



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

[www.dupagecounty.gov/building](http://www.dupagecounty.gov/building)

### MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: April 2, 2024

RE: **ZONING-23-000095 Dr. Smoke (York/District 2)**

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**DuPage County Board: April 9, 2024:** *(If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)*

**Development Committee: April 2, 2024:** The Motion to Approve Failed relative to the following zoning relief:

1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District.
2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing.

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

**Zoning Hearing Officer: February 7, 2024:** The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District.
2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing.

#### **ZHO Recommendation to Deny**

#### **FINDINGS OF FACT:**

- A. That petitioner testified that the purpose of the proposed zoning relief is to allow an existing tobacco store to allow for video gaming on the premises, which requires a liquor pouring license.

- B. That petitioner testified that they will not be a restaurant or bar, and will not serve food, and that they are required to be classified as a restaurant or tavern in order to have a liquor pour license, with the ultimate goal of having six (6) video gaming machines.
- C. That petitioner testified that no changes will be made to structure or parking lot.
- D. That petitioner testified that the hours of operation for the existing tobacco store are from 9 AM to 9 PM, seven (7) days a week.
- E. That petitioner testified that they have two (2) employees, with only one (1) present in the store at a time.
- F. That the Zoning Hearing Officer finds that from the testimony given at the public hearing, there is no intent to operate a restaurant or tavern at the subject property and therefore, the requested zoning relief is not applicable to the subject property. Furthermore, that petitioner indicated that he is only attempting to obtain a liquor license for the purpose of video gaming, with no intent to operate a restaurant or tavern and will only have a “cooler of alcohol (beer)” for customers utilizing the video gaming machines.
- G. Furthermore, that the Zoning Hearing Officer finds from the testimony given at the public hearing, that the existing tobacco store will remain on the subject property and that a restaurant or tavern will not be operated on the subject property and that if a restaurant were to be added to the subject property, petitioner would be required to request a Conditional Use for a Planned Development to allow two (2) uses on the subject property.

**STANDARDS FOR CONDITIONAL USES AND VARIATIONS:**

- 1. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** that the granting of the Conditional Use and 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; and specifically, that the granting of the Conditional Use will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation will not impair an adequate supply of light and air to the adjacent property.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation will not increase the hazard from fire or other dangers to said property.

- c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation will not unduly increase traffic congestion in the public streets and highways.
- e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** or provided evidence that the restaurant/tavern in the B-1 Local Business District with parking variation will not increase the potential for flood damages to adjacent property.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** or provided evidence that the restaurant/tavern in the B-1 Local Business District with parking variation will not incur additional public expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** or provided evidence that the restaurant/tavern in the B-1 Local Business District with parking variation will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

**PETITIONER'S DEVELOPMENT FACT SHEET**

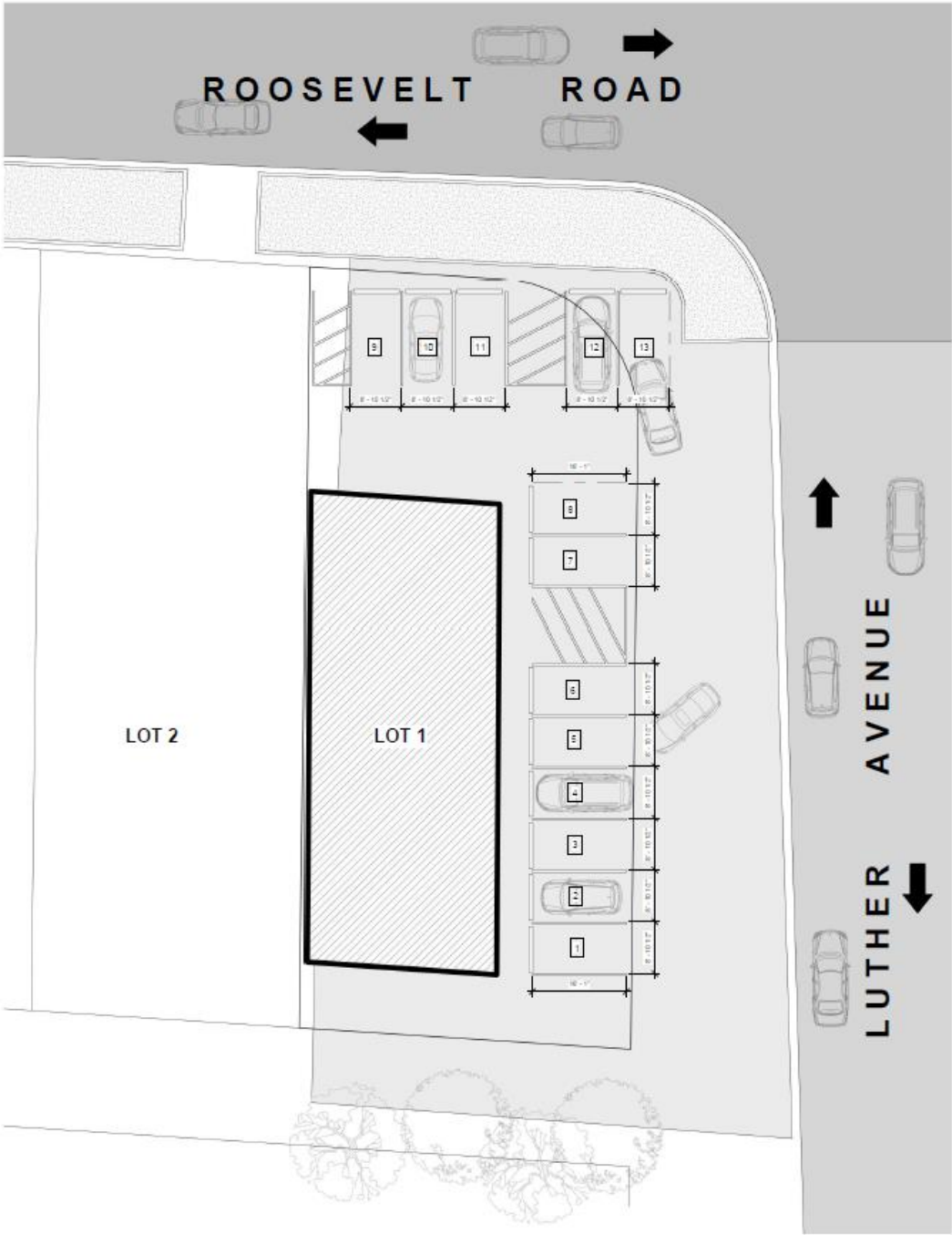
<b>GENERAL ZONING CASE INFORMATION</b>	
<b>CASE #/PETITIONER</b>	<b>ZONING-23-000095 Dr. Smoke</b>
<b>ZONING REQUEST</b>	1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District. 2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing.
<b>OWNER</b>	TOP PROPERTY, LLC., 18W511 ROOSEVELT ROAD, LOMBARD, IL 60148/ TOP PROPERTY, LLC., 6510 LINCOLN AVENUE, LINCOLNWOOD, IL 60712/ AGENT: PRADEEP PATEL, 17241 BROWNING DRIVE, ORLAND PARK, IL 60467
<b>ADDRESS/LOCATION</b>	18W511 ROOSEVELT ROAD, LOMBARD, IL 60148
<b>PIN</b>	06-21-104-023
<b>TWSP./CTY. BD. DIST.</b>	YORK DISTRICT 2
<b>ZONING/LUP</b>	B-1 LOCAL BUSINESS LOCAL COMMERCIAL
<b>AREA</b>	0.17 ACRES (7,405 SQ. FT.)
<b>UTILITIES</b>	WATER AND SEWER
<b>PUBLICATION DATE</b>	Daily Herald: JANUARY 23, 2024
<b>PUBLIC HEARING</b>	WEDNESDAY, FEBRUARY 7, 2024
<b>ADDITIONAL INFORMATION:</b>	
Building:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Stormwater:	Our office has no jurisdiction in this matter.
Public Works:	Our office has no jurisdiction in this matter.
<b>EXTERNAL:</b>	
Village of Lombard:	<i>No Comments Received.</i>
Village of Villa Park:	<i>No Comments Received.</i>
City of Oakbrook Terrace:	<i>No Comments Received.</i>
Village of Oak Brook:	<i>No Comments Received.</i>
York Township:	<i>No Comments Received.</i>
Township Highway:	No Objections.
York Center Fire Dist.:	No Objection with the concept of the petition. Additional information may be required at time of permit application. "Will need to comply with current Fire / Life Safety codes from this office."
Sch. Dist. 45:	<i>No Comments Received.</i>

Sch. Dist. 88:	<i>No Comments Received.</i>
Forest Preserve:	The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”

**LAND USE**

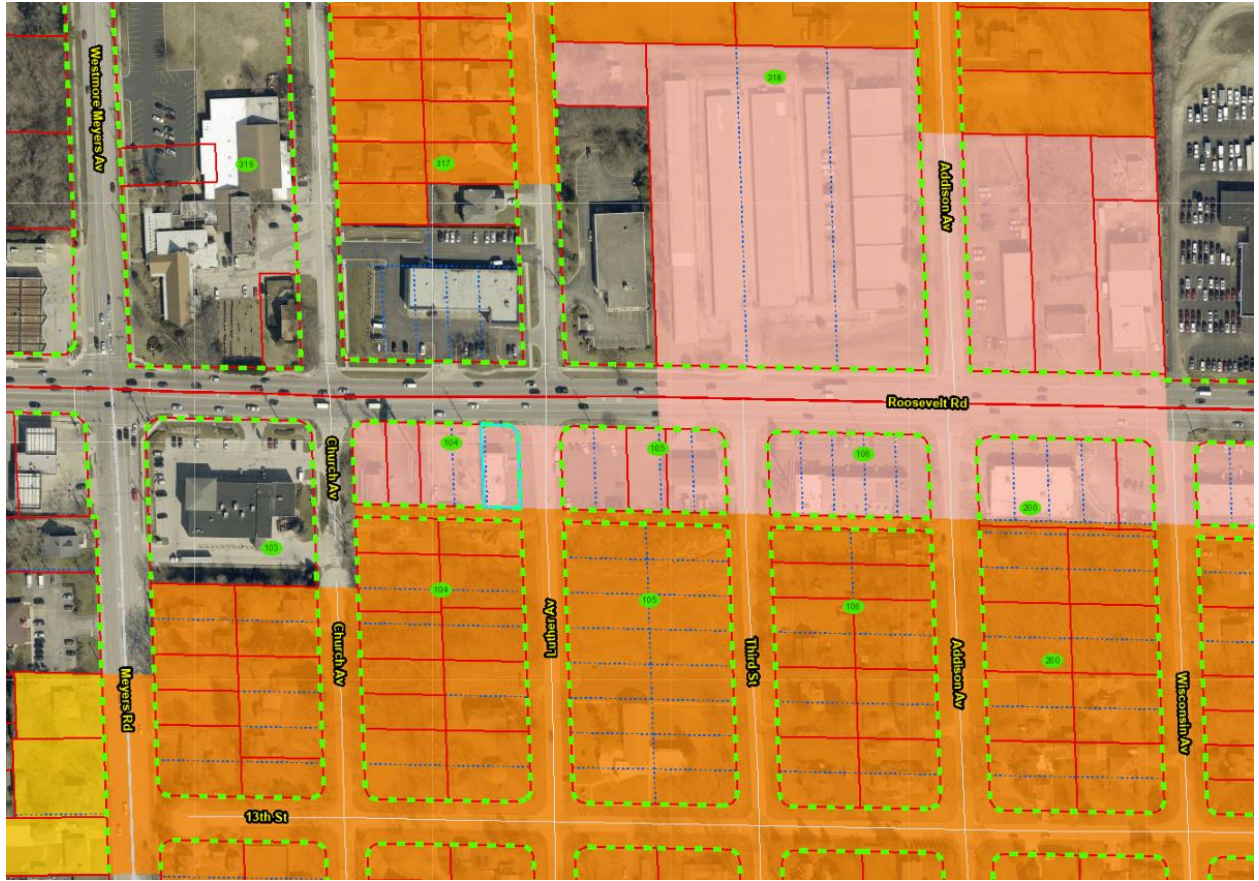
<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
North	ROOSEVELT ROAD AND BEYOND VILLAGE OF LOMBARD	COMMERCIAL	VILLAGE OF LOMBARD
South	ALLEY AND BEYOND R-4 SF RES	RESIDENTIAL	0-5 DU AC
East	LUTHER AVENUE AND BEYOND B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
West	B-1 LOCAL BUSINESS	UTILITY	LOCAL COMMERCIAL

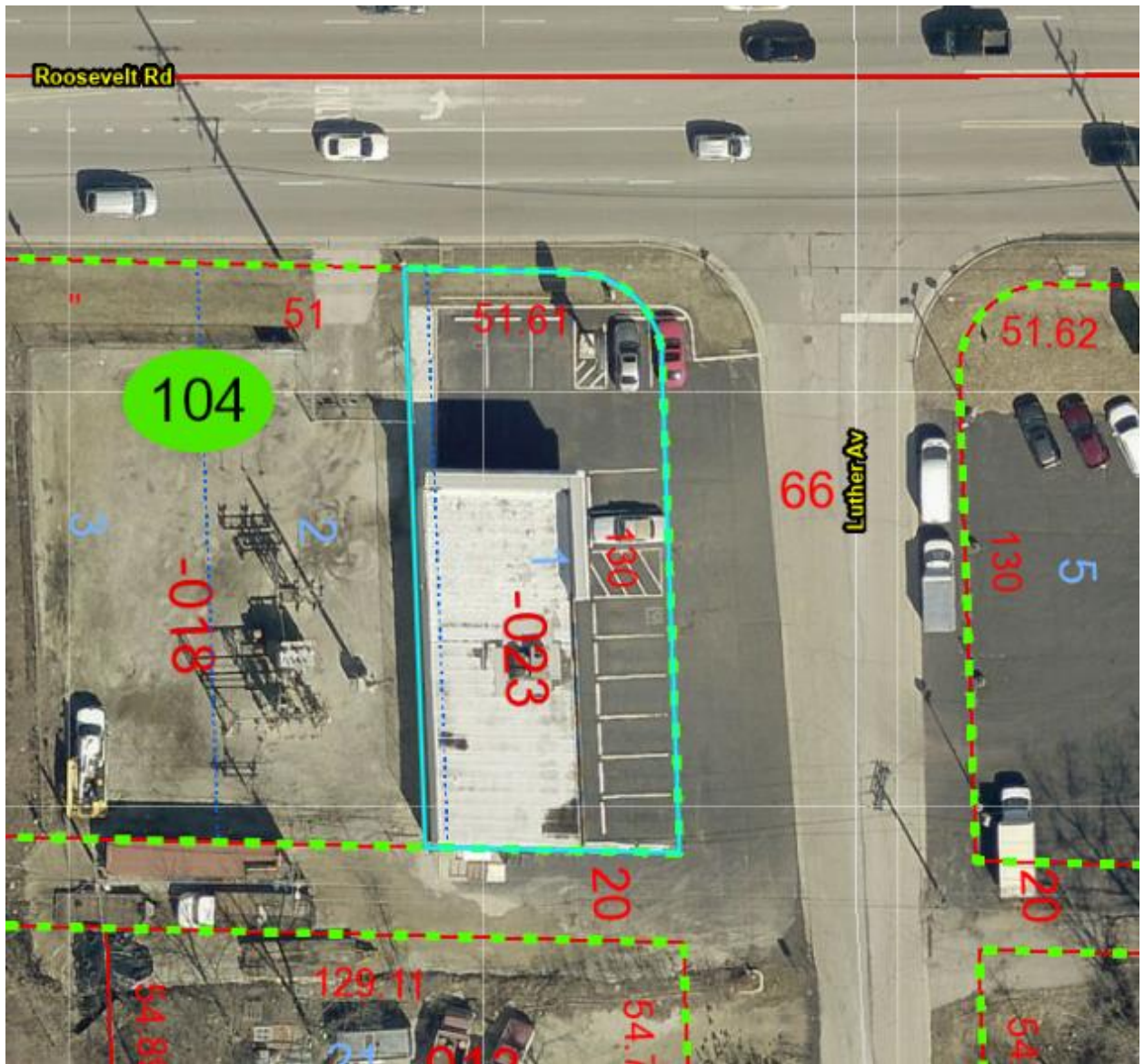












**Sent:** Sunday, February 4, 2024 12:11 PM  
**To:** Infelise, Jessica  
**Subject:** Dr. Smoke petition

[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.]

Thank you for allowing me to give my thoughts on the petition of Dr. Smoke being allowed to have only 11 parking spaces along with packaged liquor, and gaming machines.

As for the 11 parking spaces -- currently that amount seems to be enough, but if there are more people that want to gamble with the gaming machines I would think tht parking could become a big problem. This is because instead of people coming in and out for a few minutes they will instead stay for hours to gamble, increasing the need for parking spaces.

Next is packaged liquor --- This is another item that will cause a need for more parking as there will be an increase in the amount of traffic going to the store to purchase liquor. Further there is already a problem with discarded vaping supplies along Luther Ave. causing those in the neighborhood to have to pick up waste nearly every day. Packaged liquor will add to this amount of waste being thrown out and onto the properties in the neighborhood. Especially if people drink while in their cars, causing them to throw out the empty bottles, cans, and packaging so that they do not get caught with these items in their car.

Currently, as said, there are only 11 parking spaces. The biggest problem with the parking spaces currently is that when traffic turns from Roosevelt Rd onto Luther Ave by Dr. Smoke both cars going down Luther Ave and coming out of Dr. Smoke have to be very careful since it is very hard to see either of them. I know that I have had several near misses of hitting someone that was coming out of Dr. Smoke. Anymore traffic will increase the chances that an accident will occur, causing injuries and damage to vehicles. Another occasional problem currently is the semi tractors driving through the neighborhood and over the curb at the corners, which can cause damage to the properties there.

I think that the petition should be denied due to the reasons I have mentioned.

Sincerely, Paul Kraft 1 S. 076 Luther Ave. Lombard IL 60148

Heather Lowe  
1310 Church Street  
Lombard, IL 60148

2.7.24

Jessica Inpelis  
421 North County Farm Road  
Wheaton, IL 60187

Subject: Concerns Regarding Proposed Liquor and Gambling Establishment in Our Neighborhood

Dear Jessica,

I hope this letter finds you well. I am writing to express my deep concerns and reservations regarding the proposed liquor and gambling establishment that is planned for our neighborhood. As a long standing resident, I believe that it is essential to voice these concerns on behalf of many concerned residents who share similar apprehensions.

First and foremost, our neighborhood has always prided itself on its family-friendly environment and strong sense of community. The introduction of a liquor and gambling establishment poses a significant threat to the safety, tranquility, and well-being of our community. Such establishments often attract a clientele that may engage in disruptive and potentially illegal activities, which could lead to increased noise, littering, and a general sense of unease for our residents, particularly our children and seniors. In addition, there are parking and traffic concerns at that corner that are currently disruptive and will likely increase.

The presence of a liquor and gambling facility can lead to increased crime rates in our area. History has shown that these establishments can attract individuals with a propensity for criminal activities, potentially resulting in disturbances, thefts, and other security concerns for our residents. We have worked hard to maintain the safety of our

neighborhood, and allowing such an establishment would be counterproductive to these efforts.

Moreover, the potential for addiction and financial hardship associated with gambling establishments is a grave concern. Easy access to gambling facilities can lead to addiction issues among vulnerable individuals, which can have devastating consequences for families and individuals alike. We have a responsibility to promote a healthy and supportive environment that is free from these negative influences.

Additionally, there is a risk that property values in our area could be negatively impacted. Prospective homebuyers and renters may be deterred from choosing a neighborhood with such businesses, potentially leading to a decrease in property values for existing homeowners.

In light of these concerns, I kindly urge you to reconsider the decision to permit the establishment of this liquor and gambling facility in our neighborhood. Instead, I propose that we explore alternative options that better align with the values and interests of our community. We can collectively work towards fostering an environment that promotes family-friendly activities, cultural events, or businesses that contribute positively to the well-being of our residents.

I am more than willing to collaborate with fellow concerned neighbors to explore alternative solutions and support efforts that maintain the charm and safety of our neighborhood. I believe that by working together, we can find a solution that benefits everyone involved.

I implore you to consider the long-term implications of allowing this establishment to operate in our neighborhood. Instead, I propose that we focus our efforts on encouraging businesses and initiatives that promote positive values, community engagement, and family-friendly activities. There are countless alternatives that can enrich our neighborhood without the adverse effects of liquor and gambling.

Thank you for your attention to this matter, and I eagerly await your response. Our community's future and its continued prosperity are at stake, and I believe that, by working together, we can make decisions that benefit us all.

Sincerely,

Heather Lowe