1. CALL TO ORDER
   A. Please turn all beepers, pagers and cell phones "off" or to "vibrate" during the meeting

2. ROLL CALL

3. CHAIRMAN'S REMARKS

4. PUBLIC COMMENT
   A. Public comment is limited to three minutes per person, at the beginning of the meeting. Any comment on Zoning items must be limited to discussion of testimony and/or evidence presented in the Zoning Board of Appeals. No new testimony or evidence can be presented.

5. APPROVAL OF MINUTES
   A. Development Committee - Regular Meeting - Tuesday December 5th, 2017

6. REGULATORY SERVICES
   A. DC-O-0010-18 ORDINANCE -- Z17-049 - MASIO: The Zoning Board of Appeals recommended to approve the following zoning relief: A Variation to reduce the side yard setback from 10 feet to approximately 8.5 feet for a garage addition. (Bloom/Dist. 1) (Generally located in a neighborhood on the west side of Plum Grove Rd. south of Devon Ave.) ZBA VOTE (to Approve): 6 Ayes, 0 Nay, 1 Absent

   B. DC-O-0011-18 ORDINANCE -- Z17-038 - LSCD of Glen Ellyn LLC: The Zoning Board of Appeals recommended to approve the following zoning relief: A Conditional Use to allow for open storage of boats, trailers, recreational vehicles and campers. (Milton/ Dist. 4) (Located at the northwest corner of Main and Poss St. Wheaton) ZBA VOTE (to Approve): 4 Ayes, 1 Nay, 2 Absent
C. DC-O-0012-18 ORDINANCE -- Z17-036 - PONTARELLI: The Zoning Board of Appeals recommended to deny the following zoning relief: A Conditional Use: to allow open Storage of commercial vehicles and equipment; 1. A Variation: to reduce the interior side and rear yard setbacks from 20 feet to 5 feet 2. A Variation: to eliminate the requirement to provide a transition yard in the south, east and north yards; 3. A Variation: to permit gravel parking spaces, drives and circulation aisles instead of all-weather material. (Bloomingdale/ District 1) (Generally 800 feet south of the southeast corner of Lake and Swift Rds.) ZBA VOTE (to deny): 7 Ayes, 0 Nays

D. Action Item -- T-1-17 Text Amendments to the County Zoning Ordinance relative message center signs and fences and Conditional Use Requirement for development in a special management area: The Zoning Board of Appeals considered the following zoning relief: 1. To allow for the que for message center signs from 5 minutes to 10 seconds. 2. To allow fences to be limited to certain heights in residential zoning districts to accommodate the attenuation of drainage below the fence to wit: a. In residential zoning districts where the fence height requirement is no taller than 4 feet change the Code from 4 feet to 4 feet 6 inches. b. In residential zoning districts where the fence height requirement is no taller than 6 feet, change the code to 6 feet 6 inches c. In residential zoning districts where the fence height requirement is no taller than 8 feet, change the code to 6 feet 6 inches. d. In non-residential zoning districts where the fence height requirement is no taller than 8 feet, change the code to 8 feet 6 inches. 3. To remove the requirement for a Conditional Use for the development of uses which disturb a regulatory floodplain and/or wetland pursuant to section 37-423 of this chapter; Section 37-423 DEVELOPMENT IN A REGULATORY FLOODPLAIN AND/OR A WETLAND and 37-701.2: CONDITIONAL USES: 37-702.2: CONDITIONAL USES; 37-703.2: CONDITIONAL USES; 37-704.2: CONDITIONAL USES; 37-705.2: CONDITIONAL USES; 37-706.2: CONDITIONAL USES; 37-707.2: 37-801.2: CONDITIONAL USES; 37-802.2: CONDITIONAL USES; 37-901.2: CONDITIONAL USES; 37-1001.2: CONDITIONAL USES; 37-1002.2: CONDITIONAL USES. ZBA VOTE (to approve): 7 Ayes, 0 Nays

7. OLD BUSINESS

8. NEW BUSINESS

9. ADJOURNMENT
1. **CALL TO ORDER**

11:00 AM meeting was called to order by Chair Sam Tornatore at 11:00 AM.

   A. Please turn all beepers, pagers and cell phones "off" or to "vibrate" during the meeting

2. **ROLL CALL**

   **PRESENT:** Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley (Remote)
   **ABSENT:**

   Motion by Member Anderson, seconded by Member Chaplin to allow Member Wiley to participate via speaker phone while he is serving in the military. On a voice vote all members present voted aye. Motion carried.

3. **CHAIRMAN'S REMARKS**

   Chairman Tornatore wished everyone a happy holiday season. He announced that the December 19, 2017 Development Committee will be cancelled.

4. **PUBLIC COMMENT**

   A. Public comment is limited to three minutes per person, at the beginning of the meeting. Any comment on Zoning items must be limited to discussion of testimony and/or evidence presented in the Zoning Board of Appeals. No new testimony or evidence can be presented.

   There was no Public Comment.

5. **APPROVAL OF MINUTES**

   A. Development Committee - Regular Meeting - Nov 7, 2017 11:00 AM
Member Anderson requested that the minutes be amended to reflect that she was late to
the November 7, 2017 Development Committee due to the extended Animal Control
Committee Meeting. The minutes were accepted as amended.

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>ACCEPTED [UNANIMOUS]</th>
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</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Elizabeth Chaplin, Vice Chair</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Greg Hart, District 3</td>
</tr>
<tr>
<td>AYES:</td>
<td>Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley</td>
</tr>
</tbody>
</table>

REGULATORY SERVICES

A. DC-P-0009-18 Recommendation for the approval of a renewal of contract purchase order
issued to TPI Building Code Consultants, Inc, for professional services to perform
building & plumbing plan reviews, and building inspections on an "As-needed" basis, in
unincorporated DuPage County, for the period December 30, 2017 through December 29,
2018, for Building & Zoning, for a contract total amount not to exceed $175,000; per
renewal option under award of RFP#16-208-JM, first of three twelve (12) month renewal
periods provided there is no change in the terms, conditions, specifications and hourly
rate, and provided that such renewals are mutually agreed to by both parties. In no event
shall the term plus renewals exceed four (4) years TPI Building Code Consultants Inc
Plan Review

Member Chaplin reinterated her concerns regarding TPI Building CodeConsultants Inc.
Staff answered all questions posed by the Committee. On a Roll Call vote.

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>APPROVED [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Janice Anderson, District 5</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Grant Eckhoff, District 4</td>
</tr>
<tr>
<td>AYES:</td>
<td>Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley</td>
</tr>
</tbody>
</table>

B. DC-O-0001-18 ORDINANCE -- Z17-045-SCHOOL DISTRICT NO. 202: To Approve
the following zoning relief: 1. Conditional Use: New Elementary School 2. Conditional
Use Planned Development 3. Variation (Exception): to reduce the required lot size for a
new school from approximately 360,000 Sq. Ft. (8.2. ac) to approximately 315,374 Sq.
Ft. (7.24 ac) 4. Variation (Exception): to increase the FAR from .25 (97,000 sq.
ft.) to approximately .32 (100,893 sq. ft.). (Lisle/Dist.2- Generally located on the west
side of I-355/South of Ogden Ave) ZBA Vote to approve: 6 Ayes, 0 Nays, 1 Recusal
DuPage County Development Committee to approve: 6 Ayes, 0 Nays

Mr. Hoss gave a brief overview of the Zoning Petition. Staff answered all questions
posed by the Committee.
RESULT: APPROVED [UNANIMOUS]
MOVER: Grant Eckhoff, District 4
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

7. OLD BUSINESS
There was no Old Business.

8. NEW BUSINESS
Director Kottmeyer informed the Committee that Building & Zoning has been investigating the purchase of a new Permitting Software Program. The goal is to have a contract brought before the Committee in January or February. This would be a coalition between Building & Zoning, Public Works and Transportation.

9. EXECUTIVE SESSION PURSUANT TO 2(C)(21) - BIANNUAL REVIEW OF EXECUTIVE SESSION MINUTES
Motion by Member Chaplin, seconded by Member Anderson to go into Executive Session to review the Executive Session Minutes Pursuant to Section 2(C)(21) at 11:24 AM. On a roll call vote all members present voted aye. Motion carried.

10. ACTION ITEM: DISPOSITION OF EXECUTIVE SESSION MINUTES
The Meeting resumed in open session at 11:29 AM.

Motion by Member Anderson, seconded by Member Chaplin to keep confidential the minutes of June 27, 2006 and April 4, 2017, and to publish the August 15, 2017 minutes. On a voice vote all members present voted aye. Motion carried.

11. ADJOURNMENT
Without objection the meeting adjorned at 11:31 am.
MEMORANDUM

TO:       DuPage County Development Committee
FROM:     DuPage County Zoning Board of Appeals
DATE:     January 4, 2018
RE:       Zoning Petition Z17-049 MASIO

Development Committee: January 16, 2018:

Zoning Board of Appeals Meeting: January 4, 2018: The Zoning Board of Appeals recommended to approve the following zoning relief:

A Variation to reduce the side yard setback from 10 feet to approximately 8.5 feet for a garage addition.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-049 MASIO dated December 14, 2017.

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 a partial landscape screen on the south side of the new addition. Said screen may consist of existing vegetation or a solid fence that will be credited toward no more than 50% of the required partial landscape screen.

4. That there be no business use conducted on the property and that there be no commercial vehicle, equipment or material parked or stored on the property.

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

ZBA VOTE (to): Ayes, Nays, Absent

Dissenting Opinion:
FINDINGS OF FACT:

1. That petitioner testified that they seek to add a new one car attached garage to their existing home.

2. That petitioner testified that the existing home has an attached two car garage located on the south side of the home which is quite small and does not accommodate the storage or room for parking all petitioners passenger vehicles and domestic items such as lawn mower and garden materials and lawn furniture.

3. That petitioner testified that they seek to add the new garage on the south side of the home adjacent to the existing garage. The location of the new addition will allow petitioner to have additional garage space on the south side of the home accessible from the existing garage space and reduce the need for an additional driveway and access curb cut on the north side of the property.

4. That petitioner testified that he is permitted to build, (as of right) a detached garage which could be located three feet from the south property line, (much closer than that proposed in the subject petition). However, building a detached garage would require more pavement to access the new detached garage which would necessarily be located behind the house.

- Furthermore building detached garage in the rear of the property would require the removal of a substantial amount of very mature vegetation.

5. That petitioner testified at hearing that he does not conduct any business from the home and would use the garage for storage of his family’s passenger vehicles and domestic items used on the property.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has 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 Board of Appeals finds that petitioner has demonstrated the granting of the Variation will not:

   a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that there will be at least 8.5 feet of space remaining between the new addition and the property to the south which would provide ample space...
for emergency personal to access the rear yard. In addition, there is approximately 14 feet of open space on the north side of the property between the north side of the home and the north property line which would allow emergency personal and equipment to access the rear of the property.

b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that there is approximately 14 feet of open space on the north side of the property between the north side of the home and the north property line that would allow for emergency personal and equipment to access the rear of the property.

c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed attached garage addition would allow petitioner to park all his passenger vehicles inside an enclosed structure where currently they are parked in front of the home in the driveway. As such, the front of the property would be less encumbered by parked vehicles and provide a more pleasing line of sight in the neighborhood.

d. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed addition will comply with all other county codes and ordinance including and additional requirements for stormwater management, drainage or best management practices.

<table>
<thead>
<tr>
<th>GENERAL ZONING CASE INFORMATION</th>
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<tbody>
<tr>
<td>CASE #/PETITIONER</td>
</tr>
<tr>
<td>OWNER</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
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<tr>
<td>PUBLICATION DATE</td>
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<td>ZONING REQUEST</td>
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<td>PIN/TWSP./ COUNTY BOARD DIST.</td>
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<td>ZONING/LUP</td>
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<td>AREA/ UTILITIES</td>
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<td>PUBLIC HEARING</td>
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<td>ADDITIONAL INFORMATION:</td>
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<td>Building:</td>
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<td>DUDOT:</td>
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<td>Health:</td>
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<td>Stormwater:</td>
</tr>
<tr>
<td>Public Works:</td>
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<tr>
<td>EXTERNAL:</td>
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Bloom Township: No Objection.

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<tr>
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<th>PROPOSED</th>
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<tr>
<td>Front Yard:</td>
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<tr>
<td>West Int. Side Yard:</td>
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<td>18.5 feet</td>
<td>8.5 feet</td>
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<tr>
<td>East Int. Side Yard:</td>
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<tr>
<td>Rear Yard:</td>
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<td>157 feet</td>
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<tr>
<td>Height:</td>
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<td>36 feet</td>
<td>36 feet</td>
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<td>Approx. 3000 sq. ft.</td>
<td>Approx. 3600 sq. ft.</td>
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**LAND USE**

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<tr>
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<td>SF HOME</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>North</td>
<td>R-3 SF</td>
<td>SF HOME</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>South</td>
<td>R-3 SF</td>
<td>SF HOME</td>
<td>0-5 DU AC</td>
</tr>
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<td>East</td>
<td>Hawthorne Lane and beyond R-3 SF</td>
<td>SF HOME</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>West</td>
<td>R-3 SF</td>
<td>SF HOME</td>
<td>0-5 DU AC</td>
</tr>
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Zoning Petition Z17-049 MASIO

The DuPage County Zoning Board of Appeals will conduct the following public hearing:
PUBLIC HEARING: 6:00 p.m. Thursday, December 14, 2017, Room 3500-B, JACK T. KNUEPFER ADMINISTRATION BUILDING 421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187

PETITIONER: LUKASZ MASIO 7N648 HAWTHORNE LN, MEDINAH

REQUEST: A Variation to reduce the side yard setback from 10 feet to approximately 8.5 feet for a house addition

ADDRESS OR GENERAL LOCATION: 7N648 HAWTHORNE LN, MEDINAH

LEGAL DESCRIPTION: LOT 19 IN BRANIGER’S MEDINAH WOODS UNIT NO. 2 OF SECTION 2, TOWNSHIP 40, NORTH RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 10, 1953 AS DOCUMENT 694670, IN DUPAGE COUNTY, ILLINOIS.

Respectfully Submitted,
ROBERT J. KARTHOLL
Chairman DUPAGE COUNTY ZONING Board of Appeals

Notice of this hearing is being sent to property owners within 300 feet of the subject property and as one of them you are invited to attend the meeting and comment on the petition. A reduced scaled sketch or drawing of the petitioner’s request is included for your review. If you have any questions or require a full scale version of the site plan, please contact the Zoning Division at (630) 407-6700.

Please be advised that access to the 421 JACK T. KNUEPFER ADMINISTRATION BUILDING is limited to the main entrance located in the center on the east side of the building.
MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Board of Appeals
DATE: January 4, 2018
RE: Zoning Petition Z17-038 LSCD of Glen Ellyn LLC

Development Committee: January 16, 2018:

Zoning Board of Appeals Meeting: January 4, 2018: The Zoning Board of Appeals recommended to approve the following zoning relief:

A Conditional Use to allow for open storage of boats, trailers, recreational vehicles and campers.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-038 LSCD of Glen Ellyn LLC dated December 19, 2017.

2. That the zoning relief shall inure only to LSCD of Glen Ellyn LLC and shall expire upon the sale or transfer of the property to another owner.

3. That the storage yard be used for the storage of the following items only and that there be no storage of commercial equipment or vehicles or materials associated with commercial or industrial uses:
   a. Boats
   b. Campers
   c. Recreational vehicles
   d. Trailers for boats and recreational vehicles

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

5. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing full landscape screens around the perimeter of storage yard.
a. That the full landscape screen may include existing vegetation that currently exists on the perimeter of the storage yard.

b. That no more than 50% credit shall be given towards the full landscape screen for the inclusion in said screening of a solid fence that is at least 6 feet tall.

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

ZBA VOTE (to Approve): 4 Ayes, 1 Nay, 2 Absent

Dissenting Opinion:

A. The one dissenting ZBA member finds that the petitioner has not clearly demonstrated how they would prevent users of the storage facilities from empting their waste from any RV at the site.

FINDINGS OF FACT:

A. That petitioner testified and submitted evidence at hearing that the subject property is zoned in the I-1 Light industrial zoning district and the use of the property for an enclosed storage facility is a permitted use in the I-1 District.

B. That petitioner testified that they have recently completed the repurposing of the existing building from a printing business and shop into an enclosed storage facility which is currently operational.

C. That petitioner testified that they seek to repurpose and convert the existing parking lot that is no longer required for the repurposed building, into an outdoor area of the storage facility to be used for the storage of residential type storage of items generally including the storage of boats, campers and recreational vehicles and trailers thereto.

D. That petitioner proposes to maintain the existing dimensions of the existing parking lot.

E. That petitioner proposes to repurpose the parking lot with identified storage spaces for each item.

F. That petitioner proposes a locked/keyed entry secure storage lot that is only accessible to the staff and users who have stored items at the facility.

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 use will be for the open storage of residential type vehicle including campers, boats and recreational vehicles and trailers thereto.

   b. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed storage use will be for the open storage of residential type vehicle including campers, boats and recreational vehicles and trailers thereto.

   c. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed access to the site will be controlled so as to limit only those authorized users on site. In addition, petitioner has submitted a traffic pattern study indicating that the proposed storage spaces will be adequately signed and the circulation routes internal and externally will be managed in a manner that will not increase congestion on site or off site on adjacent roadways.

   d. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed storage facility will occur on existing imperviously area that was previously used as the parking lot for the previous user of the facility.

   e. That the ZBA finds that petitioner has demonstrated through a templated lease agreement that users of the facility will not be permitted to empty waste including, “Blackwater” waste at the facility or into any drainage areas, drainage facilities or any sewer system.

1. The ZBA further finds that any disposal of any waste on site is a violation of DuPage County Code and would be subject to violation notice and fees and fines and that petitioner has acknowledged through testimony at hearing that they are aware of these codes and will make their lease holders aware of these codes.
CASE #/PETITIONER: Zoning Petition Z17-038 LSCD of Glen Ellyn LLC

ZONING REQUEST: Conditional Use to allow for open storage (Section 37-14.13 and 37-10.1-2 (m))

OWNER: LSCD OF GLEN ELlyn LC

ADDRESS/LLOCATION: 1N372 MAIN ST GLEN ELlyn IL 60137

PIN: 05-02-103-015

TWSP./CTY. BD. DIST.: Milton/ Dist. 4

ZONING/LUP: I-1 Light Industrial

AREA: 5.7 ac App. 252,132 sq. ft.

UTILITIES: Sewer Water

PUBLICATION DATE: Daily Herald: November 5, 2017

PUBLIC HEARING: November 30, 2017

ADDITIONAL INFORMATION: No Objection.

Building: No Objection.

DUDOT: No comment

Health: No Objection.

Stormwater: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION: Wetland and flood plain are present on the parcels so any proposed development activity will require a submittal for stormwater review and certification prior to development activities on the parcel. Depending on proposed development, additional Stormwater requirements may be necessary to meet the requirements of the Stormwater Ordinance

Public Works: No Comment

EXTERNAL:

DCFPD: No Comment

Milton Township: No Comment

<table>
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<th>Location</th>
<th>Zoning</th>
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<td>I-1 Light Industrial</td>
<td>Public Storage Facility</td>
<td>Industrial</td>
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<tr>
<td>North</td>
<td>R-4 SF</td>
<td>Place of Assembly (Church)</td>
<td>SF RES.0-5 DU AC</td>
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<td>Poss Ave. and beyond DUDOT BIKE PATH</td>
<td>Bike Path</td>
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<tr>
<td>East</td>
<td>Main Street and beyond R-4 SF RES. And O-Office</td>
<td>SF Homes and Office Bldg.</td>
<td>SF RES.0-5 DU AC AND OFFICE</td>
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<tr>
<td>West</td>
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<td>Strip Office and Ice Rink</td>
<td>Industrial</td>
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</table>
To: DuPage County Zoning Board of Appeals  
Date: December 19, 2017

From: Mark J. Sullivan, Sullivan, Goulette, & Wilson, Ltd.  
RE: Zoning Petition Z17-038

ISSUE: LSC Development is requesting Conditional Use approval to allow for Open Storage at the existing north parking lot pursuant to DuPage County Zoning Ordinance sections 27-14.13 & 37-10.1-2, Conditional Uses.

LOCATION: The subject property is located at 1N372 Main Street, Glen Ellyn, IL, sited on a double corner lot bound by Main St. to the east, Foss St. to the south, Highland Ave. to the west, and adjacent existing church to the north. (see Aerial Photograph above and attached Location Map).

DuPage County Public Hearing  
-1-  
12-19-17
The subject property is approximately 5.93 acres in size, and has a DuPage County zoning classification of L-1.

Surrounding Land Use and Zoning:

North: Glen Ellyn Seventh-day Adventist Church - Zoned R-4 (Single-family residence district)

East: (across Main St) RK Travels - Zoned O (Office district) & Single-Family Residential Neighborhood Development R-4 (Single-family residence district)

South: (across Post St & Great Western Trail) Single-Family Residential Neighborhood Development - Zoned R-4 (Single-family residence district)

West: (across Highland Ave.) Commercial Business Center & Center Ice of DuPage - Zoned L-1 (Light Industrial district)

BACKGROUND: On May 18, 2017, LSCStorage opened (operated by Extra Space) which was approved by the DuPage County Building Department on July 19, 2016 for a by-right renovation of existing 2-story warehouse-manufacturing building into a premier climate-controlled self-storage facility.

The existing LSCStorage Self-Storage Facility is a three (3) story, 112,378 SF structure situated on approximately 5.93 acres land. The facility currently features a south-facing front metal awning for off-street loading, climate controlled interior storage units, (24) parking spaces, and a chain-link fence was added to the north of the property for security.

As a response to immediate and projected market demand, the petitioner desires to provide RV/boat/trailers Open Storage in existing north parking lot. To that end, the petitioner has already made improvements to the existing site in order to accommodate safety, security, and circulation of large-scale vehicles.

The approved renovation scope of work included: security access gates at existing Highland Ave. and Main St. vehicular entry/exits and tall chain-link fence around perimeter of existing parking lot.

Accompanying this request is an application for Conditional Use of the existing parking lot and revised site plan approval to allow for Open Storage on site. The proposed Conditional Use will allow for the subject property to take advantage of a now underutilized parking lot which was for employees when this was a factory.

Landscape.

The existing site included an approximately 70,000 SF parking lot with landscape buffer of existing mature trees at the north side of property, as well as an existing detention basin for storm water management. In order to appropriate the existing
parking lot for large-scale vehicular traffic, the drive aisle at the Highland Ave entrance was widened to 30'-0". The site was further improved through the addition of permeable pavers at the northeast corner of the site, ornamental trees, shade trees, shrubs, and perennials around the perimeter of the site to provide landscape buffer for parking and loading. Additionally, improvements included an 6'-0" tall chain link fence around the existing parking lot and 6'-0" tall security gates for vehicular access at both Main St. and Highland Ave. entries/exit.

Architecture.

As a result of the renovation, LSC Storage improved the existing building façade by recladding the building and branding it with Extra Space, the operator of the facility. The facility also incorporated aluminum storefront windows and door systems, as well as custom metal awning to provide a more upscale entry feature. These improvements refreshed the façade of a 1970’s era industrial building.


The existing property has primary access provided by right-in/right-out ingress/egress on Highland Ave. and Main St., and allows for proper circulation of vehicles throughout the north side of the property. Safety of the site as a whole was improved with a drive aisle that serves as a main access for vehicular entry/exit. The drive aisle was widened to a width of thirty (30) feet to provide better access for vehicles entering from Highland Ave., and to provide safer circulation of the existing parking lot.

For added safety, off-street loading and parking spaces have been provided on the opposite side of the property, at the south and southeast corner of the building, in order to separate customer parking and drop-offs from larger vehicle loading/unloading. This vehicular access layout allows Main St. to remain free from traffic congestion caused by large-scale vehicle maneuvering by routing those vehicles through the existing north parking lot via Main St. and Highland Ave.

ANALYSIS: The maximum floor area ratio (F.A.R.) for self-storage facilities in L-1 Zoning Districts is (0.8). As a result of the renovation of the existing facility, the actual floor area ratio is (0.6). An additional amount of space remains available to the petitioner for future expansion. In the meantime, it is the petitioner’s desire to use the existing infrastructure to respond to immediate and projected market demands by providing Open Storage in the existing north parking lot. The existing north parking lot on the subject property was provided for a previous use with a substantially larger parking requirement. Therefore, the subject property provides the infrastructure for large-scale vehicles to be properly, safely, and securely stored on site without any significant alterations made to the existing site. An application for Conditional Use approval of Open Storage in an L-1 Zoning District is required for the proposed land use of the subject property.
The purpose of a Conditional Use is to provide for certain uses which are unique in character and can only be properly classified in any particular district upon consideration in each case of the impact of those uses upon neighboring land at the particular location.

Conditional Uses are permitted uses in their respective zoning districts that require individualized review due to the potential individual or cumulative impacts that they might have on the surrounding area or neighborhood. Uses permitted by Conditional Use shall not adversely affect public health, safety, and general welfare. The review process allows the imposition of conditions to mitigate identified concerns or to deny the use if concerns cannot be resolved.

Applications for Conditional Use shall demonstrate compliance with the standards for approval identified in 37-14.13, DuPage County Zoning Ordinance, through a plat of survey, site plan, and acknowledgement of the following criteria listed below:

Conditional Use Criteria. That the granting of any 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:

1. Impair an adequate supply of light and air to the adjacent property.
   The proposed Conditional Use will not impair an adequate supply of light and air to the adjacent property, as no structure will be proposed or constructed in order to accommodate Open Storage. The petitioner's intention is to use the existing open parking lot as-is. Similarly, neither the existing structure nor the intended large-scale vehicles will equal in height to the existing mature trees on the property line. All other adjacent properties are separated from the subject property by public rights of way.

2. Increase the hazard from fire or other dangers to said property.
   The proposed Conditional Use will not increase the hazard from fire or other dangers to the adjacent property as this is a proposed re-use of an existing parking lot. The previous user of the facility utilized the parking lot for employee parking, an active use with cars coming and going twice a day. The proposed use is passive long-term storage. Not an active use, therefore less of a danger of accidents/fire.

3. Diminish the value of land and buildings in the vicinity of the proposed Conditional Use.
   The proposed Conditional Use will not diminish the value of the land and buildings in the vicinity of the proposed Conditional Use, as the petitioner is not seeking to alter the existing parking lot, but rather to use the existing parking lot in a way consistent with permitted use of the existing building.
The parking area is thoroughly screened to north, and is across from public right-of-ways at the east and west.

4. Unduly increase traffic congestion in the public streets and highways.
   The proposed Conditional Use will not unduly increase traffic congestion in the public streets and highways. The existing storage use is a very low impact use. This will be passive storage of vehicles and boats perhaps moved 3-4 times per year. This is a decrease in intensity from the previous user’s employee parking.

5. Increase the potential for flood damages to adjacent property.
   The proposed Conditional Use will not increase the potential for flood damages to adjacent property. An existing detention basin, located at the northwest corner of the site, currently serves as storm water management between the adjacent properties. Since the petitioner is not seeking to alter the land for the proposed use of Open Storage, no further site improvements are required for storm water management. (See attached Land Use Opinion Compliance sheet for reference). Furthermore, a portion of the existing parking lot at the East side near the detention basin, was converted to permeable pavers to further reduce storm water runoff and increase infiltration.

6. Incur additional public expense for fire protection, rescue or relief.
   The proposed Conditional Use will not incur additional public expense for fire protection, rescue, or relief because it is a low intensity use. The parking lot will be used for passive storage of vehicle reducing the amount of trips per day from the previous user’s employee parking lot.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.
   The proposed Conditional Use will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance. The property is screened from the adjacent properties, the property is secured with a better than industry standard security system that includes key-pod operated auto gates, security lighting mounted on the building, a system of security cameras, and an overall access system that tracks customers while on site.

CONCLUSION: The proposed use is consistent with the zoning classification of the subject property through the approval of a Conditional Use consistent with 37-10.1-2 and 37-14.13, DuPage County Zoning Ordinance. Additionally, the proposed use is compatible with and accessory to the permitted use of the existing building.
MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Board of Appeals
DATE: December 7, 2017

RE: Zoning Petition Z17-036 PONTARELLI

Development Committee: January 16, 2018:
Zoning Board of Appeals Meeting: December 7, 2017: The Zoning Board of Appeals recommended to deny the following zoning relief:

1. A Conditional Use: to allow open Storage of commercial vehicles and equipment;
2. A Variation: to reduce the interior side and rear yard setbacks from 20 feet to 5 feet
3. A Variation: to eliminate the requirement to provide a transition yard in the south, east and north yards;
4. A Variation: to permit gravel parking spaces, drives and circulation aisles instead of all-weather material.

ZBA VOTE (to deny): 7 Ayes, 0 Nays

DU PAGE COUNTY ZONING BOARD OF APPEALS

GENERAL ZONING CASE INFORMATION
CASE #/PETITIONER: Z17-036 PONTARELLI

ZONING REQUEST:
1. A Conditional Use: to allow open storage of commercial vehicles and equipment;
2. A Variation: to reduce the interior side and rear yard setbacks from 20 feet to 5 feet;
3. A Variation: to eliminate the requirement to provide a transition yard in the south, east and north yards;
4. A Variation: to permit gravel parking spaces, drives and circulation aisles instead of all-weather material.

OWNER: ANTHONY PONTARELLI, ANTHONY PONTARELLI
113 ROSE DR BLOOMINGDALE IL 60108

ADDRESS/LOCATION: 5N103 SWIFT RD, ADDISON

PIN: 02-13-414-067

TWSP./CTY. BD./DIST.: Bloomingdale/ District 1

ZONING/LUP: I-1 Light industrial district / Office High

AREA: 2.26/98,445 sq. ft.

UTILITIES: Septic and well

PUBLICATION DATE: Daily Herald: Friday September 8, 2017

PUBLIC HEARING: Tuesday September 26, 2017 6:00 PM

ADDITIONAL INFORMATION:
Building: No Objection

DUDOT: The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.

Health: No Objection.

Stormwater: No objection/concerns with the concept of the petition. Additional information may be required at time of permit application

EXTERNAL:
DCFPD: No Comments
Bloom Township: No Objection.
Addison: Objection: See attached Letter

GENERAL BULK REQUIREMENTS:

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<td>I-1 Light industrial district</td>
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<tr>
<td>West</td>
<td>Village of Addison</td>
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</tbody>
</table>
FINDINGS OF FACT:

A. Petitioner submitted the following narrative relative to his request for zoning relief

NARRATIVE

Anthony and Sally Pontarelli ("Applicant") apply for a conditional use for open storage of commercial vehicles and equipment and variations from i) 37-1601.4A to reduce the south, east and north setbacks from twenty (20) feet to five (5) feet; ii) 37-302.D to eliminate the requirement to provide a transition yard in the south, east and north yards; and, iii) 37-1202.4 to permit gravel parking spaces, drives and circles instead of all-weather material for the Property commonly known as 5N149 Swift Road, Addison, Illinois ("Subject Property").

The Property is contiguous to parcels previously purchased by Applicant. The parcel immediately to the north, also commonly known as 5N149 Swift Road, was purchased in the mid 1980's and was granted a conditional use in 1985 for open storage of commercial vehicles and reduction of several yards, including the east, north and south yards from 20 feet to 5 feet. The Subject Property was purchased in approximately the late 1980's. The existing house was removed with a demolition permit. The Subject Property has been continuously used by Applicant for open storage of commercial vehicles since the late 1980's without any incident until late 2016 when the County informed Applicant a conditional use would be required with variances to the zoning ordinance to continue the same use that has been operated on the Subject Property for almost thirty years. Applicant also obtained a permit and constructed an office building at 21 W319 Lake Street in approximately 2003. At no time during that process was Applicant notified that the Subject Property required a conditional use.

PROPOSED FINDINGS

CONDITIONAL USE

For all the reasons provided in 1 – 7 below, the continuation of the existing use on the Subject Property will be in harmony with the general purpose and intent of the zoning ordinance, will not be injurious to the neighborhood or detrimental to the public welfare.

1. Impair an adequate supply of light and air to adjacent property.

   RESPONSE: There are no buildings on the Subject Property. Adjacent property is also used for similar industrial uses.

2. Increase the hazard from fire or other dangers to said property.

   RESPONSE: There are no buildings or uses on the Subject Property, only parking of vacant, commercial vehicles.

3. Diminish the value of land and buildings in the vicinity of the proposed conditional use.

   RESPONSE: The use has existed on the Subject Property for almost thirty years without diminishing the value of land and buildings in the vicinity of the Subject Property. The parcel to the north is owned by Applicant. The parcels to the east and
4. Unduly increase traffic congestion in the public streets and highways.

**RESPONSE:** The Subject Property has operated for almost thirty years without causing undue traffic congestion. In addition, there are only 60 truck stalls on the Subject Property and only approximately 10 to 15 per day enter or exit the Subject Property.

5. Increase the potential for flood damages to adjacent property.

**RESPONSE:** The Subject Property will comply with all provisions of the County Stormwater ordinance.

6. Incur additional public expense for fire protection, rescue or relief.

**RESPONSE:** It will not.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.

**RESPONSE:** It will not.

**VARIATIONS**

A. For all the reasons provided in 1 – 7 below, the continuation of the existing use on the Subject Property will be in harmony with the general purpose and intent of the zoning ordinance, will not be injurious to the neighborhood or detrimental to the public welfare. It also is consistent with the County Comprehensive Plan designation of Industrial on the Subject Property.

B1. Impair an adequate supply of light and air to adjacent property.

**RESPONSE:** There are no buildings on the Subject Property. Adjacent property is also used for similar industrial uses.

B2. Increase the hazard from fire or other dangers to said property.

**RESPONSE:** There are no buildings or uses on the Subject Property, only parking of vacant, commercial vehicles.

B3. Diminish the value of land and buildings throughout the County.
STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has **not demonstrated** that the granting of the Variations and Conditional are 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 including the County’s recently revised Land Use Plan and Lake Street Corridor Plan.

2. That the Zoning Board of Appeals finds that the petitioner has not demonstrated the proposed zoning relief is consistent with the County’s recently amended land use plan, (recently updated with the Lake Street Corridor Land Use Plan) that was developed with the assistance and cooperation of the Chicago Metropolitan Agency.
for Planning (CMAP) and other municipal stakeholders within the Corridor including the Village of Addison.

3. That the Zoning Board of Appeals finds that petitioner has not demonstrated that the proposed zoning relief as an outside storage facility with gravel parking and limited setbacks is consistent with the Land Use Plan and the trend of development in the areas which includes the following:

   a. Redeveloped areas to the west and the south of the subject property;

   b. Areas which include new public infrastructure including new curb and gutter roadways, new paved parking areas, new redeveloped antiquated properties for new buildings and structures.

4. That the Zoning Board of Appeals finds as credible evidence and testimony submitted by the Village of Addison that the subject property currently is and would continue to be a blight to the surrounding area and roadways as the use would not comply with the trend of development in the area and would not be developed consistent with the typical infrastructure that is required for development in the I-1 Zoning District.
September 6, 2017

DuPage County Zoning Board of Appeals
421 N. County Farm Road
Wheaton, IL 60187

Re: Zoning Petition Z17-036 Pontarelli
5N103 Swift Road, Addison, IL
Application for Conditional Use for Outside Storage and Variations

Dear Zoning Board of Appeals:

On behalf of the Village of Addison, please accept this correspondence as our objection to the above referenced case for zoning relief. As with the Redline Metals Case last year (Z16-030), the Village objection is based on the proposed use being totally out of character with the surrounding area.

We also believe that the current use, along with the other non-conforming unincorporated uses surrounding the property, does diminish the value of land and buildings in the vicinity. The uses are not in character with surrounding development, which would be considered light industrial, as opposed to the petitioner’s use, which we consider to be heavy industrial. The large amount of outside storage and outdoor business operations, on unimproved surfaces, creates a blight that is inconsistent with the surrounding upscale area.

In 2014, the County adopted the Lake Street Corridor Planning Study, which identifies this site, along with the immediately surrounding unincorporated property, for redevelopment/revitalization as light industrial. The main goal of the study is to continue "working toward making the County’s Land Development Regulations as consistent as possible with those of neighboring municipalities." We would argue that continued use of this property as proposed, would be inconsistent with this goal, as developments such as DeVry Institute, Yenutti’s, Meadows Business Park, all of which surround the subject property, have been developed as high end office/warehouse and light industrial uses. Granting the conditional use would only serve to further cement this inconsistent use long into the future. Please note that the Village Comprehensive Plan also designates this unincorporated area for redevelopment as light industrial.

1 Friendship Plaza Addison, IL 60101-2786 Tel. (630) 693-7530 Fax (630) 543-3957 www.AddisonAdvantage.org
We also believe that additional paving on the property, without proper stormwater management, will cause increased stormwater run-off and potential flood damages to adjacent property.

In summary, we believe that the County should adhere to its Lake Street Corridor Planning Study Goals, which were established in working with affected municipalities such as Addison, toward the common goal of quality and consistent development in DuPage County. Granting of the zoning relief as requested would only serve to further solidify a non-conforming use that is inconsistent with a majority of the surrounding area and the goals of the Lake Street Corridor Planning Study.

Thank you for your consideration.

Sincerely,

[Signature]

John Berley, Assistant Village Manager/
Director, Community Development

JB/gp

Cc: Mayor and Village Board
    Joe Block
    Dave Freeman
    Arlene Kollar
Revised site plan:
January 5, 2018

DuPage County Development Committee
421 N. County Farm Road
Wheaton, IL 60187

RE: Application for Conditional Use and Variances

Dear Development Committee:

Anthony and Sally Pontarelli (“Applicant”) have applied for a conditional use for open storage of commercial vehicles and equipment and variations i) to reduce the south, east and north setbacks from twenty (20) feet to five (5) feet; ii) to eliminate the requirement to provide a transition yard in the south, east and north yards; and, iii) to permit gravel parking spaces, drives and circles instead of all-weather material for the Property commonly known as 5N149 Swift Road, Addison, Illinois (“Property”). A copy of the site plan and aerial of the Property and surrounding property is enclosed as Exhibit 1.

The Property is contiguous to parcels previously purchased by Applicant. The parcel immediately to the north, also commonly known as 5N149 Swift Road, was purchased in the mid 1980’s and was granted a conditional use in 1985 by the County for open storage of commercial vehicles and reduction of several yards, including the east, north and south yards from 20 feet to 5 feet, just as requested by Applicant for this Property. The Property was purchased in the late 1980’s. The existing house was removed with a demolition permit. The Property has been continuously used by Applicant for open storage of commercial vehicles since the late 1980’s without any incident until late 2016 when the County informed Applicant a conditional use would be required with variances to the zoning ordinance to continue the same use that has been operated on the Property for almost thirty years.

As addressed below, Applicant meets the standards for the conditional use and variances. Additionally, previous conditional use and setback reductions support the proposed application for the conditional use and variances. As noted above, a conditional use for outside storage and front, side and rear yards from 20 to 5 feet on the adjacent property to the north were granted by the County in 1985. It contains gravel parking spaces just as requested as part of this Application. Also, in 2016, the County rezoned from R-2 Residential to I-2 General Industrial, together with a
DuPage County Development Committee
January 5, 2018
Page 2 of 4

conditional use for a planned unit development for outside storage and deviations for various setbacks, including the east, which is adjacent to a parcel owned by the Forest Preserve and zoned residential, from 40 feet to 10 feet and to the south along Army Trail from 40 feet to 20 feet for the front yard. It also permits the use of gravel for the parking spaces, just as requested by the Applicant. Additionally, all contiguous and surrounding properties to the north, east and west are zoned R-2 Single Family Residential. The Building and Zoning Department memorandums regarding the approvals and ordinance are enclosed as Exhibit 2 (“Army Trail Road Approvals”). In this case, the Applicant’s Property is completely surrounded by Industrial Zoning designations.

The Zoning Board of Appeals denied Applicant’s application in one motion. A copy of the ZBA Recommendation Meeting transcript is enclosed as Exhibit 2. One of the reasons to deny the application was that the proposed use did not conform to the trend of development in the area. Trend of development is not a factor to consider when reviewing a conditional use or a variation. The Illinois Supreme Court in City of Chicago Heights v. Living World Outreach Full Gospel Church and Ministries, 156 Ill. 2d 1 (2001), held that “inclusion of a special use within a zoning ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood. (Citations Omitted). A special exception use is a “permitted use” when allowed under a special permit. Thus, there has been a local legislative determination that the use, as such, is neither inconsistent with the public’s health, safety, morals or general welfare, nor out of harmony with the town’s general zoning plan.” Living World, 156 Ill. 2d at 17. Later in the opinion the court noted:

Because special uses, as such, are considered compatible with other uses in the zoning district in which they are included, it is generally held that an application for a special use permit may not be denied on the ground that the use is not in harmony with the surrounding neighborhood. 3 K. Young, Anderson’s American Law of Zoning §21.13, at 743 (4th ed. 1996). Instead, a special use permit must be denied when it is determined that the facts and circumstances that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, *** the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” (Emphasis in original.) Id at 21-22.

Pursuant to the Living World case, the conditional use granted to Applicant’s parcel to the north for the same use and the Army Trail Road Approvals, the continued use of the Property for parking of operable trucks meets the requirements for conditional use approval. The use has existed on the Property for almost thirty years without diminishing the value of land and buildings in the vicinity of the Property. The parcel to the north is owned by Applicant. The parcels to the east
and south are zoned Industrial in the County and are used for outside storage. The property to the
west, across the street from Swift Road, is zoned M4 Planned Office/Research/Industrial
(Industrial/Office Research) in the Village of Addison and is developed with an industrial building.
This use was developed after the Property began its use parking commercial vehicles. There are
only 60 parking stalls proposed on the Property and only approximately 10 to 15 trucks per day
enter and exit the site. In addition, the Property has an approximate landscape setback ranging
from 80 to 120 feet from Swift Road, together with landscaping, berming and a fence with
screening stats which will screen the use from Swift Road. For all of the reasons noted above,
given the surrounding uses and low intensity of the existing use, as provided in the Living Word
Supreme Court Case, the proposed use at this location would not result in an adverse effect above
and beyond those inherently associated with open storage of commercial vehicles and equipment
irrespective of its location within the I-1 zoning district.

Regarding the zoning variances, the Applicant provided testimony as to how all the zoning
variance standards were satisfied. Conforming to the bulk setback provisions would make the site
less efficient for the proposed use. This was recognized by the County more than thirty (30) years
ago when similar variances were granted for the property to the north and in the Army Trail Road
Approvals. The variance to maintain the existing portions of the gravel lot would match the
condition of adjoining uses and create more pervious than impervious surfaces. Paving the area
for this vacant use would be cost prohibitive. The practical difficulty or particular hardship is that
this use does not contain a business or building. It is more in the nature of a contractor’s yard rather
than an industrial development containing a business with employees and customers. It also would
make future re-development more unlikely if substantial capital improvements are required for
the current use. In addition, the Army Trail Road Approvals permitted the use of a gravel parking
area.

With the front setbacks ranging from 80 feet to 120 and containing 22,035 square feet, and
20-yard setbacks on the south, east and north, which would total 16,867 square feet, 38,902 square
feet, or 38% of the 2.3 acre site would be consumed by setbacks, which is the practical difficulty
or particular hardship for the Property. These setbacks anticipate a larger industrial site with other
improvements. Also, the nature of the surrounding area, none of which contain 20-foot setbacks,
would create a hardship on this Applicant to provide. In addition, the Army Trail Road Approvals
granted 10-foot side yard relief, front yard setback relief to 20 feet and use of gravel in the parking
area. The adjoining side yards for the Army Trail Road Approvals were residential, not industrial.

Although Applicant believes all the side and rear yard variances are appropriate given the
variances granted for the north and for the Army Trail Road Approvals, Applicant can park smaller
trucks on a portion of the site and comply with the yard setbacks to the south and east. A five-yard
setback between the Property and Applicants parcel immediately to the north would be appropriate
since the parcel is owned by Applicant and used for the same use. Alternatively, the site could
also operate with a twenty-foot setback on both side yards and the rear yard. A copy of a site plan
showing such setbacks is enclosed as Exhibit A. These alternative site plans show that the proposed
use is not too large for the Property. This was the second reason for denying either the conditional
use or the variances.
DuPage County Development Committee
January 5, 2018
Page 4 of 4

In conclusion, for all of the reasons noted in this letter, the application meets all the requirements for a conditional use under the County ordinance and pursuant to the Illinois Supreme Court case of City of Chicago Heights v. Living Word Outreach Full Gospel Church and Ministries, Inc. The proposed use at this location would not result in an adverse effect above and beyond those inherently associated with open storage of commercial vehicles and equipment irrespective of its location within the I-1 district. Additionally, the standards to grant the requested variances have been met as well. A copy of the proposed findings of fact submitted by Applicant to the Zoning Board of Appeals is enclosed as Exhibit 5. Nevertheless, Applicant requests the Development Committee refer this matter back to the Zoning Board of Appeals to consider Applicant’s revised site plan consistent with the requirements under the Living Word case and County standards for a conditional use and variances, together with the previous conditional uses and variations or deviations granted by the County for similar uses.

Sincerely,

RATHJE & WOODAWARD, LLC

[Signature]

Tracy D. Kasson

TDK/lb
Enclosures

EXHIBIT 2

Building and Zoning Department Memorandum and Ordinance
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: January 5, 2016
RE: Z15-048 12M Partners LLC. (Bloomingdale Township/District 1)

DuPage County Board: January 12, 2016: Concurred with development Committee and Approved
County Board Vote (to Approve): 12 Ayes, 5 Nays

Development Committee: January 5, 2016: The Development Committee considered the ZBA Recommendations and Findings and approved of same and added 1 conditions;

A Conditional Use Planned Development for 12M Partners LLC., Pat and Brian Marino as agents, (12M Partners LLC.) to allow for the following:

a. To rezone the property from R-2 Single Family Residential Zoning district to the I-2 General Industrial Zoning District for 12M Partners LLC.;

b. To allow 12M Partners LLC to use the property for empty commercial vehicle trailer outdoor storage and parking of commercial vehicles only;

c. To allow 12M Partners LLC to store and park commercial vehicles in the area of the 40 feet setback no closer than ten (10) feet from the east side property line and no closer than twenty (20) feet from the front south property line;

d. To allow that 12M Partners LLC be able to maintain the existing fence within the front yard setback at a height of 8 ft. tall with solid fabric screening;

e. To allow that 12M Partners LLC be able to maintain the existing fence within the side setbacks at a height of 6 ft. tall.

Subject to the following conditions:
Ownership, Use and Zoning classification:

1. That the Conditional Use Planned Development, rezoning and all sections of the approved planned development herein shall inure only to 12M Partners LLC., and shall not be transferable.
2. That at all times 12M Partners LLC must own or lease 100% of the subject property with Pat and/or Brian Marino, (either jointly or individually) owning at least 50% of 12 M Partners LLC.

a. That if at any time 12M Partners LLC, fails to control 100% of the property, (either by ownership or lease) the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

b. That if at any time Pat and/or Brian Marino, (either jointly or individually) fail to hold at least a 50% or greater interest in 12M Partners LLC, the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

3. That if at any time the uses approved as part of the subject Planned Development Conditional Use, (outdoor storage and parking of commercial vehicles only), ceases or a new use is added the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

4. That 12M Partners LLC shall be required to either own or have executed a lease of the subject property within six (6) months of the approval of this ordinance.

a. That if 12M Partners LLC, fails to own or maintain a lease of the property within six (6) months of the approval of this ordinance the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

Traffic and trip generation:

5. That after one (1) year of approval of this ordinance 12M Partners LLC shall submit a traffic study to the DuPage County Building and Zoning Department to be reviewed by the DuPage County Department of Transportation (DUDOT).

a. That after review of the traffic study by DUDOT, DUDOT shall review their findings with 12M Partners LLC. If DUDOT determines that improvements are required 12 M Partners LLC shall:

(1) Apply for and receive a permit from the County for said improvement(s); and

(2) Commence the improvement(s) within six (6) months of receipt of the permit; and
(3) Shall complete the improvement(s) within six (6) months from the date of commencing the work.

Site plans and permitting:

7. That the property be developed in accordance with the petitioner’s site plan to be made part of Zoning Petition #Z15-048 12M Partners LLC. The site plan shall show that the east side yard setback shall be ten (10) feet and the south front yard setback shall be twenty (20) feet.
   a. Said site plan to indicate that there will be no development in the special management areas on the property.

8. That prior to any occupancy or use of the subject property 12M Partners LLC shall apply for and receive a permit for restoration and mitigation of all disturbed special management areas on the property and all detention required by the development of the site and complete all of the work associated with restoration, mitigation and detention and have same approved by the County.

9. That 12M Partners LLC. shall apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

10. That in conjunction with the submittal of a building permit 12M Partners LLC., shall provide a landscape plan showing full landscape screens around the perimeter of the development. Said landscape plan to show at least the following:
   a. An eight (8) foot tall solid or completely screened fence parallel to the north line of the vehicle storage area but not within the special management area;
   b. A six (6) foot tall fence adjacent to the east property line and perimeter of the vehicle storage area but not within the special management area;
   c. A six (6) foot tall solid or screened fence adjacent to the south property line and perimeter of the vehicle storage area but not within the special management area;
   d. A six (6) foot tall solid or screened fence adjacent to the west property line and perimeter of the vehicle storage area but not within the special management area.

Compliance with all other County Codes and Ordinances:

11. That the property be developed in accordance with all other codes and Ordinances of DuPage County, including but not limited to the following:
a. Exposed sources of light shall be controlled so that direct and indirect illumination within the lot lines shall not cause illumination in excess one and one half (1.5) foot-candle at all property lines.
b. Exposed sources of light shall be shielded in such a way that the light source shall not create harmful glare that is deleterious to adjacent properties or a road or road right of way.
c. All trailers used for cartage or off site hauling of materials shall be empty when stored or parked on the property.
d. Noise Emission:
   a. No person shall cause or allow the emission of sound during weekdays, (Monday through Friday between the hours of 6 AM and 8 PM) from any property-line-noise-source located on the subject property in excess of 71 decibels.
   b. No person shall cause or allow the emission of sound during weeknight hours, (Monday through Friday between the hours of 8 PM and 6 AM) from any property-line-noise-source located on the subject property in excess of 61 decibels.
   c. No person shall cause or allow the emission of sound during weekend day hours, (Saturday and Sunday between the hours of 8 AM and 6 PM) from any property-line-noise-source located on the subject property in excess of 71 decibels.
   d. No person shall cause or allow the emission of sound during weekend night hours, (Saturday and Sunday between the hours of 6 PM and 8 AM) from any property-line-noise-source located on the subject property in excess of 61 decibels.
   e. That other than a single dwelling care taker facility in the residential structure on the west side of the property there shall be no sleeping facilities on the property and no overnight sleeping quarters in any of the commercial vehicles or storage trailers. Furthermore, that there be no idling of commercial vehicles or equipment on the property to facilitate any use other than storage of commercial vehicles and equipment and the pick-up and drop of commercial vehicles and equipment.

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

Zoning Board of Appeals Meeting: December 3, 2015: The Zoning Board of Appeals recommended to approve the following zoning relief:

A Conditional Use Planned Development for 12M Partners LLC., Pat and Brian Marino as agents. (12M Partners LLC) to allow for the following:

Attachment: Z17-036 PONTARELLI - Dev. Com (1-16-18) revised (DC-O-0012-18 : Z17-036 - Pontarelli)
a. To rezone the property from R-2 Single Family Residential Zoning district to the I-2 General Industrial Zoning District for 12M Partners LLC.
b. To allow 12M Partners LLC to use the property for outdoor storage and parking of commercial vehicles only.
c. To allow 12M Partners LLC to store and park commercial vehicles in the area of the 40 feet setback no closer than ten (10) feet from the east side property line and no closer than twenty (20) feet from the front south property line.
d. To allow that 12M Partners LLC be able to maintain the existing fence within the front yard setback at a height of 8 ft. tall with solid fabric screening.
e. To allow that 12M Partners LLC be able to maintain the existing fence within the side setbacks at a height of 6 ft. tall.

Subject to the following conditions:

Ownership, Use and Zoning classification:

1. That the Conditional Use Planned Development, rezoning and all sections of the approved planned development herein shall inure only to 12M Partners LLC, and shall not be transferable.

2. That at all times Pat and/or Brian Marine, (either jointly or individually) must hold at least a 50% interest in the 12M Partners LLC.

   a. That if at any time Pat and/or Brian Marine, (either jointly or individually) fail to hold at least a 50% or greater interest in 12M Partners LLC, the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

3. That at all times 12M Partners LLC must hold at least a 50% or greater interest in the subject property by ownership or executed lease to operate only the approved uses on the subject property.

   a. That if at any time 12M Partners LLC, fails to hold at least a 50% or greater interest in the subject property the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

   b. That if at any time the uses approved as part of the subject Planned Development Conditional Use, (outdoor storage and parking of commercial vehicles only), ceases or a new use is added the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2
General Industrial District to the R-2 Single Family Residential District.

4. That 12M Partners LLC. shall be required to either own or have executed a lease of
   the subject property within six (6) months of the approval of this ordinance.

   a. That if 12M Partners LLC. fails to own or maintain a lease of the property
      within six (6) months of the approval of this ordinance the zoning relief
      herein shall be null and void and the property zoning classification shall
      revert from I-2 General Industrial District to the R-2 Single Family
      Residential District.

Traffic and trip generation:

5. That after one (1) year of approval of this ordinance 12M Partners LLC. shall
   submit a traffic study to the DuPage County Building and Zoning Department to be
   reviewed by the DuPage County Department of Transportation (DUDOT).

   a. That after review of the traffic study by DUDOT, DUDOT shall review
      their findings with 12M Partners LLC. If DUDOT determines that
      improvements are required 12 M Partners LLC shall:

      (1) Apply for and receive a permit from the County for said
          improvement(s); and

      (2) Commence the improvement(s) within six (6) months of receipt of the
          permit; and

      (3) Shall complete the improvement(s) within six (6) months from the date
          of commencing the work.

Site plans and permitting:

6. That the property be developed in accordance with the petitioner's site plan to
   be made part of Zoning Petition #Z15-048 12M Partners LLC. The site plan
   shall show that the east side yard setback shall be ten (10) feet and the south
   front yard setback shall be twenty (20) feet.

   a. Said site plan to indicate that there will be no development in the special
      management areas on the property.

7. That 12M Partners LLC. shall 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 12M Partners LLC.
   shall provide a landscape plan showing full landscape screens around the
perimeter of the development. Said landscape plan to show at least the following:

a. An eight (8) foot tall solid or completely screened fence parallel to the north line of the vehicle storage area but not within the special management area;

b. A six (6) foot tall fence adjacent to the east property line and perimeter of the vehicle storage area but not within the special management area;

c. A six (6) foot tall solid or screened fence adjacent to the south property line and perimeter of the vehicle storage area but not within the special management area;

d. A six (6) foot tall solid or screened fence adjacent to the west property line and perimeter of the vehicle storage area but not within the special management area.

Compliance with all other County Codes and Ordinances:

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

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

Dissenting Opinion:

1. The dissenting members find that the petitioner has not demonstrated that the property warranted rezoning as the subject property is surrounded by property that is predominantly zoned single family residential district and is developed either as single family homes or open space.

2. That the dissenting members find that petitioner has not adequately demonstrated or addressed that the petitioner has satisfied or mitigated the concerns of the neighbors relative to concerns about prospective traffic issues, noise, lighting and general use and maintenance of the property relative to the potential impact these issues may have on the neighbors property values and standard of living.

FINDINGS OF FACT:

1. That the petitioner testified that while the property is currently zoned R-2 Single Family, it is less than three (3) blocks from industrial and commercial land uses to the northeast and southeast that lie within the corporate limits of the Village of Addison and immediately adjacent to the south side of Army Trail Road is commercial property zoned and developed as such within the Village of Bloomingdale.
2. That the petitioner testified that the property is bordered on north and east by open space owned by the DuPage County Forest Preserve.

3. That the petitioner testified that new residential uses along Army Trail Rd. have not been established within approximately the previous twenty (20) years.

4. That the petitioner testified that the property has been used for non-residential uses within the previous twenty (20) years pursuant to qualification as a property exempted from the Zoning Ordinance if used for agricultural purposes. The most recent and intense use began operation in 2009 and entailed an outdoor storage yard for agricultural goods and equipment.

5. That the petitioner testified that since the termination of the previous use, that all prospective owners have not sought to use the property under the allowable uses found in the current zoning of R-2 Single Family.

6. That the petitioner has indicated that they will accept and comply with conditions adopted by the DuPage County Board relative to the property reverting back to an R-2 Single Family Residential zoning category and all use and structures removed from the property should 12m Partners LLC. cease to have either ownership or a lease on the property.

7. That the petitioner testified that they will be responsible for the remediation of special management area violations that presently exist on the property which were caused by a previous owner.

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. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the fire district has no objection.

b. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed use will reestablish usage of a vacant property, which will incorporate remediation of special management area violations.

c. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that all Highway Department concerns have been addressed satisfactorily.
d. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that they will remediate the current special management area violations.

e. Incure additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the Storm water department has no objection.

f. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner will reconceime usage of a vacant property, which will incorporate remediation of special management area violations.

**PETITIONER'S DEVELOPMENT FACT SHEET**

<table>
<thead>
<tr>
<th>GENERAL ZONING CASE INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASE #:PETITIONER</td>
</tr>
<tr>
<td>OWNER</td>
</tr>
<tr>
<td>AGENT FOR PETITIONER</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
</tr>
<tr>
<td>PUBLICATION DATE</td>
</tr>
</tbody>
</table>

**ZONING REQUEST**

Petitioner requests that the fence on the property, which is 8 ft. high with screening, be allowed to remain in its current location (variation). Also, Petitioner requests the ability to store or park commercial vehicles in the area of the 40 ft. setback (conditional use). (Sec. 37-407, and 37-1002)

Within the 1-2 zoning, petitioner requests the ability to use the property for outdoor storage and parking of commercial vehicles (conditional use). (Sec. 37-1002.2)

The property is currently zoned R-2 non-conforming commercial and the petitioner requests it to be rezoned to 1-2 zoning. (Sec. 37-1002, and 37-1412) A Conditional Use for a Planned Development in an 1-2 zoning district. (Sec. 37-1002.2 and 37-1414)

**FIN/TWSP / COUNTY BOARD DIST.**

02-23-401-025; -026; -027 Bloomingdale Township/District 1

**ZONING/LUP**

R-2 Single Family Res. 6-5 DU/AC

**AREA UTILITIES**

253,178 sq. ft. (5.8 Acres)

**PUBLIC HEARING**

Thursday, October 15, 2015, 6:00 p.m.

**ADDITIONAL INFORMATION:**

<table>
<thead>
<tr>
<th>Building</th>
<th>No Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td>DUDOT:</td>
<td>No objection with the concept of the petition. See attached note dated 9/30/2015 from DuDOT.</td>
</tr>
<tr>
<td>Health:</td>
<td>No Objection</td>
</tr>
</tbody>
</table>
GENERAL BULK REQUIREMENTS:

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard:</td>
<td>30 ft in R-2</td>
<td>NA</td>
<td>59.7 ft.</td>
</tr>
<tr>
<td></td>
<td>40 ft in L-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Int. Sid Yard+</td>
<td>20 ft in R-2</td>
<td>NA</td>
<td>In excess of 26 ft.</td>
</tr>
<tr>
<td></td>
<td>40 ft in L-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Corner Side Yard</td>
<td>30 ft in R-2</td>
<td>NA</td>
<td>Parking within 40 ft setback.</td>
</tr>
<tr>
<td></td>
<td>40 ft in L-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Yard:</td>
<td>25 ft in R-2</td>
<td>NA</td>
<td>In excess of 25 ft.</td>
</tr>
<tr>
<td></td>
<td>40 ft in L-2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>R-2 Single Family Res.</td>
<td>Single Family Home/Community Commercial</td>
<td>0-5 DU/AC</td>
</tr>
<tr>
<td>North</td>
<td>R-2 Single Family Res.</td>
<td>Single Family Home</td>
<td>0-5 DU/AC</td>
</tr>
<tr>
<td>South</td>
<td>Army Trail Rd., and Beyond Incorporated Bloomingdale</td>
<td>Commercial/Occupied</td>
<td>Incorporated</td>
</tr>
<tr>
<td>East</td>
<td>R-2 Single Family Res.</td>
<td>Regional Open Space</td>
<td>Regional Office Space</td>
</tr>
<tr>
<td>West</td>
<td>Walter Dr., and Beyond R-2 Single Family Res.</td>
<td>Single Family Home</td>
<td>0-5 DU/AC</td>
</tr>
</tbody>
</table>
In addition to the access concerns raised on 8/18/13, the Division of Transportation would potentially object to the placement of the fence at its current location due concerns regarding the accessibility of the path for bicycle/radio traffic crossing the site. In the current location the fence has legal traffic on Army Trail Rd, while bike traffic in the form of trail is to be opened. No objection has been made to the Division of Transportation to address the access interference with the street (C) 13.


1. Traffic impact and site development study will be required to evaluate the increase in traffic generated by the development.
2. Existing access (2) driveways for commercial & industrial use will still be maintained.
3. Pedestrian right of way will be maintained.
4. Fences will be constructed at the corners of access points (A11) to be moved back to accommodate wider entrances.
5. Vehicular access is necessary and required to support existing businesses.
6. Entrance at western site will be maintained in right-of-way.
7. Existing unused curb-cuts must be removed.
2. The Forest Preserve District objects to the removal of the property from R2 to I-2 given the immediate area around the subject property is existing residential and open space (Forest Preserve District). It is suggested that a residential use of the subject property would have less impact as the existing residential and open space in the immediate area.

3. Industrial operations in general cause more impervious surfaces and have a larger volume of vehicle traffic. The outdoor use and storage of vehicles, equipment, and the associated fluids pose potential environmental hazards. Any change from the city use to the forest preserve, relocation, and adjacent Forest Preserve has the potential to damage natural areas.

4. Industrial operations are allowed on the subject property, as defined by the zoning ordinance. Setbacks are buffers that provide open space and surrounding vegetation to reduce the potential for soil erosion and protect the environment from pollutants.

We have the opportunity to review and comment on any future plans. Please consider this as the Forest Preserve District's request that this be read and entered into the public record at the hearing on October 19, 2018. If you have any questions, please contact me at (630) 935-2725.

Sincerely,

[Signature]

Pete Stettich
Land Preservation Manager

cc: Joseph Carruth, President
Marianne Murphy, Forest Preserve District 1 Commissioner
Don Ellis, Director Resource Management and Development
Dan Cipra, DuPage County Board Chairman
Paul Porter, DuPage County Board District 1
Gonzalo Paez, DuPage County Board District 1
Bonnie Tate, DuPage County Board District 1

Illinois Nature Preserves Commission

Dear Mr. Stettich and Members of the DuPage County Zoning Board of Appeals,

The Illinois Nature Preserves Commission (INPC) is aware of a proposal to build a low-density housing development on a 78.5-acre parcel of land in DuPage County. The property is located at 421 Prospect Court in Wheaton, Illinois.

The INPC has been informed that the property is part of the City of Wheaton's planning process. The proposed development includes the construction of 119 units of housing, which will be built on a 78.5-acre parcel of land. The development is expected to begin in the fall of 2018 and be completed in the spring of 2019.

The INPC has concerns about the potential impact of this development on the Illinois Nature Preserve. The property is adjacent to the Forest Preserve District of DuPage County and is part of the Illinois Nature Preserve System.

The INPC recommends that the development be located in a manner that minimizes its impact on the Illinois Nature Preserve. The development should be located in a way that minimizes its impact on the Illinois Nature Preserve. The INPC recommends that the development be designed to minimize its impact on the Illinois Nature Preserve.

The INPC recommends that the development be designed to minimize its impact on the Illinois Nature Preserve. The development should be located in a way that minimizes its impact on the Illinois Nature Preserve. The development should be located in a way that minimizes its impact on the Illinois Nature Preserve.

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The INPC recommends that the development be designed to minimize its impact on the Illinois Nature Preserve. The development should be located in a way that minimizes its impact on the Illinois Nature Preserve. The development should be located in a way that minimizes its impact on the Illinois Nature Preserve.
The NPC again requests that the DuPage County Zoning Board of Appeals defer this zoning request (Z15-068) to the Illinois Department of Natural Resources for consultation as required by the Illinois Nature’s Steak Preservation Act (505 ILCS 20/1) prior to rendering an official position on this zoning request.

The NPC advances this opportunity to inform the DuPage County Zoning Board of Appeals of the ecological significance of Staff Prairie Chicken Preserve and the requirement by 13 M Partners, LLC to submit this re-zoning request to the Illinois Department of Natural Resources for consultation. The NPC further requests that this letter be read and entered into the public record of the Public Hearing scheduled for October 15, 2015.

Thank you.

Sincerely,

[Signature]

[Name]
Natural Areas Preservation Specialist

cc: Valerie Kipps, Deputy Director, NPC
      Scott Madden, Executive Director, Forest Preserve District of DuPage County
ORDINANCE

Zoning Petition Z15-048 12M Partners LLC

WHEREAS, a public hearing was held on August 20, 2015 and September 30, 2015 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:

Petitioner requests that the fence on the property, which is 8 ft. high with screening, be allowed to remain at its current location (variance). Also, Petitioner requests the ability to store or park commercial vehicles in the area of the 40 ft. setback (conditional use). (Sec. 37-407, and 37-1002)
Within the I-2 zoning, petitioner requests the ability to use the property for outdoor storage and parking of commercial vehicles (conditional use). (Sec. 37-1002.2)
The property is currently zoned R-2 non-conforming commercial and the petitioner requests it be rezoned to I-2 zoning. (Sec. 37-1002, and 37-412)
A Conditional Use for a Planned Development in an I-2 zoning district. (Sec. 37-1002.2 and 37-1414)

PARCEL 1: LOT 6 IN OLD ARMY TRAIL ESTATES, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1947 AS DOCUMENT 515663, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2: THE SOUTH 100 FEET OF THE NORTH 400.00 FT. IN OLD ARMY TRAIL ESTATES, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1947 AS DOCUMENT 515663, IN DU PAGE 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 December 3, 2015 does find as follows:

FINDINGS OF FACT:
1. That the petitioner testified that while the property is currently zoned R-2 Single Family, it is less than three (3) blocks from industrial and commercial land uses to the northeast and southeast that lie within the corporate limits of the Village of Addison and immediately adjacent to the south side of Army Trail Road is commercial property zoned and developed as such within the Village of Bloomingdale.
2. That the petitioner testified that the property is bordered on north and east by open space owned by the DuPage County Forest Preserve.

3. That the petitioner testified that new residential uses along Army Trail Rd. have not been established within approximately the previous twenty (20) years.

4. That the petitioner testified that the property has been used for non-residential uses within the previous twenty (20) years pursuant to qualification as a property exempted from the Zoning Ordinance if used for agricultural purposes. The most recent and intense use began operation in 2000 and continued an outdoor storage yard for agricultural goods and equipment.

5. That the petitioner testified that since the termination of the previous use, that all prospective owners have not sought to use the property under the allowable uses found in the current zoning of R-2 Single Family.

6. That the petitioner has indicated that they will accept and comply with conditions adopted by the DuPage County Board relative to the property reverting back to an R-2 Single Family Residential zoning category and all use and structures removed from the property should 12M Partners LLC cease to have either ownership or a lease on the property.

7. That the petitioner testified that they will be responsible for the remediation of special management area violations that presently exist on the property which were caused by a previous owner.

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. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the fire district has no objection.

   b. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed use will remain consistent with a vacant property, which will incorporate remediation of special management area violations.

   c. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that all Highway Department concerns have been addressed satisfactorily.

   d. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that they will remediate the current special management area violations.
e. Issue additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the storm water department has no objection.

f. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner will recommend usage of a vacant property, which will incorporate remission of special management area violations.

Disputing Opinion:

1. The disputing members find that the petitioner has not demonstrated that the property warranted rezoning as the subject property is surrounded by property that is predominantly zoned single family residential district and is developed either as single family homes or open space.

2. That the disputing members find that petitioner has not adequately demonstrated or addressed that the petitioner has satisfied or mitigated the concerns of the neighbors relative to concern about prospective traffic issues, noise, lighting and general use and maintenance of the property relative to the potential impact these issues may have on the neighbor’s property values and standard of living.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION

<table>
<thead>
<tr>
<th>CASE #/PETITIONER</th>
<th>Z15-048 12M Partners LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGENT FOR</td>
<td>12M Partners LLC, Manager: Pat Marino and Brian Marino. 2/14 W220 Thorndale Ave., Middlesex, IL 60157</td>
</tr>
<tr>
<td>PETITIONER</td>
<td>22W220 and 22W60 Army Trail Rd., Addison, IL 60101. 4N127 Walter Dr., Addison, IL 60121</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
<td>22W220 and 22W60 Army Trail Rd., Addison, IL 60101. 4N127 Walter Dr., Addison, IL 60121</td>
</tr>
<tr>
<td>PUBLICATION DATE</td>
<td>Daily Herald: September 30, 2015</td>
</tr>
<tr>
<td>ZONING REQUEST</td>
<td>Petitioner requests that the fence on the property, which is 8 ft. high with screening, be allowed to remain at its current location (variation). Also, Petitioner requests the ability to store or park commercial vehicles in the area of the 40 ft. setback (conditional use). (Sec. 37-407, and 37-1002.) Within the I-2 zoning, petitioner requests the ability to use the property for outdoor storage and parking of commercial vehicles (conditional use). (Sec. 37-1000.2.) The property is currently zoned R-2 non-conforming commercial and the petitioner requests it be rezoned to I-2 zoning. (Sec. 37-1002, and 37-1412.) A Conditional Use for a Planned Development in an I-2 zoning district. (Sec. 37-1002.2 and 37-1414.)</td>
</tr>
<tr>
<td>PIN/TWP/SGT/COUNTY</td>
<td>02-23-001-025; 026; 027</td>
</tr>
<tr>
<td>BOARD DIST.</td>
<td>Bloomingdale Township/District 1</td>
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### ZONING/LUP

<table>
<thead>
<tr>
<th>ZONING/LUP</th>
<th>R-2 Single Family Res.</th>
<th>0-5 DU/AC</th>
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</thead>
<tbody>
<tr>
<td>AREA/ UTILITIES</td>
<td>223,178 sq. ft. (5.8 Acres)</td>
<td></td>
</tr>
<tr>
<td>PUBLIC HEARING</td>
<td>Thursday, October 15, 2015, 4:00 p.m.</td>
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</tr>
</tbody>
</table>

**ADDITIONAL INFORMATION:**

- **Building:** No Objection.
- **DUDOT:** No objection with the concept of the petition. See attached notice dated 9/30/2015 from DUDOT.
- **Health:** No Objection.

**EXTERNAL:**

- **DuPage Forest Preserve:** Objects: See attached letter
- **Illinois Nature Preserve Commission:** Objects: See attached letter
- **School District #15:** No objection with the concept of the petition.
- **Illinois American Water:** No objection.

### GENERAL, HULL REQUIREMENTS:

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>30 ft. in R-2</td>
<td>NA</td>
<td>50 ft.</td>
</tr>
<tr>
<td></td>
<td>40 ft. in L-2</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>East Int. Std Yard+</td>
<td>20 ft. in R-2</td>
<td>NA</td>
<td>In excess of 20 ft.</td>
</tr>
<tr>
<td></td>
<td>40 ft. in L-2</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>West Int. Std Yard+</td>
<td>20 ft. in R-2</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td></td>
<td>40 ft. in L-2</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>25 ft. in R-2</td>
<td>NA</td>
<td>In excess of 25 ft.</td>
</tr>
<tr>
<td></td>
<td>40 ft. in L-2</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

### LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>R-2 Single Family Res.</td>
<td>Single Family Home/Community Commercial</td>
<td>0-5 DU/AC</td>
</tr>
<tr>
<td>North</td>
<td>R-2 Single Family Res.</td>
<td>Single Family Home</td>
<td>0-5 DU/AC</td>
</tr>
<tr>
<td>South</td>
<td>Army Trail Rd., and Beyond Incorporated Bloomington</td>
<td>Commercial/Office</td>
<td>Incorporated</td>
</tr>
<tr>
<td>East</td>
<td>R-2 Single Family Res.</td>
<td>Regional Open Space</td>
<td>Regional Office Space</td>
</tr>
<tr>
<td>West</td>
<td>Wacker Dr., and Beyond R-2 Single Family Res.</td>
<td>Single Family Home</td>
<td>0-5 DU/AC</td>
</tr>
</tbody>
</table>

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on December 3, 2015 recommends to approve the following zoning relief:

A Conditional Use Planned Development for 12M Partners LLC. Pat and Brian Marboe as agents, (12M Partners LLC) to allow for the following:
a. To release the property from R-2 Single Family Residential Zoning district to the I-2 General Industrial Zoning district for 12M Partners LLC;
b. To allow 12M Partners LLC to use the property for outdoor storage and parking of commercial vehicles only;
c. To allow 12M Partners LLC to store and park commercial vehicles in the area of the 40 foot setback no closer than ten (10) feet from the east side property line and no closer than twenty (20) feet from the front south property line;
d. To allow that 12M Partners LLC be able to maintain the existing fence within the front yard setback at a height of 6 ft. tall with solid fabric screening;
e. To allow that 12M Partners LLC be able to maintain the existing fence within the side setbacks at a height of 6 ft. tall.

Subject to the following conditions:

**Ownership, Use and Zoning classification:**

1. That the Conditional Use Planned Development, rezoning and all sections of the approved planned development herein shall inure only to 12M Partners LLC, and shall not be transferable.

2. That at all times Pat and/or Brian Marino, (either jointly or individually) must hold at least a 50% interest in the 12M Partners LLC.
   a. That if at any time Pat and/or Brian Marino, (either jointly or individually) fail to hold at least a 50% or greater interest in 12M Partners LLC, the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

3. That at all times 12M Partners LLC must hold at least a 50% or greater interest in the subject property by ownership or executed lease to operate only the approved uses on the subject property.
   a. That if at any time 12M Partners LLC, fails to hold at least a 50% or greater interest in the subject property; the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.
   b. That if at any time the uses approved as part of the subject Planned Development Conditional Use, (outdoor storage and parking of commercial vehicles only), cease or a new use is added the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

4. That 12M Partners LLC, shall be required to either own or have executed a lease of the subject property within six (6) months of the approval of this occurrence.
a. That if 12M Partners LLC, fails to own or maintain a lease of the property within six (6) months of the approval of this ordinance, the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

Traffic and trip generation:
5. That after one (1) year of approval of this ordinance 12M Partners LLC, shall submit a traffic study to the DuPage County Building and Zoning Department to be reviewed by the DuPage County Department of Transportation (DUDOT).

a. That after review of the traffic study by DUDOT, DUDOT shall review their findings with 12M Partners LLC. If DUDOT determines that improvements are required 12 M Partners LLC shall:

(1) Apply for and receive a permit from the County for said improvement(s); and

(2) Commence the improvement(s) within six (6) months of receipt of the permit; and

(3) Shall complete the improvement(s) within six (6) months from the date of commencing the work.

Site plan and permitting:
6. That the property be developed in accordance with the petitioner’s site plan to be made part of Zoning Petition #215-048 12M Partners LLC. The site plan shall show that the east side yard setback shall be ten (10) feet and the south front yard setback shall be twenty (20) feet.

a. Said site plan to indicate that there will be no development in the special management areas on the property.

7. That 12M Partners LLC., shall 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 12M Partners LLC., shall provide a landscape plan showing full landscape screens around the perimeter of the development. Said landscape plan to show at least the following:

a. An eight (8) foot tall solid or completely screened fence parallel to the north line of the vehicle storage area but not within the special management area;

b. A six (6) foot tall fence adjacent to the east property line and perimeter of the vehicle storage area but not within the special management area;
c. A six (6) foot tall solid or screened fence adjacent to the south property line and perimeter of the vehicle storage area but not within the special management area;

d. A six (6) foot tall solid or screened fence adjacent to the west property line and perimeter of the vehicle storage area but not within the special management area.

Compliance with all other County Codes and Ordinances:

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

WHEREAS, the County Board Development Committee on January 5, 2016 considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommendations and added additional conditions and recommends to approve the following zoning relief:

A Conditional Use Planned Development for 12M Partners LLC, Pat and Brian Marino as agents, (12M Partners LLC) to allow for the following:

a. To rezone the property from R-2 Single Family Residential Zoning District to the I-2 General Industrial Zoning District for 12M Partners LLC;

b. To allow 12M Partners LLC to use the property for empty commercial vehicle trailer outdoor storage and parking of commercial vehicles only;

c. To allow 12M Partners LLC to store and park commercial vehicles in the area of the 49 feet setback no closer than ten (10) feet from the east side property line and no closer than twenty (20) feet from the front south property line;

d. To allow that 12M Partners LLC be able to maintain the existing fence within the front yard setback at a height of 8 ft. tall with solid fabric screening;

e. To allow that 12M Partners LLC be able to maintain the existing fence within the side setback at a height of 8 ft. tall.

Subject to the following conditions:

Ownership, Use and Zoning classifications:

1. That the Conditional Use Planned Development, rezoning and all sections of the approved planned development herein shall inure only to 12M Partners LLC, and shall not be transferable.

2. That all times 12M Partners LLC must own or lease 100% of the subject property with Pat and/or Brian Marino, (either jointly or individually) owning at least 50% of 12 M Partners LLC.
a. That if at any time 12M Partners LLC, fails to control 100% of the property, (either by ownership or lease) the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

b. That if at any time Pat and/or Brian Marino, (either jointly or individually) fail to hold at least a 50% or greater interest in 12M Partners LLC, the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

3. That if at any time the uses approved as part of the subject Planned Development Conditional Use, outdoor storage and parking of commercial vehicles only, ceases or a new use is added the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

4. That 12M Partners LLC, shall be required to either own or have executed a lease of the subject property within six (6) months of the approval of this ordinance.

   a. That if 12M Partners LLC, fails to own or maintain a lease of the property within six (6) months of the approval of this ordinance the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

Traffic and trip generation:

5. That after one (1) year of approval of this ordinance 12M Partners LLC, shall submit a traffic study to the DuPage County Building and Zoning Department to be reviewed by the DuPage County Department of Transportation (DUDOT).

   a. That after review of the traffic study by DUDOT, DUDOT shall review their findings with 12M Partners LLC. If DUDOT determines that improvements are required 12 M Partners LLC shall:

      (1) Apply for and receive a permit from the County for said improvement(s); and

      (2) Commence the improvement(s) within six (6) months of receipt of the permit; and

      (3) Shall complete the improvement(s) within six (6) months from the date of commencing the work.

Site plans and permits:

6. That the property be developed in accordance with the petitioner’s site plan to be made part of Zoning Petition Z18-048 12M Partners LLC. The site plan shall
show that the east side yard setback shall be ten (10) feet and the south front yard setback shall be twenty (20) feet.

a. Said site plan to indicate that there will be no development in the special management areas on the property.

7. That prior to any occupancy or use of the subject property 12M Partners LLC shall apply for and receive a permit for restoration and mitigation of all disturbed special management areas on the property and all detention required by the development of the site and complete all of the work associated with restoration, mitigation and detention and have same approved by the County.

8. That 12M Partners LLC shall apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

9. That in conjunction with the submission of a building permit 12M Partners LLC shall provide a landscape plan showing full landscape screens around the perimeter of the development. Said landscape plan to show at least the following:

   a. An eight (8) foot tall solid or completely screened fence parallel to the north line of the vehicle storage area but not within the special management area;

   b. A six (6) foot tall fence adjacent to the east property line and perimeter of the vehicle storage area but not within the special management area;

   c. A six (6) foot tall solid or screened fence adjacent to the south property line and perimeter of the vehicle storage area but not within the special management area;

   d. A six (6) foot tall solid or screened fence adjacent to the west property line and perimeter of the vehicle storage area but not within the special management area.

Compliance with all other County Codes and Ordinances:

10. That the property be developed in accordance with all other codes and Ordinances of DuPage County, including but not limited to the following:

   a. Exposed sources of light shall be controlled so that direct and indirect illumination within the lot lines shall not cause illumination in excess one and one half (1.5) foot candle at all property lines.

   b. Exposed sources of light shall be shielded in such a way that the light source shall not create harmful glare that is disturbing to adjacent properties or a road or road right of way.
e. All trailers used for on-site or off-site hauling of materials shall be empty when stored or parked on the property.

d. Noise Emission:

(1) No person shall cause or allow the emission of sound during weekday hours, (Monday through Friday between the hours of 6 AM and 8 PM) from any property-line noise source located on the subject property in excess of 71 decibels.

(2) No person shall cause or allow the emission of sound during weekend hours, (Monday through Friday between the hours of 8 PM and 6 AM) from any property-line noise source located on the subject property in excess of 61 decibels.

(3) No person shall cause or allow the emission of sound during weekend day hours, (Saturday and Sunday between the hours of 8 AM and 6 PM) from any property-line noise source located on the subject property in excess of 71 decibels.

(4) No person shall cause or allow the emission of sound during weekend night hours, (Saturday and Sunday between the hours of 6 PM and 8 AM) from any property-line noise source located on the subject property in excess of 61 decibels.

e. That other than a single dwelling core tenner facility in the residential structure on the west side of the property there shall be no sleeping facilities on the property and no overnight sleeping quarters in any of the commercial vehicles or storage trailers. Furthermore, that there be no filling of commercial vehicles or equipment on the property to facilitate any use other than storage of commercial vehicles and equipment and the pick-up and drop of commercial vehicles and equipment.

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

A Conditional Use Planned Development for 12M Partners LLC, Pat and Brian Masto as agents, (12M Partners LLC) to allow for the following:

a. To rezone the property from R-2 Single Family Residential Zoning district to the I-2 General Industrial Zoning District for 12M Partners LLC;

b. To allow 12M Partners LLC to use the property for empty commercial vehicle trailer outdoor storage and parking of commercial vehicles only;
c. To allow 12M Partners LLC to store and park commercial vehicles in the area of the
40 feet setback no closer than ten (10) feet from the east side property line and no
closer than twenty (20) feet from the front south property line;
d. To allow that 12M Partners LLC be able to maintain the existing fence within the
front yard setback at a height of 6 ft. tall with solid fabric screening;
e. To allow that 12M Partners LLC be able to maintain the existing fence within the side
setbacks at a height of 6 ft. tall; on the property hereafter described:

PARCEL 1: LOT 6 IN OLD ARMY TRAIL ESTATES, BEING A SUBDIVISION IN
THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 10, EAST
OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED APRIL 23, 1947 AS DOCUMENT 519693, IN DU PAGE COUNTY,
ILLINOIS;

PARCEL 2: THE SOUTH 100 FEET OF THE NORTH 400.00 FEET IN OLD ARMY
TRAIL ESTATES, BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION
23, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1947
AS DOCUMENT 519693, IN DU PAGE COUNTY, ILLINOIS;

The Zoning Relief is subject to the following conditions:

Ownership, Use and Zoning classification:

1. That the Conditional Use Planned Development, rezoning and all sections of the
approved planned development herein shall issue only to 12M Partners LLC, and
shall not be transferable.

2. That at all times 12M Partners LLC must own or lease 100% of the subject property

with Pat and/or Brian Marino, (either jointly or individually) owning at least 50% of
12 M Partners LLC.

a. That if at any time 12M Partners LLC fails to control 100% of the property,
(either by ownership or lease) the zoning relief herein shall be null and void and
the property zoning classification shall revert from I-2 General Industrial District
to the R-2 Single Family Residential District.

b. That if at any time Pat and/or Brian Marino, (either jointly or individually) fail to
hold at least a 50% or greater interest in 12M Partners LLC, the zoning relief
herein shall be null and void and the property zoning classification shall revert
from I-2 General Industrial District to the R-2 Single Family Residential District.

3. That if at any time the uses approved as part of the subject Planned Development
Conditional Uses, (outdoor storage and parking of commercial vehicles only), ceases
or a new use is added the zoning relief herein shall be null and void and the property
zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

4. That 12M Partners LLC, shall be required to either own or have executed a lease of the subject property within six (6) months of the approval of this ordinance.

a. That if 12M Partners LLC fails to own or maintain a lease of the property within six (6) months of the approval of this ordinance the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

Traffic and Tko generation:

5. That after one (1) year of approval of this ordinance 12M Partners LLC. shall submit a traffic study to the DuPage County Building and Zoning Department to be reviewed by the DuPage County Department of Transportation (DUSDOT).

a. That after review of the traffic study by DUSDOT, DUSDOT shall review the findings with 12M Partners LLC. If DUSDOT determines that improvements are required 12M Partners LLC shall:

(1) Apply for and receive a permit from the County for said improvement(s); and

(2) Commence the improvement(s) within six (6) months of receipt of the permit; and

(3) Shall complete the improvement(s) within six (6) months from the date of commencing the work.

Site plans and permits:

6. That the property be developed in accordance with the petitioner’s site plan to be made part of Zoning Petition WZ15-048 12M Partners LLC. The site plan shall show that the east side yard setback shall be ten (10) feet and the south front yard setback shall be twenty (20) feet.

a. Said site plan to indicate that there will be no development in the special management areas on the property.

7. That prior to any occupancy or use of the subject property 12M Partners LLC shall apply for and receive a permit for restoration and mitigation of all disturbed special management areas on the property and all detention required by the development of the site and complete all of the work associated with restoration, mitigation and detention and have same approved by the County.
8. That 12M Partners LLC., shall apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

9. That in conjunction with the submission of a building permit 12M Partners LLC., shall provide a landscape plan showing full landscape screens around the perimeter of the development. Said landscape plan to show at least the following:
   a. An eight (8) foot tall solid or completely screened fence parallel to the north line of the vehicle storage area but not within the special management area;
   b. A six (6) foot tall fence adjacent to the east property line and perimeter of the vehicle storage area but not within the special management area;
   c. A six (6) foot tall solid or screened fence adjacent to the south property line and perimeter of the vehicle storage area but not within the special management area;
   d. A six (6) foot tall solid or screened fence adjacent to the west property line and perimeter of the vehicle storage area but not within the special management area.

Compliance with all other County Codes and Ordinances:

10. That the property be developed in accordance with all other codes and Ordinances of DuPage County, including but not limited to the following:
   a. Exposed sources of light shall be controlled so that direct and indirect illumination within the lot lines shall not cause illumination in excess one and one half (1.5) foot-candles at all property lines.
   b. Exposed sources of light shall be shielded in such a way that the light source shall not create harmful glare that is deleterious to adjacent properties or a road or road right of way.
   c. All trailers used for cartage or off site hauling of materials shall be empty when stored or parked on the property.
   d. Noise Emission:

   (1) No person shall cause or allow the emission of sound during weekday hours, (Monday through Friday between the hours of 6 AM and 8 PM) from any property-line-noise-source located on the subject property in excess of 71 decibels.

   (2) No person shall cause or allow the emission of sound during weeknight hours, (Monday through Friday between the hours of 8 PM and 6 AM) from any property-line-noise-source located on the subject property in excess of 61 decibels.
(2) No person shall cause or allow the emission of sound during weekend day hours, (Saturday and Sunday between the hours of 8 AM and 6 PM) from any property-line-noise-source located on the subject property in excess of 71 decibels.

(3) No person shall cause or allow the emission of sound during weekend night hours, (Saturday and Sunday between the hours of 6 PM and 8 AM) from any property-line-noise-source located on the subject property in excess of 61 decibels.

c. That other than a single dwelling or caretaker facility in the residential structure on the west side of the property there shall be no sleeping facilities on the property and no overnight sleeping quarters in any of the commercial vehicles or storage trailers. Furthermore, that there be no parking of commercial vehicles or equipment on the property to facilitate any use other than storage of commercial vehicles and equipment and the pick-up and drop of commercial vehicles and equipment.

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; 12M Partners L.L.C., Managers: Pat Marino and Brian Maric, 24 W420 Thomsdale Ave., Medinah, IL 60157; First Bank and Trust, Trust No. 11839. Beneficiaries: Robert J. Murphy, Jr., 233 Dalewood, Wood Dale, IL 60191; and Township Assessors, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Passed and approved this 12th day of January 2016, A.D.

[Signature]

DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTTEST:

[Signature]

PAUL HINDS, COUNTY CLERK.
STATE OF ILLINOIS
COUNTRY OF DU PAGE } SS

I, PAUL HINDS, COUNTY CLERK AND CLERK OF THE COUNTY
BOARD IN THE COUNTY AND STATE AFORESAID, AND KEEPER OF THE
RECORDS AND FILES THEREOF, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE AND CORRECT COPY OF AN ORDINANCE ADOPTED BY
THE COUNTY BOARD AT A MEETING HELD AT THE DU PAGE CENTER,
421 NORTH COUNTY FARM ROAD, WHEATON, ILLINOIS, ON THE 12TH
DAY OF JANUARY, A.D. 2016.

ALL OF WHICH APPEARS FROM THE RECORDS OF THE
PROCEEDINGS OF SAID COUNTY BOARD NOW IN MY OFFICE
REMAINING.

GIVEN UNDER MY HAND AND OFFICIAL SEAL AT WHEATON,
ILLINOIS, THIS 13TH DAY OF JANUARY, A.D. 2016.

COUNTY CLERK AND CLERK
OF THE COUNTY BOARD OF
DU PAGE COUNTY, ILLINOIS

EXHIBIT 3

DuPage County Zoning Board of Appeals Transcript of Recommendation Meeting
DuPage County Zoning Board of Appeals

December recommendation meeting

December 7, 2017

COUNTY COURT REPORTERS, INC.
600 S. COUNTY FARM ROAD
SUITE 200-B
WHEATON, IL 60187
Phone: 630.653.1622
Fax: 630.653.4119
courtreporters@ccrreporters.com
December recommendation meeting
December 7, 2017

| 1 | Do you want to start discussion on the
| 2 | motion? Mr. Kletter?
| 3 | COMMISSIONER HARRIM: Well, let's keep it
| 4 | up very well, and I would leave it at that and defer to
| 5 | anyone else on the Board who has anything to say.
| 6 | COMMISSIONER LOTUS: Mr. Chairman, I wasn't here for
| 7 | the hearing, but I have a copy of the minutes. I've
| 8 | familiarized myself, and I feel I'm in a position to vote.
| 9 | CHAIRMAN KARThOLL: You mean the transcript?
| 10 | COMMISSIONER LOTUS: Yes, the transcript.
| 11 | COMMISSIONER LAZ: He's not one of us.
| 12 | COMMISSIONER MORAN: I have also familiarized myself
| 13 | with the case, and I'm ready to make a recommendation.
| 14 | CHAIRMAN KARThOLL: Okay. Then I guess no one
| 15 | okay. So, then I think we're ready to vote then.
| 16 | apparently. So, Mr. Kletter?
| 17 | MR. HOSS: Mr. Kletter?
| 18 | COMMISSIONER KETTER: Aye.
| 19 | MR. HOSS: And this is to deny?
| 20 | CHAIRMAN KARThOLL: Motion to deny, vote on the
| 21 | motion.
| 22 | MR. HOSS: Mr. Murphy?
| 23 | COMMISSIONER MURPHY: Aye.
| 24 | CHAIRMAN KARThOLL: Mr. Moran?

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| 1 | CHAIRMAN KARThOLL: Could we come to order and we'll
| 2 | take case No. 274-A6, the Pontarelli case, first. So
| 3 | continue to start with a motion on the case. I think
| 4 | this is my first time, so I somewhat...
| 5 | COMMISSIONER KETTER: I'll make a motion. I would
| 6 | move to deny. My concern there, I think, expressed by
| 7 | Mr. Le, Mr. Holian, and one other person. My overall concern
| 8 | is regarding the property. One of the bases of it is
| 9 | Mr. Le brought up the variance, Mr. Holian about doing
| 10 | something on it, but the mechanical possibility would be done
| 11 | in the garage area. I feel the county and agree that it
| 12 | be handled by an existing property, so it's not even on its
| 13 | own property. But I don't even think it meets the trend of
| 14 | development there, and I think it's just not right for the
| 15 | area.
| 16 | So, my motion would be to deny.
| 17 | CHAIRMAN KARThOLL: Is there a second to that motion?
| 18 | COMMISSIONER MURPHY: (Indicating.)
| 19 | CHAIRMAN KARThOLL: Motion by Mr. Kletter to deny.
| 20 | COMMISSIONER MORAN: Aye.
| 21 | CHAIRMAN KARThOLL: Mr. Murphy has?
| 22 | COMMISSIONER MURPHY: I was counting it.
| 23 | CHAIRMAN KARThOLL: Okay. So, motion by Mr. Kletter
| 24 | to deny. Second by Mr. Murphy.

---

| 1 | COMMISSIONER MORAN: Aye.
| 2 | MR. HOSS: Mr. Le?
| 3 | COMMISSIONER LAZ: Aye.
| 4 | MR. HOSS: Mr. Holian?
| 5 | COMMISSIONER HARRIM: Aye.
| 6 | MR. HOSS: Mr. Le?
| 7 | COMMISSIONER LOTUS: Aye.
| 8 | MR. HOSS: Mr. Kletter?
| 9 | CHAIRMAN KARThOLL: Well, I'm going to go with their
| 10 | vote. I think it's a relatively close case as it
| 11 | indicated at the hearing, but I generally agree with my
| 12 | colleagues as I'll vote to -- the motion to deny is
| 13 | approved seven in favor of the motion and seven opposed. So,
| 14 | Development Committee next.
| 15 | And then, Frank, how should we proceed on
| 16 | this next business? Would it be via T17 or T17 Test
| 17 | Amendment, and then do you want to take some remarks?
| 18 | MR. HOSS: Only some brief remarks.
| 19 | CHAIRMAN KARThOLL: Okay. Let's take it -- go ahead.
| 20 | MR. HOSS: There are three main components in this
| 21 | next amendment. One deals with future, one deals with signs,
| 22 | and one deals with special management area, Development
| 23 | retarded.
December recommendation meeting
December 7, 2017

1. The first one on the agenda is that our little zoning stuff has taken some code enforcement now after having come back from it 17 years ago, and we've had some more protocols done in review of fence permits. And we found that, in inspection of fence permits, we found that many fences had fields or decorative materials on top of fences. In addition, we found that the stormwater department, drainage department, was requiring by condition of the permit that in some instances fences be raised three inches above the grade to allow for accumulation of water.

2. That necessarily means fences to be higher than four feet, six feet, and eight feet, which are general standards and requirements in the Zoning Code. They happen to also be the general manufacturing standards for fence run at those levels.

3. So, we have instances out there where fences are technically higher than they're allowed to, rather than have people come in for a review of variations from those requirements, and understand that the requirements are going to be – we're going to ask for those things here on out, we thought the better way to handle them was to raise the fence heights and add six inches on all of the three different zones heights.

We did some discussion and moved with:

1. fence manufacturers and found that they don't make six feet six inches, they make six feet six inches, and then the manufacturer of that being another three inches taller than that. And if they do, then they'll have to come in for a variation. But this will accommodate the drainage concerns, and also putting these decorative fields, and even the pickets on top of the fence. So that's --

2. CHAIRMAN KARThOLL: How about we take a vote on that piece of it? Let's take a motion on the --

3. COMMISSIONER HARMON: I have a question or a question.

4. CHAIRMAN KARThOLL: Well, wait until we get the motion on the table.

5. COMMISSIONER HARMON: Okay.

6. CHAIRMAN KARThOLL: Is there a motion with respect to the changes in the text relating to the increase in fence height?

7. COMMISSIONER MORA: Motion to approve?

8. CHAIRMAN KARThOLL: Any motion, yes. Motion to approve.

9. COMMISSIONER MORA: Motion to approve.

10. CHAIRMAN KARThOLL: Any motion, yes. Motion to approve.

11. COMMISSIONER MORA: Motion to approve.

12. CHAIRMAN KARThOLL: Any motion, yes. Motion to approve.

13. COMMISSIONER MORA: Motion to approve.

14. CHAIRMAN KARThOLL: Any motion, yes. Motion to approve.

15. COMMISSIONER MORA: Motion to approve.

16. CHAIRMAN KARThOLL: Any motion, yes. Motion to approve.

17. COMMISSIONER MORA: Motion to approve.

18. CHAIRMAN KARThOLL: Any motion, yes. Motion to approve.

19. COMMISSIONER MORA: Motion to approve.

20. CHAIRMAN KARThOLL: Any motion, yes. Motion to approve.

21. COMMISSIONER MORA: Motion to approve.

22. CHAIRMAN KARThOLL: Any motion, yes. Motion to approve.

23. COMMISSIONER MORA: Motion to approve.

24. CHAIRMAN KARThOLL: Any motion, yes. Motion to approve.
December recommendation meeting
December 7, 2017

1. Now let's take the refresh on the message.
2. enter signs.
3. MR. HOSS: There's two things dealing with the sign.
4. The first thing is the message center signs are conditional signs
5. in the Zoning Ordinance, and they're asking to make that as
6. of right now as opposed to requiring that people come in for
7. conditional uses. And the second request is that its
8. to change the refresh timing on the sign from 60 seconds
9. requires six minutes down to ten seconds. That ten
10. seconds is a State of Illinois Highway Allowance. And in
11. both instances, when those types of land use zoning cases
12. come before you in the County Development Committee
13. sory, the Zoning Board Appeals, Development Committee and
14. County Board have all voted unanimously. More importantly,
15. when we do have these cases, we don't -- we checked back
16. the record. We don't have anybody showing up in objection
17. to those specific things. We have had some objections on
18. the billboards, but that dealt with some other issues. We
19. think, and the County Board has an appetite to allow these
20. things as of right now, because they approve them every
21. time.
22. CHAIRMAN KARTEHLI: How do you have the sense that
23. the County Board is inclined to make this change as of
24. right?

1. MR. HOSS: Before we take any zoning cases, text
2. announcements to this Board for public hearing, we see them before
3. the Development Committee and ask our Development Committee
4. if they have a problem if we move forward with that
5. announcement. Our Zoning Ordinance requires that we take it
6. to the Development Committee and first get a mandate from
7. them. Often times the mandate comes in the form of a
8. send it to the Zoning Board of Appeals and let them vet it.
9. In the instance in question, we have had -- every time the
10. Development Committee has had the issue before them, they
11. have asked but you would like these things to be made as
12. of right to that.
13. CHAIRMAN KARTEHLI: The second is, the reason
14. that I wanted this all to be by separate motion, is it don't
15. favor doing both of these things with respect to signs at
16. the same time. To go from six minutes to ten seconds is
17. infeasible, I'm not persuaded of the safety concern, that
18. the safety issues have been resolved. I think understood
19. the State of Illinois standard is consistent with the new
20. proposal, and I don't know myself as to be an expert. My
21. opinion is what I think it to be a common sense opinion,
22. meaning everybody thinks they are persuaded of what
23. it common sense. I don't know. But if I'm willing to take
24. the view to approve the reduction from six to ten -- from

1. whatever it is, five minutes to ten seconds or something. I
2. would like to see public hearings on these cases whenever
3. none, because we're not talking about something that's
4. slightly different, you know, the quick refresh. And I
5. would like to see where it is and what the circumstances
6. are, and how long they propose to illuminate the sign, et
7. cetera, et cetera. So, I don't know. I mean, finally, I
8. wish we could talk for a little shorter time than we
9. component first and then the second, make it of right two
10. years from now, but that's only my opinion.
11. COMMISSIONER LOFTUS: My understanding is -- how
12. long have we had it for five minutes? It's an old
13. ordinance, isn't it?
15. COMMISSIONER LOFTUS: I remember we had discussions
16. on that at the time about the national something or other.
17. We did hearings on that sort of thing, and then it's just
18. the local municipalities. And people have reduced it,
19. reduced it, reduced its, and then the State came along. So,
20. if it's going on for state that's component, but does
21. this change anything as far as -- we've always been very
22. against things where there's motion going on. It's like a
23. picture that moves across or something like that. You tend
24. to work it longer, not just the change, but work it

1. longer. That doesn't affect anything here.
2. MR. HOSS: No.
3. COMMISSIONER LOFTUS: I mean if it's moving, it's
4. technically changing.
5. COMMISSIONER KARTEHLI: This is just a change in the
6. announcement each time.
7. COMMISSIONER LOFTUS: This is something where it's a
8. black and then the next one comes up.
9. MR. HOSS: There are several items that dealt with
10. what's called position signs and stuff. That's the term in
11. the industry. And that deals with the floodlighting and the
12. mounting of floodlight and things like that. None of that is
13. going to change, it's just the time period which you can
14. change the statute on the sign to the next visible.
15. COMMISSIONER KARTEHLI: I personally am comfortable
16. with that. I think we've done it for the tail ones.
17. This is just the lower message sign. In five minutes,
18. you're not even reading anything. I don't think we've
19. adhered to the five minutes since I've been on this Board.
20. It just seems to me ten seconds is about where you're there
21. and you're going to read one message and you're going to
22. move on.
23. CHAIRMAN KARTEHLI: Agreed. Five minutes is easy.
24. Ten seconds it, you know.
December recommendation meeting
December 7, 2017

1. New light as the refresh on the message center sign.
2. MR. HOSI: There are two things dealing with the signs.
3. The first thing is message center signs are conditional use
   in the Zoning Ordinance, and they're asking to make it as
   right now on approval so requiring that people come for
   conditional use. And then the second aspect of that is
   to change the refresh timing on the sign from what we're
   requiring it to be five minutes down to ten seconds. That ten
   seconds is a State of Illinois Highway Allowance. And in
   both instances, when these types of hand outs are coming
   before you in the County Development Committee and in
   the Zoning Board Appeals. Development Committee and
   County Don't have a rule minimum. More importantly,
   when we do have these events, we don't — we check back in
   the refresh. We don't have anything showing up in objection
   to these specific things. We have had some objections on
   the billboards, but that dealt with some other issues. So
   I think, and the County Board had an appetite to allow these
   things as of right now, because they approve them every
   time.

Chairman Karrull: How do you have the same that
the County Board is inclined to make this change as of today?

Mr. Hosi: Before we take any zoning cases, that
amendments to the Board for public hearing, we see them before
the Development Committee and ask our Development Committee
if they have a problem if we move forward with the
amendments. Our Zoning Ordinance requires that we take it
the Development Committee and first get a unanimous vote
them. Often times the members come in the form of a
endorsement in the Zoning Board of Appeals and then they do.
In very particular instances, we have had — every time the
Development Committee has had signs before them, they
have asked that there would be these things in the middle
of right specific to that.

Chairman Karrull: The reason I ask, and the reason
that I wanted this all to be by separate motion, is if I don't
floor doing both of these changes with respect to signs at
the same time. To go from five minutes to ten seconds is
incredible. I'm not persuaded of the safety issues, that
the safety issues have been addressed. I do understand that
the State of Illinois standards is consistent with the new
proposed, and I don't fancy myself to be an expert. My
opinion is what I think we should be a common sense opinion,
recognizing that everybody thinks they are provided of what
is common sense. I don't know that, if I'm willing to take
the view to approve the reduction from a normal of five

Chairman Karrull: Agreed. Five minutes to ten seconds.

Pages 9 to 12
December recommendation meeting
December 7, 2017

17

1. more importantly, we've had no issues relative to the
development of special management area and floodplain since
1999. It is still be recorded as summarizer. So we're
looking to remove the from the Zoning Ordinance in its
entirety.

6. CHAIRMAN KAR Thomas: That's the message.
7. Any action on the motion?
8. COMMISSIONER Ketter: I'll move a motion.
9. CHAIRMAN KAR Thomas: Motion by Mr. Ketter.
10. COMMISSIONER LOFTUS: Second.
11. CHAIRMAN KAR Thomas: Seconded by Mr. Loftus. Any
12. discussion on the motion?
13. COMMISSIONER LOFTUS: Makes sense. It puts the
14. authority where it should be, I guess.
15. CHAIRMAN KAR Thomas: All right. Do you want to call
16. the matter by note to approve the ordinance?
17. MR. HOSS: Mr. Ketter?
18. COMMISSIONER Ketter: Aye.
19. MR. HOSS: Mr. Loftus?
20. COMMISSIONER LOFTUS: Aye.
21. MR. HOSS: Mr. Murphy?
22. COMMISSIONER MURPHY: Yes.
23. MR. HOSS: Mr. Moran?
24. COMMISSIONER MORAN: Aye.

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1. STATE OF ILLINOIS
2. COUNTY OF DUPAGE
3. LINDA M. CROWE, CSR. No. 08-2192 Notary Public
4. duly appointed and commissioned for the State of Illinois,
5. County of DuPage, do hereby certify that at the meeting of
6. the DuPage County Board of Appeals, subject to the
7. usual terms and conditions of County Court Reappraisal, Inc.
8. reported at shorthand the proceedings and testimony
9. taken at the public hearing of the above-entitled case and
10. that the foregoing transcript is true, correct and
11. complete report of the testimony taken at the hearing
12. hereinto above set forth.

CERTIFIED TRANSCRIPT

May 2, 2010

EXHIBIT 4

Site Plan with Setbacks
EXHIBIT 5

Proposed Findings of Fact
Submitted by Applicant to Zoning Board of Appeals

PONTARELLI PROPOSED FINDINGS OF FACT

CONDITIONAL USE

For all the reasons provided in 1 – 7 below, the continuation of the existing use on the Subject Property will be in harmony with the general purpose and intent of the zoning ordinance, will not be injurious to the neighborhood or detrimental to the public welfare.

1. Impair an adequate supply of light and air to adjacent property.

   RESPONSE: There are no buildings on the Subject Property. Adjacent property is also used for similar industrial uses.

2. Increase the hazard from fire or other danger to said property.

   RESPONSE: There are no buildings or uses on the Subject Property, only parking of vacant commercial vehicles.

3. Diminish the value of land and buildings in the vicinity of the proposed conditional use.

   RESPONSE: The use has existed on the Subject Property for almost thirty years without diminishing the value of land and buildings in the vicinity of the Subject Property. The parcel to the north is owned by Applicant.

   The parcels to the east and south are zoned Industrial in the County and are used for outside storage.

   The property to the west, across the street from Swift Road, is zoned M4 Planned Office/Research/Industrial (Industrial/Office Research) in the Village of Addison and is developed with an industrial building. This use was developed after the Subject Property began its use parking commercial vehicles.

   In addition, the Subject Property has an approximate landscape setback ranging from 80 to 120 feet from Swift Road, together with landscaping, berms and a fence with screening slats which will screen the use from Swift Road.

   For all of the reasons noted above, given the surrounding uses and low intensity of the existing use, as provided in the Living Word Supreme Court Case, the proposed use at this location would not result in an adverse effect above and beyond those inherently associated with open storage of commercial vehicles and equipment irrespective of its location with the I-I zoning district.

4. Unduly increase traffic congestion in the public streets and highways.
RESPONSE: The Subject Property has operated for almost thirty years without causing undue traffic congestion. In addition, there are only 60 truck stalls on the Subject Property and only approximately 10 to 15 per day enter or exit the Subject Property.

5. Increase the potential for flood damages to adjacent property.

RESPONSE: The Subject Property will comply with all provisions of the County Stormwater ordinance.

6. Incur additional public expense for fire protection, rescue or relief.

RESPONSE: It will not.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.

RESPONSE: It will not. In fact, this use will enhance the general welfare of the inhabitants in DuPage County by providing a local area for them to park their trucks and cabs while they are not out. These vehicles cannot be parked in the residential areas where these truckers reside.

VARIATIONS

A. That the granting of any variation is in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s Comprehensive Plan for development.

RESPONSE: For all the reasons provided in 1 – 7 below, the continuation of the existing use on the Subject Property will be in harmony with the general purpose and intent of the zoning ordinance, will not be injurious to the neighborhood or detrimental to the public welfare. It also is consistent with the Lake Street Comprehensive Plan designation of re-development/light industrial on the Subject Property. First, the proposed use is a light industrial use because i) it is listed as part of the County’s I-1 zoning designation, which is light industrial; ii) it contains all operable truck vehicles with only 10 to 15 trucks leaving the site on any given day; iii) as noted in the Lake Street Corridor Planning Study a) the existing land uses do not have any conflicts with the underlying county zoning, which is an indication that current uses are commensurate to the zoning classifications (P. 32, Lake Street Corridor Planning Study); b) the property’s description in the County designates industrial use, which is consistent with Addison’s designation; c) the proposed use, with no buildings and short-term leases, would not be an impediment to future redevelopment.

B. That the granting of the variation will not:
B1. Impair an adequate supply of light and air to adjacent property.

RESPONSE: There are no buildings on the Subject Property. Adjacent property is also used for similar industrial uses.

B2. Increase the hazard from fire or other dangers to said property.

RESPONSE: There are no buildings or uses on the Subject Property, only parking of vacant, commercial vehicles.

B3. Diminish the value of land and buildings throughout the County.

RESPONSE: The uses with the proposed setbacks and gravel lot have existed on the Subject Property for almost thirty years without diminishing the value of land and buildings in the vicinity of the Subject Property and development of the surrounding area.

The parcel to the north is owned by Applicant. The parcels to the east and south are zoned Industrial in the County and are used for outside storage. The property to the west, across the street from Swift Road, is zoned M4 Planned Office/Research/Industrial (Industrial/Office Research) in the Village of Addison and is developed with an industrial building. This use was developed after the Subject Property began its use parking commercial vehicles.

In addition, the Subject Property has an approximate landscape setback ranging from 80 to 120 feet from Swift Road, together with landscaping, bermsing and a fence with screening slats which will screen the use from Swift Road.

B4. Unduly increase traffic congestion in the public streets and highways.

RESPONSE: The Subject Property has operated for almost thirty years without causing undue traffic congestion. In addition, there are only 60 truck stalls on the Subject Property and only approximately 10 to 15 per day enter or exit the Subject Property.

B5. Increase the potential for flood damages to adjacent property.

RESPONSE: The Subject Property will comply with all provisions of the County Stormwater ordinance.

B6. Incur additional public expense for flood protection, rescue or relief.

RESPONSE: It will not.
B7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

**RESPONSE:** It will not.

In addition, pursuant to Section 3.1411.1, there is a practical difficulty or particular hardship in carrying out the strict letter of the regulations of this Chapter.

**RESPONSE:** Conforming to the bulk setback provisions would make the site impractical for the proposed use. This was recognized by the County more than thirty (30) years ago when similar variances were granted for the property to the north. The variance to maintain the existing portions of the gravel lot would match the condition of adjoining uses and create more pervious than impervious surfaces. Paving the area for the vacant use would be cost prohibitive. The practical difficulty or particular hardship is that this use does not contain a business or building. It is more in the nature of a contractor’s yard rather than an industrial development containing a business with employees and customers. It also would make future redevelopment more unlikely if substantial capital improvements are required for the current use.

With the front setbacks ranging from 80 feet to 120 and containing 22,035 square feet, and 20-yard setbacks on the south, east and north, which would total 16,967 square feet, 38,902 square feet, or 38% of the 2.3-acre site would be consumed by setbacks, which is the practical difficulty or particular hardship since the Subject Property is so small. These setbacks anticipate a larger industrial site with other improvements. Also, the nature of the surrounding area, none of which contain 20-foot setbacks, would create a hardship on this Applicant to provide.
MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: December 7, 2017

RE: T-1-17 Text Amendments to the County Zoning Ordinance relative message center signs and fences Conditional Use Requirement for development in a special management area.

Development Committee: January 16, 2018:

Zoning Board of Appeals Meeting: December 7, 2017: The Zoning Board of Appeals considered the following zoning relief:

Text Amendment to the DuPage County Zoning Ordinance to:
1. To allow for the que for message center signs from 5 minutes to 10 seconds.
2. To allow fences to be limited to certain heights in residential zoning districts to accommodate the attenuation of drainage below the fence to wit:
   a. In residential zoning districts where the fence height requirement is no taller than 4 feet change the Code from 4 feet to 4 feet 6 inches.
   b. In residential zoning districts where the fence height requirement is no taller than 6 feet, change the code to 6 feet 6 inches
   c. In residential zoning districts where the fence height requirement is no taller than 8 feet, change the code to 6 feet 6 inches.
   d. In non-residential zoning districts where the fence height requirement is no taller than 8 feet, change the code to 8 feet 6 inches.

ZBA VOTE (to approve): 7 Ayes, 0 Nays
CASE#/PETITIONER: T-1-17 Text Amendments to the County Zoning Ordinance relative message center signs and fences

ZONING REQUEST:
Text Amendment to the DuPage County Zoning Ordinance to:
1. To allow for the que for message center signs from 5 minutes to 10 seconds.
2. Section 37-407.2: (fence Provisions) RESIDENCE DISTRICTS (A), (B), (C) and (D)
   a. In residential zoning districts where the fence height requirement is no taller than 4 feet change the Code from 4 feet to 4 feet 6 inches.
   b. In residential zoning districts where the fence height requirement is no taller than 6 feet, change the code to 6 feet 6 inches
   c. In residential zoning districts where the fence height requirement is no taller than 8 feet, change the code to 6 feet 6 inches.
   d. In non-residential zoning districts where the fence height requirement is no taller than 8 feet, change the code to 8 feet 6 inches.

PETITIONER: DuPage County Building and Zoning Department

PUBLICATION DATE: Daily Herald: August 2, 2017 AND August 15, 2017

PUBLIC HEARING: August 31, 2017 at 6:00 p.m. Room 3500-B, JACK T. KNUEPFER ADMINISTRATION BUILDING 421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187

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

1. In the past 12 months several petitioners have come before the county seeking to reduce the que for message center signs to match the State of Illinois Division Of Transportation allowance of not more than 10 seconds. In all instances the ZBA, Development Committee and County Board have approved the variation requests.

   - As such, staff seeks to hold a public hearing before the ZBA to amend the Zoning Code to allow for the que for message center signs from 5 minutes to 10 seconds.

2. The County has adopted new policies relative to fencing and adequate drainage underneath the fencing.

   - As such, staff seeks to hold a public hearing before the ZBA amend the Zoning Code to allow fences to be limited to certain heights in residential zoning districts to accommodate the attenuation of drainage below the fence to wit:

   o In residential zoning districts where the fence height requirement is no taller than 4 feet change the Code from 4 feet to 4 feet 6 inches.
   a. In residential zoning districts where the fence height requirement is no taller than 6 feet, change the code to 6 feet 6 inches.
   b. In residential zoning districts where the fence height requirement is no taller than 8 feet, change the code to 6 feet 6 inches.
   c. In non-residential zoning districts where the fence height requirement is no taller than 8 feet, change the code to 8 feet 6 inches.

3. Relative to Stormwater Management the County relies on the DuPage County Stormwater Management Department to review and process all permits in the unincorporated area for drainage and Stormwater management including the review of properties where floodplain and wetland are present.

   a. The County Zoning Ordinance has a “remnant” requirement that any development of uses which disturb a regulatory floodplain and/or wetland must comply with Section 37-423 of the County Zoning Code.
   b. Section 37-423 of the County Zoning Code entitled, “DEVELOPMENT IN A REGULATORY FLOODPLAIN AND/OR A WETLAND” encompasses everything that is performed by the County Stormwater Department as part of the County Stormwater and Floodplain Ordinance as amended from time to time.
   c. Staff has determined that the current language in the County Zoning Code relative to the development in a regulatory floodplain and/or a wetland is
redundant and in conflict with the updated requirements for such development found in the Countywide Stormwater Ordinance and addendums thereto, process and guidance documents.

d. As such, staff seeks to remove the requirements for the Conditional use procedure for the DEVELOPMENT IN A REGULATORY FLOODPLAIN AND/OR A WETLAND as the regulations, guidance and procedures thereto are CURRENTLY better served through the DuPage County Stormwater and Floodplain Ordinances.

Staff has reviewed the codes of several communities in DuPage County, our own building, health and environmental codes and other Collar County regulations with respect to these land uses and we have developed proposed text amendments thereto we feel will clarify and strengthened our code enforcement efforts.

***

T-1-17

PROPOSED TEXT AMENDMENTS TO THE DUPAGE COUNTY ZONING

37-407: FENCES, WALLS AND SHRUBBERY/37-407.1: GENERAL REQUIREMENTS:

***

37-407.2: RESIDENCE DISTRICTS:

A. Front Yards:

1. An open fence may be erected at least three (3) inches from any lot line forming a part of the front yard to a height not to exceed four feet six inches (4' 6") above grade. The finished side or “good” side of any fence shall face outward toward the adjacent property or right of way.

2. A gate may be erected to a height not to exceed eight feet six inches (8' 6") above grade provided the gate is at least five feet (5') from the front property line. The finished side or “good” side of any gate shall face outward toward the adjacent property or right of way.

B. Interior Side Yards:
1. An open or solid fence or non-retaining wall may be erected at least three (3) inches from any lot line forming a part of the side yard to a height not to exceed six feet six inches (6’ 6”) above grade. The finished side or “good” side of any fence or non-retaining wall shall face outward toward the adjacent property or right of way.

2. Where a side lot line abuts a business or industrial district or a principal arterial roadway or Illinois interstate or freeway, an open or solid fence or non-retaining wall may be erected at least three (3) inches from any lot line forming a part of the side yard to a height not to exceed eight feet six inches (8’ 6”) above grade. The finished side or “good” side of any fence or non-retaining wall shall face outward toward the adjacent property or right of way.

3. A gate may be erected to a height not to exceed eight feet six inches (8’ 6”) above grade provided the open gate is at least five feet (5’) from the side property line. The finished side or “good” side of any gate shall face outward toward the adjacent property or right of way.

C. Corner Side Yards:

1. An open fence may be erected at least three (3) inches from any lot line forming a part of the corner side yard to a height not to exceed four feet six inches (4’ 6”) above grade. The finished side or “good” side of any open fence shall face outward toward the adjacent property or right of way.

2. An open or solid fence or non-retaining wall may be erected at least ten feet (10’) from the property line adjacent to any lot line forming a part of the corner side yard to a height not to exceed six feet six inches (6’ 6”) above grade. The finished side or “good” side of any open or solid fence or non-retaining face shall outward toward the adjacent property or right of way.

3. A gate may be erected to a height not to exceed eight feet six inches (8’ 6”) above grade provided the gate is at least five feet (5’) from the corner side property line. The finished side or “good” side of any gate shall face outward toward the adjacent property or right of way.

4. Where a corner side lot line abuts a business or industrial district or a principal arterial roadway or Illinois interstate or freeway, an open or solid fence or non-
retaining wall may be erected at least three (3) inches from any lot line forming a part of the corner side yard to a height not to exceed eight feet six inches (8' 6") above grade. The finished side or “good” side of any fence or non-retaining wall shall face outward toward the adjacent property or right of way.

D. Rear Yards:

1. An open or solid fence or non-retaining wall may be erected at least three (3) inches from any lot line forming a part of the rear yard to a height not to exceed six feet six inches (6' 6") above grade. The finished side or “good” side of any fence or non-retaining shall face outward toward the adjacent property or right of way.

2. Within the rear yard of a reversed corner lot an open fence may be erected at least three (3) inches from any lot line forming a part of the rear yard to a height not to exceed four feet six inches (4' 6") above grade. The finished side or “good” side of any fence shall face outward toward the adjacent property or right of way.

3. Within the rear yard of a reversed corner lot an open or solid fence or non-retaining wall may be erected at least ten feet (10') from any lot line forming a part of the rear yard to a height not to exceed six feet six inches (6' 6") above grade. The finished side or “good” side of any fence or non-retaining wall shall face outward toward the adjacent property or right of way.

4. A gate may be erected to a height not to exceed eight feet six inches (8' 6") above grade provided the gate is at least five feet (5') from the rear property line. The finished side or “good” side of any gate shall face outward toward the adjacent property or right of way.

5. Where a rear lot line abuts a business or industrial district or a principal arterial roadway or Illinois interstate or freeway, an open or solid fence or non-retaining wall may be erected at least three (3) inches from any lot line forming a part of the rear yard to a height not to exceed eight feet six inches (8' 6") above grade. The finished side or “good” side of any fence or gate or non-retaining wall shall face outward toward the adjacent property or right of way.

37-407.3: BUSINESS DISTRICTS:

A. Front Yards: No fence or wall shall be permitted in any required front yard.
B. Side/Rear Yards: An open or solid fence or wall may be erected within three (3) inches of any side or rear property line to a height not to exceed eight feet six inches (8' 6") above grade.

C. Corner Side Yards: No fence or wall shall be permitted in any required corner side yard. (2005 Code)

37-407.4: OFFICE RESEARCH DISTRICTS:

A. Front Yards: No fence or wall shall be permitted in any required front yard.

B. Side/Rear Yards: An open or solid fence or wall may be erected within three (3) inches of any side or rear property line to a height not to exceed eight feet six inches (8' 6") above grade.

C. Corner Side Yards: No fence or wall shall be permitted in any required corner side yard. (2005 Code)

37-407.5: INDUSTRIAL DISTRICTS:

A. Front Yards: No fence or wall shall be permitted in any required front yard.

B. Side/Rear Yards: An open or solid fence or wall may be erected within three (3) inches of any side or rear property line to a height not to exceed eight feet six inches (8' 6") above grade.

C. Corner Side Yards: No fence or wall shall be permitted in any required corner side yard. (2005 Code)

***

Remove 37-423: DEVELOPMENT IN A REGULATORY FLOODPLAIN AND/OR A WETLAND:

A. Preamble:

1. Floodplain and wetland areas in their natural or relatively undisturbed state provide water resource values such as natural moderation of floods, water quality maintenance and ground water recharge. They also provide living resource values such as habitats for fish, wildlife and plants.
2. In their natural state, the waters of adjacent floodplains and wetlands are in a state of dynamic equilibrium. If the floodplain and/or wetlands system is disturbed, the entire system readjusts towards a new equilibrium. Natural drainage and associated flooding requiring space allocation are land use problems and, to the degree practicable, the natural storage area (floodplains and wetland) should be allocated for these purposes rather than for the purposes of building additional manmade structures which result in increased cost to the public in construction and maintenance. The effects of this readjustment may occur in areas other than the original site. Therefore, floodplain and/or wetland encroachments must be approached with caution. A careful assessment must be made of each proposed encroachment to determine the impact on the natural floodplain and/or wetland values, as well as the effect on adjacent properties, before the encroachment is allowed to occur.

3. The ability to retain and enhance the ground water recharge capacity of the area being developed is encouraged. Design of the storm water runoff control system shall give due consideration to providing ground water recharge to compensate for the reduction in percolation that occurs when the ground surface is paved/roofed over. Specific design calculations and details shall be provided with the final plans and specifications presented for review. The use of natural gravel deposits for the lower portions of storm runoff areas, the flattening of drainage slopes, and the retention of existing topography are samples of possible recharge methods.

4. The provisions herein enacted to lessen or avoid hazards to persons and damage to property resulting from the accumulation or runoff of storm or floodwaters and are deemed essential for the protection of the public safety and general welfare of the people of the county.

B. Conditional Use Permit Required:

1. No development of property within a regulatory floodplain and/or all wetlands shall occur until a conditional use permit for such development has been granted by the county board after a hearing before the zoning board of appeals.

2. Notwithstanding any other section of this chapter, the requirements for a zoning board of appeals hearing and a conditional use permit shall not apply to the following uses unless a variance from the provisions of the countywide storm water and floodplain ordinance is also required:
a. Ordinary repairs, maintenance and nonstructural alterations to nonconforming buildings, structures or facilities.

b. Agricultural uses without permanent buildings or structures.

c. Private or public recreational uses without permanent buildings or structures provided that any modification of a regulatory floodplain or a wetland shall be limited to regrading without fill.

d. Gardens—plowing, cultivating and weeding.

e. Lawns—top dressing and regrading without fill.

f. Backfilling around foundations to return the land to the original topography of the property.

g. Driveways, sidewalks, patios, decks and paths provided that the surrounding land is returned to the original topography of the property.

h. Ordinary maintenance and repairs to existing waterways, lakes, ponds, and storm water management facilities, provided such maintenance does not go beyond the original sides and bottom of the waterway, lake, pond or storm water management facility.

i. Streambank stabilization projects, wetland mitigation banks and flood control projects for properties in the unincorporated area undertaken under the supervision of and with the assistance of the department of economic development and planning.

j. Construction, reconstruction or replacement of highways, roads, and bridges and appurtenances thereto; construction or erection of railroads or other transportation facilities or public utilities, water lines, and storm and/or sanitary sewer lines.

k. Uses similar to each of the above uses which have no adverse impact upon the regulatory floodplain/floodway or the wetland.

C. Requirements For Other Agencies And Entities: In the administration of these provisions, the county board shall, in all official actions related to land
management, take cognizance of flood hazards and wetland conditions, to the extent they are known.

1. Preparation Of Comprehensive Land Use Plans: The DuPage County department of economic development and planning and the DuPage County regional planning commission shall, when adopting or revising any portion of the comprehensive land use plan for the county, take following into consideration:

   a. Maintaining regulatory floodplains and/or all wetlands areas in their natural conditions to avoid harm to the public associated with the loss of natural floodplain or wetland values and, where this is not possible, encouraging uses such as agriculture or recreation.

   b. Acquiring and removing frequently flooded buildings, both residential and nonresidential.

   c. Providing guidelines for the locating of hazardous facilities or uses critically necessary to the functioning of the community outside of any regulatory floodplain and/or a wetland area.

   d. Identifying the base flood and historic flood elevations on public buildings and bridges, or at other prominent locations.

   e. Other flood hazard mitigation techniques or floodplain management activities that could aid the accomplishment of the purposes of this chapter.

2. Review Of Public Development Plans And Activities: All plans for public development activities to be undertaken by the county, other local governmental entities, or public utilities, including those regulated by the Illinois commerce commission, which require a location within a regulatory floodplain and/or wetland shall be reviewed by the director, department of economic development and planning, to ensure that they comply with the objectives and criteria of this article, and to ensure that they comply with the objectives and criteria of the countywide storm water and floodplain ordinance. (2005 Code)

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ARTICLE XI. SIGN REQUIREMENTS

C. Electronic Display Techniques: Including digital display, light emitting diodes (LED’s), electronic messaging, moving, fluctuating signs: The following general requirements shall apply in each zoning district hereinafter specified.

1. Any sign utilizing electronic display techniques in whole or in part must meet the following operational standards:

a. Duration. In all districts the full sign image or any portion thereof must have a minimum duration of ten (10) seconds and must be a static display. No portion of the displayed image may flash, scroll, twirl, change color, in any manner imitate movement, or meet the characteristics of a flashing sign as defined herein.
37-704.2: CONDITIONAL USES;
Remove The development of uses which disturb a regulatory floodplain and/or wetland pursuant to section 37-423 of this chapter
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37-705.2: CONDITIONAL USES;
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37-707.2: CONDITIONAL USES
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37-801.2: CONDITIONAL USES;
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37-802.2: CONDITIONAL USES:
Remove The development of uses which disturb a regulatory floodplain and/or wetland pursuant to section 37-423 of this chapter
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37-901.2: CONDITIONAL USES
Remove The development of uses which disturb a regulatory floodplain and/or wetland pursuant to section 37-423 of this chapter
37-1001.2: CONDITIONAL USES

Remove The development of uses which disturb a regulatory floodplain and/or wetland pursuant to section 37-423 of this chapter.

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37-1002.2: CONDITIONAL USES

Remove The development of uses which disturb a regulatory floodplain and/or wetland pursuant to section 37-423 of this chapter.

END