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 January 16th, 2018

6. **SCHEDULE OF CLAIMS**
   
   A. Payment of Claims -- Schedule of Claims

7. **REGULATORY SERVICES**
   
   A. DC-O-0012-18 **ORDINANCE** -- Z17-036 - PONTARELLI: 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 Development Committee: (January 16, 2018: Tabled the matter to February 6, 2018) All Ayes
B. DC-O-0013-18 ORDINANCE -- Z17-018 - Giagnorio: ZHO: The ZHO recommended to approve the following zoning relief: 1. A Variation to allow an existing accessory building in front of the front wall of the house 2. A Variation to reduce the side yard setback from 20 feet to 10 feet. (04-Winfield/District 6) ZHO: Recommended to approve

C. DC-O-0014-18 ORDINANCE -- Z17-053 - Galgano: The Zoning Board of Appeals recommended to approve the following zoning relief: 1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet; for a garage addition; 2. Conditional use to allow more than 6 passenger vehicle on a residential property. (Lisle/Dist. 5)  The ZBA vote to Approve: 6 Ayes, 1 Absent

D. DC-O-0015-18 ORDINANCE -- Z17-055 - PIONEER CHILDCARE: The Zoning Board of Appeals recommended to approve the following zoning relief: 1. A Variation to reduce the front yard setback from 40' to approximately 20 feet for a new parking lot; and 2. A Variation to reduce the east corner side yard setback from 30 feet to approximately 5 feet for a new parking lot. 3. A Variation to reduce the south rear yard setback from 40 feet to approximately 5 feet for a new parking lot.( Dist. 2/ YORK)  The ZBA vote to Approve: 5 Ayes, 1 Nay, 1 Absent

8. OLD BUSINESS

9. NEW BUSINESS

10. EXECUTIVE SESSION

   Litigation Update for County Neighborhood Revitaization Program

   A. Pursuant to Open Meetings Act 5 ILCS 120 §2(c)(11) - Imminent Litigation

11. 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
ABSENT:

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.

Jason Klinker and Steve Osbourn were present representing Z17-038 LSCD of Glen Ellyn LLC. Mr. Kliker explained they would like the conditions stipulating that zoning relief shall expire upon the sale or transfer of the property to another owner, and that there shall be no storage of commercial equipment or vehicles or materials associated with commercial or industrial uses be re-reviewed.

Chair Tornatore explained that the Development Committee never hears new testimony in the Development Committee Meeting.

5. APPROVAL OF MINUTES

   A. Development Committee - Regular Meeting - Dec 5, 2017 11:00 AM
REGULATORY SERVICES

A. DC-O-0010-18 ORDINANCE -- Z17-049 - MASIO: 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) ZBA VOTE (to Approve): 6 Ayes, 0 Nay, 1 Absent Development Committee: (to Approve): 6 Ayes, 0 Nays

RESULT: APPROVED [UNANIMOUS]
MOVER: Grant Eckhoff, District 4
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

Chair Tornatore noted that it was his understanding that the Petition was approved by the ZBA because it was dealing with residential/recreational vehicles. Also, Conditional Uses historically apply to the property owner and does not run with the property. The Development Committee reviews the ZBA’s issues and if there is a substantial deviation from what was presented and voted on at the ZBA meeting, we refer the Petition back to the ZBA so the Petitioner can make their case again. Staff answered all questions posed by the Committee. Chair Tornatore stated that the Committee is voting on the Petition as presented. He inquired if the Petitioner wish to relitigate before the ZBA. The Petitioner wished to move forward.

RESULT: APPROVED [5 TO 1]
MOVER: Greg Hart, District 3
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore
NAYS: Wiley
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

During Chairman’s Report Chair Tornatore informed the Committee the Petitioner requested tabling Agenda Item 6C. DC-O-0012-18 ORDINANCE Z17-036 Pontarelli until February 6, 2018.

RESULT: TABLED [UNANIMOUS]
MOVER: Elizabeth Chaplin, Vice Chair
SECONDER: Janice Anderson, District 5
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

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: To approve the following text amendment to the DuPage County Zoning Ordinance: 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 Development Committee: (to Approve): 6 Ayes, 0 Nays

Paul Hoss gave a summary of the Text Amendments. Staff answered all questions posed by the Committee.
RESULT: APPROVED [UNANIMOUS]
MOVER: Elizabeth Chaplin, Vice Chair
SECONDER: Janice Anderson, District 5
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

7. **OLD BUSINESS**
There was no Old Business.

8. **NEW BUSINESS**
There was no New Business.

9. **ADJOURNMENT**
Without objection, the meeting was adjourned at 11:19 AM.
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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: February 6, 2018: At the January 16, 2018 meeting the Committee TABLED the matter to the February 6, 2018 Committee Meeting.

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

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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<th>REQUIREMENTS:</th>
<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
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<td>40 feet</td>
<td>97 feet</td>
<td>40 plus feet</td>
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<tr>
<td>North Int. Side Yard:</td>
<td>20 feet</td>
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<td>5 feet</td>
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Int. Side Yard: 20 feet 0 5 feet
Rear Yard: 20 feet 0 5 feet

**LAND USE**

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<tr>
<td>South</td>
<td>I-1 Light industrial district</td>
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<tr>
<td>East</td>
<td>I-1 Light industrial district</td>
</tr>
<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) 37-1001.4A 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 W310 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
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 approximately 30-foot landscape setback from Swift Road.

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 an improved 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, Yeniül’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) 693-2786 Fax (630) 693-2761 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 Berczy, Assistant Village Manager/ Director, Community Development

JF/gp

Cc: Mayor and Village Board
    Joe Block
    Dave Freeman
    Arlene Kollar
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 SN149 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 SN149 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 n
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 memorandum 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 3. 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 Word 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 Word, 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 from 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 Word 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
DuPage County Development Committee
January 5, 2018
Page 3 of 4

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 M1 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 40 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 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 Ferris Wood 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 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. 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 Applicant's 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 4. 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 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/b
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) Complete 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 #Z15-0418 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 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.

   b. 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.

   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:
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 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 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 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 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 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 shall 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 predominately zoned single family residential district and is developed either as single family homes or open space.

2. 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 begun operation in 2000 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 re-recommence usage of a vacant property, which will incorporate remediation of special management area violations.

   c. Unnecessarily 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. Incur 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 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><strong>CASE #/PETITIONER</strong></td>
</tr>
<tr>
<td><strong>OWNER</strong></td>
</tr>
<tr>
<td><strong>AGENT FOR PETITIONER</strong></td>
</tr>
<tr>
<td><strong>ADDRESS/LOCATION</strong></td>
</tr>
<tr>
<td><strong>PUBLICATION DATE</strong></td>
</tr>
</tbody>
</table>

**ZONING REQUEST**

Petitioner requests 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 37-1005)

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 to 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)

| **PIN/TWSP./COUNTY BOARD DIST.** | 02-23-401-025; -026; -027 | Bloomingdale Township/District 1 |
| **ZONING/USE** | 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:**

| Building: No Objection. |
| DUDOT: No objection with the concept of the petition. See attached note dated 9/30/2015 from DUDOT. |
| Health: No Objection. |
### EXTERNAL:
- DuPage Forest Preserve: Object: See attached letter
- School District #15: No objection with the concept of the petition.
- Illinois American Water: No objection.

### GENERAL BULK REQUIREMENTS:

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
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<tbody>
<tr>
<td>Front Yard</td>
<td>30 ft in R-2</td>
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<td>59.7 ft</td>
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<tr>
<td></td>
<td>40 ft in L-2</td>
<td>NA</td>
<td>59.7 ft</td>
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<tr>
<td>East Int. Sid. Yard+</td>
<td>20 ft in R-2</td>
<td>NA</td>
<td>In excess of 26 ft</td>
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<tr>
<td></td>
<td>40 ft in L-2</td>
<td>NA</td>
<td>In excess of 26 ft</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>
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<tr>
<td></td>
<td>40 ft in L-2</td>
<td>NA</td>
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<tr>
<td>Rear Yard</td>
<td>25 ft in R-2</td>
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</tr>
<tr>
<td></td>
<td>40 ft in L-2</td>
<td>NA</td>
<td>In excess of 25 ft</td>
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### LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
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<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</td>
<td>Commercial/Office</td>
<td>0-5 DU/AC</td>
</tr>
<tr>
<td></td>
<td>Beyond Incorporated</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bloomingdale</td>
<td></td>
<td></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>

### ZONING MAP

[Map showing zoning details]
In addition to the access concerns noted on 4/20/15, the Division of Transportation would potentially object to the placement of the fence in its current location due concerns regarding the accessibility of the path for biker and pedestrian traffic entering the site. In the current location, the fence may impede traffic on Army Trail Rd., which travels west in the limited travel area that will be opened. The application has been made to the Division of Transportation to address the access interference with the street curb line.

7/7/2015

1. Traffic impact and the generation study will be retained to evaluate the increased traffic generated by the development.
2. Existing access to the farm is for commercial use and will need to meet minimum DuPage County requirements including 20’-30’ radii and a minimum of 100’ of roadway width.
3. Artist's shall be required to enter Army Trail Rd.
4. Following is a list of conditions that may require AL 1 to be moved back to accommodate wider entrance.
5. artwork at residential driveway may be moved out to create side return.
6. Abandonment of access can be removed on right of way.
7. Existing unused curb cuts must be removed.

Paul J. Kichel
Chairman
DuPage County Board of Appeals
720 County Farm Road
Wheaton, Illinois 60187

Hi, Public Hearing Notice for 7/15/15 - project located at 224,000 and 341,000 Army Trail Road, and 20109 Witter Drive, in Addison, PIN: 62-03-61-0007. 10-21-2015 06:00 and 07-23-2015 02:05

Dear Mr. Kichel:

The Forest Preserve District of DuPage County recently received notice of a Public Hearing for 72帕克兰有限公司, for a variance to existing, firm conditional use, and removing from FZ to R-2 regarding the property described above. The applicant is seeking a variance regarding the property and is seeking to change the conditional use from FZ to R-2. The property is located near the DuPage River, which is a major waterway in the area. The property is currently zoned FZ, which is a forest preserve. The District has been monitoring the property for several years and has been working with the property owner to develop a plan for the property.

The Forest Preserve District of DuPage County is located in the western suburbs of Chicago, Illinois, and is one of the largest urban parks in the United States. The District is committed to preserving and protecting natural resources for the benefit of future generations.

The Forest Preserve District of DuPage County is responsible for the protection, preservation, and management of natural resources in the area. The District is committed to providing a variety of recreational and educational opportunities for residents and visitors alike.

The Forest Preserve District of DuPage County is committed to protecting the environment and preserving natural resources for future generations. The District is dedicated to providing a variety of recreational and educational opportunities for residents and visitors alike.

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The Forest Preserve District of DuPage County is committed to protecting the environment and preserving natural resources for future generations. The District is dedicated to providing a variety of recreational and educational opportunities for residents and visitors alike.
2. The Forest Preserve District objects to the wording of the property that it is to be
2.1 given the immediate area around the subject property is existing residential and open space
3. and adjacent forest preserves. It is important to the Forest Preserve District that the new
4. industrial operations be contained within a uniformly developed area and not be
5. allowed to expand into the area. The Forest Preserve District does not want the
6. proposed industrial operations to be allowed to expand into the area. The Forest
7. Preserve District also objects to the proposed expansion of the industrial operations
8. into the area. The Forest Preserve District does not want the proposed industrial
9. operations to be allowed to expand into the area.

The Forest Preserve District objects to the proposed expansion of the industrial operations
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operations to be allowed to expand into the area.
7.A.a

The DPC again requests that the DuPage County Zoning Board of Appeals defer this zoning request (Z15-003) to the Illinois Department of Natural Resources for consultation as required by the Illinois Natural Area Preservation Act [510 ILCS 20/7] prior to adopting an official position on this zoning request.

The DPC utilizes this opportunity to inform the DuPage County Zoning Board of Appeals of the ecological significance of SNAI Prairie Bluff Preserve and the requirement by 15M Partners, LLC to submit this rezoning request to the Illinois Department of Natural Resources for consultation. This DPC further requests that this letter be read and entered into the public record of the Public Hearing scheduled for October 12, 2015.

Thank you.

Sincerely,

Steve Olen

Director, DPC

cc: Valeria Kipp, Deputy Director, DPC
    Robert Hagg, Forest Preserve District of DuPage County
ORDINANCE
Zoning Petition Z15-048 I2M Partners LLC

WHEREAS, a public hearing was held on August 29, 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 (validation). 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 to be rezoned to I-2 zoning. (Sec. 37-1002, and 37-1412)
A Conditional Use for a Planned Development in an I-Z zoning district. (Sec. 37-1002.2 and 37-1414); on the property hereinafter described:

PARCEL 1: LOT 5 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 519663, 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 519663, 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 use to the northeast and southwest 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 consisted of 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 recompense 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. Incurs 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 remediation of special management area violations.

Dissecting 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 predominately zoned single family residential districts 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 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 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>Z1-043 12M Partners LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGENT FOR PETITIONER</td>
<td>12M Partners LLC. Managed by Pmt Medium and Brian Marino. 21W420 Thorsdale Ave., Addison, Il. 60126</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
<td>22W620 and 22W660 Army Trail Rd., Addison, Il. 60126</td>
</tr>
<tr>
<td>PUBLICATION DATE</td>
<td>Daily Herald: September 30, 2015</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 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. 37-1002.2)

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 37-1412)

A Conditional Use for a Planned Development in an I-2 zoning district. (Sec. 37-1002.2 and 37-1414)

PIN/TWP/ COUNTY BOARD DIST. | 05-23-400-025, -026, -027 | Bloomingdale Township/District 1
### ZONING/LUP
- **R-2 Single Family Res.**
- **0-5 DU/AC**

### AREA/UTILITIES
- **225.178 sq. ft. (5.2 Acres)**

### PUBLIC HEARING
- **Thursday, October 15, 2015, 6:00 p.m.**

### ADDITIONAL INFORMATION
- **Building:** No Objection.
- **DUDOT:** No objection with the concept of the petition. See attached note dated 9/30/2015 from DUDOT.
- **Health:** No Objection.
- **EXTERNAL:**
  - DuPage Forest Preserve: Objects. See attached letter.
  - School District #15: No objection with the concept of the petition.
  - Illinois American Water: No objection.

### GENERAL, HULK REQUIREMENTS:
- **Requirements:**
  - **Required:**
  - **Existing:**
  - **Proposed:**

<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 House/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/Office Incorporated</td>
<td></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>

WHEREAS, the Board of Zoning Appeals, having considered 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 Murphoo as agents, (12M Partners LLC) to allow for the following:
a. To resume 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 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 cease 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 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 trike 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 #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 north 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 setbacks at a height of 6 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 have 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 12M 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 Turn 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 #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 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 exceed illumination in excess one and one half (1 1/2) 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.
c. All trailers used for cur/tag 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 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 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 MacNee 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 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 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 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 46 NORTH, RANGE 10, EAST
OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED APRIL 23, 1947 AS DOCUMENT 519683, IN DUPAGE 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 46 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1947
AS DOCUMENT 519683, IN DUPAGE 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,
(whether 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 then 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 TIF 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 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 W/15-046 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 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:

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 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 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.

c. 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 loading 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. Heis, Zoning, State's Attorney's Office, DuPage County Health Department; DuPage County Division of Transportation; 12M Partners LLC; Managers: Pat Marino and Brian Marino, 21 W420 Thedford Ave., Addison, IL 60101; Trust: Bank and Trust, Trust No. 12839. Beneficiaries: Robert J. Murphy, Jr., 233 Dalewood, Wood Dale, IL 60191; and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

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

[Signature]
Daniel J. Cronin, Chairman
DuPage County Board

Attest:
[Signature]
Paul Hinds, County Clerk.
STATE OF ILLINOIS
COUNTY 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.

\[Signature\]

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

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<tbody>
<tr>
<td>1</td>
<td>Do you want to start discussion on the motion?  Mr. Khan?</td>
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<td>2</td>
<td>COMMISSIONER HARDY: Well, Mr. Khan has narrowed it up very well, and I would leave it at that and defer to anyone else on the Board who has anything to say.</td>
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<td>3</td>
<td>COMMISSIONER LOTUS: Mr. Chairman, I would like for the hearing, but I have a copy of the minutes. I'm not familiarized myself, and I feel I'm in a position to vote.</td>
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<td>4</td>
<td>CHAIRMAN KARThOLL: You mean the transcript?</td>
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<td>5</td>
<td>COMMISSIONER LOTUS: I'm sorry, the transcript.</td>
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<tr>
<td>6</td>
<td>COMMISSIONER LAZ: He's not one of us.</td>
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<td>7</td>
<td>COMMISSIONER MURPHY: I have also familiarized myself with the case, and I'm ready to make a recommendation.</td>
</tr>
<tr>
<td>8</td>
<td>CHAIRMAN KARThOLL: Okay. Then I guess no one—okay, see. Then I think we're ready to vote then apparently. So, Mr. Khan?</td>
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<tr>
<td>9</td>
<td>MR. HOSS: Mr. Khan?</td>
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<td>10</td>
<td>COMMISSIONER KETTER: Aye.</td>
</tr>
<tr>
<td>11</td>
<td>MR. HOSS: And this is okay?</td>
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<tr>
<td>12</td>
<td>CHAIRMAN KARThOLL: Motion is okay, vote on the motion.</td>
</tr>
<tr>
<td>13</td>
<td>MR. HOSS: Mr. Murphy?</td>
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<tr>
<td>14</td>
<td>COMMISSIONER MURPHY: Aye.</td>
</tr>
<tr>
<td>15</td>
<td>CHAIRMAN KARThOLL: Mr. Morris?</td>
</tr>
</tbody>
</table>

4.1 | COMMISSIONER MURPHY: Aye. |
| 2 | MR. HOSS: Mr. Morris? |
| 4 | MR. HOSS: Mr. Khan? |
| 6 | COMMISSIONER MURPHY: Aye. |
| 8 | MR. HOSS: Mr. Khan? |
| 9 | CHAIRMAN KARThOLL: Well, I'm going to go along and okay. I think it's a relatively close case as it is, I disagree with the way it was heard at the hearing, but I generally agree with my colleagues, so I'll vote to— the motion to deny is approved seven in favor of the motion and none opposed. So, Development Controller next. |
| 15 | And then, Fred, how should we proceed on this issue concerning the amendment? Would it be an SW-17 Test Amendment, and then do you want to invite some neighbors? |
| 17 | MR. HOSS: Only some brief remarks. |
| 18 | CHAIRMAN KARThOLL: Okay. Let's take it— go ahead. |
| 19 | MR. HOSS: There are three main components to this next amendment, one deals with front, one deals with signs, and one deals with special management area, Deedplus wetlands. |
December recommendation meeting  
December 7, 2017

1. The first one on the fence is that our
little zoning staff 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 measurements 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.

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 same manufacturing standards for fence post at those
levels.

So, we took instances out there where
fences are technically higher than they’re allowed to
rather than have people come in for a permit 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 height and add those inches on all of
the three different welded heights.

We did some discussion and went with

1. fence manufacturer and found that they don’t make six feet
2. six foot panels of fencing, so we don’t think we’re going to
3. see a need on fences that are now six feet six, and then the
4. measurements on top of that being another three inches
5. taller than that. And if they do, then they’ll have to come
6. in for a variance. But this will accommodate the drainage
7. concerns, and also putting these decorative flaps, and
8. even the posts on top of the fence. So that’s –
9. CHAIRMAN KARTHELL: How about we take a vote on
10. this whole thing? Let’s vote on the –
11. COMMISSIONER HARKINS: I have wanted to ask a question.
12. CHAIRMAN KARTHELL: Well, wait until we get the
13. motion on the table.
14. COMMISSIONER HARKINS: Okay.
15. CHAIRMAN KARTHELL: I have a motion with respect to
16. the changes in the text relating to the increase in fence
17. height.
18. COMMISSIONER MORAN: Motion to approve?
19. CHAIRMAN KARTHELL: Any motion, yes. Motion to
20. approve.
21. COMMISSIONER MORAN: And we did mention about the
22. point six is actually eight foot, seven point two inches. We
23. wanted the wording to say eight point five feet. Is that
24. going to be a concern of yours?
December recommendation meeting  
December 7, 2017

1. Let’s take a break for refreshments.

2. Mr. Hoss: Before we take any zoning cases, we must first make sure that the Development Committee and ask our Development Committee if they have any questions regarding the zoning cases.

3. The Development Committee and first get a mandate from them. Often times the mandate comes in the form of success. Do it in the zoning board of appeals and let them vote it.

4. In this particular instance, we have had — every time the Development Committee has had sign cases before them, they have asked for additional things to be done as of right specific to that.

5. Mr. Hoss: Before we take any zoning cases, we must first make sure that the Development Committee and ask our Development Committee if they have any questions regarding the zoning cases.

6. Chairman Karpelli: The reason I ask, as the reason that I wanted this all to be by separate motions, is I don’t favor doing both of them things with respect to signs at the same time. To go from five minutes to ten seconds is impossible. I’m not permitted of the safety issues, that the safety issues have been resolved. I do understand that the State of Illinois standard is consistent with the new proposed, and I don’t know myself to be an expert. My opinion is what I think it to be a common sense opinion, reason being everybody thinks they are protected against what is common sense. I don’t know that, if I’m willing to take interest and approve the reduction from a refreshment — from whatever it is, five minutes to ten seconds or something.

7. Commissioner Loftus: I mean if it’s moving, it’s technically changing.

8. Commissioner Krettler: This is just a change of the message each time.

9. Commissioner Loftus: This is something where it’s a black and the next one comes up.

10. Mr. Hoss: There are several items that deal with what’s called positional and sake. That’s the term in the industry. And that deals with the following and the timing of the way and things like that. None of that is going to change, it’s just the time period which you can change the status on the sign to the next status.

11. Commissioner Krettler: I personally am comfortable with this. I think we’ve been doing it for the last ones.

12. It is just the lower message rigid. In the minutes, you’re not ever moving anything. I don’t think we’ve adhered to the five minutes since I’ve been on this board.

13. It is just the lower message rigid. In the minutes, you’re not ever moving anything. I don’t think we’ve adhered to the five minutes since I’ve been on this board.

14. Chairman Karpelli: Agreed. Five minutes is crazy.

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December recommendation meeting  
December 7, 2017

9 1. Now let’s talk to the refresh on the message. 
2. center sign. 
3. MR. HOSS: There are two things dealing with the signs. 
4. The first thing is message center signs are conditional uses 
5. in the Zoning Ordinance, and they’re asking to make us 
6. of right now or approval to requiring that people come for 
7. conditional uses. And then the second aspect of that, it’s 
8. to change the refresh timing on the sign from what we’ve 
9. requires in five minutes down to ten seconds. That ten 
10. seconds is a State of Illinois Highway Allowance. And in 
11. both instances, when these types of hand out/refreshing 
12. signs come before you in the County Development 
13. Committee – I’m sorry, the Zoning Board Appeals, Development Committee and 
14. County Don’t have all votes unanimously. More importantly, 
15. when we do have these cases, we don’t – we don’t like to 
16. refresh in the record. We don’t have anybody showing up in objection 
17. to these specific things. We have had some objections on 
18. the billboards, but that dealt with some other issues. 
19. We think, and the County Board has an appetite to allow these 
20. things go in right now, because they approve them every 
21. time. 
22. CHAIRMAN KARThOLL: How do you have the same that 
23. the County Board is inclined to make this change to as of 
24. next right? 

10 1. MR. HOSS: Before we take any zoning cases, that 
2. amendments to this Board for public hearing, we will see them before 
3. the Development Committee and ask our Development Committee 
4. if they have a problem if we move forward with text 
5. amendments. Our Zoning Ordinance requires that we take it 
6. to the Development Committee and first get a unanimous 
7. approval. Often, sometimes the due process in the form of 
8. public hearing, the Zoning Board of Appeals and get there will. 
9. In very particular instance, we have had – every time the 
10. Development Committee has had sign cases before them, they 
11. have asked if we would have these things in the middle 
12. of right to specific to first. 
13. CHAIRMAN KARThOLL: The reason I ask, and the reason 
14. that I wanted this all to be by separate motion, so I think 
15. those doing both of these change with respect to signs at 
16. the same time. To go from five minutes to ten seconds is 
17. incredible. I’m not persuaded of the safety issues, that 
18. the safety issues have been heard. I do understand that 
19. the State of Illinois standard is consistent with the new 
20. proposal, and I don’t fancy myself to be an expert. My 
21. opinion is what I think to be a common sense opinion, 
22. recognizing that everybody thinks they are empowered of what 
23. is common sense. I don’t know. But, if I’m willing to take 
24. the view to approve the reduction from a technical – from

11 1. whatever it is, five minutes to ten seconds or something, I 
2. would like sees are public hearings on these cases when they 
3. come, because now we’re talking about something that’s 
4. slightly different, you know, the quick refresh. And I 
5. would like to know where it is and what the circumstances 
6. are, and how long they’re going to influence the sign, or 
7. others, at others. So, I don’t know. I mean, frankly, I 
8. wish we could take this a little slower and do the one 
9. component first and then the second, make it as of right two 
10. years from now, and that’s not my opinion 
11. CHAIRMAN KARTHeLL: My understanding that – how 
12. long, how we feel it for five minutes. It’s an old 
13. ordinance, isn’t it? 
14. MR. HOSS: Yes, relatively new. 
15. CHAIRMAN KARTHeLL: I remember we had discussions 
16. on that at the time about the national something or other. 
17. We had hearings on that sort of thing, and then it’s just 
18. the local municipalities. And people have reduced it. 
19. reduced it, reduced it, and then the State came along. So, 
20. it was getting out of date from that standpoint, but does 
21. this change anything as far as we’ve always been sort of 
22. against things where there’s motion going on. Let’s look 
23. at picture that moves screen or something like that. You want 
24. it to work it longer, not just the change, but written it

12 1. longer. That doesn’t affect anything here? 
2. MR. HOSS: No. 
3. CHAIRMAN KARThOLL: I mean if it’s moving, it’s 
4. technically changing? 
5. CHAIRMAN KARTHeLL: This is just a change in the 
6. message each time. 
7. CHAIRMAN KARTHeLL: This is something where it’s a 
8. blank page and then the next one comes up. 
9. MR. HOSS: These are several items that deal with 
10. what’s called prescriptive info. That’s the item in the 
11. intensity. And that deals with the Flashing and the 
12. blinking of fireworks and things like that. None of that is 
13. going to change, it’s just the time period which you can 
14. change the interval on the sign to the next right sign. 
15. CHAIRMAN KARTHeLL: I personally am comfortable with 
16. this. I think we’ve been doing it for the full once. 
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 minute sense I’ve been on this board. 
20. It just seems to me to sense is about when you’re three 
21. and you’re going to read one message and you’re going to 
22. move on. 
23. CHAIRMAN KARTHeLL: Agreed. Five minutes is enough. 
24. Ten seconds is, you know.
### December recommendation meeting
December 7, 2017

| 1 | STATE OF ILLINOIS |
| 2 | COUNTY OF DU PAGE |
| 3 | LIBBY M. CROOK, CSR No. BH-2192 Notary Public |
| 4 | duly qualified and commissioned for the State of Illinois, County of DuPage, do hereby certify that in the report of the COUNTY BOARD OF APPEALS, subject to the usual terms and conditions of County Board regulations, the report is authenticated the proceedings and testimony taken at the public hearing of the above-entitled case and that the foregoing transcript is true, correct and complete except that testimony taken at the hearing took place before me. Such |
| 5 | CERTIFIED SHORTHAND REPORTER |
| 6 | My Commission Expires |
| 7 | May 5, 2010 |

---

| 1 | MR. HOSS: Mr. Laz? |
| 2 | COMMISSIONER LAZ: Aye. |
| 3 | MR. HOSS: Mr. Holdin? |
| 4 | COMMISSIONER HAJJS: Aye. |
| 5 | MR. HOSS: And Mr. Karch? |
| 6 | CHAIRMAN KARHOUL: Aye. |
| 7 | The motion passes by a vote of seven in favor and none opposed. I think that’s it. Okay, so we’re adjourned then. |
| 8 | (Which were all the proceedings) |
| 9 | had and testimony taken in the above-entitled case.) |

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EXHIBIT 4
Site Plan with Setbacks

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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 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 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, berming 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 semis 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 ordinances, 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 lease, 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, berming 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 37.1411.1, 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 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 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 16,867 square feet, 38,802 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 Hearing Officer
DATE: February 6, 2018
RE: Zoning Petition Z17-018 Giagnorio

Development Committee: February 6, 2018:

DuPage County Zoning Hearing Officer: ZHO: The ZHO recommends to approve the following zoning relief:

1. Variation to allow an existing accessory building in front of the front wall of the house.

2. Variation to reduce the side yard setback from 20 feet to 10 feet.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-018 Giagnorio dated 1/16/2018

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 full landscape screens around the perimeter of the garage. The required screen can include preservation of existing vegetation.

4. That the detached garage be used for domestic items only and that there be no business use of the facility nor any storage of commercial vehicle or equipment.

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

1. That the petitioner has demonstrated that the garage was built at a time when the zoning code allowed accessory building to be constructed in front of the front wall of the home, irrespective of the fact that the garage was built without a permit.

2. That the subject property is over two acres of land and the existing home of the property is built approximately 386 feet from the front property line.

3. That petitioner indicates that when the garage was built it was built in front of the home as the nearest home to the property was located behind the home on the adjacent property to the south. Furthermore, petitioner has indicted that the only place to build the garage, (other than where it is built) would be to the rear of the home where the septic was located as are several mature trees.

4. That the ZHO finds that the location of the existing garage does not impair light or air to adjacent properties given the size of the subject property and the size of the majority of the properties in the area which are all over 2.5 acres in size.

5. That the ZHO finds that the existing garage is adequately screened from adjacent properties by mature vegetation which is required to remain around the garage or be replaced in like manner.

GENERAL ZONING CASE INFORMATION

<table>
<thead>
<tr>
<th>CASE #/PETITIONER</th>
<th>Z17-018 Giagnorio</th>
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<tbody>
<tr>
<td>ZONING REQUEST</td>
<td>3. Variation to allow an existing accessory building in front of the front wall of the house.</td>
</tr>
<tr>
<td></td>
<td>4. Variation to reduce the side yard setback from 20 feet to 10 feet.</td>
</tr>
<tr>
<td>OWNER</td>
<td>Geralynn Giagnorio</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
<td>1N521 Prince Crossing Road, West Chicago, IL 60185</td>
</tr>
<tr>
<td>PIN</td>
<td>04-02-106-002</td>
</tr>
<tr>
<td>TWSP./CTY. BD. DIST.</td>
<td>04-Winfield/District 6</td>
</tr>
<tr>
<td>ZONING/LUP</td>
<td>R-1</td>
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<tr>
<td>AREA</td>
<td>2.52 acres</td>
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</tbody>
</table>

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MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Board of Appeals
DATE: February 1, 2018
RE: Zoning Petition Z17-053 Galgano

Development Committee: February 6, 2018:

Zoning Board of Appeals Meeting: 02-01-18: The Zoning Board of Appeals recommended to approve the following zoning relief:

1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet for a garage addition; and

2. Conditional use to allow more than six (6) passenger vehicles to not more than nine (9) passenger vehicles on a residential property.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-053 Galgano dated January 11, 2018.

2. That the Zoning Relief Conditional Use for nine (9) passenger vehicles shall be valid for five (5) years from the date of approval of the zoning relief.

3. That the Conditional Use for the parking of more than six (6) passenger vehicles to not more than nine (9) passenger vehicles shall inure only to the current property owner RICH GALGANO and shall not be transferrable and shall expire upon the sale of the property to another property owner.

4. That there be no more than nine (9) passenger vehicles parked or stored on the subject property and only parked or stored inside the garage buildings.

5. That the garage and garage addition be used for the storage of domestic items only and that there be no commercial use of the building or property and no parking of commercial vehicles and equipment on the property.
6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

7. That in conjunction with the submittal of a building permit the developer provide a landscape plan showing a full landscape screen around the perimeter of the new garage addition.

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

ZBA VOTE (to Approve): 6 Ayes, 0 Nays, 1 Absent

FINDINGS OF FACT:

A. That petitioner testified that he seeks the zoning relief to allow him to develop a new garage addition on the property in order to store and park the petitioner’s passenger vehicles.

B. That petitioner testified that he is entitled to park six (6) passenger vehicles on the property as well as encumber up to 500 square feet of area for recreational vehicles.

C. That petitioner testified that while he does not have recreational vehicle storage needs he does collect “high-end” passenger vehicles.

D. That petitioner testified that he seeks to store his higher-end passenger vehicles at his home in an enclosed building rather than storing or parking the vehicles off site in a warehouse.

E. That petitioner testified that he proposes to store the vehicles in a garage addition that is adjacent to and connected to his existing garage.

F. That petitioner testified that the home on the property is built at an irregular angle to the generally rectilinear lot and as such, the existing garage on the property is built in a manner that is irregular to the east property line of the property.

1. As such, petitioner testified that he seeks a variation from the required 20 foot side yard setback to accommodate a very small portion of the proposed new garage addition.

2. Petitioner testified that only approximately 50 sq. ft. of the new garage addition will encroach into the required 20 foot side yard setback and only at an acute angle with the bulk of the new addition being built outside of the required 20 foot side yard setback.

G. That petitioner testified that his property is unique; to wit:
1. The property is approximately 2.25 acres in size;
2. The property is heavily landscaped and wooded;
3. The house is setback approximately 100 feet from the front property line;

H. That petitioner testified that the area adjacent to the garage addition is currently heavily landscaped and petitioner will emplace additional landscaping along the east property line to buffer the addition from the adjacent property owner to the east.

1. That petitioner testified and submitted a notarized letter from the property owner to the east indicating that that owner does not object to the variations requests.

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 the proposed building addition only slightly encroaches into the required 20 foot side yard setback and that petitioner has demonstrated that there is adequate landscape screening along the east property line to buffer any impact of the building addition on the property to the east.
   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the proposed development will comply with all other codes of the County.
   c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed development will enable petitioner to park and store his vehicles inside an enclosed building and that building will be buffered from adjacent properties and roadways with existing and proposed landscaping.
   d. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed development will comply with all other codes of the county including the required regulation of the Countywide Stormwater Ordinance.
GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER | Z17-053 Galgano

ZONING REQUEST:
1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet; for a garage addition (Section 37-701.2)

2. Conditional use to allow more than 6 passenger vehicle on a residential property (Section 37-701.1)

OWNER | RICH GALGANO 24W100 DONWOOD CIRCLE WEST, NAPERVILLE, IL 60540

ADDRESS/LOCATION | 24W100 DONWOOD CIRCLE WEST, NAPERVILLE, IL 60540

PIN | 08-21-201-061

TWSP./CTY. BD. DIST. | Lisle/Dist. 5

ZONING/LUP | R-1 SF RES. 0-5 DU AC.

AREA | 2.28 (99,316.8)

UTILITIES | Septic and Well

PUBLICATION DATE | Daily Herald: December 21, 2017

PUBLIC HEARING | January 11, 2018

PETITIONER’S DEVELOPMENT FACT SHEET

ADDITIONAL INFORMATION: No Objection.

Building: No Objection.
DUDOT: No Objection.
Health: No Objection.
Stormwater: No Objection.
Public Works: No Objection.
EXTERNAL:
Lisle Township: No Comment
Lisle Township Highway: No Comment

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>40 feet</td>
<td>94 feet</td>
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<tr>
<td>East Int. Side Yard:</td>
<td>20 feet</td>
<td>29 feet</td>
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<tr>
<td>West Int. Side Yard:</td>
<td>20 feet</td>
<td>31.53 feet</td>
<td>31.53 feet</td>
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<tr>
<td>Rear Yard:</td>
<td>50 feet</td>
<td>164 feet</td>
<td>164 feet</td>
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<tr>
<td>Height:</td>
<td>36 feet</td>
<td>36 feet</td>
<td>Not more than 36 feet</td>
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</table>
Floor Area Ratio: .20 (19,863 sq. ft.)

Approximately 7,000 sq. ft.

Approximately 835 sq. ft. additional to approximately 7,840 sq. ft.

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
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<tbody>
<tr>
<td>Subject</td>
<td>R-1 SF</td>
<td>SF HOME</td>
<td>0-5 DU ACRE</td>
</tr>
<tr>
<td>North</td>
<td>SF in Lisle</td>
<td>SF HOME</td>
<td>Lisle</td>
</tr>
<tr>
<td>South</td>
<td>R-1 SF</td>
<td>SF HOME</td>
<td>0-5 DU ACRE</td>
</tr>
<tr>
<td>East</td>
<td>Donwood Circle and beyond R-1 SF</td>
<td>SF HOME</td>
<td>0-5 DU ACRE</td>
</tr>
<tr>
<td>West</td>
<td>R-1 SF</td>
<td>SF HOME</td>
<td>0-5 DU ACRE</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Board of Appeals
DATE: February 1, 2018
RE: Z17-055 PIONEER CHILDCARE

Development Committee: February 6, 2018:

Zoning Board of Appeals Meeting: February 1, 2018: The Zoning Board of Appeals recommended to approve the following zoning relief:

1. Variation to reduce the front yard setback from 40' to approximately 20 feet for a new parking lot; and

2. A Variation to reduce the east corner side yard setback from 30 feet to approximately 5 feet for a new parking lot; and

3. A Variation to reduce the south rear yard setback from 40 feet to approximately 5 feet for a new parking lot.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-055 PIONEER CHILDCARE dated January 18, 2018.

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 full landscape screens around the perimeter of the development.

4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.
ZBA VOTE (to approve): 5 Ayes, 1 Nay, 1 Absent

Dissenting Opinion:

A. The ZBA member dissenting finds that the petitioner has not demonstrated that the existing parking lot can not be used for their day care use and that if the County were to grant the zoning relief the County would be perpetuating a legal non-conforming use on the property which includes the building and the driveway on the west side of the building.

- The dissenting member finds that there was value in petitioner sought zoning relief to bring the entire property into conformance and not just the parking area which the dissenting member indicated he would support.

FINDINGS OF FACT:

A. That petitioner testified that they have recently purchased the subject property and have begun renovating same for a permitted use day care center consistent with newly adopted County Roosevelt Road Corridor Land Use Plan Update.

B. That petitioner testified that the previous use was the House of Rattan retail furniture store that had been using the property for approximately 50-60 years.

C. That petitioner testified that the existing parking lot located to the east of the building is a legal non-conforming parking lot that does not meet any of the current setback requirements and pavement requirement of the County Zoning Ordinance.

D. That petitioner testified that in addition to the legal non-conformity of the existing parking lot, the lot does not adequately adapt itself to adequate ingress and egress on to State Rt. 38, (Roosevelt Road) or to the eastern side street of Wisconsin Ave.

E. That petitioner testified that they seek zoning relief to develop a new parking lot and access drives that more adequately accommodates uses of the property as well as to accommodate a better flow traffic to and from the site from Roosevelt Road.

F. That petitioner testified that the setback variations will generally be consistent with the existing setbacks of the existing parking lot. However, the new parking lot configuration will be circular as opposed to the existing rectilinear parking areas.

G. That petitioner testified that the new parking lot and access configuration will allow more parking spaces on the property where the parking spaces will be paved and stripped pursuant to the regulations of the County Zoning ordinance.

a. In addition, petitioner testified that the new parking configuration will allow for a rightin/right-out only access on Rt. 38 where that access is now a full access.
The right-in/right-out access design is a requirement of IDOT and will insure safer movements to and from the property and reduce congestion along Rt. 38.

b. In addition, the proposed reconfiguration will allow for a commercial grade access on Wisconsin Ave. which currently is a smaller residential access.

H. That petitioner testified that the proposed redevelopment of the parking lot will enable better access to the site, better queuing for drop-off and pick-up of children at the facility and will enable petitioner to better secure these areas with landscape screening and on-site traffic controls.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variations 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.

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 and roadways as petitioner has demonstrated that the proposed redevelopment of the parking area will enable petitioner to open up the line of site corner at Rt. 38 and Wisconsin Ave. as the parking area will now be circular instead of rectilinear. The reconfigurations will enable petitioner to provide more open space at the intersections of Wisconsin Ave. and Rt.38.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the proposed redevelopment of the parking lot will accommodate a better flow of traffic both on site and at access points along Rt. 38 and Wisconsin Ave.

      • Furthermore, the reconfiguration of the parking lot will allow for access improvements that will be commercial grade access point both in terms of width and design quality and consistent with IDOT design standards.

   c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed reconfiguration of the parking lot will enhance the overall redevelopment of the property from an antiquated commercial property to a more dynamic use consistent with the newly adopted County Roosevelt Road Corridor Land Use Plan Update.
d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed reconfiguration of the parking lot will enable petitioner to park more vehicles on the property than the previous use while at the same time meet the required parking spaces for the day care use per the County Zoning Ordinance, provide new hard surface per the County Zoning Ordinance to replace the existing dilapidated and unpaved parking areas on the site, provide the required parking stalls spacing and stripping per the County Zoning Ordinance where currently there is none.

- In addition, petitioner has demonstrated that the reconfigured parking lot will accommodate a better flow of traffic both on and off site and will alleviate congestion both on and off site with the new IDOT required right-in/right out access point on Rt. 38 and the improved commercial grade access to the site along Wisconsin Ave.

e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed development will comply with the County Stormwater Ordinance and where there was no true attenuation of drainage on site, the parking lot reconfiguration will be designed to store water in the parking lot and more adequately direct water to the appropriate drainage areas off site.

f. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the proposed redeveloped to the subject property including the reconfigured parking lot to accommodate the new use of the property is consistent with the recently adopted Roosevelt Road Transportation Corridor Land Use plan.

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**GENERAL ZONING CASE INFORMATION**

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<thead>
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<th>CASE #/PETITIONER</th>
<th>Z17-055 PIONEER CHILDCARE</th>
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**ZONING REQUEST**

4. Variation to reduce the front yard setback from 40' to approximately 20 feet for a new parking lot; and

5. A Variation to reduce the east corner side yard setback from 30 feet to approximately 5 feet for a new parking lot.

6. A Variation to reduce the south rear yard setback from 40 feet to approximately 5 feet for a new parking lot.

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<tr>
<th>OWNER</th>
<th>Pioneer Child Care LLC: Jeannie M. Barae and Nancy Lantz</th>
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<th>18W375 ROOSEVELT Rd, LOMBARD</th>
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BUILDING & ZONING DEPARTMENT

TWSP./CTY. BD. DIST. | Dist. 2/ YORK
ZONING/LUP | B-1 LOCAL BUSINESS  Community Commercial
AREA | 0.47  20,473 sq. ft.
UTILITIES | Sewer and water
PUBLICATION DATE | Daily Herald: 11/27/210
PUBLIC HEARING | 01-18-18

ADDITIONAL INFORMATION: No Objection.

Building: No Objection.
DUDOT: No Objection.
Health: No Objection.
Stormwater: No Objection.
Public Works: No Objection.
EXTERNAL:
York Township: No Objection.
York Township Highway: No Objection.

GENERAL BULK REQUIREMENTS:

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<td>West Corner Side Yard:</td>
<td>30 feet</td>
<td>13.13 feet</td>
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<td>Rear Yard:</td>
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<td>5 feet new parking and circulation</td>
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LAND USE

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<td>Community</td>
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