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MEMORANDUM

TO: DuPage County Development Committee

FROM: Staff

DATE: March 21, 2023

RE: **Essentially in Accord: Z-23-000016 (Z21-085) Stults**

DuPage County Development Committee: March 21, 2023:

Consideration to approve as “Essentially in Accord” with the Z21-085 Stults zoning relief, the following:

1. Essentially in Accord to extend the Conditional Use and all other entitlements for an additional 18 months beyond the current expiration date of June 14, 2023, to allow sufficient time to obtain building permits and commence development (Z21-085 Stults).
2. Essentially in Accord to amend the site plan and design of Z21-085, including
 - a) Removing the covered drive-through lane, reducing the north-south depth of the primary structure by 55 feet.
 - b) Adding one (1) detached, one-story drive-up self-storage structure north of the primary structure.
 - c) Making the primary structure a three-story building. (None of these modifications will result in the building's exceeding the FAR as permitted by the ordinance or violating any setbacks and none require any variations.)
3. Essentially in Accord to Amend Condition 2 of the Z21-085 Stults Ordinance be amended to allow a self-storage facility operator/manager other than ExtraSpace storage be permitted to operate the self-storage facility once erected. Extra Space does not, and never was, to have any ownership interest in the Property; it was only a potential operator. However, the market for managing and operating self-storage facilities is competitive and dynamic, and the Applicant believes he can command the best operation, service, and maintenance of the facility by opening the operation



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and management of the facility to competitive proposals from multiple self-storage operator/managers. Mr. Stults, through a limited liability company he and his son control, will continue to own the Property





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**LUETKEHANS, BRADY,
GARNER & ARMSTRONG, LLC**

105 EAST IRVING PARK ROAD
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FAX (630) 773-1006

BRIAN J. ARMSTRONG
PATRICK M. BRADY
BRUCE E. GARNER
PHILLIP A. LUETKEHANS
GIOVANNI PADILLA

February 17, 2023

VIA ELECTRONIC MAIL ONLY
paul.hoss@dupageco.org

Mr. Paul Hoss
Planning & Zoning Coordinator
DuPage County Building & Zoning Department
421 N. County Farm Road
Wheaton, IL 60187

Re: Stults, Z21-085
Our File No. 4467

Dear Mr. Hoss:

As you may recall, I represent the Applicant, Jon K. Stults, regarding the application for zoning relief regarding the property at 27W010 North Avenue (the "Property"), which was submitted in 2021. The County Board approved Ordinance DC-O-0002-22 (the "Ordinance") on December 14, 2021, which granted a conditional use and other relief for development of a self-storage facility at the Property.

Pursuant to § 37-1413.11 of the DuPage Zoning Ordinance, on behalf of the Applicant, I request an extension of the conditional use and all other entitlements to allow sufficient time to obtain a building permit and commence development of the Property per the conditional use and other relief. Specifically, I request an additional 18 months beyond the current expiration date of June 14, 2023. The extension is necessary because of the current financing market conditions, rapidly rising interest rates, the recent volatility in availability of construction materials due to COVID, and because of recent slight modifications to the design of the development.

Additionally, pursuant to § 37-1404.3 of the Zoning Ordinance, the Applicant requests that the following modifications to the site plan and design be deemed to be essentially in accord with the site plan approved by the Ordinance:

1. As depicted on the attached site plan dated February 15, 2023, minor changes on the north side of the building and Property and the primary structure, including:
 - (i) removing the covered drive-through lane;
 - (ii) reducing the north-south depth of the primary structure by approximately 55 feet;



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Mr. Paul Hoss
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- (iii) adding 1 detached, one-story drive-up self-storage structure north of the primary structure;
- (iv) making the primary structure a three-story building.

None of these modifications will result in the building's exceeding the F.A.R. as permitted by the Ordinance or violating any setbacks, and none require any variations (the Applicant has acquired an additional 14,638 SF on the northeast corner as shown on the site plan). Further, the Applicant will ensure compliance with applicable stormwater requirements.

2. Additionally, the Applicant requests that condition 2 in the Ordinance be amended to allow a self-storage facility operator/manager other than Extra Space storage be permitted to operate the self-storage facility once erected. Extra Space does not, and never was, to have any ownership interest in the Property; it was only a potential operator. However, the market for managing and operating self-storage facilities is competitive and dynamic, and the Applicant believes he can command the best operation, service and maintenance of the facility by opening the operation and management of the facility to competitive proposals from multiple self-storage operator/managers. Mr. Stults, through a limited liability company he and his son control, will continue to own the Property.

Thank you for your cooperation. If you have any questions, need additional information, or wish to discuss these matters further, please call me at (630) 760-4604.

Very truly yours,

LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC

Brian J. Armstrong

BJA/bms

Att.

c: J. Stults w/Att.
(via email)

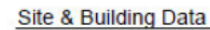


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EXISTING ZONING B-2
REQUESTING CONDITIONAL USE FOR SELF STORAGE

SITE AREA: 103,188 SF. (ORIGINAL PARCEL)
ADDED PARCEL: 14,038 SF.
TOTAL AREA: 117,226 SF. / 2.7049 ACRES

ALLOWABLE F.A.R. = 117,200 SF. @ 80% MAX
EQUALS: 94,260.8 SF.
ACTUAL F.A.R.: 78%

BUILDING DATA
3 STORY: 1st FLOOR: 26,800 SF.
 2nd FLOOR: 27,444 SF.
 3rd FLOOR: 28,800 SF.
TOTAL AREA: 85,044 SF.

PROPOSED ONE STORY BUILDING FOR SELF STORAGE
7,200 SF. (60'X120')
TOTAL BUILDING AREA: 92,244 SF.



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Ordinance

DC-O-0002-22

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

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

Conditional Use for a self-storage facility (B-2 Zoning District), on the property hereinafter described:

LOT 1 (EXCEPT THAT PART CONVEYED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION IN DEED RECORDED MAY 26, 1995 AS DOCUMENT R95-63938) IN MARDON ACRES, BEING A SUBDIVISION OF PART OF SECTION 36 TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1948 AS DOCUMENT 555355, 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 November 18, 2021 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that he has requested the subject zoning relief to construct a climate-controlled, self-storage facility operated by Extra Space Storage.
2. That petitioner testified that the subject property is zoned B-2 General Business on approximately 2.37 acres and includes the vacant Coachlight Motel.
 - a. That petitioner testified that the subject property has been owned by his family for over fifty (50) years.
3. That petitioner testified that the proposed self-storage building will be three (3) stories tall and approximately 71,550 square feet in size.
4. That petitioner testified that the subject self-storage facility will be open for customers from 6:00 AM to 10:00 PM, seven (7) days a week.
 - a. That petitioner testified that employees will be on-site from 9:30 AM to 6:00 PM, Monday through Saturday.
 - b. That petitioner testified that the self-storage facility will be accessed via a key-pad access in order to enter and access the building/units.
 - c. That petitioner testified that the self-storage facility will include 24-hour surveillance.



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5. That petitioner testified that the proposed self-storage facility will have approximately 600 units, with approximately 95% of the units located inside of the facility and a drive-through area with four (4) indoor loading bays.
 - a. That petitioner testified that most customers would be unloading and loading their vehicles inside the drive-through portion of the building, not outside.
6. That petitioner testified that the average storage unit move-in/ move-out time is approximately 45 minutes and that the average storage drop-off time is typically 15 minutes.
7. That petitioner testified that due to credits from existing buildings and utilizing permeable pavers in the parking lot and access drives, the Stormwater Department has determined that stormwater detention is not required.
8. That petitioner testified that complete fire access is located completely around the proposed facility.
 - a. Furthermore, that staff has confirmed with the Carol Stream Fire Protection District that there are no objections to the proposed plan.
9. That petitioner's traffic engineer with KLOA testified that self-storage facilities generate much less traffic compared to other uses that are permitted in the B-2 General Business Zoning District.
10. That petitioner testified that the proposed site plan was created in order to protect the two (2) large sycamore trees and root systems that have existed for over fifty (50) years.
11. That petitioner testified that the proposed self-storage facility use is an excellent transition between the open space to the east (Carol Stream dog park) and more intensive highway commercial-type uses to the west.
12. Furthermore, that petitioner testified that increasing the FAR to 0.79 and having a larger building is mitigated by the fact that a self-storage facility is a low-intensity use, due to the nature of self-storage business practices, hours, signage, and the low parking intensity. Additionally, petitioner testified that most of the self-storage business operations, including customer move-in/move-out and pick-up, is completed inside of the building.
13. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that a self-storage use is a low-intensity use in a B-2 General Business Zoning District, and that due to the nature of a self-storage business practices, there is generally less traffic and customers compared to other uses that would be permitted in the B-2 General Business Zoning District.



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STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the V 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.
2. That the Zoning Board of Appeals finds that petitioner **has demonstrated** 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 subject self-storage building will maintain all required setbacks and will not alter the supply of light or air to adjacent properties. Additionally, that petitioner testified that they will prohibit the storage of hazardous materials, per the Extra Space Storage leasing contract.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that there will be a fire suppression system in the subject building and that the Carol Stream Fire Protection District has no objections to the proposed self-storage use.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed use will be an added benefit to the area 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 use as self-storage facility is a low-intensity use, with minimal vehicles accessing the property. Additionally, that most customer move-in/move-out and pick-up will occur inside of the proposed self-storage facility.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed development will include Stormwater Best Management Practices (BMPs) such as a permeable paver parking lot and access drives, and that the subject property will have better stormwater management with the proposed improvements in comparison to the existing property conditions.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed development will include Stormwater Best Management Practices (BMPs) such as a permeable paver parking lot and access drives, and that the subject property will have better stormwater management with the proposed improvements in comparison to the existing property conditions.
 - 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 development is a low-intensity use for the B-2 Zoning District and that the proposed development will be an excellent transition use between open space to the east and higher-intensity uses to the west along North Avenue.



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PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Z21-085 Stults	
ZONING REQUEST	Conditional Use for a self-storage facility (B-2 Zoning District).	
OWNER	JON K. STULTS, 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185 / JOHN K. STULTS, P.O. BOX 280, MAPLE PARK, ILLINOIS 60151/ AGENT: BRIAN J. ARMSTRONG, 105 E. IRVING PARK ROAD, ITASCA, IL 60143	
ADDRESS/LOCATION	27W010 NORTH AVENUE, WEST CHICAGO, IL 60185	
PIN	01-36-203-044/ 02-31-300-001	
TWSP./CTY. BD. DIST.	Wayne and Bloomingdale	District 6
ZONING/LUP	B-2 General Business	Local Commercial
AREA	2.37 acres (103,237 sq. ft.)	
UTILITIES	Well and Septic	
PUBLICATION DATE	Daily Herald: November 2, 2021	
PUBLIC HEARING	November 18, 2021 at 6 PM	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Stormwater:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Carol Stream:	<i>No Comments Received.</i>	



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Village of Winfield:	<i>No Comments Received.</i>
Wayne Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Bloomingtondale Township:	<i>No Comments Received.</i>
Township Highway:	No Objections
Carol Stream Fire Dist.:	"No Questions, as long as our fire engine can navigate the roadway around the building (IFC 2018 D103.3) and provide an aerial fire apparatus access road as per 2018 IFC D105."
Sch. Dist. 25:	No Objections.
Forest Preserve:	<i>No Comments Received.</i>

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	40 FT	APPROX. 75 FT	APPROX. 70 FT
Int. Side Yard:	20 FT	APPROX. 8 FT	APPROX. 10 FT
Corner Side Yard:	30 FT	APPROX. 0 FT	APPROX. 30 FT
Rear Yard:	40 FT	APPROX. 240 FT	APPROX. 45 FT
Floor Area Ratio:	0.3	NA	APPROX. 0.79

LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-2 General Business	Motel	Local Commercial
North	R-2 SF RES	House	0-5 DU AC
South	North Ave. and beyond Village of Carol Stream	Office	Village of Carol Stream
East	Village of Carol Stream	Dog Park	Village of Carol Stream
West	Ethel Street and beyond B-2 General Business	Vacant	Local Commercial



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WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on December 2, 2021, recommends to approve the following zoning relief:

Conditional Use for a self-storage facility (B-2 Zoning 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 #Z21-085 Stults dated November 18, 2021.
2. That the Conditional Use shall inure only to the owner, Jon Stults and/or Extra Space Storage, and shall terminate in the event that the owner, or any entity owned or controlled by Jon Stults/Extra Space Storage, discontinues operation of the subject self-storage facility on the property located at 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185.
3. 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 use be discontinued.
 - b. The property is conveyed to new ownership, other than an entity owned or controlled by Jon Stults/ Extra Space Storage.
4. That an exception be granted to increase the FAR from 0.3 to 0.79.
5. That the subject self-storage facility shall not permit the storage of hazardous materials, per the Extra Space Storage leasing contract dated November 18, 2021.
6. That the storage of garbage/refuse shall be contained inside of the proposed subject building.
7. That the hours of operation to the public shall be from 6:00 AM to 10:00 PM, seven (7) days a week.
8. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
9. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
10. That the property be developed in accordance with all other codes and Ordinances of DuPage County.



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

WHEREAS, the County Board Development Committee on December 7, 2021, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional Use for a self-storage facility (B-2 Zoning 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 **#Z21-085 Stults** dated November 18, 2021.
2. That the Conditional Use shall inure only to the owner, Jon Stults and/or Extra Space Storage, and shall terminate in the event that the owner, or any entity owned or controlled by Jon Stults/Extra Space Storage, discontinues operation of the subject self-storage facility on the property located at 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185.
3. That an exception be granted to increase the FAR from 0.3 to 0.79.
4. That the subject self-storage facility shall not permit the storage of hazardous materials, per the Extra Space Storage leasing contract dated November 18, 2021.
5. That the storage of garbage/refuse shall be contained inside of the proposed subject building.
6. That the hours of operation to the public shall be from 6:00 AM to 10:00 PM, seven (7) days a week.
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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
9. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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



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DC-O-0002-22

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

Conditional Use for a self-storage facility (B-2 Zoning District), on the property hereinafter described:

LOT 1 (EXCEPT THAT PART CONVEYED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION IN DEED RECORDED MAY 26, 1995 AS DOCUMENT R95-63938) IN MARDON ACRES, BEING A SUBDIVISION OF PART OF SECTION 36 TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1948 AS DOCUMENT 555355, 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 **#Z21-085 Stults** dated November 18, 2021.
2. That the Conditional Use shall inure only to the owner, Jon Stults and/or Extra Space Storage, and shall terminate in the event that the owner, or any entity owned or controlled by Jon Stults/Extra Space Storage, discontinues operation of the subject self-storage facility on the property located at 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185.
3. That an exception be granted to increase the FAR from 0.3 to 0.79.
4. That the subject self-storage facility shall not permit the storage of hazardous materials, per the Extra Space Storage leasing contract dated November 18, 2021.
5. That the storage of garbage/refuse shall be contained inside of the proposed subject building.
6. That the hours of operation to the public shall be from 6:00 AM to 10:00 PM, seven (7) days a week.
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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
9. That the property be developed in accordance with all other codes and Ordinances of DuPage County.



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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; JON K. STULTS, 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185 / JOHN K. STULTS, P.O. BOX 280, MAPLE PARK, ILLINOIS 60151/ AGENT: BRIAN J. ARMSTRONG, 105 E. IRVING PARK ROAD, ITASCA, IL 60143

; and Township Assessor, Wayne Township, 27W031 North Avenue, West Chicago, IL 60185 and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this 14th day of December, 2021 at Wheaton, Illinois.

[REDACTED]
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest: [REDACTED]
JEAN KACZMAREK, COUNTY CLERK

AYES 14
NAYS 0
ABSENT 4