WHEREAS, a public hearing was held on October 24, 2019 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:

1. Reclassification of the property via map amendment (re zoning) from R-4 to R-5;
2. Conditional Use for planned development in the R-5 district, with exceptions or deviations to allow buildings at a height of 35 feet, on the property hereinafter described:

THE WEST 224 FEET OF LOT 1 IN THE MEADOWS SWIM CLUB ASSESSMENT PLAT OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 4, 1964 AS DOCUMENT R64-6994, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on November 7, 2019 does find as follows:

**FINDINGS OF FACT (REZONING FROM R-4 TO R-5):**
1. That petitioner testified that they seek the subject zoning relief to rezone and build three (3) buildings on the subject property.
   - Furthermore, that petitioner testified that each building will contain two (2) homes (duplexes), for a total of six (6) homes.

2. That petitioner testified that the subject property is owned by the Meadows Swim Club, that the subject property will be subdivided, and that petitioner will construct the proposed duplexes on the eastern proposed lot.

3. That petitioner testified that the existing land uses within the general area are: recreational/institutional uses located directly to the west of the subject property (Meadows Swim Club); educational institutional uses located just west of the Swim Club (elementary school); multi-family residential uses located directly east of the subject property (townhomes); and single-family residential uses directly to the south of the subject property.

4. That petitioner testified that the trend of development in the general area is towards townhome housing and educational institutions.
   - Furthermore, that petitioner testified that the property directly north of the subject property is zoned R-5 General Residential; that the property east of the subject property is zoned R-5 General Residential; that the property directly south of the subject property is zoned R-4 Single-Family Residential; and that the property Directly West of the subject property is zoned R-4 Single-Family Residential.

5. That petitioner testified that the subject property is currently open space utilized by the Meadows Swim Club.
• That petitioner testified that the proposed rezoning would continue with the trend of development in the surrounding area, which is toward general-residential zoning and institutional uses.

6. That petitioner testified that the subject property is not suitable zoned under R-4 Single Family Residential, as there is a townhome development to the east and Meadows Swim Club to the west of the subject property, and that single-family housing would be an impractical zoning district located between the two uses.

FINDINGS OF FACT (CONDITIONAL USE):

1. That petitioner testified that they seek the subject zoning relief to rezone and build three (3) buildings on the subject property.

• Furthermore, that petitioner testified that each building will contain two (2) homes (duplexes), for a total of six (6) homes.

1. That petitioner testified that each unit will be approximately 2,600 sq. ft., including a first-floor two (2) car garage, first-floor common living area, and three (3) bedrooms on the second level.

2. That petitioner testified that they plan to physically alter the terrain/elevations to create a visual buffer between the existing R-5 townhomes to the east and the existing Meadows Swim Club, including screening through the addition of trees and shrubs.

3. That petitioner testified that due to high water tables on the subject property, that they are unable to develop the homes with typical eight (8) foot basements with sump pumps, as the sump pumps would constantly run.

• Furthermore, that petitioner testified that they cannot add a basement for additional storage due to the high-water table and that they require additional space by increasing the height of the homes to thirty-five (35) feet.

4. That petitioner testified that each residential dwelling unit will have a two (2) car garage, as well as space for two (2) additional vehicles on the driveway.

5. That petitioner testified that under the proposed development, each homeowner will be responsible for snow removal and will have typical residential trash collection.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the proposed development will create buffers on each side of the subject property through elevation and landscaping, which will not impact the supply of light and air to adjacent properties.

b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the proposed development, and that it will be built pursuant to the current building codes.

c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the construction of the proposed development will be an added benefit to the neighborhood on a portion of the Meadows Swim Club property that has remained vacant/open space for many years.

d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed development will not unduly increase traffic congestion, as petitioner will develop the property similarly to homes in the surrounding area.

e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that they will receive a building permit from the County for the proposed development, and that it will be built pursuant to the current building codes.

f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that they will receive a building permit from the County for the proposed development, and that it will be built pursuant to the current building codes.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the proposed development would be an added benefit to the surrounding area, as the development would act as a buffer between the Meadows Swim Club to the west of the subject property and the townhome development to the west of the subject property.

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<th>GENERAL ZONING CASE INFORMATION</th>
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<tr>
<td><strong>CASE #/PETITIONER</strong></td>
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<td><strong>OWNER</strong></td>
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<td><strong>ADDRESS/LOCATION</strong></td>
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WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on November 7, 2019 recommends to approve the following zoning relief:

1. Reclassification of the property via map amendment (rezoning) from R-4 to R-5;
2. Conditional Use for planned development in the R-5 district, with exceptions or deviations to
allow buildings at a height of 35 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 #Z19-053 TQ Homes dated October 24, 2019.

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 partial 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): 7 Ayes, 0 Nays, 0 Absent

WHEREAS, the County Board Development Committee on November 19, 2019, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

1. Reclassification of the property via map amendment (rezoning) from R-4 to R-5;
2. Conditional Use for planned development in the R-5 district, with exceptions or deviations to allow buildings at a height of 35 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 #Z19-053 TQ Homes dated October 24, 2019.

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 partial 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.

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent
NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

1. Reclassification of the property via map amendment (rezoning) from R-4 to R-5;
2. Conditional Use for planned development in the R-5 district, with exceptions or deviations to allow buildings at a height of 35 feet, on the property hereinafter described:

THE WEST 224 FEET OF LOT 1 IN THE MEADOWS SWIM CLUB ASSESSMENT PLAT OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 4, 1964 AS DOCUMENT R64-6994, IN DUPAGE COUNTY, ILLINOIS; and

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z19-053 TQ Homes dated October 24, 2019.
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 partial 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.

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

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; THE MEADOWS SWIM CLUB, P.O. BOX 404, LISLE, IL 60532 / AGENT: TOLENTINO QUARCINI HOMES, 1633 WADSWORTH ROAD, WHEATON, IL 60189 AND MARK DANIEL, 17W733 BUTTERFIELD ROAD, UNIT F, OAKBROOK TERRACE, IL 60181; and Township Assessor, Lisle Township, 4721 Indiana Avenue, Lisle, IL 60532
Enacted and approved this 26th day of November, 2019 at Wheaton, Illinois.

________________________________________
DANIEL J. CRONIN, CHAIRMAN
DUPAGE COUNTY BOARD
Ordinance

DC-O-0079-19

Attest: ____________________________________________

JEAN KACZMAREK, COUNTY CLERK