Legislation Details (With Text)

File #:	DC-O-0039-24 **Version:** 1		
Type:	Development Ordinance	**Status:**	Adopted
File created:	6/12/2024	**In control:**	Development Committee
On agenda:	6/18/2024	**Final action:**	6/25/2024
Title:	ZONING-24-000017 – 80th St. Investments, LLC.: To approve the following zoning relief: To renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved under Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board. (Naperville/ District 5) ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent		
Attachments:	1. Z-24-000017 27W121 80TH ST INVESTMENTS LLC. Cty. Bd. (06-25-2024).pdf		

Date	Ver.	Action By	Action	Result
6/25/2024	1	DuPage County Board	Approved	Pass
6/18/2024	1	Development Committee	Approved at committee	Pass

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

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

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

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

THE NORTH ½ OF LOT 12 IN STECK'S SPRING BROOK HEIGHTS ESTATES, UNIT 1, A SUBDIVISION IN THE NORTH ½ (EXCEPT THE WEST 330 FEET) OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 25, 1957 AS DOCUMENT 847027, IN DUPAGE COUNTY, ILLINOIS; and

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

FINDINGS OF FACT:

1. That petitioner testified that the subject property is currently owned by Monte Nido Real Estate Holdings, LLC. and

operated by Monte Nido Illinois, LLC. ("Monte Nido").

2. That petitioner testified that Monte Nido & Affiliates oversees the operation of the Group Quarters at the subject property and is a leading national treatment provider for adults and adolescents with eating disorders.

3. That petitioner testified that the subject property currently operates a twelve (12) bed Group Quarters and provides care to adolescents seeking treatment for eating disorders, per approved zoning relief Z21-023 27W121 80th Street Investments, LLC. on July 13, 2021, by the DuPage County Board.

   - Furthermore, that petitioner testified that the requested zoning relief is to renew/extend a Conditional Use for Group Quarters with a maximum occupancy of twelve residents, which was previously approved for a period of three (3) years under Z21-023 27W121 80th Street Investments, LLC., in order to review the operations and any possible impact of the Group Quarters after three (3) years.

4. That petitioner testified that the subject Group Quarters is a residential setting, intended to replicate a large family setting, with all meals prepared and taken together, as data supports that this is the most effective treatment for eating disorders in a non-institutional setting.

5. That petitioner testified that a resident's average stay is between fifty (50) to sixty (60) days.

6. That petitioner testified that in the last three (3) years, the Group Quarters has had a positive impact on adjacent properties and improved property values.

7. That petitioner testified that the completed a traffic study with KLOA and that the Group Quarters does not result in a significant increase in traffic on the roadways.

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

   - Furthermore, that the Zoning Board of Appeals hereby removes the time limit condition originally placed on Z21-023 27W121 80th Street Investments, LLC

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:

   a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that no changes will be made to exterior of the subject home or to the subject property, and therefore the proposed zoning relief will not impair an adequate supply of light and air to adjacent properties.

b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the 6,706 square foot subject home and property has easily accommodated twelve (12) residents and does not increase the hazard from fire or other dangers to adjacent properties.

c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the Group Quarters is operated in the existing home and that petitioner owns/operates similar types of residential programs in residential neighborhoods throughout the country with no diminishment of value of land.

d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing Group Quarters does not noticeable increase traffic in the area and that no residents have their own vehicles at the subject property.

e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing Group Quarters use has no structural or physical changes to the building, therefore there will be no increase in the potential for flood damages to adjacent properties.

f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the existing Group Quarters does not increase any additional expense for flood protection, rescue, or relief.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the Monte Nido Group Quarters has operated the Group Quarters for over three (3) years with up to twelve (12) adolescents with no noticeable impact on surrounding properties, and that the use and property beautifications is a benefit to the surrounding area and DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	**ZONING-24-000017 80th St. Investments, LL**
ZONING REQUEST	To renew/extend a Conditional Use for Group Q with a maximum occupancy of twelve residents, was previously approved under Z21-023 27W12 Street Investments, LLC. on July 13, 2021, by th DuPage County Board.

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OWNER	27W121 80TH ST INVESTMENTS, LLC., 6100 STREET, MIAMI, FL 33143 / AGENT: MARK GERSHON, POLSINELLI, PC, 150 N. RIVERS PLAZA, CHICAGO, IL 60606	
ADDRESS/LOCATION	27W121 80TH STREET, NAPERVILLE, IL 605	
PIN	07-36-204-002	
TWSP./CTY. BD. DIST.	NAPERVILLE	DISTRICT 5
ZONING/LUP	R-1 SF RES	0-5 DU AC
AREA	2.4 ACRES (104,544 SQ. FT.)	
UTILITIES	WELL / SEPTIC	
PUBLICATION DATE	Daily Herald: APRIL 2, 2024	
PUBLIC HEARING	THURSDAY, APRIL 18, 2024	

ADDITIONAL INFORMATION:

Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections.
Stormwater:	Our office has no jurisdiction in this matter.
Public Works:	Our office has no jurisdiction in this matter. “We do not provide any serv water) to that area.”
EXTERNAL:	
City of Naperville:	*No Comments Received.*
Naperville Township:	*No Comments Received.*
Township Highway:	No Objections with the concept of the petition. Additional information m required at time of permit application.
Naperville Fire Dist.:	*No Comments Received.*
Sch. Dist. 204:	*No Comments Received.*
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the i provided in this notice and due to the sizable distance between the subjec District property, we do not have any specific comments. Thank you.”

LAND USE

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

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South	R-1 SF RES	HOUSE	0-5 DU AC
East	R-1 SF RES	HOUSE	0-5 DU AC
West	R-1 SF RES	HOUSE	0-5 DU AC

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

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

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition # **ZONING-24-000017 80th St. Investments, LLC.** dated April 18, 2024.

2. That the Conditional Use shall terminate in the event that Monte Nido Real Estate Holdings, LLC. sells or discontinues operation of the subject use on the property located at 27W121 80th Street Naperville, Illinois or otherwise transfers ownership of the subject property to another entity.

3. That the Conditional Use zoning relief shall expire after five (5) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:

   a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.

   b. The property is conveyed to new ownership.

4. That no more than twelve (12) residents shall reside within the subject property and that the residents shall be of adolescent age only.

5. That there shall be no more than seventeen (17) parking spaces on the property, (four {4} spaces inside the two attached garages of the home and thirteen {13} spaces in the two designated outside parking areas as depicted on the site plan dated April 18, 2024).

   a. That there shall be no parking in the driveway of the home and no parking on the grass areas of the home and no parking in the adjacent streets and public rights-of-way's adjacent to the home.

   b. That during any special event or emergency event that necessitates more people on the property, certain staff will park off-site in legal parking areas and be shuttled to and from the Group Dwelling Quarters to the extent necessary to ensure that not more than 17 vehicles are parked on the legal parking spaces on the property.

c. That residents of the home shall not have their own automobiles at the Group Dwelling Quarters nor otherwise drive themselves to and from the Group Dwelling Quarters.

6. That all outside group activities shall only occur in the rear south yard and side west yard in the designated outdoor areas as depicted on the site plan dated April 18, 2024.

a. That all outside group activities shall only occur between the hours of 8 AM and 10 PM.

b. That all outside group activities shall be supervised by staff of the Group Dwelling Quarters.

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

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

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

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

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

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition # **ZONING-24-000017 80th St. Investments, LLC.** dated April 18, 2024.

2. That the Conditional Use shall terminate in the event that Monte Nido Real Estate Holdings, LLC. sells or discontinues operation of the subject use on the property located at 27W121 80th Street Naperville, Illinois or otherwise transfers ownership of the subject property to another entity.

3. That no more than twelve (12) residents shall reside within the subject property and that the residents shall be of adolescent age only.

4. That there shall be no more than seventeen (17) parking spaces on the property, (four {4} spaces inside the two attached garages of the home and thirteen {13} spaces in the two designated outside parking areas as depicted on the site plan dated April 18, 2024).

a. That there shall be no parking in the driveway of the home and no parking on the grass areas of the home and no parking in the adjacent streets and public rights-of-way's adjacent to the home.

b. That during any special event or emergency event that necessitates more people on the property, certain staff will park off-site in legal parking areas and be shuttled to and from the Group Dwelling Quarters to the extent necessary to ensure that not more than 17 vehicles are parked on the legal parking spaces on the property.

c. That residents of the home shall not have their own automobiles at the Group Dwelling Quarters nor otherwise drive themselves to and from the Group Dwelling Quarters.

5. That all outside group activities shall only occur in the rear south yard and side west yard in the designated outdoor areas as depicted on the site plan dated April 18, 2024.

a. That all outside group activities shall only occur between the hours of 8 AM and 10 PM.

b. That all outside group activities shall be supervised by staff of the Group Dwelling Quarters.

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

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

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

DEVELOPMENT COMMITTEE FINDINGS OF FACT:

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

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

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

THE NORTH ½ OF LOT 12 IN STECK'S SPRING BROOK HEIGHTS ESTATES, UNIT 1, A SUBDIVISION IN THE NORTH ½ (EXCEPT THE WEST 330 FEET) OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 25, 1957 AS DOCUMENT 847027, IN DUPAGE COUNTY, ILLINOIS; and

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition # **ZONING-24-000017 80th St. Investments, LLC.** dated April 18, 2024.

2. That the Conditional Use shall terminate in the event that Monte Nido Real Estate Holdings, LLC. sells or discontinues operation of the subject use on the property located at 27W121 80th Street Naperville, Illinois or otherwise transfers ownership of the subject property to another entity.

3. That no more than twelve (12) residents shall reside within the subject property and that the residents shall be of adolescent age only.

4. That there shall be no more than seventeen (17) parking spaces on the property, (four {4} spaces inside the two attached garages of the home and thirteen {13} spaces in the two designated outside parking areas as depicted on the site plan dated April 18, 2024).

   a. That there shall be no parking in the driveway of the home and no parking on the grass areas of the home and no parking in the adjacent streets and public rights-of-way's adjacent to the home.

   b. That during any special event or emergency event that necessitates more people on the property, certain staff will park off-site in legal parking areas and be shuttled to and from the Group Dwelling Quarters to the extent necessary to ensure that not more than 17 vehicles are parked on the legal parking spaces on the property.

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5. That all outside group activities shall only occur in the rear south yard and side west yard in the designated outdoor areas as depicted on the site plan dated April 18, 2024.

   a. That all outside group activities shall only occur between the hours of 8 AM and 10 PM.

   b. That all outside group activities shall be supervised by staff of the Group Dwelling Quarters.

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

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

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

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

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

_____

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK

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