

Ordinance

DC-O-0023-22

WHEREAS, a public hearing was held on March 24, 2022 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. Conditional use for recreational facility.
2. Variation to reduce required number of parking spaces from 344 to 251, on the property hereinafter described:

PART OF THE SOUTH ½ OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 34; THENCE WESTERLY ON THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 34 FOR A DISTANCE OF 255.86 FEET; THENCE NORTHERLY PARALLEL TO THE EAST LINE OF SAID SOUTHWEST ¼ FOR A DISTANCE OF 1361.36 FEET TO A POINT IN THE SOUTH LINE OF F.A. ROUTE 98, AS DEDICATED BY DOCUMENT 525686; THENCE EASTERLY OF THE SOUTH LINE OF F.A. ROUTE 98 FOR A DISTANCE OF 410.21 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SECTION 34 FOR A DISTANCE OF 1524.22 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST ¼; THENCE WESTERLY ON THE SOUTH LINE OF SAI SOUTHEAST ¼ FOR A DISTANCE OF 121.18 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL; MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE SOUTH LINE OF SAID SECTION 34, 2405.04 FEET WEST OF A 6 INCH SQUARE LIMESTONE MONUMENT AT THE SOUTHEAST CORNER OF SECTION 34, 113.78 FEET TO A POINT OF 121.18 FEET EAST OF HOLE IN BALL OF STEEL RAIL MONUMENT AT THE SOUTH QUARTER CORNER OF SECTION 34 AFORESAID, THENCE NORTH PARALLEL TO THE NORTH AND SOUTH QUARTER SECTION LINE OF SAID SECTION 34, 1901.68 FEET TO CENTER OF JOLIET ROAD (AS OCCUPIED FOR THE PAST 50 YEARS) THENCE NORTH 77 DEGREES 37 ½ MINUTES EAST ALONG CENTER LINE OF SAID JOLIET ROAD, 11648 FEET TO A POINT OF 2409.24 FEET WEST OF THE EAST LINE OF SAID SECTION 34; THENCE SOUTH ALONG LINE OF OLD HEDGE PARALLEL TO THE NORTH AND SOUTH QUARTER SECTION LINE OF SAID SECTION 34, 1926.60 FEET TO THE PLACE OF BEGINNING, 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 April 7, 2022 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that the subject zoning relief is to build an approximately 86,000 square foot, two-story indoor sporting (recreational facility), along with parking variation, to provide a local option to the nearby area youth and adults for quality sports, competition, and instruction.
2. That petitioner testified that the proposed recreational facility will be comprised of the following:
 - a. Two 180x90 foot indoor turf fields;
 - b. Four regulation volleyball courts;

Ordinance

DC-O-0023-22

- c. Second floor containing an 8,000 square foot speed and agility training area and two batting cages;
 - d. Space for tenants and staff; and
 - e. Concessions type food and non-alcoholic beverages.
3. That petitioner testified that the proposed recreational facility will be one hundred percent (100%) schedule-based programming (no walk-ins), to ensure the facility and its parking is sufficient for the number of uses.
 4. That petitioner testified that the following types of programming throughout year include:
 - a. Youth and adult sport leagues;
 - b. Youth sport instruction;
 - c. Birthday parties; and
 - d. Summer camps.
 5. That petitioner testified that the height of the proposed recreational facility will be approximately 36 feet tall.
 6. That petitioner testified that no outdoor sporting activities will take place on the subject property.
 7. That petitioner testified that the proposed recreational facility will only allow activities to occur between the hours of 7:00 AM and 11:00 PM, and that all lighting, except for security lighting, will be off between the hours of midnight and 6:00 AM.
 8. That petitioner testified that to further lessen any affect the facility may have on the surrounding neighborhood, that the recreational facility will not allow any concerts at the facility, nor shall outside grilling be permitted.
 9. That petitioner testified that the proposed facility will be built on northwestern portion of the subject property to maintain a distance from nearby residential properties and that there is an 8.5-acre buffer between the subject property and residential properties to the south.
 - a. Additionally, that there are no homes to the west of the subject property, as it is owned by the Forest Preserve District.
 10. That petitioner testified that during summer camps, there will be no drop-off area/queuing, and that parents must park and drop off/pick up their children.
 11. That petitioner testified that they have submitted a Traffic Impact Study performed by KLOA, which shows that the proposed recreational use will not unduly increase traffic congestion or traffic safety in the area. Furthermore, that petitioner has demonstrated that entering from the east from Frontage Road or existing eastbound onto Frontage road will be prohibited, further alleviating traffic congestion and concerns.

Ordinance

DC-O-0023-22

12. That petitioner testified that they have requested a Variation to reduce the number of parking spaces from 344 spaces to approximately 251 spaces.
 - a. That petitioner testified the area for parking is reduced due to the amount of floodplain/wetland buffers on the subject property, which require mitigation.
 - b. Furthermore, that the Zoning Ordinance is not designed for this type of recreational use, but more for places of assembly. That the number of cars is limited by the type of use, and unlike churches, meeting or concert venues, soccer fields and volleyball courts have a limited number of uses to due to the limited number of participants at any one time.

STANDARDS FOR VARIATION AND CONDITIONAL USE:

1. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the Variation and Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Board of Appeals finds that petitioner **has demonstrated** the granting of the Variation and Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed building height of the recreational facility complies with the DuPage County Zoning Ordinance at 36 feet and shall not impair any light to surrounding properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will comply will all building and fire codes, and that the proposed recreational facility will be built with a fire suppression system.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that due to the distances and setbacks from nearby residences and other private properties, the subject property and proposed recreational facility will not impact or affect property values. Furthermore, that the underlying zoning and conditional use is consistent with the zoning in the surrounding neighborhood.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that they submitted a Traffic Impact Study showing that the proposed use will not unduly increase traffic congestion or traffic safety in the area. Furthermore, that petitioner has demonstrated that entering from the east from Frontage Road or existing eastbound onto Frontage road will be prohibited, further alleviating traffic congestion and concerns.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the subject property will receive a building permit for all construction and excavation, and that it will be constructed to comply with all DuPage County Stormwater Ordinances and floodplain regulations.

Ordinance

DC-O-0023-22

- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the subject property will receive a building permit for all construction and excavation, and that it will be constructed to comply with all DuPage County Stormwater Ordinances and floodplain regulations.

- g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that through the incorporation of conditions and the operation of the proposed recreational facility, the subject property will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-22-000013 West Suburban Development Corp.	
ZONING REQUEST	1. Conditional use for recreational facility. 2. Variation to reduce required number of parking spaces from 344 to 251.	
OWNER	WEST SUBURBAN DEVELOPMENT CORP., 17W511 FRONTAGE ROAD, P.O. BOX 101, HINSDALE, IL 60521/ AUTHORIZED AGENT: PHILLIP A. LUETKEHANS, LUETKEHANS, BRADY, GARNER & ARMSTRONG, 105 IRVING PARK ROAD, ITASCA, IL 60143	
ADDRESS/LOCATION	17W411 FRONTAGE ROAD, HINSDALE, IL 60527	
PIN	09-34-303-022; 09-34-303-023; 09-34-303-024; 09-34-403-014; AND 09-34-403-015	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	District 3
ZONING/LUP	R-2 SF RES	0-5 DU AC
AREA	APPROX. 9.3 acres (405,108 sq. ft.)	
UTILITIES	Water and Sewer	
PUBLICATION DATE	Daily Herald: March 9, 2022	
PUBLIC HEARING	Thursday, March 24, 2022	
<u>ADDITIONAL INFORMATION:</u>		

Ordinance

DC-O-0023-22

Building:	No Objection with concept of the petition. Additional information may be required at time of permit application.
DUDOT:	<i>No Comments Received.</i>
Health:	No Objections.
Stormwater:	No Objection with concept of the petition. Additional information may be required at time of permit application. "Stormwater Ordinance violations exist related to fill in the floodplain and wetlands on the southern portion of the development. Discussions about resolving these violations as part of the site development process were in progress with the previous site development plan and should continue under the current development plan."
Public Works:	No Objection with concept of the petition. Additional information may be required at time of permit application. "We have sewer and water in the immediate area."
EXTERNAL:	
City of Darien:	No Objection. "Within Darien Planning Jurisdiction, No Objection."
Village of Burr Ridge:	<i>No Comments Received.</i>
Village of Willowbrook:	No Objection with concept of the petition. Additional information may be required at time of permit application. "No concerns with the concept."
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	Objects. See attached documentation.
Tri-State Fire Dist.:	No Objections.
Sch. Dist. 63:	<i>No Comments Received.</i>
Forest Preserve:	See attached documentation.

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	Parking: 24' Building: 30'	NA	Parking: 24' Building: 76'

Ordinance

DC-O-0023-22

Int. Side Yard:	Parking: 32' Building: 40'	NA	Parking: 38' Building: 228'
Int. Side Yard:	Parking: 32' Buildings: 40'	NA	Parking: 32' Building: 40'
Rear Yard:	Building: 50'	NA	Building: 195'

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-2 SF RES	House	0-5 DU AC
North	Frontage Road and beyond I-55/ B-1 Local Business	Commercial	Office Low
South	R-1 SF RES	Forest Preserve	Open Space
East	R-2 SF RES	Forest Preserve	0-5 DU AC
West	R-2 SF RES	Forest Preserve	0-5 DU AC

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on April 7, 2022, recommends to approve a Conditional Use for an indoor soccer recreational facility and did not make a favorable recommendation on the Variation to reduce required number of parking spaces from 344 to 251, solely on the ground that the Variation would run with the land, and looked to the Development Committee to reconcile that concern:

Conditional Use for an indoor soccer recreational facility and did not make a favorable recommendation on the Variation to reduce required number of parking spaces from 344 to 251, solely on the ground that the Variation would run with the land, and is looking for the Development Committee to reconcile that concern.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-22-000013 West Suburban Development Corp.** dated April 7, 2022.

Ordinance

DC-O-0023-22

2. That the subject zoning relief is only applicable for the subject property indicated on the site plan with following legal description, "LOT 1 OF SAWMILL GARDENS ASSESSMENT PLAT, OF THAT PART OF THE SOUTHWEST AND SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 22, 2022 AS DOCUMENT R2022-019270, IN DUPAGE COUNTY."
3. That the Conditional Use shall inure only to the owner, West Suburban Development Corp. and/or Pinnacle Indoor Sports, and shall terminate in the event that the owner, or any entity owned or controlled by West Suburban Development Corp. and/or Pinnacle Indoor Sports, discontinues operation of the subject recreational facility on the subject property with following legal description, "LOT 1 OF SAWMILL GARDENS ASSESSMENT PLAT, OF THAT PART OF THE SOUTHWEST AND SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 22, 2022 AS DOCUMENT R2022-019270, IN DUPAGE COUNTY."
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That in conjunction with the submittal of a building permit, the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
6. That as part of the submittal of a building permit the developer shall provide a photometric plan demonstrating that the level of light shall not exceed 0.5 foot-candles of illumination at all property lines.
7. That no outdoor sporting activities shall take place on the subject property.
8. That a five-year landscape monitoring plan shall be enacted to replace any dead vegetation or vegetation that does not take within those five years.
9. That the recreational facility shall only allow activities to occur between the hours of 7:00 AM and 11:00 PM, and that all lighting, except for security lighting, will be off between the hours of midnight and 6:00 AM.
10. That security lights on the proposed building shall be pointed downward, and all lighting at the facility shall comply with the DuPage County Resolution EN-R-0215021, enacted April 13, 2021, supporting International Dark Skies recommendations.
11. That no concerts shall be allowed on the subject property.
12. That no grilling shall be allowed in the parking lots on the subject property.
13. That the only identification sign on the subject property shall be a monument sign in compliance with the DuPage County Sign Ordinance at the entrance and that this condition does not prohibit any signage on the building that is in accordance with the DuPage County Sign Ordinance.
14. That the outdoor storage of waste shall not be allowed within 250 feet of Sawmill Creek and shall be fully screened.

Ordinance

DC-O-0023-22

15. That no coal tar or other products containing Polycyclic Aromatic Hydrocarbons shall be used as sealants on the subject parking lot.
16. That all landscape plantings shall be native to the Chicago region.
17. That the facility shall not allow or promote any parking on Frontage Road.
18. That non-emergency traffic shall be prohibited from entering from the east on Frontage Road or exiting eastbound onto Frontage Road. The Applicant will take the following actions in furtherance of this prohibition:
 - a. That ingress and egress on and from Frontage Road shall be channelized (angled) in such a way to alleviate the chances of non-emergency vehicles entering onto the subject property or exiting from the subject property from the east.
 - b. That the applicant shall seek to obtain approval from the local jurisdiction authority to have signs placed on Frontage Road indicating no left turn onto the subject property.
 - c. That the application shall place signs on the subject property indicating that exiting eastbound is prohibited.
 - d. That the facility's website shall only indicate directions to the facility from Cass Avenue onto Frontage Road.
 - e. That if acceptable to the Township Highway Commissioner, a deceleration or right-hand turn lane into the property for eastbound traffic shall be provided.
19. That the fence shown on the Site Plan dated April 7, 2022 shall be six-feet high.
20. That all participants using the facility shall be pre-registered with the management of the facility.
21. That the number of participants in any tournaments held on the subject property shall be limited to the number of participants for the entire facility that will not cause the parking capacity to be exceeded.
22. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZBA VOTE (to APPROVE): 5 Ayes, 0 Nays, 2 Absent

Additional Information:

That three (3) members of the Zoning Board of Appeals supported the zoning relief in its entirety (to approve the Conditional Use and Variation), as petitioner demonstrated evidence to support a practical difficulty and unique circumstance for a Variation due to Stormwater Special Management (floodplain and wetland) on the subject property. Furthermore, that the three (3) members in support of the zoning relief in its entirety did not have a fourth (4th) vote to overturn the motion to approve both requests, as two (2) Zoning Board of Appeals members were absent.

Ordinance

DC-O-0023-22

WHEREAS, the County Board Development Committee on April 19, 2022, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to not concur with the recommendation and recommends to approve the following zoning relief

1. Conditional Use for an indoor soccer recreational facility; and
2. Variation to reduce required number of parking spaces from 344 to 251

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-22-000013 West Suburban Development Corp.** dated April 7, 2022.
2. That the subject zoning relief is only applicable for the subject property indicated on the site plan with following legal description, "LOT 1 OF SAWMILL GARDENS ASSESSMENT PLAT, OF THAT PART OF THE SOUTHWEST AND SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 22, 2022 AS DOCUMENT R2022-019270, IN DUPAGE COUNTY."
3. That the Conditional Use shall inure only to the owner, West Suburban Development Corp. and/or Pinnacle Indoor Sports, and shall terminate in the event that the owner, or any entity owned or controlled by West Suburban Development Corp. and/or Pinnacle Indoor Sports, discontinues operation of the subject recreational facility on the subject property with following legal description, "LOT 1 OF SAWMILL GARDENS ASSESSMENT PLAT, OF THAT PART OF THE SOUTHWEST AND SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 22, 2022 AS DOCUMENT R2022-019270, IN DUPAGE COUNTY."
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That in conjunction with the submittal of a building permit, the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
6. That as part of the submittal of a building permit the developer shall provide a photometric plan demonstrating that the level of light shall not exceed 0.5 foot-candles of illumination at all property lines.
7. That no outdoor sporting activities shall take place on the subject property.
8. That a five-year landscape monitoring plan shall be enacted to replace any dead vegetation or vegetation that does not take within those five years.

Ordinance

DC-O-0023-22

9. That the recreational facility shall only allow activities to occur between the hours of 7:00 AM and 11:00 PM, and that all lighting, except for security lighting, will be off between the hours of midnight and 6:00 AM.
10. That security lights on the proposed building shall be pointed downward, and all lighting at the facility shall comply with the DuPage County Resolution EN-R-0215021, enacted April 13, 2021, supporting International Dark Skies recommendations.
11. That no concerts shall be allowed on the subject property.
12. That no grilling shall be allowed in the parking lots on the subject property.
13. That the only identification sign on the subject property shall be a monument sign in compliance with the DuPage County Sign Ordinance at the entrance and that this condition does not prohibit any signage on the building that is in accordance with the DuPage County Sign Ordinance.
14. That the outdoor storage of waste shall not be allowed within 250 feet of Sawmill Creek and shall be fully screened.
15. That no coal tar or other products containing Polycyclic Aromatic Hydrocarbons shall be used as sealants on the subject parking lot.
16. That all landscape plantings shall be native to the Chicago region.
17. That the facility shall not allow or promote any parking on Frontage Road.
18. That non-emergency traffic shall be prohibited from entering from the east on Frontage Road or exiting eastbound onto Frontage Road. The Applicant will take the following actions in furtherance of this prohibition:
 - a. That ingress and egress on and from Frontage Road shall be channelized (angled) in such a way to alleviate the chances of non-emergency vehicles entering onto the subject property or exiting from the subject property from the east.
 - b. That the applicant shall seek to obtain approval from the local jurisdiction authority to have signs placed on Frontage Road indicating no left turn onto the subject property.
 - c. That the application shall place signs on the subject property indicating that exiting eastbound is prohibited.
 - d. That the facility's website shall only indicate directions to the facility from Cass Avenue onto Frontage Road.
 - e. That if acceptable to the Township Highway Commissioner, a deceleration or right-hand turn lane into the property for eastbound traffic shall be provided.
19. That the fence shown on the Site Plan dated April 7, 2022 shall be six-feet high.

Ordinance

DC-O-0023-22

20. That all participants using the facility shall be pre-registered with the management of the facility.
21. That the number of participants in any tournaments held on the subject property shall be limited to the number of participants for the entire facility that will not cause the parking capacity to be exceeded.
22. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

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

1. Conditional Use for an indoor soccer recreational facility; and
2. Variation to reduce required number of parking spaces from 344 to 251, on the property hereinafter described:

PART OF THE SOUTH ½ OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 34; THENCE WESTERLY ON THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 34 FOR A DISTANCE OF 255.86 FEET; THENCE NORTHERLY PARALLEL TO THE EAST LINE OF SAID SOUTHWEST ¼ FOR A DISTANCE OF 1361.36 FEET TO A POINT IN THE SOUTH LINE OF F.A. ROUTE 98, AS DEDICATED BY DOCUMENT 525686; THENCE EASTERLY OF THE SOUTH LINE OF F.A. ROUTE 98 FOR A DISTANCE OF 410.21 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SECTION 34 FOR A DISTANCE OF 1524.22 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST ¼; THENCE WESTERLY ON THE SOUTH LINE OF SAI SOUTHEAST ¼ FOR A DISTANCE OF 121.18 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

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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 #ZONING-22-000013 West Suburban Development Corp. dated April 7, 2022.

Ordinance

DC-O-0023-22

2. That the subject zoning relief is only applicable for the subject property indicated on the site plan with following legal description, "LOT 1 OF SAWMILL GARDENS ASSESSMENT PLAT, OF THAT PART OF THE SOUTHWEST AND SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 22, 2022 AS DOCUMENT R2022-019270, IN DUPAGE COUNTY."
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7. That no outdoor sporting activities shall take place on the subject property.
8. That a five-year landscape monitoring plan shall be enacted to replace any dead vegetation or vegetation that does not take within those five years.
9. That the recreational facility shall only allow activities to occur between the hours of 7:00 AM and 11:00 PM, and that all lighting, except for security lighting, will be off between the hours of midnight and 6:00 AM.
10. That security lights on the proposed building shall be pointed downward, and all lighting at the facility shall comply with the DuPage County Resolution EN-R-0215021, enacted April 13, 2021, supporting International Dark Skies recommendations.
11. That no concerts shall be allowed on the subject property.
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13. That the only identification sign on the subject property shall be a monument sign in compliance with the DuPage County Sign Ordinance at the entrance and that this condition does not prohibit any signage on the building that is in accordance with the DuPage County Sign Ordinance.
14. That the outdoor storage of waste shall not be allowed within 250 feet of Sawmill Creek and shall be fully screened.

Ordinance

DC-O-0023-22

15. That no coal tar or other products containing Polycyclic Aromatic Hydrocarbons shall be used as sealants on the subject parking lot.
16. That all landscape plantings shall be native to the Chicago region.
17. That the facility shall not allow or promote any parking on Frontage Road.
18. That non-emergency traffic shall be prohibited from entering from the east on Frontage Road or exiting eastbound onto Frontage Road. The Applicant will take the following actions in furtherance of this prohibition:
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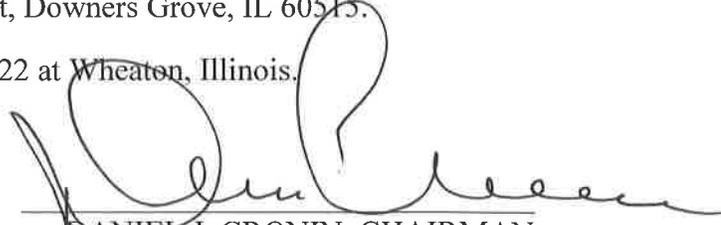
Ordinance

DC-O-0023-22

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; WEST SUBURBAN DEVELOPMENT CORP., 17W511 FRONTAGE ROAD, P.O. BOX 101, HINSDALE, IL 60521/ AUTHORIZED AGENT: PHILLIP A. LUETKEHANS, LUETKEHANS, BRADY, GARNER & ARMSTRONG, 105 IRVING PARK ROAD, ITASCA, IL 60143; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 26th day of April, 2022 at Wheaton, Illinois.


DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest: 
JEAN KACZMAREK, COUNTY CLERK

AYES 16
NAYS 0
ABSENT 2