Development Committee: January 21, 2025:

Zoning Board of Appeals Meeting: January 9, 2025: The Zoning Board of Appeals recommended to approve the following zoning relief:

Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-24-000075 Moksh Dham** dated December 12, 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 full landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

FINDINGS OF FACT:

1. That petitioner testified that they seek the subject zoning relief for a Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District.
2. That petitioner testified that Moksh Dham is the contract purchaser and is an Illinois not-for-profit company.

3. That petitioner testified that the subject property is approximately four and-a-half (4.5) acres in size and zoned R-4 Single Family Residential.
4. That petitioner testified that there is a dilapidated and vacant split-level brick and frame building on the subject property that was previously a place of assembly use.
5. That petitioner testified that the R-4 Single Family Residential District allows a funeral home as a conditional use where the subject property is located adjacent to a non-residential zoning business district boundary line, or the subject property has frontage on at least a minor arterial roadway.
 - a. Petitioner testified that that the subject property has frontage and direct access onto Route 83, which is a four-lane major arterial roadway.
6. That petitioner testified that the Illinois Supreme Court, in the City of Chicago Heights v. Living Word Outreach Full Gospel Church & Ministries, stated that when a use is designated as a conditional use in a zoning district, such designation is a legislative determination that the use is in harmony with the general zoning plan and will not adversely affect the neighborhood.
 - a. That petitioner testified that the Living Word case states that an application for a conditional use permit may not be denied on the grounds that the use is not in harmony with the surrounding neighborhood but whether the use would have an adverse effect.
7. That petitioner testified that the vast majority of funeral services would be held at off-peak traffic and school hours, such as nights and weekends, and that the vast majority of funeral services would end with the cremation of the body on-site, eliminating traffic impacts caused by large funeral processions.
8. That petitioner testified that the second floor of the funeral home is the viewing area with a capacity of three hundred (300) people where the funeral services are held, and that at the end of the funeral, the body is lowered down to the first floor where the cremation units are located and then cremated as part of funeral process.
9. That petitioner testified that the cremation process results in no smoke, no smell, an no noise, and that Section 37-1005.3 of the DuPage County Zoning Ordinance regarding particulate matter emissions would allow up to four and-a-half pounds of particulate matter emissions per hour from this property.
 - a. Furthermore, that petitioner testified that the cremation furnaces that are proposed for the subject property would have particulate matters of only three-hundredths of a pound per hour.
10. That petitioner testified that there are wetlands on the north and east sides of the subject property, which will be rehabilitated and enhanced creating an even greater buffer area to the north, east, and south.

11. That petitioner testified that there are no unique or unusual impacts to the surrounding properties as there are no points of access to them from the subject property due to the location of the wetlands.
12. That the Zoning Board of Appeals finds that petitioner **has demonstrated** sufficient evidence to support the zoning relief for a Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District, and that petitioner provided sufficient evidence to satisfy the seven (7) standards to support a Conditional Use.

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 funeral home would be developed in accordance with all required bulk regulations relative to setbacks, heights, open space, and stormwater detention, and therefore would not impact an adequate supply of light and air to the adjacent properties.
 - Furthermore, that petitioner testified that the cremation furnaces that are proposed for the subject property have particulate matters of only three-hundredths of a pound per hour and would not impair the supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed funeral home would comply with all DuPage County codes relative to building, particulate matter, and the Fire Protection District, and would not increase the hazard from fire or other dangers to said property.
 - Furthermore, that petitioner testified that the proposed building would have a sprinkler system, fire alarm system, and enhanced well to allow for greater fire flow.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed funeral home will replace an older vacant building with an entirely new building, which will have no adverse impacts on the value of the surrounding recreational, education, and residential uses.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed funeral home would be located on the east side of Illinois Route 83, a four-lane roadway, utilizing the existing driveway entrance/exit, and that the proposed use in addition to the existing access point, would not increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed funeral home would comply with all codes and requirements by DuPage County and that the Stormwater Department has no objections to the concept of the petition and will require a Stormwater Certification.

- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed funeral home would comply with all codes and requirements by DuPage County and that the proposed funeral home would not incur additional public expense for flood protection, rescue, or relief.

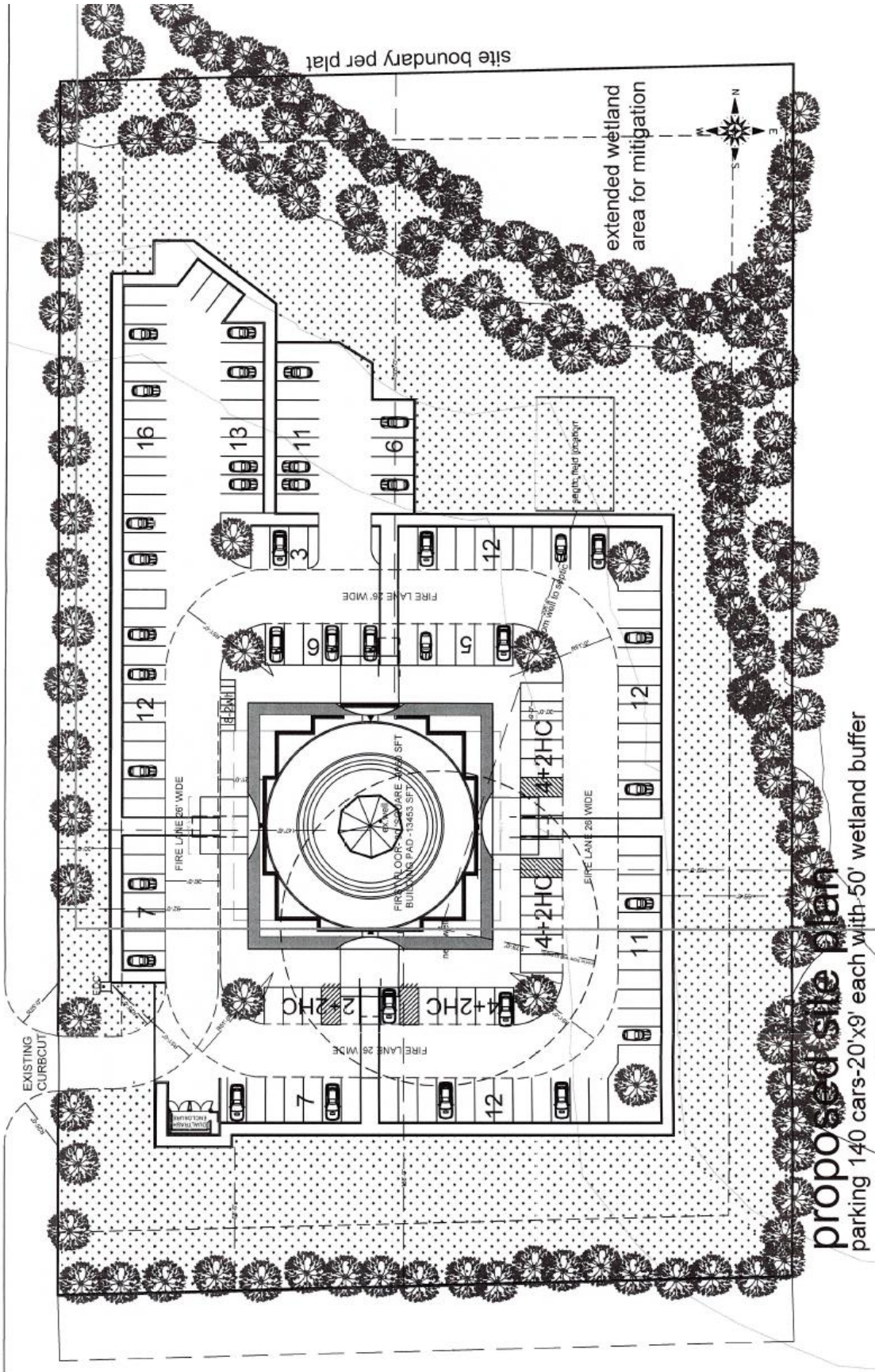
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed funeral home conditional use will be consistent with similar funeral homes within DuPage County and with all ordinances relative to the public health, safety, comfort, morals, and general welfare of the inhabitants of DuPage County.

| | |
|------------------|--------------------------------|
| Forest Preserve: | “We do not have any comments.” |
|------------------|--------------------------------|

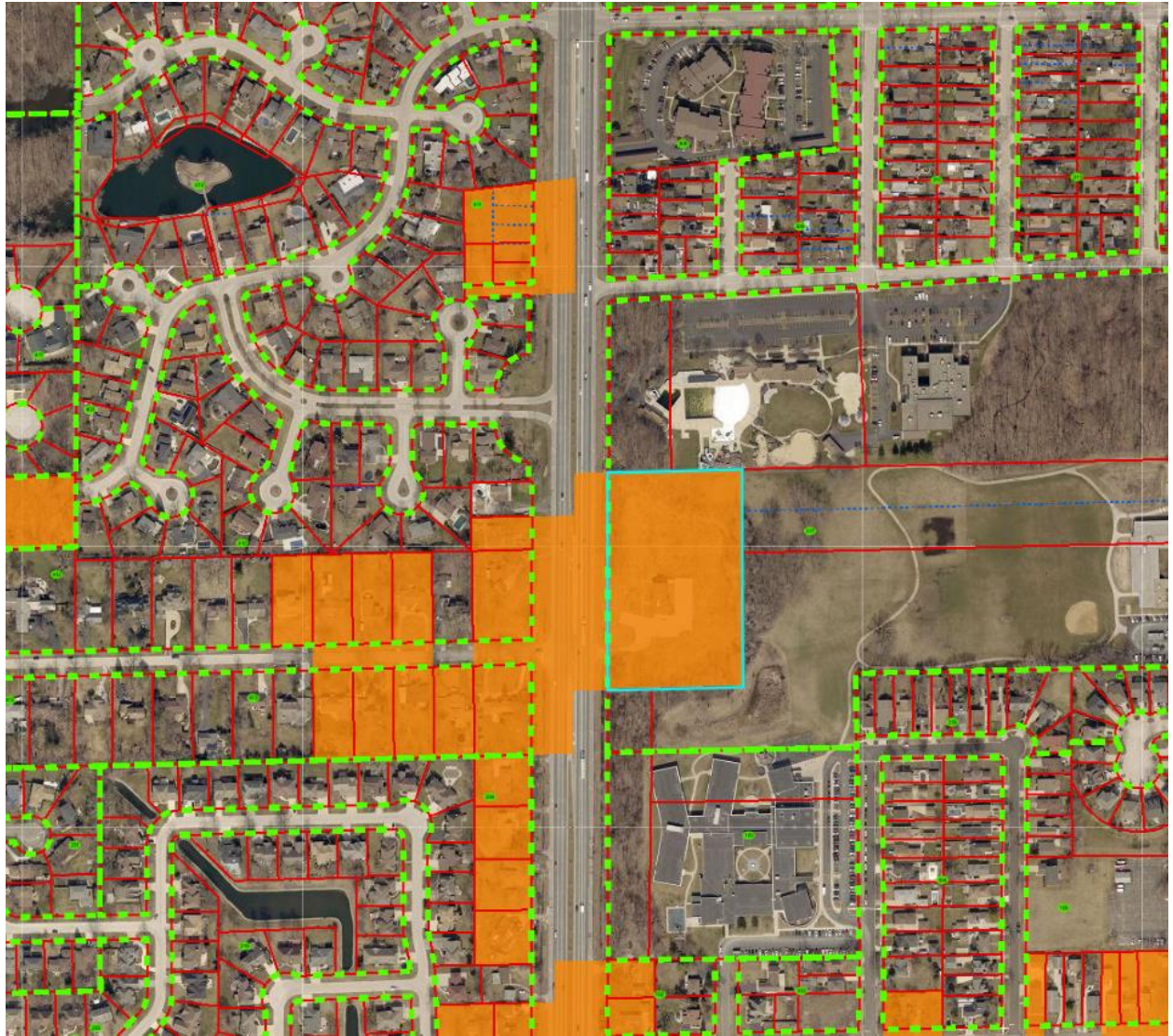
LAND USE

| Location | Zoning | Existing Use | LUP |
|-----------------|---|---------------------------|--------------------------------------|
| Subject | R-4 SF RES | VACANT | VILLAGE OF BENSENVILLE |
| North | VILLAGE OF BENSENVILLE | PARK DISTRICT | VILLAGE OF BENSENVILLE |
| South | VILLAGE OF BENSENVILLE | VILLAGE OF BENSENVILLE | VILLAGE OF BENSENVILLE |
| East | VILLAGE OF BENSENVILLE | VILLAGE OF BENSENVILLE | VILLAGE OF BENSENVILLE |
| West | ROUTE 83 AND BEYOND R-4 SF RES/ VILLAGE OF BENSENVILLE | HOUSE | 0-5 DU AC/ VILLAGE OF BENSENVILLE |

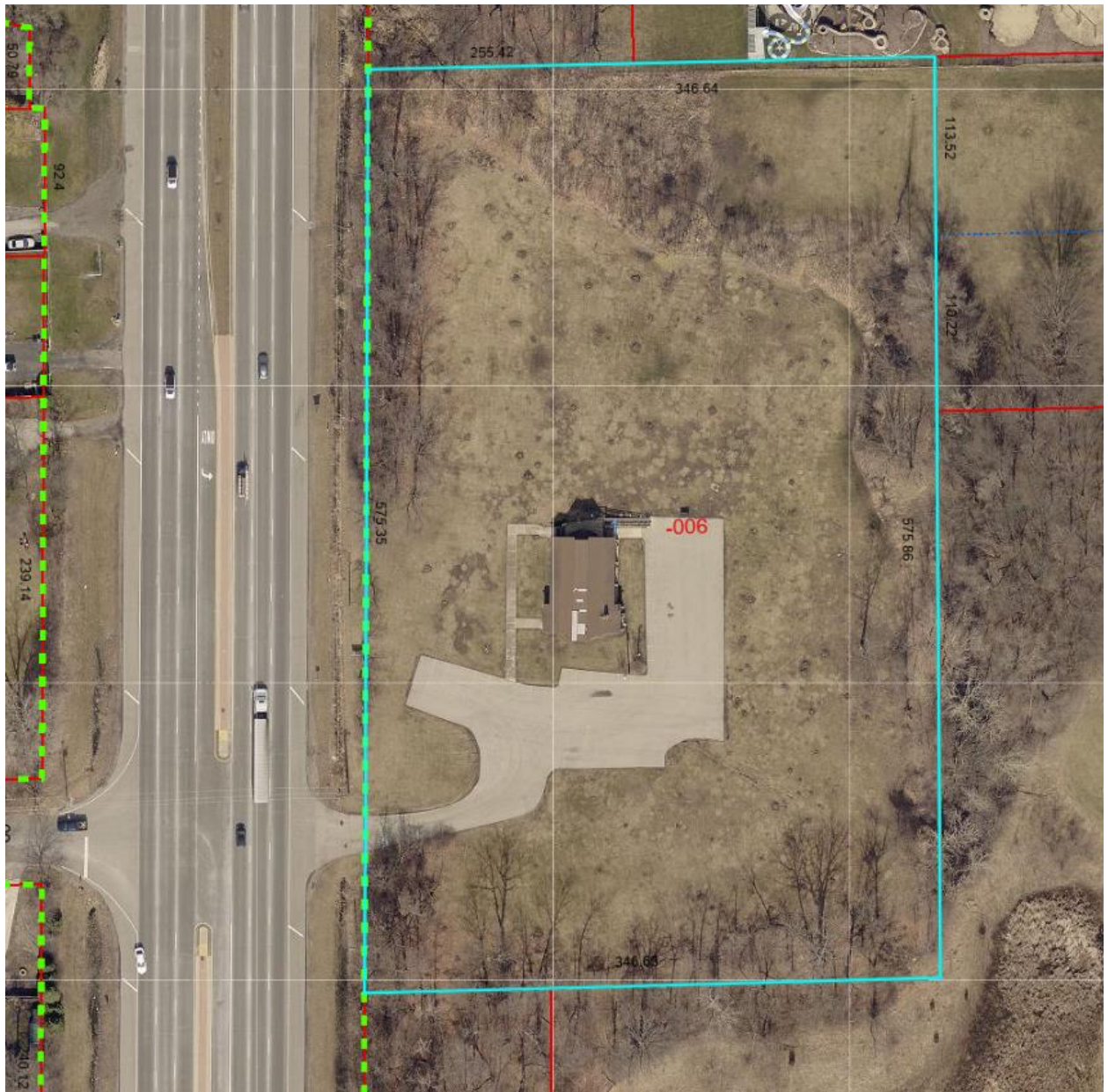
ROUTE IL-83



proposed site plan
parking 140 cars-20'x9' each with 50' wetland buffer









DUPAGE COUNTY

Building Division

Zoning & Planning Division

Environmental Division

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-24-000075 Moksh Dham Cremation

Please review the information herein and return with your comments to:
Jessica Infelise Datzman, 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 **DECEMBER 11, 2024**.

| COMMENT SECTION: | |
|---|---|
| <input type="checkbox"/> : OUR OFFICE HAS NO JURISDICTION IN THIS MATTER | |
| <input type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE PETITION | |
| <input checked="" type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION | |
| <input type="checkbox"/> : I OBJECT/ HAVE CONCERNS WITH THE PETITION. | |
| COMMENTS: No objection with the concept of the conditional use. The site plan and building permit will require additional information under the Stormwater Certification Application to address existing wetland and buffer violations. | |
| | |
| | |
| SIGNATURE: [REDACTED] DATE: 12/2/24 | |
| MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: DPC Stormwater Management | |
| GENERAL ZONING CASE INFORMATION | |
| CASE #/PETITIONER | ZONING-24-000075 Moksh Dham Cremation |
| ZONING REQUEST | Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District. |
| OWNER | 4 TH AVENUE GOSPEL CHURCH, 5N047 ROUTE 83, BENSENVILLE, IL 60106 / 4 TH AVENUE GOSPEL CHURCH, 530 ALBION AVENUE, SCHAUMBURG, IL 60193/ AGENT: RASHMI PATEL, MOKSH DHAM CREMATION, INC., 380 E. NORTHWEST HIGHWAY, DES PLAINES, IL 60016/ JAMES WHITE, LAW OFFICE OF JAMES F. WHITE, P.C., 160 S. MUNICIPAL DRIVE, SUGAR GROVE, IL 60554 |
| ADDRESS/LOCATION | 5N047 ROUTE 83, BENSENVILLE, IL 60106 |
| PIN | 03-14-317-006 |
| TWSP./CTY. BD. DIST. | Addison DISTRICT 1 |
| ZONING/LUP | R-4 SF RES SINGLE FAMILY ATTACHED RESIDENTIAL |
| AREA | 4.78 ACRES (208,217 SQ. FT.) |
| UTILITIES | WELL/SEPTIC |
| PUBLICATION DATE | Daily Herald: NOVEMBER 26, 2024 |
| PUBLIC HEARING | THURSDAY, DECEMBER 12, 2024 |

1

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187



**DUPAGE
COUNTY**

Building
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Zoning &
Planning Division

Environmental
Division

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DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-24-000075 Moksh Dham Cremation

Please review the information herein and return with your comments to:

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| <input type="checkbox"/> | NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION |
| <input checked="" type="checkbox"/> | OBJECT/HAVE CONCERNS WITH THE PETITION. |
| COMMENTS: | |
| <p>The proposed use is not in accordance with the DuPage County Route 83 Corridor Plan adopted November 9, 2021, or the 2015 Bensenville Comprehensive Plan. Both plans designate the area as residential, with the County's plan including a sample residential layout for this specific property. As a result, it is in direct conflict with the standards for zoning relief. Additionally, if this property were to annex into the Village, it would not conform to our Zoning Code. A funeral home is only allowed in a C-1 Downtown Mixed-Use District or a C-2 Commercial District. The nearest C-2 Commercial District accessible by Route 83 is over a mile away. The property is zoned R-3 Single-Unit Dwelling District on three sides, with nearby land uses including: Bensenville Park District water park and Deer Park; School District 2 's Wesley A Johnson middle school; and residential homes. Additionally, the parking area appears to not conform to Village of Bensenville standards. Based on the available information, it appears to not meet parking design standards, refuse area location standards, snow storage standards, landscaping and landscape island standards. The owners of this property continue to use a flawed valuation of this property, marketing it as commercial. Their broker is John Greene Real Estate, who specialize in 'commercial, land, and industrial' properties. They have not shown a good faith effort to market it as a residential opportunity, which the public clearly stated they wanted during the Route 83 corridor planning. Financial considerations of the current property owner should not be a justification for approving a special use that is incompatible with approved planning documents and the wishes of the community.</p> | |
| SIGNATURE | DATE: 12/15/24 |
| MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Village of Bensenville | |

1



DUPAGE COUNTY

Building Division

Zoning & Planning Division

Environmental Division

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DU PAGE COUNTY ZONING BOARD OF APPEALS
Zoning Petition ZONING-24-000075 Moksh Dham Cremation

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| : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. | |
| ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION | |
| <input checked="" type="checkbox"/> : I OBJECT/ HAVE CONCERNS WITH THE PETITION. | |
| COMMENTS: Fenton Community High School District 100 is situated in this residential zone and our students walk and drive past the subject property every day going to and from school. Similarly, we have partner institutions that back up to this subject property and they utilize our students for daytime internships and after school activities. We strongly believe the nature of this proposed commercial use is not appropriate for a residential neighborhood where children are present for large amounts of the day. A funeral home with cremation services in such close proximity would be a significant distraction and we would prefer a land use that further compliments the neighborhood's family-based environment. | |
| SIGNATURE: [REDACTED] | DATE: 12/10/24 |
| MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: FENTON COMMUNITY HIGH SCHOOL DISTRICT 100 | |
| GENERAL ZONING CASE INFORMATION | |
| CASE #/PETITIONER | ZONING-24-000075 Moksh Dham Cremation |
| ZONING REQUEST | Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District. |
| OWNER | 4 TH AVENUE GOSPEL CHURCH, 5N047 ROUTE 83, BENSENVILLE, IL 60106 / 4 TH AVENUE GOSPEL CHURCH, 530 ALBION AVENUE, SCHAUMBURG, IL 60193/ AGENT: RASHMI PATEL, MOKSH DHAM CREMATION, INC., 380 E. NORTHWEST HIGHWAY, DES PLAINES, IL 60016/ JAMES WHITE, LAW OFFICE OF JAMES F. WHITE, P.C., 160 S. MUNICIPAL DRIVE, SUGAR GROVE, IL 60554 |
| ADDRESS/LOCATION | 5N047 ROUTE 83, BENSENVILLE, IL 60106 |
| PIN | 03-14-317-006 |
| TWSP/CTY. BD. DIST. | Addison DISTRICT 1 |
| ZONING/LUP | R-4 SF RES SINGLE FAMILY ATTACHED RESIDENTIAL |
| AREA | 4.78 ACRES (208,217 SQ. FT.) |
| UTILITIES | WELL/SEPTIC |
| PUBLICATION DATE | Daily Herald: NOVEMBER 26, 2024 |
| PUBLIC HEARING | THURSDAY, DECEMBER 12, 2024 |

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.



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DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-24-000075 Moksh Dham Cremation

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| : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. | |
| / ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION | |
| : I OBJECT/ HAVE CONCERNS WITH THE PETITION. | |
| COMMENTS: <i>Current septic system installed in 1964 only has a capacity for 100 people. Septic system will need to be modified to accommodate additional usage.</i> | |
| SIGNATURE: | DATE: |
| MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: | |
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Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187



BENSENVILLE

SCHOOL DISTRICT 2

210 S. Church Road, Bensenville, IL 60106 | 630-766-5940 | www.bsd2.org

December 11, 2024

DuPage County Zoning Board of Appeals
Via email to Jessica.Infelise@dupageco.org
DuPage County Building and Zoning Department

Re: Zoning Petition ZONING-24-000075 Moksh Dham Cremation

Gentlemen and Ladies:

The primary operation of the petitioner's buyer & agent ("Petitioner") is not a funeral home under the Zoning Code. School District 2 therefore asks you to deny the request for a Conditional Use permit for a funeral home.

The parcel in question adjoins W. A. Johnson School in Bensenville. The school has about 600 students in Kindergarten through fifth grade. It has been at that location since 1958. In 2012, it was fully renovated and doubled in size. All of the District's schools are in residential neighborhoods.

Elsewhere in DuPage County, businesses providing on-site cremation services are not located in residential neighborhoods. Consider, for instance, Hultgren Funeral Home, located at 565 Randy Road in Carol Stream, and DuPage Cremations, located at 951 W Washington Street in West Chicago.


The Petitioner's own sources clearly show that it is in the cremation business.

- Its name is Moksh Dham *Cremation Inc.*
- Its most recent annual report to the Illinois Secretary of State declares that its activity is "Providing Very low cost cremation services." See Attachment 1.
- Its website applies the largest font to the phrase "*Hindu Cremation Service*". See Attachment 2 from <http://mokshdham.org/>.
- Its president, Nitin Patel, appears to be a source for a newspaper article describing "*the non-profit's journey to establish a dedicated cremation center.*" See Attachment 3 from NewIndiaTimes.com.

Cremation activities are not included within the Code's term "funeral home". Dictionaries and common usage treat the two concepts separately. The term "funeral home" means the commonly understood combination of embalming services and locations to host funerals and wakes. By comparison, the word "crematorium" is defined without using the word funeral or the phrase funeral home. See Attachment 4 from <https://www.merriam-webster.com/dictionary/>.

A Conditional Use permit under section 37-704.2 therefore cannot be issued to Petitioner, because its activities are different from the Code's intended activity of Funeral Home. The petition should be denied.

Sincerely,

Katie McCluskey, Ed.D. 
Superintendent of Schools

Blackhawk Middle School
250 S. Church Road
Bensenville, IL 60106
630-766-2601

Tioga School
212 W. Memorial Road
Bensenville, IL 60106
630-766-2602

W.A. Johnson School
252 Ridgewood Avenue
Bensenville, IL 60106
630-766-2605



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DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-24-000075 Moksh Dham Cremation

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facsimile at 630-407-6702 by **DECEMBER 11, 2024**.

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|--|---|
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| <input type="checkbox"/> | NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION |
| <input checked="" type="checkbox"/> | I OBJECT/ HAVE CONCERNS WITH THE PETITION. |
| <p>COMMENTS: The Conditional Use request should be denied. The proposed enterprise is not primarily a "funeral home" under section 37-704.2. A Variance, not a Conditional Use permit, is required. Most businesses providing funeral services do not have on-site cremation equipment. The term "funeral home" in the Code therefore means the traditional combination of embalming services and locations to host funerals and wakes. The term does not include the much-less-common installation of cremation equipment. Cremation services are the primary goal for this enterprise and the community that petitioners intend to serve. Cremation services are a light industrial use that is not in harmony with an R-4 district, even if eligible for a Conditional Use permit.</p> | |
| | |
| | |
| SIGNATURE: [REDACTED] | DATE: 12/11/2024 |
| MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: | |
| GENERAL ZONING CASE INFORMATION | |
| CASE #/PETITIONER | ZONING-24-000075 Moksh Dham Cremation |
| ZONING REQUEST | Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District. |
| OWNER | 4 TH AVENUE GOSPEL CHURCH, 5N047 ROUTE 83, BENSENVILLE, IL 60106 / 4 TH AVENUE GOSPEL CHURCH, 530 ALBION AVENUE, SCHAUMBURG, IL 60193/ AGENT: RASHMI PATEL, MOKSH DHAM CREMATION, INC., 380 E. NORTHWEST HIGHWAY, DES PLAINES, IL 60016/ JAMES WHITE, LAW OFFICE OF JAMES F. WHITE, P.C., 160 S. MUNICIPAL DRIVE, SUGAR GROVE, IL 60554 |
| ADDRESS/LOCATION | 5N047 ROUTE 83, BENSENVILLE, IL 60106 |
| PIN | 03-14-317-006 |

1

State of Illinois
DOMESTIC CORPORATION
ANNUAL REPORT
General Not for Profit Corporation Act

Attachment 1

Year: 2023 File #: 72427467
FILED February 05, 2024

Alexi Giannoulis, Secretary of State

1. Corporation Name: MOKSH DHAM CREMATION INC
2. Registered Agent: NITIN PATEL
Registered Office: 1001 S BUSSE RD
City, IL, ZIP, County: MOUNT PROSPECT, IL 60056-4507
- 3a. Date of Incorporation/Qualification: 08/08/2019 3b. State of Incorporation: ILLINOIS

4. Names and Addresses of Corporation's Officers and Directors:

| OFFICE | NAME | NUMBER & STREET | CITY | STATE | ZIP |
|----------------------------|---------------------------|-----------------|------|-------|-------|
| Title Name & Address | PRESIDENT NITIN PATEL | [REDACTED] | | IL | 60056 |
| Title Name & Address | SECRETARY MANISH PATEL | [REDACTED] | | IL | 60056 |
| Title Name & Address | OFFICER RASHMI C PATEL | [REDACTED] | | | 60018 |

5. Brief statement of type of activity the corporation is conducting:
Providing Very low-cost cremation services
6. Is this Corporation a Condominium Association as established under the Condominium Property Act? Yes No
Is this a Cooperative Housing Corporation as defined in Section 216 of the Internal Revenue Code of 1954? Yes No
Is this Corporation a Homeowner's Association, which administers a common-interest community as defined in subsection (c) of Section 9-102 of the code of Civil Procedure? Yes No
7. Address, including street and number, of Corporation's Principal Office:
[REDACTED]
MOUNT PROSPECT, IL 60056

8. Under the penalty of perjury and as an authorized officer, I declare that this annual report, pursuant to provisions of the General Not for Profit Corporation Act, has been examined by me and is, to the best of my knowledge and belief, true, correct and complete.

By RASHMI C PATEL
Authorized Officer
OFFICER February 05, 2024
Title & Date

| Fee Summary | |
|-------------------|-----------------|
| Filing Fee: | \$ 10.00 |
| Penalty: | \$ 3.00 |
| Total Fee: | \$ 13.00 |
| Approved by: MAP | |

This document was electronically generated at www.ilsos.gov



State of Illinois
Domestic/Foreign Corporation Annual Report

Year 2023 Corporation File No 72427467


FILED February 05, 2024

Alexi Giannoulis, Secretary of State

1. Corporate Name MOKSH DHAM CREMATION INC
 Registered Agent NITIN PATEL
 Registered Office [REDACTED]
 City, IL, Zip Code, County MOUNT PROSPECT, IL 60058-4507

| Officers | |
|-------------------------|---|
| Title Name & Address | DIRECTOR RASHMI C PATEL [REDACTED] IL 60058 |
| Title Name & Address | DIRECTOR MANISH PATEL [REDACTED] IL 60007 |
| Title Name & Address | DIRECTOR NITIN PATEL [REDACTED] IL 60058 |
| Title Name & Address | |
| Title Name & Address | |
| Title Name & Address | |
| Title Name & Address | |
| Title Name & Address | |
| Title Name & Address | |
| Title Name & Address | |

Attachment 2



Hindu Cremation Service

MOKSHAM Cremation Inc. is a not for profit 501 (c) 3 charitable organization based in Chicago, IL.

[DONATE](#)

Attachment 3

Mokshdham Project aimed at building a cremation venue in Chicagoland makes significant headway

By Bhalla I M. Patel (<https://www.newsindiatimes.com/author/ela/>) - November 20, 2024

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Virendra Desai, Kantibhai Patel, Rajesh Patel, K.N. Patel, Vinod Parikh, Dr. Rashmi Patel, Ashok Dave, Dr. A. J. Patel, Nitin Patel, Kantibhai Patel, Haribhai Patel, Nita Patel, Dr. Bharat Barai, DP Prajapati, Manish Patel, Rohit Joshi, Bhalla I M. Patel, Hament Patel and Barakat Virani. And Nita Dave. PHOTO: Heena Pandya

Bensenville, IL – The General Body Meeting of Mokshdham (Mokshdham.org) held at the Manav Seva Mandir, November 17, 2024, marked a significant milestone in the nonprofit's journey to establish a dedicated cremation center in the Chicago metro area.

The meeting was attended by super trustees, directors, and prominent community leaders who have pledged to provide dignified and cost-effective cremation services that respect cultural and religious traditions.

As a 501(c)(13) charitable organization, Mokshdham says it aims to offer affordable cremation services, religious support through qualified priests, and accommodations for over 300 visitors. Future plans include grief counseling and social services, with 24/7 resources available online at Mokshdham.org.

Key updates presented during the meeting highlighted progress on zoning approval, anticipated by January 31, 2025, and advancements in land acquisition, as reported by Dr. Rashmi Patel. Fundraising was emphasized as critical to expediting the project, with Vinod Parikh and Dr. A.J. Patel urging immediate financial support. In a show of generosity, Hari Patel offered his facility for fundraising events and pledged additional donations through his senior member network, while Mr. Nitin Patel announced a fundraising event scheduled for December 14, 2024, at the Rana Ranga Center. The meeting celebrated the extraordinary contributions of new Super Trustees, including Dr. Barai, Rajesh Patel, and Hari Patel, who each donated \$25,000. Additional support from Mafat Patel and Ashok Pandya further reflected the community's shared vision for this transformative project.

Organizers recognize the need for a dedicated cremation center is pressing, particularly for the over 250,000 Hindus, Jains, Sikhs, and Buddhists living in the Chicago metro area, 35% of whom are senior citizens. Cremation, a sacred rite known as Antim Agni-Sanskar, is currently hindered by the lack of appropriate facilities, with existing providers charging exorbitant fees. The demand for cremation services has grown by approximately 30% in recent years, making this project a vital solution for the community.

With zoning approval and land acquisition on track, Mokshdham is poised to make significant strides in fulfilling its mission. Organizers at the meeting underscored the broad support for this initiative.

For more information or to contribute to the fundraising efforts, please contact Dr. Rashmi Patel at 773-592-9501 or Nitin Patel at 847-571-5368.

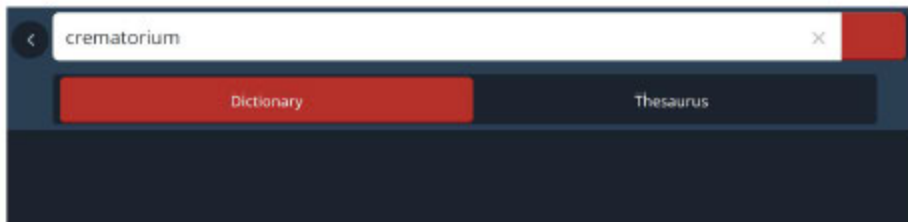
<https://www.newsindiatimes.com/mokshdham-project-chicagoland-makes-significant-headway>
Mokshdham Project Aims at Building a Cremation Venue in Chicago

<https://www.addtoany.com/share?url=https%3A%2F%2Fwww.newsindiatimes.com%2Fmokshdham-project-chicagoland-makes-significant-headway%2F&title=Mokshdham%20Project%20aimed%20at%20building%20a%20cremation%20venue%20in%20Chicago>



funeral home noun

: an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals
→ called also *funeral parlor*



crematorium noun

cre-ma-to-ri-um ˌkrē-mə-ˈtôr-ē-əm ◀▶ ,kre-

plural crematoria ˌkrē-mə-ˈtôr-ē-ə ◀▶ ,kre- **or crematoriums**

: an establishment or structure in which the bodies of the dead are **cremated**

He had two funerals in the morning, both bodies due for the *crematorium* afterward ...

— Jack Higgins

The depositions enabled the commission to gather further evidence from coroners and from the files in morgues, mortuaries and *crematoriums*.

— Alfred Stepan



Development Ordinance

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

File #: DC-O-0003-25

Agenda Date: 1/21/2025

Agenda #: 7.C.



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Hearing Officer
DATE: December 4, 2024
RE: **ZONING-24-000061 Phillips (Downers Grove/District 3)**

Development Committee: January 21, 2025:

Zoning Hearing Officer: December 4, 2024: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.

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-24-000061 Phillips** dated November 20, 2024.
2. That the Conditional Use zoning relief shall expire after ten (10) 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 property owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.
- B. That petitioner testified that they purchased the subject property in 2015 and have had a pier on the property since 2016.
- C. That petitioner testified that they would remove the existing pier and build the proposed pier as indicated in the requested zoning relief.
- D. That petitioner testified that a portion of the lake is on the southwest corner of the subject property and that the proposed pier would be stationary/ constructed at ground level in the portion of the lake that is on the subject property.
- E. That petitioner testified that the proposed small pier would be built completely on the subject property and would not be built over the rear property line.
- F. That at the public hearing, adjacent neighbors testified that they object to the requested zoning relief due to a setback concern and a potential encroachment concern of the proposed pier onto their property over the rear property line of the subject property.
- G. That the Zoning Hearing Officer finds that petitioner has demonstrated that the subject relief for a Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake, would be 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.
 - Furthermore, that the Zoning Hearing Officer finds that nothing in this order is intended to permit any intrusion on any neighboring property, either by virtue of the construction, maintenance, or use of the pier to be constructed.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Hearing Officer 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 pier will not impact or impair the supply of light and air to adjacent properties.
- b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will receive a building permit from the County for the proposed pier and that it will be built pursuant to the current DuPage County Building Code.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed pier will be completely located on the subject property 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 pier will be located behind the front wall of the home and will not impact traffic.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the proposed pier.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the proposed pier.
- 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 pier will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

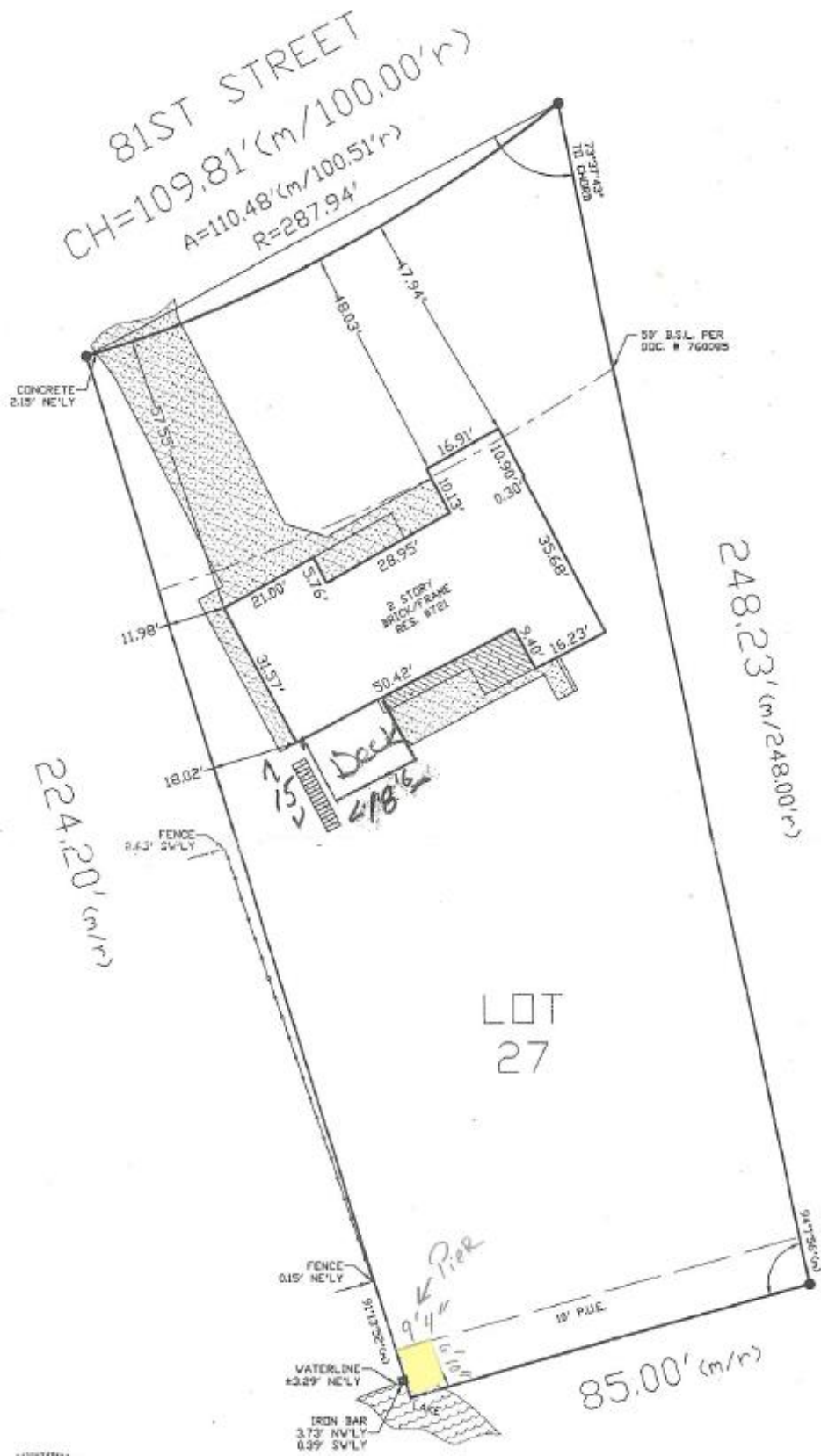
PETITIONER'S DEVELOPMENT FACT SHEET

| GENERAL ZONING CASE INFORMATION | |
|--|--|
| CASE #/PETITIONER | ZONING-24-000061 Phillips |
| ZONING REQUEST | Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake. |
| OWNER | DAVID AND SANDRA PHILLIPS, 721 81 ST STREET, DOWNERS GROVE, IL 60516 |
| ADDRESS/LOCATION | 721 81 ST STREET, DOWNERS GROVE, IL 60516 |
| PIN | 09-32-202-003 |
| TWSP./CTY. BD. DIST. | DOWNERS GROVE DISTRICT 3 |
| ZONING/LUP | R-3 SF RES 0-5 DU AC |
| AREA | 0.51 ACRES (22,216 SQ. FT.) |
| UTILITIES | WATER/SEWER |
| PUBLICATION DATE | Daily Herald: November 5, 2024 |
| PUBLIC HEARING | WEDNESDAY, NOVEMBER 20, 2024 |
| ADDITIONAL INFORMATION: | |
| Building: | No Objections. |
| DUDOT: | Our office has no jurisdiction in this matter. |
| Health: | <i>No Comments Received.</i> |
| Stormwater: | No Objections with the concept of the petition. Additional information may be required at time of permit application. |
| Public Works: | DPC PW owns the sewer main in the ROW of 81 st street, this project will not affect our sewer. Water is owned by Darien. |
| EXTERNAL: | |
| City of Darien: | <i>No Comments Received.</i> |
| Village of Woodridge: | <i>No Comments Received.</i> |
| Village of Downers Grove: | “The Village of Downers Grove has no comments.” |
| Downers Grove Township: | <i>No Comments Received.</i> |
| Township Highway: | Our office has no jurisdiction in this matter. |
| Darien-Woodridge Fire Dist.: | <i>No Comments Received.</i> |
| Sch. Dist. 66: | <i>No Comments Received.</i> |
| Sch. Dist. 99: | “D99 has no opinions on this.” |
| Forest Preserve: | <i>No Comments Received.</i> |

LAND USE

| Location | Zoning | Existing Use | LUP |
|-----------------|--|---------------------|------------|
| Subject | R-3 SF RES | HOUSE | 0-5 DU AC |
| North | 81 ST STREET AND BEYOND R-3 SF RES | HOUSE | 0-5 DU AC |
| South | R-3 SF RES | HOUSE | 0-5 DU AC |

| | | | |
|------|------------|-------|-----------|
| East | R-3 SF RES | HOUSE | 0-5 DU AC |
| West | R-3 SF RES | HOUSE | 0-5 DU AC |







Bruce Lake Homeowners Association
901 81st Street
Downers Grove IL, 60516
Email: blhaboard@googlegroups.com



To: DuPage County Zoning

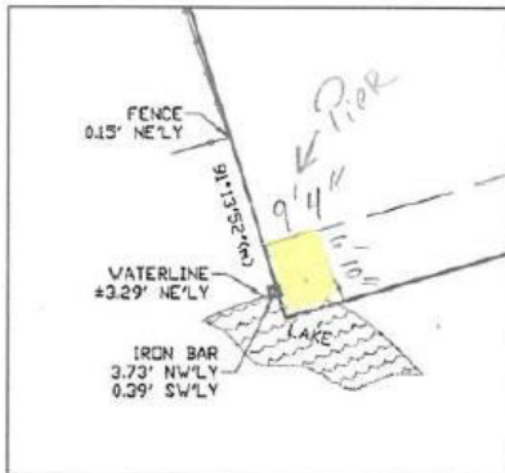
Date: September 18, 2024

The Bruce Lake Homeowners Association approves of the installation of a pier at the Phillips residents at 721 81st Street per the location provided.

Per the Bruce Lake HOA Rules and Regulations:

"Docks – Members with lakefront property may extend docks into Bruce Lake past their property line with the approval of the BLHA Board. It should be understood that the Board may require removal or modification of such structures at any time and for any reason. Docks cannot exceed 20 feet in length".

[BLHA-RULES-AND-REGULATIONS-revised-2018.pdf \(brucelake.org\)](#)



Sincerely,

[Redacted Signature]

Mark Ihde

President of Bruce Lake HOA

BLHA RULES AND REGULATIONS

Membership Dues – The membership dues shall be \$250 per year. BLHA members who are 62 or older and on a fixed income may opt to pay only \$150. Currently initiation fees will be waived.

Guests – The use of Bruce Lake and Park facilities is limited to members of the BLHA (and their guests) who have paid all dues through the current fiscal year. Members and their guests should wear identification tags issued upon payment of dues each year. Individuals without tags will be asked to leave the park. Guests of any one property owner should not exceed ten in number, unless proper reservation has been made (see below).

Park Rental – Members who have paid all dues through the current fiscal year may reserve the park for private parties, not to exceed 50 people. Parties greater than 50 people put undue stress on the facilities provided by the Homeowners Association, and a rental fee will apply for Porta-Pottie fees as charged by the current company. In addition, large private parties booked for consecutive nights, with no scheduled garbage pick-up or Porta-Pottie servicing in between, will need to share in the cost to adequately clean and service the park in preparation for the next event. Private parties shall not inhibit access to the beach and other park facilities to the rest of the BLHA members. Reservations will be taken on a first come, first served basis by the Bruce Lake website, after March 1. Notice of the reservation will be posted on the on-line calendar on the day of the party. A \$150 deposit will be required, to be returned if the facilities have been restored to their original status within 24 hours. This does not include the cabana. In the event that further cleanup is necessary after a private party, the reserving member is responsible to pay all expenses. Members also have the option of renting the cabana. There will be a \$50 deposit on the cabana, returned when the cabana is returned to a clean state. A damage waiver must be signed prior to the event.

Parking is limited to spots in front of park, and street parking along the vacant lot. Parking on private property is prohibited. Cars parked illegally will result in a phone call to the sheriff.

Boat Storage – Every boat must have its owner's name and address on the side, and be registered with a designated Board member. Assignment of limited boat storage space will be on a first come, first served basis each year. BLHA will not be held responsible for theft or damage to boats kept at the park. The Board may require the removal of boats at any time for any reason.

Docks – Members with lakefront property may extend docs into Bruce Lake past their property line with the approval of the BLHA Board. It should be understood that the Board may require removal or modification of such structures at any time and for any reason. Docks cannot exceed 20 feet in length.

Boating & Other Recreational Vehicles – All vehicles/boats with gas/diesel powered engines are prohibited on the lake or in the park, except for lake management services. Sail, row, and electric powered are permitted.



Development Ordinance

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

File #: DC-O-0004-25

Agenda Date: 1/21/2025

Agenda #: 7.D.



M E M O R A N D U M

TO: DuPage County Development Committee
FROM: DuPage County Zoning Hearing Officer
DATE: December 18, 2024
RE: **ZONING-24-000065 Sessions (York/District 2)**

Development Committee: January 21, 2025:

Zoning Hearing Officer: December 18, 2024: The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the required lot size for two lots serviced with water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet.
3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage).

ZHO Recommendation to Deny

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to subdivide the subject property into two (2) new lots by reducing the required lot size for two (2) lots (with his existing house to remain on the proposed Lot 1), reducing the required lot width of corner lot for proposed Lot 1, and increasing the permitted FAR on proposed Lot 1 in order to build a new detached garage.
- B. That petitioner testified that he has requested the subject zoning relief in order to subdivide his property into two (2) lots, which would be consistent with the surrounding area and corner properties.

- C. That petitioner testified that he has lived at the subject property for approximately 1.5 years.
- D. That petitioner testified that both lots would be serviced with public sewer and water.
- E. That petitioner testified that he has drainage concerns on his property and that a new detached garage would assist and alleviate drainage concerns on the subject property.
- F. That the Zoning Hearing Officer finds that petitioner has not demonstrated sufficient evidence for a practical difficulty or particular hardship in relation to the subject zoning relief to reduce the required lot size for two (2) new lots, to reduce the required corner side yard lot width for proposed Lot 1, and to increase the FAR to allow for a new detached garage on proposed Lot 1.
- G. That the Zoning Hearing Officer finds that in supplemental documents submitted by the petitioner following the public hearing, petitioner indicated that there was a hardship of being deprived of the value for the subject land due to the minimum lot size requirements, and that the Zoning Hearing Officer finds that a financial/self-made hardship does not qualify as particular hardship or practical difficulty for a Variation.
- H. Furthermore, that the Zoning Hearing Officer finds that at the public hearing, the petitioner testified to existing drainage concerns on the subject property.

STANDARDS FOR VARIATIONS:

1. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** that the proposed lot subdivision 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 not demonstrated** that the proposed lot subdivision 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** that the proposed lot subdivision 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 not demonstrated** that the proposed lot subdivision 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** that the proposed lot subdivision 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** that the proposed lot subdivision 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** that the proposed lot subdivision will not impair the public health, safety, comfort, morals, or general welfare and will be an added benefit to the neighborhood.

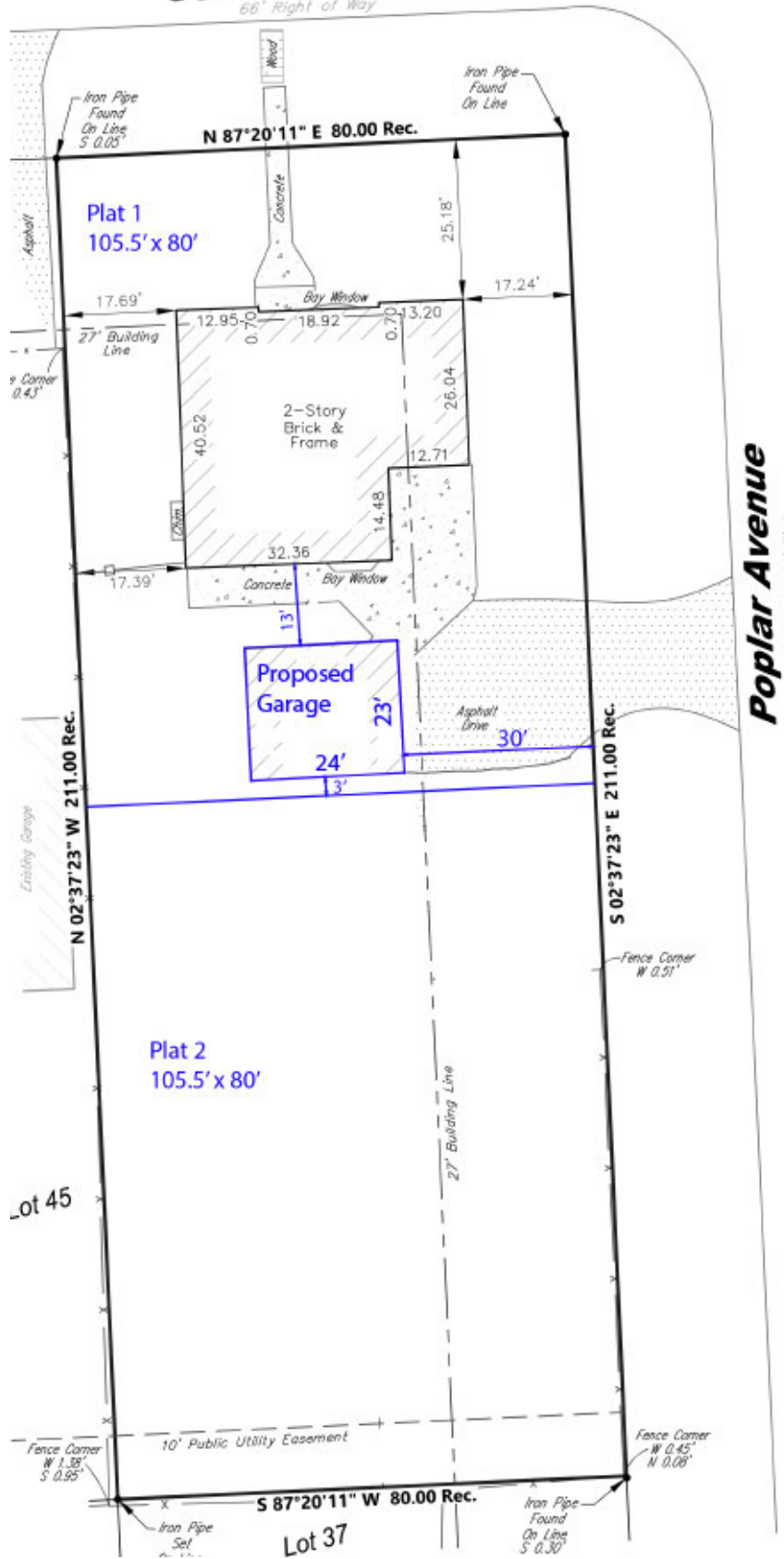
PETITIONER'S DEVELOPMENT FACT SHEET

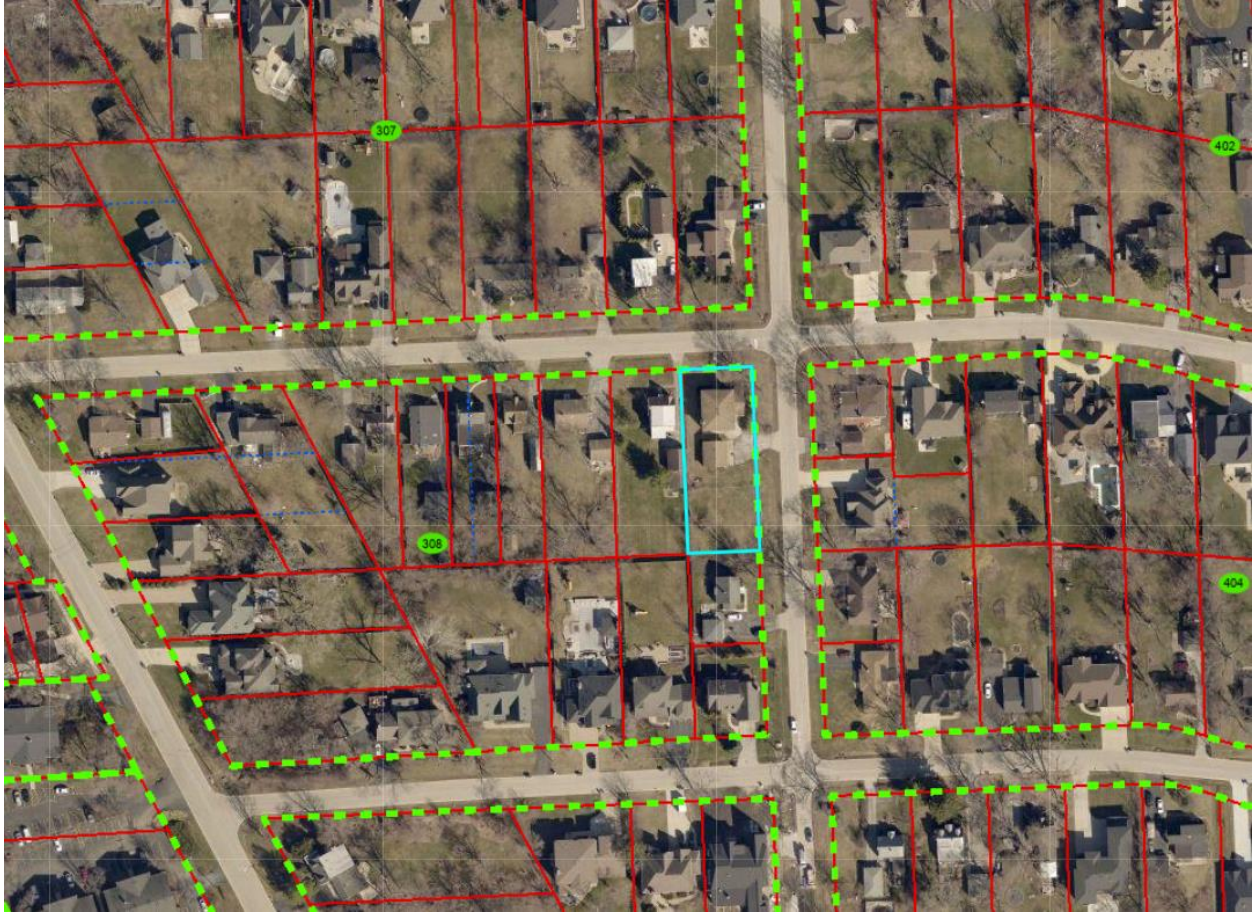
| GENERAL ZONING CASE INFORMATION | |
|--|--|
| CASE #/PETITIONER | ZONING-24-000065 Sessions |
| ZONING REQUEST | <ol style="list-style-type: none"> 1. Variation to reduce the required lot size for two lots serviced with water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2. 2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet. 3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage). |
| OWNER | DAVID AND TAMALA SESSIONS, 15W375 CONCORD STREET, ELMHURST, IL 60126 |
| ADDRESS/LOCATION | 15W375 CONCORD STREET, ELMHURST, IL 60126 |
| PIN | 06-13-308-014 |
| TWSP./CTY. BD. DIST. | YORK DISTRICT 2 |
| ZONING/LUP | R-3 SF RES 0-5 DU AC |
| AREA | 0.38 ACRES (16,553 SQ. FT.) |
| UTILITIES | Water/Sewer |
| PUBLICATION DATE | Daily Herald: October 1, 2024 |
| PUBLIC HEARING | Wednesday, October 16, 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. (See attached documentation) |
| Public Works: | “DPC Public Works doesn’t own the sewer or water in this area, they are in Flagg Creek Sanitary District.” |
| EXTERNAL: | |
| City of Elmhurst: | <i>No Comments Received.</i> |
| City of Oakbrook Terrace: | <i>No Comments Received.</i> |
| Village of Oak Brook: | No Objections. |
| York Township: | <i>No Comments Received.</i> |
| Township Highway: | No Objections. |
| Yorkfield Fire Dist. (Elmhurst): | <i>No Comments Received.</i> |
| Sch. Dist. 205: | <i>No Comments Received.</i> |
| Forest Preserve: | “We do not have any specific comments.” |

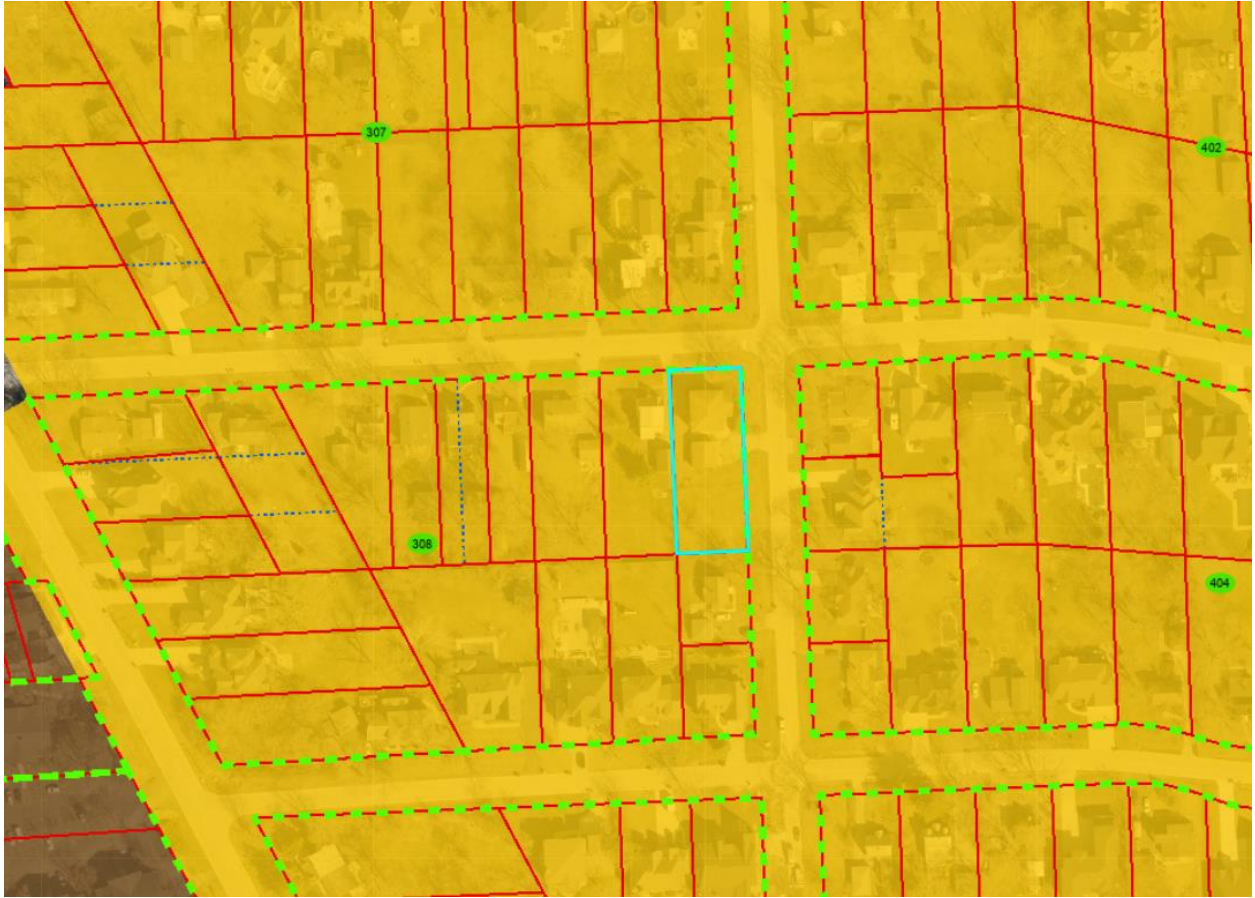
LAND USE

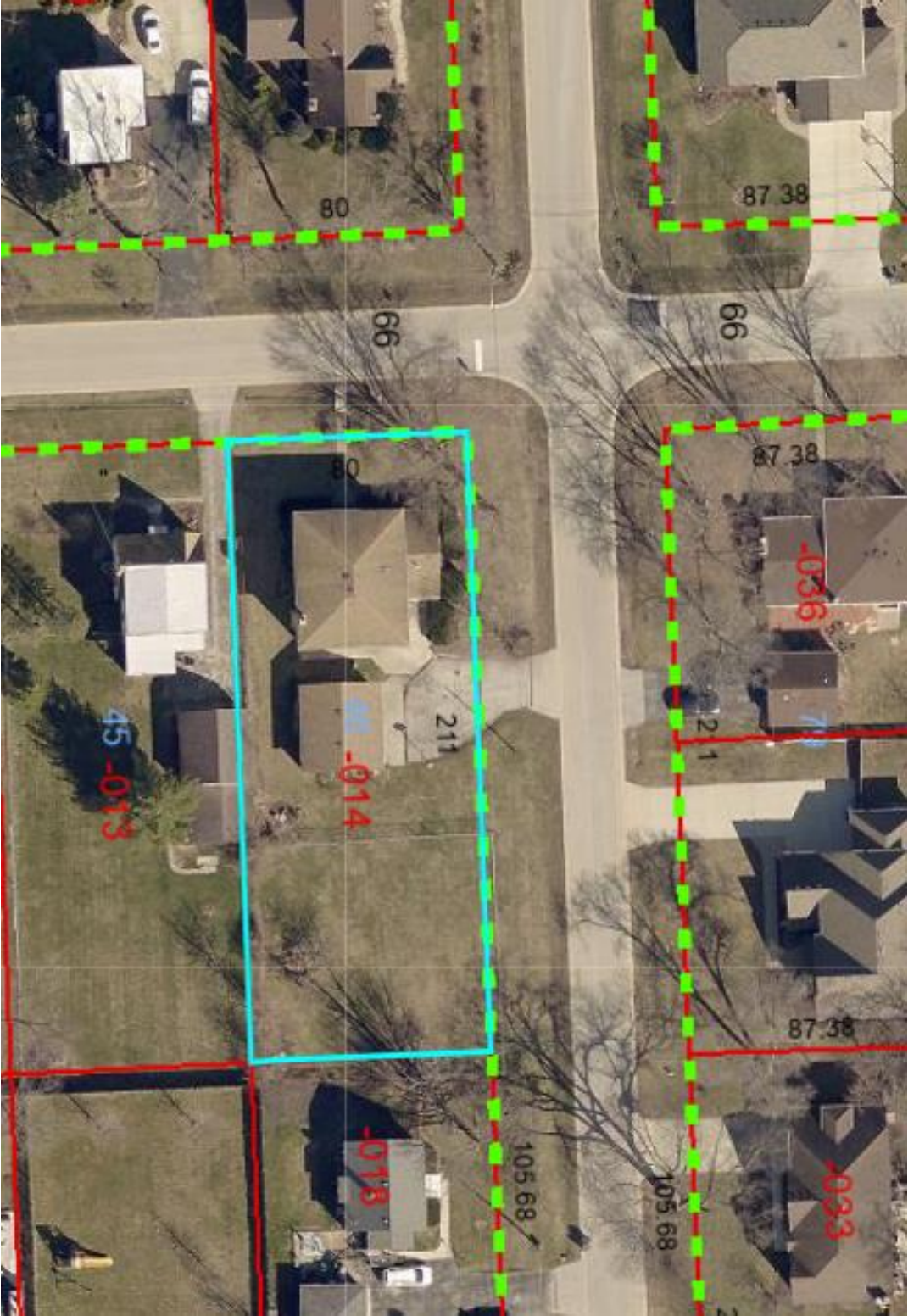
| Location | Zoning | Existing Use | LUP |
|-----------------|---|---------------------|------------|
| Subject | R-3 SF RES | HOUSE | 0-5 DU AC |
| North | CONCORD STREET AND BEYOND R-3 SF RES | HOUSE | 0-5 DU AC |
| South | R-3 SF RES | HOUSE | 0-5 DU AC |
| East | POPLAR AVENUE AND BEYOND R-3 SF RES | HOUSE | 0-5 DU AC |
| West | R-3 SF RES | HOUSE | 0-5 DU AC |

Concord Street
66' Right of Way











**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-24-000065 Sessions

Please review the information herein and return with your comments to:

Jessica Infelise Datzman, 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 **October 15, 2024**.

| COMMENT SECTION: | |
|---|---|
| <input type="checkbox"/> | OUR OFFICE HAS NO JURISDICTION IN THIS MATTER |
| <input type="checkbox"/> | NO OBJECTION/CONCERNS WITH THE PETITION |
| <input checked="" type="checkbox"/> | NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION |
| <input type="checkbox"/> | I OBJECT/HAVE CONCERNS WITH THE PETITION. |
| <p>COMMENTS: The face of the plat should contain language similar to the following:</p> <p>"This property was subdivided on [date]. At the time of subdivision, the Post Construction Best Management Practice (PCBMP) and stormwater detention thresholds for the original parcel were subsequently subdivided among the newly created parcels. The threshold distribution ratio for each of the new parcels shall be calculated as the area of the new parcel divided by the area of the original parcel. This threshold distribution ratio shall be multiplied by the regulatory thresholds in effect at the time of any new development. If a PCBMP is required pursuant to the DuPage County Countywide Stormwater and Floodplain Ordinance, the property owner shall be obligated to implement the required PCBMP directly on the property and shall not have the option to satisfy such requirement through payment of a fee-in-lieu, unless such implementation is deemed impractical or is not in accordance with the ordinance at the time of submittal(s). Please check with your local permitting authority regarding all stormwater management requirements."</p> | |
| SIGNATURE: [REDACTED] DATE: 10/10/24 | |
| MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: DPC Stormwater Management | |
| GENERAL ZONING CASE INFORMATION | |

1

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187

- 1.) There are numerous lots in the neighborhood that are already under the 15,000 square foot requirement. Source: DuPage County GIS, parcels < 15,000sqft



- 2.) Current residence is situated in the northern part of the current lot leaving at least 50 percent of the southern end as vacant and not utilized
- 3.) The 15,000 square foot minimum requirement creates a hardship to develop the unutilized land in a manner consistent with the surrounding neighborhood


Sent: Wednesday, November 6, 2024 9:05 AM
To: Infelise, Jessica
Cc: Schwalm, Eileen
Subject: Re: DuPage County Zoom

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

To Whom it may concern,

I vote against the lot being subdivided.

Best,

Albert John




Development Ordinance

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

File #: DC-O-0005-25

Agenda Date: 1/21/2025

Agenda #: 7.E.



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Hearing Officer
DATE: December 4, 2024
RE: **ZONING-24-000069 Kosela (Lisle/District 2)**

Development Committee: January 21, 2025:

Zoning Hearing Officer: December 4, 2024: The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the required lot size (area) for two (2) new lots serviced with well and septic, from required 40,000 sq. ft. to approximately 10,314 sq. ft. for Lot 1 and 21,940 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for one new interior lot serviced with well and septic, from required 125 feet wide to approximately 91.33 feet wide for Lot 1.

ZHO Recommendation to Deny

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is for Variations to subdivide the subject property into two (2) new lots serviced with well and septic, requiring Variations for lot width and area.
- B. That petitioner testified that Lot 2 would be serviced with a mechanical septic system that would require approximately 600 sq. ft. of land.
- C. That petitioner testified that he would build a ranch home on proposed Lot 2, approximately 1,500 sq. ft. in size.
- D. That petitioner testified that the particular hardship for the subject Variations is that he is deprived of the value for the land by only having one (1) house on the subject property and that due to the size of the subject property, it would bring more value to have two (2) houses on the subject property.

E. That the Zoning Hearing Officer finds that petitioner has not demonstrated or provided sufficient evidence to support the proposed Variations, specifically, that petitioner has not demonstrated or provided sufficient evidence in relation to a practical difficulty or particular hardship in order to support the Variations.

- Furthermore, that the Zoning Hearing Officer finds that petitioner testified to a financial hardship of being deprived of the value for the subject land, and that the Zoning Hearing Officer finds that a financial/self-made hardship does not qualify as a particular hardship for a Variation.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development.
2. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** that the proposed two (2) lot subdivision 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 not demonstrated** that the proposed two (2) lot subdivision will not increase in the hazard from fire or other dangers.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed two (2) lot subdivision 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 not demonstrated** that the proposed two (2) lot subdivision 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** that the proposed two (2) lot subdivision will not increase the potential for flood damages to adjacent properties.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** that the proposed two (2) lot subdivision 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** that the proposed two (2) lot subdivision will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

| | |
|------------------|---|
| Sch. Dist. 202: | <i>No Comments Received.</i> |
| Forest Preserve: | “We do not have any specific comments.” |

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 | KOHLEY ROAD AND BEYOND R-4 SF RES | HOUSE | 0-5 DU AC |
| East | R-4 SF RES | HOUSE | 0-5 DU AC |
| West | ESSEX ROAD AND BEYOND R-4 SF RES | HOUSE | 0-5 DU AC |







**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-24-000069 Kosela

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 **October 15, 2024**.

| |
|--|
| COMMENT SECTION: |
| <input type="checkbox"/> : OUR OFFICE HAS NO JURISDICTION IN THIS MATTER |
| <input type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE PETITION |
| <input checked="" type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION |
| <input type="checkbox"/> : I OBJECT/ HAVE CONCERNS WITH THE PETITION. |
| COMMENTS: The face of the plat should contain language similar to the following: "This property was subdivided on [date]. At the time of subdivision, the Post Construction Best Management Practice (PCBMP) and stormwater detention thresholds for the original parcel were subsequently subdivided among the newly created parcels. The threshold distribution ratio for each of the new parcels shall be calculated as the area of the new parcel divided by the area of the original parcel. This threshold distribution ratio shall be multiplied by the regulatory thresholds in effect at the time of any new development. If a PCBMP is required pursuant to the DuPage County Countywide Stormwater and Floodplain Ordinance, the property owner shall be obligated to implement the required PCBMP directly on the property and shall not have the option to satisfy such requirement through payment of a fee-in-lieu, unless such implementation is deemed impractical or is not in accordance with the ordinance at the time of submittal(s). . Please check with your local permitting authority regarding all stormwater management requirements." |
| SIGNATURE: [REDACTED] DATE: 10/10/24 |
| MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: DPC Stormwater Management |
| GENERAL ZONING CASE INFORMATION |



Z-24-000069 Kosela ZHO Legal and Staff (10-16-2024).pdf 455 KB ▾

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Jessica,

Please see attached. The Village of Lisle has a water main along the subject property's Kohley Road frontage. It is the Village's position that connection to public water should be required.

Michael R. Smetana
Development Services Director
Village of Lisle
925 Burlington Ave
Lisle, Illinois 60532
630-271-4153; 630-271-4155 (fax)
mismetana@villageoflisle.org

Sent: Wednesday, November 20, 2024 4:33 PM
To: Infelise, Jessica
Cc: Martin Ptasinski; w [REDACTED]
Subject: RE: Kosela

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Ms. Infelise,

I had some issues with my microphone during the zoom meeting but I just wanted to follow up in regards to a couple items brought up by the public during the meeting, for your consideration.

1. As it is typical with all new developments, all of the stormwater that is currently tributary to the subject property and any additional stormwater runoff generated by new impervious areas will be managed on-site and conveyed to the public storm system (in this case the roadside ditches along the south and west side of the property). As shown in the Preliminary Site Drawings submitted, the runoff is captured and directed to the roadside ditches, and this development will not increase any runoff onto the neighboring property to the north. Per existing topography, majority of the runoff currently draining onto that property is coming from the east. 5517 Essex Road does not drain to the neighboring property to the north, as shown below and it is unlikely that this property is the cause for any water damages to the residence to the north.



- a.
- In regards to the water supply system and mentioned aquifer argument. I don't believe that one single family home will have a noticeable or adverse impact on the public water supply in this area.

My apologies for my technical issues. If you have any further questions, please don't hesitate to reach out.

Sincerely,

KRYSTIAN USTUPSKI, P.E
PHONE: (630) 561-1802
KRYSTIAN@KRUENGDDESIGN.COM



Sent: Tuesday, November 26, 2024 9:48 AM
To: Infelise, Jessica
Subject: Kosela case.
Attachments: 20241120_125920.jpg; 20241120_125824.jpg; 20241120_125759.jpg

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Development Ordinance

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

File #: DC-O-0006-25

Agenda Date: 1/21/2025

Agenda #: 7.F.



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Hearing Officer
DATE: January 9, 2025
RE: **T-3-24 Text Amendments**

Development Committee: January 21, 2025:

Zoning Board of Appeals: January 9, 2025: The Zoning Board of Appeals recommended to approve the following text amendments:

T-3-24 proposed Text Amendments to the DuPage County Zoning Ordinance relative to the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units.

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

FINDINGS OF FACT:

1. That the Zoning Board of Appeals finds that over the past several months, County Board members have asked staff to research various housing topics relevant to their constituents. In response, staff has completed the research and developed the proposed text amendment to the DuPage County Zoning Ordinance regarding the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units.
2. That the Zoning Board of Appeals finds that on November 19, 2024, the Development Committee voted to direct staff to present the proposed text amendment for consideration at a public hearing before the Zoning Board of Appeals.
3. That the Zoning Board of Appeals finds that Text Amendment T-3-24 was presented during a public hearing held on December 10, 2024, before the Zoning Board of Appeals. The proposed text amendments, which pertain to the conversion of a single dwelling unit into no more than two (2) dwelling units along principal arterial roadways, are considered vital to the County's ongoing efforts to promote sustainable development. These amendments are aligned with the County's broader goals of

protecting and enhancing the health, welfare, and safety of its residents, while also addressing the evolving housing needs of the community

Add to and Amend Section 37-418: HOME OCCUPATIONS, PRINCIPAL ARTERIAL OFFICE USE, AND PRINCIPAL ARTERIAL CONVERSION OF A SINGLE DWELLING INTO TWO (2) DWELLING UNITS.

37-418.1: HOME OCCUPATIONS, PRINCIPAL ARTERIAL OFFICE USE, AND PRINCIPAL ARTERIAL CONVERSION OF A SINGLE DWELLING INTO TWO (2) DWELLING UNITS.

C. PRINCIPAL ARTERIAL CONVERSION OF A SINGLE DWELLING INTO TWO (2) DWELLING UNITS REQUIREMENTS:

- 1. The principal arterial dwelling conversion use shall be subject to the following:**
 - a. The property is zoned in a R-3 or R-4 Single Family Residential Dwelling District:**
 - b. The property fronts on a designated principal arterial roadway as follows:**
 - **Illinois Route 59,**
 - **County Farm Road,**
 - **Main Street - Wheaton between Illinois Route 38 (Roosevelt Road) to Illinois Route 64 (North Avenue),**
 - **Illinois Route 64 (North Avenue),**
 - **Naperville-Wheaton Road, Naper Boulevard,**
 - **Illinois Route 53 south of Illinois Route 38 (Roosevelt Road),**
 - **Illinois Route 83 (Kingery Highway),**
 - **Illinois Route 19 (Irving Park Road),**
 - **U.S. Route 20 (Lake Street),**
 - **Illinois Route 38 (Roosevelt Road),**
 - **22nd Street from Interstate 294 to Illinois Route 56 (Butterfield Road)**
 - **Illinois Route 56 (Butterfield Road) from 22nd Street west to the DuPage-Kane county line,**
 - **U.S. Route 34 (Ogden Avenue) from DuPage-Cook county line to North Aurora Avenue and from 75th Street to the DuPage-Kane county line,**
 - **North Aurora Avenue from U.S. Route 34 (Ogden Avenue) to Illinois Route 59,**
 - **75th Street from U.S. Route 34 (Ogden Avenue) to Illinois Route 83,**
 - **Army Trail Road from U.S. Route 20 (Lake Street) to the DuPage-Kane County line, and**
 - **Lemont Road**
 - c. The property takes direct and exclusive access to the Principal Arterial Roadway.**
 - d. The property is not defined as a reserve lot.**
 - e. The property is not part of a planned unit development.**
- 2. The principal arterial dwelling conversion use shall be subject to the following site requirements:**

- a. The principal buildings or structures in which the principal arterial conversion is located shall be subject to the front, side, and rear setbacks of the applicable single-family residential zoning district.
- b. The principal arterial dwelling conversion shall only be for the principal building.
- c. All building facades of the principal building shall maintain the existing single-family residential character of the structure.
 - 1. Other than necessary building code requirements to convert the dwelling into not more than two (2) dwelling units, the exterior of the existing dwelling unit may only be altered or rehabilitated provided the alteration is a nonstructural repair of the building including the replacement of the roof covering, veneering or outer walls and incidental repairs which do not extend or intensify the existing dimensions of the building.
 - 2. The building, however, shall not be enlarged, expanded, or extended.
 - 3. Repairs and alterations may be made to the exterior or interior of the building to return the building to a safe condition in accordance with the county codes.
 - 4. The principal building shall be oriented toward the principal arterial roadway.
 - 5. The principal building shall have been constructed prior to the effective date of this Ordinance Amendment.
- d. Existing landscaping on the site shall be preserved and maintained.
- e. Parking requirements shall be based upon the current parking requirements for a two-family dwelling. All other parking requirements for the principal arterial dwelling conversion use shall be provided per the minimum requirements of article XII, "Off Street Parking And Loading Requirements," of this chapter.
- f. The principal arterial dwelling conversion use shall be subject to landscape review.
- g. All driveways, parking areas and refuse containers shall require a full landscape screen and the remainder of the property shall maintain at least a partial landscape screen around the structures on the property used for the principal arterial dwelling conversion use as well as any additional landscape requirements within the respective single-family residential zoning district.
- h. The building conversion and use shall meet all other DuPage County Codes for such uses.
- i. Property owners meeting the requirements and qualifications and intending to conduct a principal arterial dwelling conversion use on their premises shall require a building permit from the DuPage County prior to the conversion.
- j. One of the dwelling units in the Principal Arterial Conversion shall be occupied by the owner of the property

Add to R-3 and R-4 Single Family Zoning Districts as a Permitted Use:

Principal arterial conversion of a single dwelling into two (2) dwelling units.

END



Action Item

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

File #: 25-0273

Agenda Date: 1/21/2025

Agenda #: 7.G.



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: Staff

DATE: January 21, 2025

RE: **T-1-25 Proposed Text Amendments to the County Zoning Code relative to Video Gaming**

DuPage County Development Committee: January 21, 2025:

T-1-25 Proposed Text Amendments: Request to proceed with a public hearing before the DuPage County Zoning Board of Appeals to consider proposed Text Amendments T-1-25 to the DuPage County Zoning Ordinance regarding video gaming, to align the Zoning Ordinance with current liquor license regulations for greater consistency.

EXHIBIT A:

Amend ARTICLE III. - RULES AND DEFINITIONS, Section 37-302: - DEFINITIONS:

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 (**accessory use**): An accessory use that is not a Video Gaming Cafe, where video gaming terminals are an accessory use to the principal/**primary** 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.

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 any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least one hundred feet (100 feet) 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café, Tavern or Class B or C restaurant that also has a Video Gaming Terminal Establishment.~~

Video Gaming Café: Any Video Gaming Café must be located at least one hundred (100) feet from a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Video Gaming Terminal Establishment (Accessory Use): Any video gaming terminal establishment accessory use must be located at least one hundred (100) feet, from a place of assembly use, school or day care facility and another Video Gaming Café or use that has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

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

The following uses are permitted:

General services:

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.

Retail businesses:

Automobile service stations, **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.**

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption. **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.**

Video Gaming Café: Any Video Gaming Café must be located at least one hundred feet (100 feet) from a place of assembly use, school, day care facility or any other Video Gaming Café, or use that also has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Video Gaming Terminal Establishment (Accessory Use): Any video gaming terminal establishment accessory use to a permitted principal use must be located at least one hundred (100) feet from a place of assembly use, school or day care facility and another Video Gaming Café or a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

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

Retail businesses:

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.~~

Video Gaming Café: Any Video Gaming Café must be located at least one hundred feet (100 feet) from a place of assembly use, school, day care facility and another Video Gaming Café or use that has a Video Gaming Terminal Establishment. (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Video Gaming Terminal Establishment (Accessory Use): Any video gaming terminal establishment accessory use must be located at least one hundred feet (100 feet), from a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Service businesses:

Automobile service stations, ~~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.~~

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

Retail businesses:

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~~

Video Gaming Café: Any Video Gaming Café must be located at least one hundred feet (100 feet) from a place of assembly use, school, day care facility and another Video Gaming Café or use that has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Video Gaming Terminal Establishment (Accessory Use): Any video gaming terminal establishment accessory use must be located at least one hundred feet (100 feet), from a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another

Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Service businesses:

Automobile service stations, ~~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.~~

END