

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

April recommendation Meeting.) 23-090

Wag Suites

April 4, 2024

5:30 p.m.

PROCEEDINGS HAD and testimony
taken before the DU PAGE COUNTY ZONING BOARD OF
APPEALS, taken at the DuPage County
Administration Building, 421 North County Farm
Road, Wheaton, Illinois, before LINDA M.
CIOSEK, C.S.R. a Notary Public qualified and
commissioned for the State of Illinois.

BOARD MEMBERS PRESENT:

MR. ROBERT KARTHOLL, Chairman.

MR. JACK MURPHY, Commissioner.

MR. DENNIS MORAN, Commissioner.

MR. BARRY KETTER, Commissioner.

MR. CARL SCHULTZ, Commissioner.

MS. JANICE ANDERSON, Commissioner, via
Zoom.

MR. ZAIN RAHMAN, Commissioner.

<p style="text-align: right;">Page 2</p> <p>1 ALSO PRESENT:</p> <p>2 MS. JESSICA INFELISE DATZMAN, Planning &</p> <p>3 Zoning.</p> <p>4 MR. PAUL HOSS, Planning & Zoning.</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 4</p> <p>1 approve those minutes?</p> <p>2 COMMISSIONER KETTER: I move to approve</p> <p>3 as presented.</p> <p>4 COMMISSIONER MORAN: I'll second that.</p> <p>5 CHAIRMAN KARTHOLL: Motion then by Mr.</p> <p>6 Ketter, seconded by Mr. Moran.</p> <p>7 Any discussion on those</p> <p>8 motions?</p> <p>9 (No response.)</p> <p>10 CHAIRMAN KARTHOLL: All in favor of the</p> <p>11 motion, please signify by saying aye.</p> <p>12 (Whereupon, all</p> <p>13 Commissioners responded</p> <p>14 aye.)</p> <p>15 CHAIRMAN KARTHOLL: Any opposed?</p> <p>16 (No response.)</p> <p>17 CHAIRMAN KARTHOLL: There are none</p> <p>18 opposed, the motion to approve the minutes is</p> <p>19 carried.</p> <p>20 Then I have -- let's dispose</p> <p>21 of two cases. We have the Pinnacle At Meyers,</p> <p>22 which is 24-02, that's a York Township</p> <p>23 petition, and there's a request to defer that's</p> <p>24 made by the petitioner until our May 2nd, 2024</p>
<p style="text-align: right;">Page 3</p> <p>1 CHAIRMAN KARTHOLL: If we could come to</p> <p>2 order, please. This is the DuPage County</p> <p>3 Zoning Board of Appeals, we're here this</p> <p>4 evening April 4 for our monthly recommendation</p> <p>5 meeting.</p> <p>6 We have just a couple of</p> <p>7 items on the agenda this evening, but before I</p> <p>8 begin, I want to acknowledge that all the</p> <p>9 members are here and present with the exception</p> <p>10 of Ms. Anderson who I see --</p> <p>11 COMMISSIONER ANDERSON: I'm traveling</p> <p>12 out of town on business.</p> <p>13 CHAIRMAN KARTHOLL: Okay. Well, that's</p> <p>14 a good cause to appear remotely, so we'll</p> <p>15 proceed and you'll participate remotely,</p> <p>16 including the ability to vote.</p> <p>17 So, with that, we have three</p> <p>18 items of minutes to be approved from prior</p> <p>19 meetings. Those are the minutes of the 24-02</p> <p>20 Pinnacle At Meyers transcript of February 22,</p> <p>21 2024; the recommendation meeting from March 7th</p> <p>22 of 2024; and the SurMac Builders, LLC meeting</p> <p>23 minutes for March 21, 2024.</p> <p>24 May I ask for a motion to</p>	<p style="text-align: right;">Page 5</p> <p>1 recommendation meeting.</p> <p>2 So, can I just ask for a</p> <p>3 quick staff update on the reasons behind that</p> <p>4 request and also, similarly, the request to</p> <p>5 continue 24-006, the SurMac Builders petition,</p> <p>6 same request to defer until May 2. Can we have</p> <p>7 just a sentence or two as rationale?</p> <p>8 MR. HOSS: Sure. On the property -- the</p> <p>9 SurMac Builders, the petitioner would like to</p> <p>10 have an amended public hearing to amend the</p> <p>11 zoning petition based on discussion that was</p> <p>12 had at the last public hearing.</p> <p>13 Relative to the Meyers Road</p> <p>14 project, the petitioner is also looking to</p> <p>15 potentially amend their petition due to some</p> <p>16 new information and possibly some additional</p> <p>17 land for the project.</p> <p>18 CHAIRMAN KARTHOLL: So will they -- if</p> <p>19 we're going to have new public hearings, that</p> <p>20 means there have been substantial changes, or</p> <p>21 there will be proposed substantial changes.</p> <p>22 Are we going to have a republication, because</p> <p>23 we're not going to take public hearings on May</p> <p>24 2nd; correct?</p>

<p style="text-align: right;">Page 6</p> <p>1 MR. HOSS: That's correct.</p> <p>2 CHAIRMAN KARTHOLL: So we'll consider</p> <p>3 this matter on May 2nd and then likely defer it</p> <p>4 again until it's published for a new public</p> <p>5 hearing?</p> <p>6 MR. HOSS: It's quite possible, yes, but</p> <p>7 in both instances that new information has not</p> <p>8 been submitted to staff yet, it's only</p> <p>9 possible, but we want to hold the opportunity</p> <p>10 up to keep this record open.</p> <p>11 CHAIRMAN KARTHOLL: Fine, that makes</p> <p>12 sense to me, but let's see if it makes sense to</p> <p>13 the rest of the Board.</p> <p>14 So do I have a motion to</p> <p>15 defer 24-02, the Pinnacle At Meyers case?</p> <p>16 COMMISSIONER KETTER: So moved.</p> <p>17 CHAIRMAN KARTHOLL: Motion by Mr.</p> <p>18 Ketter.</p> <p>19 COMMISSIONER SCHULTZ: Second.</p> <p>20 CHAIRMAN KARTHOLL: Seconded by Mr.</p> <p>21 Schultz in favor of the motion to defer</p> <p>22 Pinnacle.</p> <p>23 All those in favor, signify</p> <p>24 by saying aye.</p>	<p style="text-align: right;">Page 8</p> <p>1 (No response.)</p> <p>2 CHAIRMAN KARTHOLL: The motion passes.</p> <p>3 Those two matters will be heard as likely just</p> <p>4 a status update on May 2nd at 5:30, and it will</p> <p>5 be, I think, in the cafeteria, as I understand,</p> <p>6 so it will be held right here.</p> <p>7 And then that takes us to</p> <p>8 the 009, the Wag Suites case for this evening.</p> <p>9 That is a conditional use to operate an indoor</p> <p>10 kennel in a B-2 General Business Zoning</p> <p>11 District.</p> <p>12 Do I have a motion on that</p> <p>13 case?</p> <p>14 COMMISSIONER MURPHY: I move we approve</p> <p>15 subject to the various conditions.</p> <p>16 CHAIRMAN KARTHOLL: Mr. Murphy makes a</p> <p>17 motion to approve subject to the various</p> <p>18 conditions. Is there a second on the motion?</p> <p>19 COMMISSIONER KETTER: You know, I'll</p> <p>20 second it with the proviso that we put a</p> <p>21 one-year revisiting on this. The presentation</p> <p>22 for the -- he jumped around. I don't even know</p> <p>23 if we should put a cap on the number. It was</p> <p>24 10, then it was 50, it could go to 130. I</p>
<p style="text-align: right;">Page 7</p> <p>1 (Whereupon, all</p> <p>2 Commissioners responded</p> <p>3 aye.)</p> <p>4 CHAIRMAN KARTHOLL: Any opposed?</p> <p>5 (No response.)</p> <p>6 CHAIRMAN KARTHOLL: So that matter is</p> <p>7 deferred.</p> <p>8 And, separately, the 24-06</p> <p>9 SurMac Builders Naperville case, do I have a</p> <p>10 motion to defer on that case to May 2?</p> <p>11 COMMISSIONER KETTER: So moved.</p> <p>12 CHAIRMAN KARTHOLL: Motion again by Mr.</p> <p>13 Ketter.</p> <p>14 COMMISSIONER SCHULTZ: Second.</p> <p>15 CHAIRMAN KARTHOLL: Seconded by Mr.</p> <p>16 Schultz.</p> <p>17 Discussion?</p> <p>18 (No response.)</p> <p>19 CHAIRMAN KARTHOLL: All in favor of the</p> <p>20 motion, signify by saying aye.</p> <p>21 (Whereupon, all</p> <p>22 Commissioners responded</p> <p>23 aye.)</p> <p>24 CHAIRMAN KARTHOLL: And any opposed?</p>	<p style="text-align: right;">Page 9</p> <p>1 think we've got to put a cap on this as a</p> <p>2 condition.</p> <p>3 CHAIRMAN KARTHOLL: On the number of</p> <p>4 dogs?</p> <p>5 COMMISSIONER KETTER: Yes.</p> <p>6 CHAIRMAN KARTHOLL: Any other comments?</p> <p>7 (No response.)</p> <p>8 CHAIRMAN KARTHOLL: Let me just indicate</p> <p>9 the motion was made by Mr. Murphy and seconded</p> <p>10 by Mr. Ketter, but Mr. Ketter suggested an</p> <p>11 amendment to the motion. So let's resolve with</p> <p>12 Mr. Murphy whether the amendment -- let's flush</p> <p>13 this out for discussion, but first I have to</p> <p>14 get Mr. Murphy to concur with the amendment to</p> <p>15 the motion.</p> <p>16 COMMISSIONER MURPHY: Yes.</p> <p>17 CHAIRMAN KARTHOLL: Yes, okay. Mr.</p> <p>18 Ketter, do you want to discuss that further, or</p> <p>19 do you want others to remark?</p> <p>20 COMMISSIONER KETTER: Well, I guess I</p> <p>21 would put tendering going up to maybe 50,</p> <p>22 because he said that would be the maximum, and</p> <p>23 I think we'll revisit it in a year. Because I</p> <p>24 went back and read this, I remember the</p>

<p style="text-align: right;">Page 10</p> <p>1 presentation we were bouncing around in there, 2 so I would say let's try it and see how it goes 3 and revisit it. 4 CHAIRMAN KARTHOLL: Well, I concur with 5 that. I think my observation is that we have a 6 dog lover that wants to start a business, and 7 the presentation indicated that there is some 8 real questions about the vi -- not the 9 viability of the business, but the way that 10 that business will be operated. So, while I'm 11 inclined to give the benefit of the doubt to 12 the petitioner, I, too, would like to do this 13 on a trial basis of one year and then let the 14 petitioner come back, let the neighbors come 15 back, tell us whether there's difficulty, see 16 if the County experiences any difficulties, and 17 then if the petitioner chooses to come back 18 after a year, then we consider further relief. 19 Now as to the number of 20 dogs, I have no idea what the right number is 21 to be. Fifty dogs is a lot of dogs for a 22 start-up. 23 COMMISSIONER KETTER: I think I probably 24 should clarify. He said 50 dogs around</p>	<p style="text-align: right;">Page 12</p> <p>1 50, and it would be a one-year limit rather 2 than a five-year limit, time limitation, with 3 the other time limitation items included in 4 that condition. What I mean by that is the A 5 and B items, the structure is voluntarily 6 removed or damaged, et cetera. 7 So is there any further 8 discussion on this motion? 9 COMMISSIONER MORAN: I want to clarify 10 so we're going to change number two to one 11 year? 12 CHAIRMAN KARTHOLL: Correct. 13 COMMISSIONER MORAN: And then we're 14 going to stick with number five at 50 dogs on 15 holidays? 16 CHAIRMAN KARTHOLL: It doesn't now say 17 on holidays, but -- 18 COMMISSIONER KETTER: That's what I made 19 the motion as, and that's how it was presented. 20 CHAIRMAN KARTHOLL: Okay, so then it's 21 on holidays, in or around holiday seasons. 22 COMMISSIONER KETTER: And I just named 23 the holidays he had thrown out. 24 COMMISSIONER MORAN: I agree with what</p>
<p style="text-align: right;">Page 11</p> <p>1 Christmas, Thanksgiving, the holidays, not 2 during the normal week. So maybe clarify that 3 further, up to 50 dogs on Christmas, Easter and 4 Thanksgiving. 5 CHAIRMAN KARTHOLL: How in the world is 6 the County going to monitor -- I mean, I don't 7 know how we do that. If that's appropriate, 8 then that's fine. Does anybody else have a 9 comment? Mr. Schultz? 10 COMMISSIONER SCHULTZ: Yeah, I think 50 11 dogs is probably doable, and since it's not 12 going to be ongoing, like always going to be 50 13 dogs, I'm less concerned about that. And, 14 also, since we're having them come back in a 15 year, we'll be able to make a determination 16 that 50 dogs is too many because we'll have the 17 experience of what went on. So I think that's 18 a good way to approach it, and I think that 19 would be more than fair to him and lets us kind 20 of keep control of it, too. 21 CHAIRMAN KARTHOLL: Okay. So then the 22 motion is to grant the conditional use subject 23 to the various conditions with the provisions 24 that the limit to the number of dogs would be</p>	<p style="text-align: right;">Page 13</p> <p>1 you're saying, the presentation was up and down 2 and here and there, so in one year we can 3 address it and we can change that. If we don't 4 necessarily need to -- 5 COMMISSIONER ANDERSON: Mr. Chairman, I 6 have a question. 7 CHAIRMAN KARTHOLL: Yes, Ms. Anderson? 8 COMMISSIONER ANDERSON: You're saying 50 9 dogs, shouldn't it be 50 dogs per day or -- 10 because you said holidays, but what if they 11 have a week spring break, which is not 12 associated with a holiday, it could be various 13 times are you going to allow more than 50 dogs? 14 Or is it 50 or maximum 50, or what? I'm just 15 confused by the conversation. 16 CHAIRMAN KARTHOLL: Yeah, I'm sorry, the 17 condition in number five says that the number 18 of dogs permitted on the subject property at 19 any one time shall not exceed 50 dogs. 20 COMMISSIONER ANDERSON: Thank you. 21 CHAIRMAN KARTHOLL: And now it's shall 22 not exceed 50 dogs during various holiday 23 seasons enumerated by Mr. Ketter. Otherwise -- 24 COMMISSIONER KETTER: Otherwise it's 10.</p>

<p style="text-align: right;">Page 14</p> <p>1 CHAIRMAN KARTHOLL: Okay, and that is 2 the understanding of the members of the Board? 3 COMMISSIONER SCHULTZ: That's fine. 4 CHAIRMAN KARTHOLL: Okay. Well then we 5 understand what the motion is, so let's call 6 the roll on the motion. 7 MS. INFELISE DATZMAN: Member Murphy? 8 COMMISSIONER MURPHY: Yes. 9 MS. INFELISE DATZMAN: Member Ketter? 10 COMMISSIONER KETTER: Aye. 11 MS. INFELISE DATZMAN: Member Anderson? 12 COMMISSIONER ANDERSON: Aye. 13 MS. INFELISE DATZMAN: Member Moran? 14 COMMISSIONER MORAN: Aye. 15 MS. INFELISE DATZMAN: Member Schultz? 16 COMMISSIONER SCHULTZ: Aye. 17 MS. INFELISE DATZMAN: Member Rahman? 18 COMMISSIONER RAHMAN: Aye. 19 MS. INFELISE DATZMAN: Chairman 20 Kartholl? 21 CHAIRMAN KARTHOLL: Aye. 22 Although I indicated that 23 there will be some difficulty in counting these 24 dogs at various times of the year, I have no</p>	<p style="text-align: right;">Page 16</p> <p>1 above-entitled cause.) 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 15</p> <p>1 difficulty in counting 7 in favor and none 2 opposed, and the motion passes. 3 So, those are all of the 4 substantive items on the agenda. 5 And now I'll -- we have no 6 old business, no new business. Is there any 7 public comment to be read into the record? 8 MS. INFELISE DATZMAN: There was two 9 public comments submitted online. Those will 10 be added to the minutes. 11 CHAIRMAN KARTHOLL: Yeah, did you get 12 that, two public comments online which will be 13 added to the minutes. 14 Very good. If there's no 15 further business, we can -- I don't see anyone 16 clamoring for public comment here. So, I'm 17 being encouraged to solicit public comment. 18 You guys don't -- I assume that if you had 19 comments, you would indicate it. 20 Okay, great. Thank you very 21 much, and we'll adjourn for the evening. 22 (Which were all the 23 proceedings had and 24 testimony taken in the</p>	<p style="text-align: right;">Page 17</p> <p>1 STATE OF ILLINOIS)) SS. 2 COUNTY OF DU PAGE) 3 I, LINDA M. CIOSEK, C.S.R. 4 No. 084-2892, duly qualified and commissioned 5 for the State of Illinois, County of DuPage, do 6 hereby certify that at the request of the DU 7 PAGE COUNTY ZONING BOARD OF APPEALS, subject to 8 the usual terms and conditions of Veritext, 9 reported in shorthand the proceedings had and 10 testimony taken at the public hearing of the 11 above-entitled cause, and that the foregoing 12 transcript is a true, correct and complete 13 report of the testimony so taken at the time 14 and place hereinabove set forth. 15 16 17 18 19 20 21 22 My Commission Expires: 23 July 26, 2026. 24</p> <p style="text-align: center;"><i>Linda M. Ciosek</i> CERTIFIED SHORTHAND REPORTER</p>

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Blakely, Heidi

From: noreply@formstack.com
Sent: Saturday, March 30, 2024 4:20 PM
To: Web Master; County Board Public Comment
Subject: PublicComment

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Formstack Submission For: PublicComment

Submitted at 03/30/24 4:19 PM

Meeting Date:	03/30/24
Meeting:	Zoning Board of Appeals
Name:	Mercedes Ruiz
Organization:	
Address:	1S126 Ingersoll lane Villa Park, IL 60181
Daytime Phone:	(630) 247-9180
Subject:	New townhouse to be build @ Meyer & 14th
Comment:	It's too crowded in this area and parking is always an issue.

Blakely, Heidi

From: noreply@formstack.com
Sent: Tuesday, April 2, 2024 5:51 PM
To: Web Master; County Board Public Comment
Subject: PublicComment

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Formstack Submission For: PublicComment
Submitted at 04/02/24 5:51 PM

Meeting Date:	04/04/24
Meeting:	Zoning Board of Appeals
Name:	Kathryn DiVito
Organization:	
Address:	18W681 13th St Lombard, IL 60148
Daytime Phone:	(630) 776-6985
Subject:	Pinnacle at Meyers, #24-000002
Comment:	I, Kathryn DiVito of 18W681 13th St in Lombard 60148. Request that as elected DuPage County officials, you DENY all the proposed Conditional Uses associated with “Zoning Petition ZONING-24-000002 The Pinnacle at Meyers” as submitted to the DuPage County Zoning Board of Appeals on February 22, 2024. The proposed Pinnacle at Meyers would be detrimental to our community. My concerns are as follows; density, the project is proposing 15 units per acre. That is absurd, most of our single family homes located in our community sit on close to an acre that is 1:1 ratio. Green space is basically

nonexistent with the proposed units which leads to more noise pollution in our quiet family oriented community. Traffic is a very big concern as my home is located less than 1 block from the proposed development, I am a mother and walk my community daily with my children and pets, the Pinnacle at Meyers would create dangerous amounts of traffic during construction and following completion due to visitors and residents, our local roads are not equipped for street parking and safe walking with the proposed development. I am also very concerned about sewer and sanitary pump station. Most of the current residents' of York center deal with sewer issues and I can only imagine the amount of strain an additional 30 units would cause which in turn would lead to damage of our own property. My family and I moved to this community for the amazing neighbors, safe space and large green space consisting of single family homes. It is not fair our community to have commercial properties of such large capacity invade our safe community.

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