



**AGENDA ITEM # 9B**

**AGENDA ITEM EXECUTIVE SUMMARY  
Village Board Meeting  
June 11, 2018**

**Item Title:**           **A Resolution of Objection to Requests for Conditional Use for Corner Side Yard and Interior Side Yard Setbacks in Unincorporated DuPage County (24W455 Lake Street - Zoning Petition Z18-005)**

**Staff Contact:**       Patrick Watkins

**VILLAGE BOARD ACTION**

**Adopt a resolution of objection to requests for conditional use for corner side yard and interior side yard setbacks in unincorporated DuPage County.**

**Executive Summary:**

The owner of the unincorporated K Plaza Auto Deals site located at 24W455 Lake Street recently applied to DuPage County for a setback reduction under the conditional use permit procedure outlined in the County Zoning Ordinance. He requested that the corner side yard setback be reduced from 30 feet to 10 feet and that the interior yard setback be reduced from 20 feet to 15 feet to allow parking. (See attached plat.)

The Village is partnering with DuPage County, Bloomingdale Township, the Village of Bloomingdale, and the Village of Hanover Park in efforts to enhance the Lake Street Corridor and to realize the vision presented in the 2014 Lake Street Corridor Plan. Maintaining the zoning standards helps with the aesthetics of the corridor making it a more attractive thoroughfare for economic development and ultimately realizing the long term development desires of Roselle and DuPage County.

Staff does not believe that it is in the best interest of the corridor to approve the request and would like the Village Board to pass a resolution, under the terms of the Illinois State Statute, formally objecting. An objection from Roselle would mean that a 2/3 majority vote of the DuPage County Board of Commissioners would be needed to approve the request as opposed to the simple majority typically needed. Following are the staff's comments.

1. The applicant has requested that the corner side yard setback be reduced by more than 50%. This is a greater reduction than can be requested under the conditional use procedure outlined in DuPage County Code Section 37-802.4 (D)(1)(a).

2. Setbacks should include little more than greenspace and landscaping. Reducing the setbacks essentially reduces this greenspace and allows an increase in lot coverage. In this case, lot coverage would be over 80%. In our opinion, this is excessive for the corridor.
3. The lot was laid out with a multi-tenant retail building set towards the rear of the lot with a double row of parking in front. The parking configuration is appropriate for traditional retail users but does not work well for auto sales. (Typically auto sales lots have a much lower ratio of building to parking and are designed with additional drive aisles and parking spaces to access and house inventory.) We do not believe that setback reductions are necessary in this situation as the issue stems from sub-optimal site selection as opposed to actual hardship on the retail lot.
4. DuPage County Code Section 37-802.4 (D) requires that the applicant file a site plan for review of access control, signage control, and lighting. The Village of Roselle has not received a copy for review and, it is our understanding that, the plans have not been submitted to DuPage County either.
5. In 2014, DuPage County, along with the Chicago Metropolitan Area for Planning and several Lake Street Corridor communities, collaborated on the Lake Street Corridor Plan. This parcel lies in Sub-Planning Area 5, an area with a history of denied DuPage County zoning actions related to business uses. We do not believe that the desired long term future use of the Sub-Area 5 is reinforced by the approval of the petition.

**Implications:**

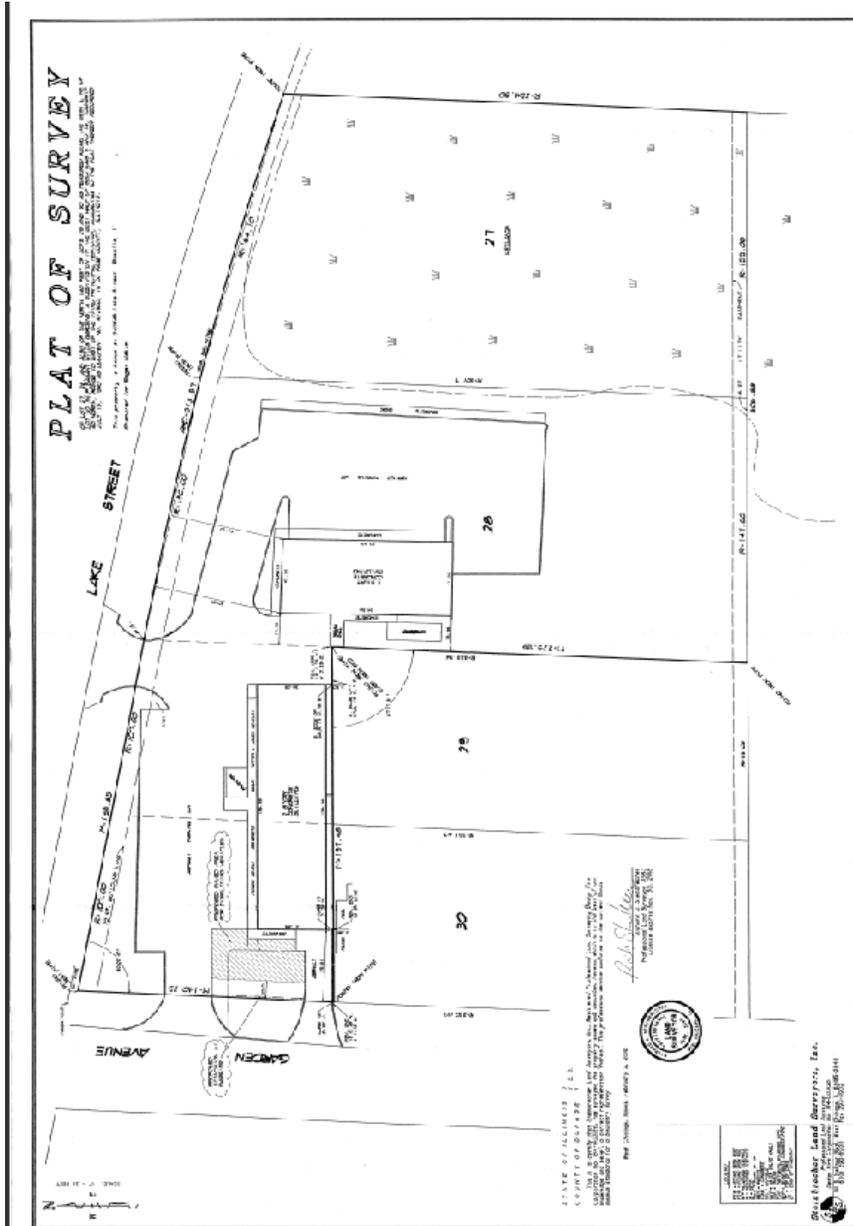
**Is this item budgeted?** n/a

**Any other implications to be considered?** Though this property is not in Roselle's ultimate boundaries, it impacts the overall visual of the corridor.

**Attachments:**

1. Plat of Survey Showing Proposed Setbacks
2. Site Images
3. Proposed Resolution

**Attachment #1**  
**Plat of Survey Showing Proposed Setbacks**  
**Submitted to DuPage County by the Applicant**



**Attachment #2**  
Site Images

Photos of the Site – 06.05.2018, Village of Roselle



Site Aerial  
Source: DuPage County GIS



**Attachment #3**  
Proposed Resolution

**RESOLUTION 2018 - \_\_\_\_**

**A RESOLUTION OF OBJECTION TO REQUESTS FOR CONDITIONAL USE FOR  
CORNER SIDE YARD AND INTERIOR SIDE YARD AND SETBACKS IN  
UNINCORPORATED DUPAGE COUNTY**

(24W455 Lake Street – 02-09-303-001 - Zoning Petition Z18-005)

**WHEREAS**, the Village of Roselle is a municipal corporation located in DuPage and Cook Counties, Illinois (hereinafter “Village”); and,

**WHEREAS**, pursuant to the Counties Code of the State of Illinois (55 ILCS 5/5-12009.5), the Village is provided the opportunity to review petitions made to the DuPage County Zoning Board of Appeals for properties located in unincorporated DuPage County that are within one and one-half (1½) miles of the Village’s corporate limits; and,

**WHEREAS**, the Mayor and Board of Trustees of the Village (hereinafter “Corporate Authorities”) have been advised that DuPage County is considering a petition, identified as Zoning Petition Z18-005, for a conditional use to reduce the corner side yard setback from 30 feet to 10 feet to allow parking and for a conditional use to reduce the interior yard setback from 20 feet to 15 feet to allow parking (hereinafter “Petition”) on the real estate commonly referred to as 24W455 Lake Street (hereinafter “Property”), pursuant to the DuPage County Zoning Ordinance; and,

**WHEREAS**, the Property is within the B-2 General Business District in accordance with the DuPage County Zoning Ordinance; and,

**WHEREAS**, the Property is within one and one-half (1½) miles of the Village’s corporate limits, and, therefore, within the Village’s planning jurisdiction pursuant to the Illinois Municipal Code (65 ILCS 5/7-4-1); and,

**WHEREAS**, the applicant has requested that the corner side yard setback be reduced by more than 50%, a greater reduction than can be requested under the conditional use procedure outlined in DuPage County Code Section 37-802.4 (D)(1)(a); and,

**WHEREAS**, reducing the setbacks would result in a lot coverage greater than 80%; and,

**WHEREAS**, the lot was laid out with a multi-tenant retail building set towards the rear of the lot with a double row of parking in front which is appropriate for traditional retail users but does not work well for auto sales; and,

**WHEREAS**, the issues on the lot are the result of sub-optimal site selection as opposed to hardship on the retail lot; and,

**WHEREAS**, DuPage County Code Section 37-802.4 (D) requires that the applicant file a site plan for review of access control, signage control, and lighting which has not been forwarded to the Village of Roselle for review; and,

**WHEREAS**, in 2014, DuPage County, along with the Chicago Metropolitan Area for Planning and several Lake Street Corridor communities, collaborated on the Lake Street Corridor Plan (hereinafter “the Lake Street Plan”); and,

**WHEREAS**, this parcel lies in Sub-Planning Area 5 of the Lake Street Plan; and,

**WHEREAS**, the desired long term future use of the Sub-Area 5 of the Lake Street Plan is not reinforced by the approval of the Petition; and,

**WHEREAS**, the Village of Roselle is partnering with DuPage County, Bloomingdale Township, the Village of Bloomingdale, and the Village of Hanover Park in efforts to enhance the Lake Street Corridor in order to realize the vision presented in the adopted Lake Street Corridor Plan; and,

**WHEREAS**, maintaining the zoning standards helps with the aesthetics of the corridor making it a more attractive thoroughfare for economic development and ultimately realizing the long term development desires of Roselle and DuPage County.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Board of Trustees of the Village of Roselle, a municipal corporation located in DuPage and Cook Counties, Illinois, as follows:

- A. The foregoing recitals are incorporated herein as representing the understanding of the Village of the facts associated with the Petition.
- B. The DuPage County Zoning Board of Appeals and the DuPage County Board of Commissioners is hereby notified of the opposition of the Corporate Authorities of the Village to the granting of a conditional use for reduced corner side yard and interior side yard setbacks, as requested by Zoning Petition Z18-005.
- C. This Resolution shall be in full force and effect from and after its passage and approval as required by law.

ADOPTED THIS \_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT: None

VILLAGE OF ROSELLE:

ATTEST:

\_\_\_\_\_  
Patricia E. Burns  
Clerk, Village of Roselle, Illinois

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Andrew J. Maglio  
Mayor, Village of Roselle, Illinois