



## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** DC-O-0059-24

**Agenda Date:** 9/17/2024

**Agenda #:** 11.B.

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### **Zoning Petition ZONING-24-000053 XSite**

WHEREAS, a public hearing was held on July 23, 2024 and August 13, 2024 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. Rezoning from R-2 to B-2 General Business District.
2. Conditional Use for a Planned Development with a Self-Storage Facility, Day Care Center, and Drive-Through Coffee Shop with the following exception:
  - a. To increase the FAR from permitted 0.25 to approximately 0.66, on the property hereinafter described:

LOT 21 IN HOBSON HOMELANDS UNIT #2, PART OF SECTIONS 28 AND 29, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1959 AS DOCUMENT 920229, IN DUPAGE COUNTY, ILLINOIS. COMMONLY KNOWN AS 24W725 75<sup>TH</sup> STREET, NAPERVILLE, ILLINOIS.

LOTS 22 AND 23 IN HOBSON HOMELANDS UNIT #2, PART OF SECTIONS 28 AND 29, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1959 AS DOCUMENT 920229, IN DUPAGE COUNTY, ILLINOIS. COMMONLY KNOWN AS: 24W655 7<sup>TH</sup> STREET, NAPERVILLE, ILLINOIS AND 24W681 75<sup>TH</sup> STREET, NAPERVILLE, 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 September 5, 2024 does find as follows:

### **FINDINGS OF FACT:**

1. That petitioner testified that they seek the subject zoning relief to rezone the subject property and for a Conditional Use for Planned Development with a self-storage facility, day care center, and drive-through coffee shop with an exception for increased FAR.
2. That petitioner testified that the subject property consists of three (3) parcels totaling approximately 4.7 acres.
3. That petitioner testified that the current property consists of three (3) parcels, with three (3) single-family homes, two (2) of which are vacant and one (1) that is currently occupied.

- a. Furthermore, that petitioner testified that one of the vacant houses previously had squatters on the premises, which caused a fire in the principal structure.
4. That petitioner testified that the subject property is located on the southside of 75<sup>th</sup> Street, near Wehrli Road, and that this area of 75<sup>th</sup> Street is a major arterial roadway consisting of four (4) lanes and turn lanes, as well as a landscaped-barrier median.
5. That petitioner testified that directly to the east of the subject property is a commercial use (Walgreens), to the south is a passive and active recreational use (Naperville Park District), to the west is a vacant residential parcel with cell towers, and to the north is 75<sup>th</sup> Street and beyond residential townhomes.
6. That petitioner testified that the subject property has been for sale since at least 2016, and that at that time, applicants came forward with a self-storage development on the property through both the City of Naperville and DuPage County, which was ultimately denied.
7. That petitioner testified that the trend of development in the general area is towards commercial and not to single family residential, and that due to the location of the subject property on 75<sup>th</sup> Street, no additional single family home buyers or builders have been interested in the property.
  - a. Additionally, that petitioner testified the subject property lacks the ability and interest to develop as a R-2 Single Family residential development and that the current zoning designation prohibits the subject property from being developed in its highest and best use.
8. That petitioner testified that for the last fifty (50) years, the subject property has been zoned single-family residential, and that the trend of the development at 75<sup>th</sup> and Wehrli since that time has been for multi-family residential developments, such as the townhomes north of 75<sup>th</sup> Street and commercial uses.
9. That petitioner testified that due to the surrounding uses and location on a major arterial roadway, the R-2 Single Family Residential zoning classification significantly decreases the interest of the subject property, and that a rezoning from R-2 to B-2 would be highly appropriate.
10. That petitioner testified that the proposed self-storage facility would have all operations conducted completely inside, including loading/ unloading of a customer's personal property and that there would no outside storage permitted on the property.
  - a. That petitioner testified that the proposed self-storage facility would be monitored 24/7, with onsite staff from 8:00 AM to 6:00 PM, and that the facility would be able to be accessed by customers 24/7 with a passcode.
  - b. That petitioner testified that although it would be the largest of the buildings, the traffic report submitted by KLOA indicates that the self-storage use would only generate approximately twenty (20) users a day, as it is primarily a dormant use.

11. That petitioner testified that the proposed day care center would be operated by Little Sunshine's Day Care, which has a number of locations throughout the Chicagoland area.
  - a. That petitioner testified that the proposed day care center would be operated with thirty-five (35) employees and have approximately one hundred and sixty (160) pre-school aged children.
12. That petitioner testified that the proposed hours of operation of the day care center would be from 6:00 AM to 6:30 PM.
  - a. Additionally, that petitioner testified that parents/ guardians of children at the day care center will park their car and walk their children into the day care center, eliminating the need for a queue-up line.
13. That petitioner testified that the proposed hours of operation of the drive-through coffee shop are from 5:30 AM to 8:00 PM, with staffing of two (2) to three (3) people at all times.
  - a. Furthermore, that petitioner testified that only coffee and cold food would be served at the proposed coffee shop, and that no food would be physically prepared at the subject property.
14. That petitioner testified the proposed development would be utilizing a well and an IEPA-approved sewage system.
15. That petitioner testified that although they have requested an exception to increase the FAR on the subject property from permitted 0.25 FAR to approximately 0.66, that a 0.66 FAR is not an unreasonable number for a modern commercial development, especially including a development that contains a self-storage use that is a primarily dormant use.
16. That petitioner testified that they completed a wetland delineation with the DuPage County Stormwater Department and that the Stormwater Department has no concerns of wetlands on the subject property.

**STANDARDS FOR MAP AMENDMENT (REZONING):**

1. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the map amendment (rezoning) is in harmony with the general purpose and intent of the Zoning Ordinance, and that the petitioner has not demonstrated the following standards for a map amendment (rezoning):
2. Existing uses of property within the general area of the property in question, as petitioner **has demonstrated** that the existing uses of property within the general area of the property in question are primarily multi-family and commercial, and that directly to the east of the subject property is a commercial use (Walgreens), to the south is a passive and active recreational use (Naperville Park District), to the west is a vacant residential parcel with cell towers, and to the north is 75<sup>th</sup> Street and beyond residential townhomes.
3. The zoning classification of property within the general area of the property in question, as petitioner **has demonstrated** that directly to the east of the subject property is zoned commercial within the City of Naperville

(Walgreens), to the south is a passive and active recreational use (Naperville Park District), to the west is zoned single family residential that is a vacant parcel with cell towers, and to the north is 75<sup>th</sup> Street and beyond is zoned multi-family with a townhome development within the City of Naperville.

4. The suitability of the property in question for the uses permitted under the existing zoning classification, as petitioner **has demonstrated** that due to the location of the subject property on 75<sup>th</sup> Street, no additional single family home buyers or builders have been interested in the property.
5. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification, as petitioner **has demonstrated** that the trend of development in the general area is towards commercial and multi-family residential, and that due to the location of the subject property on 75<sup>th</sup> Street, no additional single family home buyers or builders have been interested in the property.
6. The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property, as petitioner **has demonstrated** that the subject property has lacked the ability and interest to develop as a R-2 Single Family residential development since 2016, and that the current zoning designation prohibits the subject property from being developed in its highest and best use.
7. The extent to which the property values are diminished by particular zoning restrictions, as petitioner **has demonstrated** that due to the surrounding uses and location on a major arterial roadway (75<sup>th</sup> Street), the R-2 Single Family Residential zoning classification significantly decreases the interest of the subject property, and that a rezoning from R-2 to B-2 would be the highest and best use of the subject property.

#### **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 would meet all required setbacks and that it would not impair an adequate supply of light and air to the adjacent properties.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed development and developer will obtain building permits for all proposed construction and that there would not be an increase in the hazard from fire or other dangers to said property.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed development would be an added benefit to the neighborhood, as the currently property has two (2) vacant homes and that one of the homes has since caught fire due to squatters.

- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that according to the traffic report submitted by KLOA, the proposed development will not unduly increase traffic congestion in the public streets and highways.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the Stormwater Department has no objections to the concept of the proposed development.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the Stormwater Department has no objections to the concept of the proposed development.
- 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 will be an added benefit to the surrounding area and will not otherwise 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-24-000053 XSite	
ZONING REQUEST	1. Rezoning from R-2 to B-2 General Business District. 2. Conditional Use for a Planned Development with a Self-Storage Facility, Day Care Center, and Drive-Through Coffee Shop with the following exception: a. To increase the FAR from permitted .25 to approximately 0.66.	
OWNER	MBMBM LLC., 940 MAPLE AVENUE, UNIT 301, DOWNERS GROVE, 60515-4415 / MBMBM LLC., 24W725 75 <sup>TH</sup> STREET, NAPERVILLE, IL 60565-1683 / JOHN FERRI, 6349 VALLEY VIEW COURT, YORKVILLE, IL 60560 / JOHN FERRI, 24W655 75 <sup>TH</sup> ST., AND 24W681 75TH ST., NAPERVILLE, IL 60565 / AGENT: PHILLIP A. LUETKEHANS, LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC., 2700 INTERNATIONAL DRIVE, SUITE 305, WEST CHICAGO, IL 60185	
ADDRESS/LOCATION	24W655 75TH ST., NAPERVILLE, IL 60540; 24W681 75TH ST., NAPERVILLE, IL 60565; 24W725 75TH ST., NAPERVILLE, IL 60565	
PIN	08-28-300-003, 08-28-300-004, 08-28-300-005	
TWSP/CTY. BD. DIST.	Lisle	DISTRICT 5
ZONING/LUP	R-2 SF RES	0-5 DU AC
AREA	4.73 ACRES (206,039 SQ. FT.)	
UTILITIES	Well / Public Sewage Disposal System	
PUBLICATION DATE	Daily Herald: Monday, July 8, 2024	
PUBLIC HEARING	Tuesday, July 23, 2024; Continued to August 13, 2024	

<b><u>ADDITIONAL INFORMATION:</u></b>	
Building:	No Objections.
DUDOT:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "Traffic Impact Study and Que analysis are required for access to 75 <sup>th</sup> Street. Increase in FAR may make on-site circulation difficult due to interaction between the QSR and Daycare ques, which could impact access at 75 <sup>th</sup> St."
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "This proposal will be on an IEPA public sewage disposal system and not on a septic system."
Stormwater:	"In light of the 9/8/24 on-site negative wetland findings by wetland staff, I've revised my ZBA memo to the following: No Objections with the concept of the petition. Additional information may be required at time of permit application."
Public Works:	"DPC PW doesn't own any sewer or water mains in the area. It's in the Naperville Sanitary District."
<b><u>EXTERNAL:</u></b>	
City of Naperville:	<i>No Comments Received.</i>
Village of Woodridge:	<i>No Comments Received.</i>
Village of Lisle:	Our office has no jurisdiction in this matter. "The subject property is outside of the Village of Lisle's boundary agreement."
Lisle Township:	<i>No Comments Received.</i>
Township Highway:	No Objections.
Lisle-Woodridge Fire Dist.:	"Currently in Fire District - N/A"
Sch. Dist. 203:	<i>No Comments Received.</i>
Forest Preserve:	"The Forest Preserve District of DuPage County staff have reviewed the information provided in this Notice and do not have any specific comments. Thank you."

**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Floor Area Ratio:	0.25	NA	0.66

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-2 SF RES	HOUSE	0-5 DU AC
North	75 <sup>TH</sup> STREET AND BEYOND CITY OF NAPERVILLE	TOWNHOME	CITY OF NAPERVILLE
South	CITY OF NAPERVILLE	PARK DISTRICT	CITY OF NAPERVILLE
East	CITY OF NAPERVILLE	COMMERCIAL	CITY OF NAPERVILLE
West	R-2 SF RES	HOUSE	0-5 DU AC

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on September 5, 2024, recommends to approve the following zoning relief:

1. Rezoning from R-2 to B-2 General Business District.
2. Conditional Use for a Planned Development with a Self-Storage Facility, Day Care Center, and Drive-Through Coffee Shop with the following exception:
  - a. To increase the FAR from permitted 0.25 to approximately 0.66.

**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-24-000053 XSite** dated August 13, 2024.
2. That no more than one hundred sixty (160) children shall be permitted to be cared for on the subject property in the children's day care center at any given time.
3. That the hours of operation of the children's day care center shall be from 6:00 AM to 6:30 PM, Monday through Friday.
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 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 September 17, 2024, 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. Rezoning from R-2 to B-2 General Business District.
2. Conditional Use for a Planned Development with a Self-Storage Facility, Day Care Center, and Drive-Through Coffee Shop with the following exception:
  - a. To increase the FAR from permitted 0.25 to approximately 0.66.

**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-24-000053 XSite** dated August 13, 2024.
2. That no more than one hundred sixty (160) children shall be permitted to be cared for on the subject property in the children's day care center at any given time.
3. That the hours of operation of the children's day care center shall be from 6:00 AM to 6:30 PM, Monday through Friday.
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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

**Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent**

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

1. Rezoning from R-2 to B-2 General Business District.
2. Conditional Use for a Planned Development with a Self-Storage Facility, Day Care Center, and Drive-Through Coffee Shop with the following exception:
  - a. To increase the FAR from permitted 0.25 to approximately 0.66, on the property hereinafter described:

LOT 21 IN HOBSON HOMELANDS UNIT #2, PART OF SECTIONS 28 AND 29, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1959 AS DOCUMENT 920229, IN DUPAGE COUNTY, ILLINOIS. COMMONLY KNOWN AS 24W725 75<sup>TH</sup> STREET, NAPERVILLE, ILLINOIS.

LOTS 22 AND 23 IN HOBSON HOMELANDS UNIT #2, PART OF SECTIONS 28 AND 29, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1959 AS DOCUMENT 920229, IN DUPAGE COUNTY, ILLINOIS. COMMONLY KNOWN AS: 24W655 7<sup>TH</sup> STREET, NAPERVILLE, ILLINOIS AND 24W681 75<sup>TH</sup> STREET, NAPERVILLE, 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 **#ZONING-24-000053 XSite** dated August 13, 2024.



2. That no more than one hundred sixty (160) children shall be permitted to be cared for on the subject property in the children's day care center at any given time.
3. That the hours of operation of the children's day care center shall be from 6:00 AM to 6:30 PM, Monday through Friday.
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 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; MBMBM LLC., 940 MAPLE AVENUE, UNIT 301, DOWNERS GROVE, 60515-4415 / MBMBM LLC., 24W725 75<sup>TH</sup> STREET, NAPERVILLE, IL 60565-1683 / JOHN FERRI, 6349 VALLEY VIEW COURT, YORKVILLE, IL 60560 / JOHN FERRI, 24W655 75<sup>TH</sup> ST., AND 24W681 75<sup>TH</sup> ST., NAPERVILLE, IL 60565 / AGENT: PHILLIP A. LUETKEHANS, LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC., 2700 INTERNATIONAL DRIVE, SUITE 305, WEST CHICAGO, IL 60185; and Township Assessor, Lisle Township, 4721 Indiana Avenue, Lisle, IL 60532

Enacted and approved this 24<sup>th</sup> day of September, 2024 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK