

Ordinance

DC-O-0022-21

WHEREAS, a public hearing was held on December 10, 2020, January 7, 2021, and February 18, 2021 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

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

Conditional Use for an automobile laundry, minimart, drive-through food service in conjunction with an automobile service station in the B-2 General Business District, on the property hereinafter described:

TRACT 1: LOTS 4, 5, 6 AND 7 IN THE OAKS, BEING AN ASSESSMENT PLAT OF THE LAND OF THE LOWE FOUNDATION, IN THE EAST HALF (EXCEPT THE SOUTH 1800.0 FEET THEREOF) OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 1952 AS DOCUMENT 659666, IN DUPAGE, ILLINOIS.

TRACT 2: LOTS 8 AND 9 IN THE OAKS, BEING AN ASSESSMENT PLAT OF THE LAND OF THE LOWE FOUNDATION, IN THE EAST HALF (EXCEPT THE SOUTH 1800.0 FEET THEREOF) OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 1952 AS DOCUMENT 659666 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 March 4, 2021 does find as follows:

**FINDINGS OF FACT:**

1. That petitioner testified that he seeks the subject zoning relief to construct a gas station, convenience store with drive-through food service and carwash.
2. That petitioner testified that the subject property is zoned B-2 General Business District and that the proposed activities are allowed Conditional Uses in the underlying B-2 General Business District.
3. That petitioner testified that the access from Route 83 will include a right-in and right-out on the northside of the property and full-access on the southside of the subject property.
4. That petitioner testified the proposed gas station will have seven (7) fuel dispensing stations, with a separate diesel truck fueling stations.
5. That petitioner testified that the proposed gas station's convenience store will be approximately 7,000 sq. ft., including drive-through food service.
6. That petitioner testified that the proposed carwash will be an express exterior car wash with three (3) stack lanes with three (3) pay stations and at least two (2) people on staff that will monitor the cars. Additionally, that the proposed carwash will have free vacuums for customers use.

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7. That petitioner testified that the proposed development will have two (2) drainage basins and underground retention beneath the pay stations, with the subject property primarily draining from west to east.
8. That petitioner testified that the proposed development requires fifty-one (51) parking spaces and that petitioner has proposed fifty-four (54) spaces, including three (3) handicapped spaces.
9. That petitioner testified that the proposed development for the drive-through food service and carwash requires a total of twenty (20) required reservoir spaces.
  - Furthermore, that petitioner testified that the proposed food service will have thirteen (13) reservoir spaces, and the proposed carwash will have twenty-four (24) reservoir spaces, for a total of thirty-seven (37) reservoir spaces.
10. That the Zoning Board of Appeals finds that petitioner has not demonstrated sufficient evidence for a Conditional Use for an automobile laundry, minimart, drive-through food service in conjunction with an automobile service station in the B-2 General Business District.
  - Furthermore, that the Zoning Board of Appeals finds that due to the size and shape of the subject property, the subject site is too small for the proposed uses, creating safety concerns with site circulation and noise concerns for surrounding residential properties.

**STANDARDS FOR CONDITIONAL USES:**

1. That the Zoning Board of Appeals finds that petitioner **has not 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 not demonstrated** that the proposed development will not impair an adequate supply of light and air to the adjacent property.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** that the proposed development will not increase the hazard from fire or other dangers to said property.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed development will not diminish the value of land and buildings through the County.

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- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** that the proposed development will not unduly increase traffic congestion in the public streets.
- e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** that the proposed development will not increase the potential for flood damages to adjacent properties.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** that the proposed development will not incur additional public expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** that the proposed development of a gas station, convenience store, carwash, and drive-through food service will not impair the public health, safety, comfort, morals, and general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Z20-083 Baridi	
ZONING REQUEST	Conditional Use for an automobile laundry, minimart, drive-through food service in conjunction with an automobile service station in the B-2 General Business District; and the following exceptions to the CUP related to the monument sign; 1) exception to increase the maximum sign height from 10' to approximately 11'2"; 2) exception to increase cumulative allowed sq. ft. from 90 sq. ft. to approximately 107 sq. ft.	
OWNER	REFAT BARIDI 131 ST. FRANCIS CIRCLE, OAK BROOK, IL 60523/AGENT: LEONARD MCENERY, 8200 W. 185 <sup>TH</sup> STREET, UNIT K, TINLEY PARK, IL 60487	
ADDRESS/LOCATION	9200 @ 10S456 S. KINGERY HIGHWAY, WILLOWBROOK, IL	
PIN	10-02-301-007; 008; 009; 010	
TWSP./CTY. BD. DIST.	Downers Grove S	District 3
ZONING/LUP	B-2 General Business	Multi- Family 5-15 DU AC
AREA	5.62 Acres (244,807 sq. ft.)	

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<b>UTILITIES</b>	Water and Sewer
<b>PUBLICATION DATE</b>	Daily Herald: February 3, 2021
<b>PUBLIC HEARING</b>	December 10, 2020; January 7, 2021; and Thursday, February 18, 2021
<b><u>ADDITIONAL INFORMATION:</u></b>	
Building:	No Objection.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Comments Received.
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	No Objection. "We are the sewer and water provider for the area. Permits for sewer extension and water extensions will be required."
<b>EXTERNAL:</b>	
Village of Burr Ridge:	Village of Burr Ridge reviewing subject request (See attached documentation)
Village of Willowbrook:	No Comments Received.
City of Darien:	No Comments Received.
Downers Grove Township:	No Comments Received.
Township Highway:	No Comments Received.
Tri-State Fire Dist.:	No Objection.
Sch. Dist. 180:	No Comments Received.
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you."

**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
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Front Yard:	12 FT	NA	10 FT
Int. Side Yard:	12 FT	NA	10 FT
Int. Side Yard:	12 FT	NA	10 FT
Rear Yard:	12 FT	NA	40 FT

**LAND USE**

Location	Zoning	Existing Use	LUP
Subject	B-2 General Business	Vacant /	Multi-Family 5-15 DU/AC
North	B-2 General Business	Commercial	Multi-Family 5-15 DU/AC
South	R-6 General Residential	Multi-Family/ Apartments	Multi-Family 15+ DU/AC
East	Route 83 and beyond Village if Burr Ridge and R-4 SF RES	Commercial and Residential	0-5 DU AC
West	R-6 General Residential	Townhomes	Institutional

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on March 4, 2021, recommends to deny the following zoning relief:

Conditional Use for an automobile laundry, minimart, drive-through food service in conjunction with an automobile service station in the B-2 General Business District.

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

**Dissenting Opinion:** That the one (1) dissenting Zoning Board of Appeals Member finds that petitioner demonstrated sufficient evidence for the subject zoning relief.

WHEREAS, the County Board Development Committee on March 16, 2021, considered the above findings and recommendations of the Zoning Board of Appeals and did not concur with the findings of the Zoning Board of Appeals and recommends to approve the following zoning relief:

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Conditional Use for an automobile laundry, minimart, drive-through food service in conjunction with an automobile service station in the B-2 General Business District.

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

**DEVELOPMENT COMMITTEE FINDINGS OF FACT:**

1. That the DuPage County Development Committee finds no cause for denial for the proposed development, as petitioner has provided sufficient evidence to approve a Conditional Use for an automobile laundry, minimart, drive-through food service, in conjunction with an automobile service station in the B-2 General Business District.
2. That the Development Committee finds that the proposed development complies with all bulk requirements of the B-2 General Business District and furthermore, includes additional screening between the subject property and the townhouse development to the west.

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

Conditional Use for an automobile laundry, minimart, drive-through food service in conjunction with an automobile service station in the B-2 General Business District, on the property hereinafter described:

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

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; REFAT BARIDI 131 ST. FRANCIS CIRCLE, OAK BROOK, IL 60523/AGENT: LEONARD MCENERY, 8200 W. 185<sup>TH</sup> STREET, UNIT K, TINLEY PARK, IL 60487; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 23rd day of March, 2021 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN  
DU PAGE COUNTY BOARD

Attest:

  
JEAN KACZMAREK, COUNTY CLERK

AYES 11  
NAYS 6  
ABSENT 1