



AGENDA ITEM # 9B/C

AGENDA ITEM EXECUTIVE SUMMARY

Village Board Meeting

September 9, 2019

Item Title: Salerno Memorial Gardens Special Use Permit

Staff Contact: Patrick N. Watkins, Community Development Director

VILLAGE BOARD ACTION

- 1. Pass an ordinance granting a Special Use for an indoor cemetery limited to a columbarium in the B-5 Arterial Business District.**
- 2. Pass an ordinance granting a Special Use for an outdoor cemetery limited to an outdoor memorial garden in the B-5 Arterial Business District.**

Executive Summary:

Attached are two ordinances granting approval for special use permits for a cemetery at 450 W. Lake Street for Salerno's Rosedale Chapels. At the June 20, 2019 Committee of the Whole meeting, staff was directed to proceed with the ordinances approving the special uses.

George Salerno d.b.a. 1857 North Harlem-Galewood Inc and Summerfield Joint Ventures has requested special use permits for a cemetery in the B-5 Arterial Business District as he seeks to add columbariums as part of the existing funeral home business located at 450 W. Lake Street. An indoor columbarium would be part of an addition to the funeral home building, while an outdoor columbarium would be constructed on the vacant lot owned by Mr. Salerno, east of the funeral home building.

The Village and petitioner's attorneys agree that a Special Service Area (SSA), will be the proper legal framework for the Village to assess Mr. Salerno a fee for creating a registry to track the remains in each niche created and sold. The SSA will be approved in the future as it is a somewhat lengthy process and Mr. Salerno desires to proceed quickly with the special use approval process in order to accommodate interested customers. The ordinances require that the SSA be created as a condition of his special use. The fee amount and how it will be paid to the Village for the special service of maintaining the registry is included in the ordinances and the Agreement.

The ordinances also create a trigger point at which Mr. Salerno can extend the outdoor columbarium onto Lot 3 of the approved plat of resubdivision (the southeast corner of the property) or the option to request Board approval.

Implications:

Is this item budgeted? NA

Any other implications to be considered? As required by the ordinances, the Village will initiate an SSA process to provide for the maintenance of the registry. Staff anticipates beginning that process in the near future.

Attachments:

Indoor Niche Ordinance

Memorial Garden Ordinance

ORDINANCE 2019-_____

AN ORDINANCE GRANTING A SPECIAL USE FOR AN INDOOR CEMETERY LIMITED TO A COLUMBARIUM IN THE B-5 ARTERIAL BUSINESS DISTRICT (Summerfield Joint Venture)

WHEREAS, George Salerno, as general partner of Summerfield Joint Venture, an Illinois General Partnership (hereinafter “Owner”), has petitioned the Village for a special use for an indoor “cemetery” as defined in the Roselle Zoning Ordinance, and which includes columbariums, in the B-5 Arterial Business District at property commonly known as 450 W. Lake Street (hereinafter the “Property”); and,

WHEREAS, the special use described herein is being adopted pursuant to the authority set forth in the Roselle Zoning Ordinance, Section 13.11 “Special Uses” and Chapter 8, Section 8.06 Arterial Business District (C) Special Uses; and,

WHEREAS, the Planning and Zoning Commission held public hearing PZ 19-1077 on March 5, 2019, pursuant to a published legal notice and neighborhood notification as required by the Village of Roselle and Illinois State laws, to consider the petition requesting the granting of a special use for a cemetery columbarium use at the Property; and,

WHEREAS, the Owner has demonstrated just cause for the special use for an indoor cemetery by reason of the compatibility of the proposed land use and existing zoning with the existing land uses and existing zoning in the surrounding area; and,

WHEREAS, the Mayor and Board of Trustees of the Village of Roselle have been advised of the findings and recommendations of the Planning and Zoning Commission with respect to said special use; and,

WHEREAS, the Corporate Authorities have decided to grant a special use to allow an indoor cemetery at the Property, limited to a columbarium, and in a manner consistent with the public hearing and applicable ordinances of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, as follows:

SECTION 1: A special use is hereby granted for a cemetery, limited to a columbarium use, in accordance with: Chapter 13, Section 13.11, "Special Uses", and Section 8.06 "B-5 Arterial Business District (C) Special Uses", of the Roselle Zoning Ordinance, and pursuant to the conditions set forth in Sections 2, 3, and 4 of this Ordinance. The Property is legally described as:

LOT 2 IN THE SUMMERFIELD ASSOCIATES SUBDIVISION, BEING PART OF A RESUBDIVISION OF LOT 375 IN THE SEASONS UNIT FOUR, BEING A SUBDIVISION OF PARTS OF THE SOUTHEAST QUARTER OF SECTION 9 AND PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SUMMERFIELD ASSOCIATES SUBDIVISION RECORDED JULY 20, 1998 AS DOCUMENT R98-144028, IN DUPAGE COUNTY, ILLINOIS.

PIN: 02-09-413-019 and commonly addressed as 450 W. Lake Street.

SECTION 2: The foregoing special use shall be developed and maintained as a columbarium "cemetery" which will be integrated into and/or added onto the existing building located on the Property.

SECTION 3: As a condition of this special use permit, the Owner shall not object to a Village initiated Special Service Area to protect the Village's right to payment for the

special service of the Village providing columbarium registry services for Property, so long as the Special Service Area conditions do not exceed the following:

- a) The payment of such special service fee to the Village for providing registry services for property transfers in the columbarium shall be \$200 per niche at the time of sale. The payment of such service shall be provided to the Village monthly by the Owner. The Village reserves the right to audit such columbarium sales to ensure proper payment.
- b) If the purchaser of any niche(s) returns to Salerno any of the sold niche(s) for which a Registry Fee was tendered to the Village, the Village will refund seventy-five (75%) of the Registry Fee which had been paid to the Village directly to the person(s) returning said niche(s) so the same may be credited to the person returning the niche(s) to Salerno. The Village would be entitled to the payment of a new Registry Fee due at the time said niche(s) is/are resold.
- c) If the material conditions of any proposed Special Service Area exceed the foregoing, the Owner, as provided in State statute, may object to the formation of the Special Service Area and special service fee.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. This special use is further subject to all applicable ordinances and codes of the Village of Roselle.

SECTION 5: Provided further, this Ordinance shall automatically become null and void without further action of the Board of Trustees unless, within 30 days of the approval of this Ordinance, it is signed by the Petitioner and returned to the Village Clerk. An

extension to this section may be granted by the Village Board following a written request by the Petitioner.

SECTION 6: This Ordinance shall be binding upon the Petitioner, the Owner, and their administrators, assigns, beneficiaries, contract purchasers, executors, grantees, heirs, and successors. For purposes of this Ordinance, the terms "Petitioner" and "Owner" shall include all subsequent owners, successors, heirs, or assigns.

SECTION 7: That if any part or portion of this Ordinance is declared invalid by a court of competent jurisdiction such partial invalidity shall not affect the remainder of this Ordinance.

AYES:

NAYS:

ABSENT:

PASSED and APPROVED this ____ day of _____, 2019.

PUBLISHED in pamphlet form this ____ day of _____, 2019.

Mayor, Village of Roselle

ATTEST:

Village Clerk

*George Salerno, as general partner
of Summerfield Joint Venture*

ATTEST:

ORDINANCE 2019-____

**AN ORDINANCE GRANTING A SPECIAL USE FOR AN OUTDOOR CEMETERY
LIMITED TO AN OUTDOOR MEMORIAL GARDEN IN THE B-5 ARTERIAL
BUSINESS DISTRICT
(Summerfield Joint Venture)**

WHEREAS, George Salerno, as general partner of Summerfield Joint Venture, an Illinois General Partnership (hereinafter "Owner"), has petitioned the Village for a special use for an outdoor "cemetery", and which includes outdoor memorial garden, in the B-5 Arterial Business District at property commonly known as 430 W. Lake Street (hereinafter the "Property"); and,

WHEREAS, the special use described herein is being adopted pursuant to the authority set forth in the Roselle Zoning Ordinance, Section 13.11 "Special Uses" and Chapter 8, Section 8.06 Arterial Business District (C) Special Uses; and,

WHEREAS, the Planning and Zoning Commission held public hearing PZ 19-1077 on March 5, 2019, pursuant to a published legal notice and neighborhood notification as required by the Village of Roselle and Illinois State laws, to consider the petition requesting the granting of a special use for an outdoor memorial garden and at the Property; and,

WHEREAS, the Owner has demonstrated just cause for the special use for an outdoor memorial garden by reason of the compatibility of the proposed land use and existing zoning with the existing land uses and existing zoning in the surrounding area; and,

WHEREAS, the Mayor and Board of Trustees of the Village of Roselle have been advised of the findings and recommendations of the Planning and Zoning Commission with respect to said special use; and,

WHEREAS, the Corporate Authorities have decided to grant a special use to allow an outdoor memorial garden for the inurement of cremation urns at the Property in a manner consistent the public hearing and applicable ordinances of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, as follows:

SECTION 1: A special use is hereby granted for an outdoor memorial garden for the inurement of cremation urns , in accordance with: Chapter 13, Section 13.11, “Special Uses”, and Section 8.06 “B-5 Arterial Business District (C) Special Uses”, of the Roselle Zoning Ordinance, and pursuant to the conditions set forth in Sections 2, 3, and 4 of this Ordinance. The Property is legally described as:

LOTS 2 AND 3 OF SALERNO’S RESUBDIVISION OF LOT 3 IN SUMMERFIELD ASSOCIATES SUBDIVISION, BEING A RESUBDIVISION OF PART OF LOT 375 IN THE SEASONS UNIT 4, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 9 AND PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PIN: 02-09-413-020 and commonly addressed as 430 W. Lake Street.

SECTION 2: The foregoing special use shall be developed and maintained as an outdoor memorial garden for the inurement of cremation urns, which contains, but is not limited to, features similar to those identified in the site plan prepared by ESI Consultants, LTD. stamped received June 26, 2019 which is attached hereto and incorporated herein by reference as fully set forth as Exhibit “A”.

SECTION 3: A special use permit for Lot 3 shall only become effective upon:

- a) The sale of a collective total of 10,000 niches, and payment of the Registry Fees to the Village, within 10 years of the date of this ordinance located on Lots 1 and 2 of Salerno's Resubdivision Plat approved by Resolution 2019-2189 and 450 W. Lake Street, Roselle Illinois ("Trigger Point"); or
- b) By a petition for a special use permit allowing the memorial garden special use described herein to the Village's Corporate authorities without repeating the special use permit process already conducted herein but subject to the Corporate Authorities legislative discretion.
- c) Prior to either of these Trigger Points occurring, the property shall be zoned B-5 Arterial Business District with contingent special use for an outdoor memorial garden.

SECTION 4: As a condition of this special use permit, the Owner shall not object to a Village initiated Special Service Area to further protect the Village's right to payment for the special service of the Village providing registry services for property transfers in the columbarium, so long as the Special Service Area conditions do not exceed the following:

- a) The payment of a special service fee to the Village for providing registry services for property transfers in the outdoor memorial garden shall be \$200 per niche at the time of the sale subject to the terms of the registry agreement. The payment of such service shall be provided to the Village monthly by the Owner. The Village reserves the right to audit such columbarium sales to ensure proper payment.
- b) If the purchaser of any niche(s) returns to Salerno any of the sold niche(s) for which a Registry Fee was tendered to the Village, the Village will refund seventy-five

(75%) of the Registry Fee which had been paid to the Village directly to the person(s) returning said niche(s) so the same may be credited to the person returning the niche(s) to Salerno. The Village would be entitled to the payment of a new Registry Fee due at the time said niche(s) is/are resold.

- c) If the conditions of any proposed Special Service Area exceed the foregoing, the Owner in conformance with state statute may object to the formation of the Special Service area and special service fee.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. This special use is further subject to all applicable ordinances and codes of the Village of Roselle.

SECTION 6: Provided further, this Ordinance shall automatically become null and void without further action of the Board of Trustees unless, within 30 days of the approval of this Ordinance, it is signed by the Petitioner and returned to the Village Clerk. An extension to this section may be granted by the Village Board following a written request by the Petitioner.

SECTION 7: This Ordinance shall be binding upon the Petitioner, the Owner, and their administrators, assigns, beneficiaries, contract purchasers, executors, grantees, heirs, and successors. For purposes of this Ordinance, the terms "Petitioner" and "Owner" shall include all subsequent owners, successors, heirs, or assigns.

SECTION 8: That if any part or portion of this Ordinance is declared invalid by a court of competent jurisdiction such partial invalidity shall not affect the remainder of this Ordinance.

AYES:

NAYS:

ABSENT:

PASSED and APPROVED this ____ day of _____, 2019.

PUBLISHED in pamphlet form this ____ day of _____, 2019.

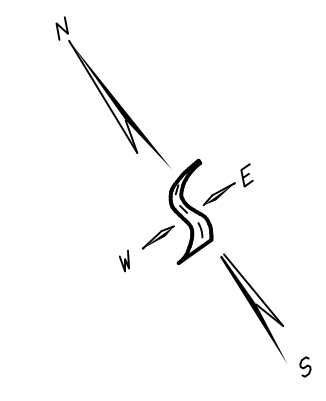
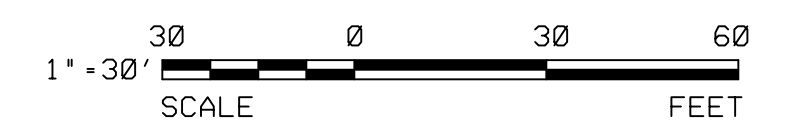
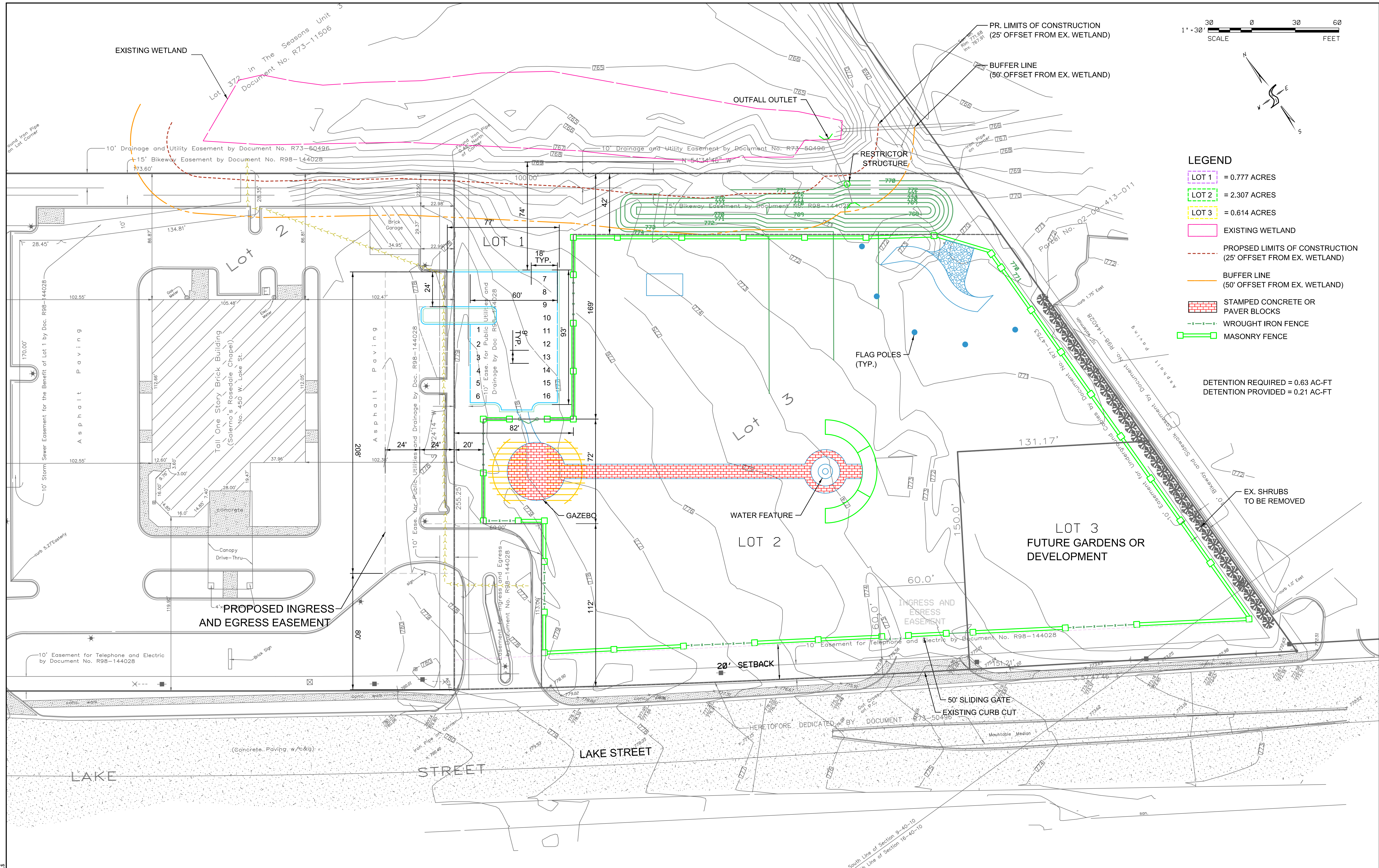
Mayor, Village of Roselle

ATTEST:

Village Clerk

*George Salerno, as general partner
of Summerfield Joint Venture*

ATTEST:



- LEGEND**
- LOT 1 = 0.777 ACRES
 - LOT 2 = 2.307 ACRES
 - LOT 3 = 0.614 ACRES
 - EXISTING WETLAND
 - PROPOSED LIMITS OF CONSTRUCTION (25' OFFSET FROM EX. WETLAND)
 - BUFFER LINE (50' OFFSET FROM EX. WETLAND)
 - STAMPED CONCRETE OR PAVER BLOCKS
 - WROUGHT IRON FENCE
 - MASONRY FENCE
- DETENTION REQUIRED = 0.63 AC-FT
 DETENTION PROVIDED = 0.21 AC-FT

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 TEL: 773.399.1100
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 WWW.ESI-CONSULTANTS.COM

USER NAME = \$USERS	DESIGNED - _____	REVISED - _____
PLOT SCALE = \$\$SCALE\$	DRAWN - _____	REVISED - _____
PLOT DATE = \$DATES	CHECKED - _____	REVISED - _____
	DATE - _____	REVISED - _____

SALERNO'S MEMORIAL GARDENS
 ROSELLE, ILLINOIS

CONCEPT SITE / GRADING PLAN
EXHIBIT 1

SCALE: _____ SHEET ____ OF ____ SHEETS STA. _____ TO STA. _____

F.A. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
CONTRACT NO. _____				
ILLINOIS FED. AID PROJECT				