
THE VILLAGE OF BLOOMINGDALE

DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER 2021-10

**AN ORDINANCE
AMENDING ORDINANCE 2020-18, REZONING OF A
PORTION OF THE PROPERTY, GRANTING APPROVAL
OF FINAL SITE PLAN AND FINAL SUBDIVISION, AND
APPROVAL OF SPECIAL USE PERMITS FOR FINAL
PLANNED DEVELOPMENT, WITH EXCEPTIONS, TO
ALLOW FOR A HOSPICE CARE FACILITY, ON THE
PROPERTY LOCATED AT 485 W. ARMY TRAIL ROAD;
(BUCARO FAMILY SERVICES HOSPICE)**

FRANCO A. COLADIPIETRO, Mayor

JANE E. MICHELOTTI, Village Clerk

VINCE ACKERMAN
WILLIAM BELMONTE
BILL BOLEN
FRANK BUCARO
PATRICK SHANNON
JUDI VON HUBEN

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 22nd day of February 2021

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GRANTING APPROVAL OF FINAL SITE PLAN AND FINAL SUBDIVISION, AND
APPROVAL OF SPECIAL USE PERMITS FOR FINAL PLANNED DEVELOPMENT, WITH
EXCEPTIONS, TO ALLOW FOR A HOSPICE CARE FACILITY, ON THE PROPERTY
LOCATED AT 485 W. ARMY TRAIL ROAD; (BUCARO FAMILY SERVICES HOSPICE)**

WHEREAS, the Village of Bloomingdale (hereinafter referred to as “Village”) is a Home Rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village is authorized by the Municipal Code, 65 ILCS 5/11-13-5, to vary its zoning regulations where there are practical difficulties or particular hardship in observing those regulations for the use, construction or alteration of buildings or structures of the use of land;

WHEREAS, on July 27, 2020, the Village approved Ordinance No. 2020-18, which granted rezoning from B-3 to B-4, a Planned Development, with exceptions and Final Site Plan approval to convert the existing structure into a funeral home with a crematorium; on the property commonly known as 485 W. Army Trail Road (the “Subject Property”);

WHEREAS, Bucaro Family Services (the “Petitioner”) is proposing to rezone the eastern 1.85 acres of the Subject Property from B-4, Automotive Business District, to B-3, General Business District, for the purpose of operating a hospice care facility;

WHEREAS, the Village of Bloomingdale’s Zoning Ordinance does not have a specific use identified for a “hospice care facility” but staff has interpreted the use to be similar and compatible to a combination of a nursing/rest home and a medical/physician’s clinic.

WHEREAS, although medical and physician’s clinics are permitted uses in the B-3 General Business District, a nursing or rest home would require a special use permit;

WHEREAS, Petitioner is also requesting a special use permit for a Final Planned Development, to allow for a hospice care facility which is a use that is most similar and comparable

to a combination of a nursing or rest home and a medical/physician's clinic provided for by the Village Code;

WHEREAS, the proposed facility will be approximately 10,000 square feet, with a surface parking lot for twenty-four (24) vehicles, including five (5) accessible spaces;

WHEREAS, in addition to the fourteen patient rooms, the interior of the facility will also contain a reception area, a kitchen with a dining area and lounge, offices for staff, waiting areas and general use rooms for the family members of the patients;

WHEREAS, in addition to the rezoning of the Subject Property and special use permits for a Final Planned Development, with exceptions, to allow for a hospice care facility, Petitioner is also requesting Final Site Plan and Final Subdivision and Plat approvals;

WHEREAS, the Village Planning and Zoning Commission (hereinafter referred to as the "Commission") conducted a public hearing identified as PC Case No. 2021-101 to consider the Petitioner's request and to hear testimony on the proposal, and as a result of said hearing the Commission has issued a recommendation approving the Petitioner's request as it pertains to this matter, all pursuant to proper notice and in compliance with the laws of the State of Illinois and Ordinances of the Village;

WHEREAS, the Commission found the request to be reasonable in that the requested zoning relief is appropriate under the standards adopted by the Village in Title 11: Zoning Regulations of the Village Code applicable to the Petitioner's Application;

WHEREAS, the Commission made positive findings of fact dated February 2, 2021, in support of said Application;

WHEREAS, the Commission recommended approval of the Petitioners' request by the Board of Trustees of the Village; and

WHEREAS, the Board of Trustees find that the granting of the requested approvals will have no detrimental impact on the health, safety or welfare of the public in general and further finds that the Petitioners have demonstrated practical difficulties or particular hardships in the

application of the Zoning Regulations of the Village Code.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village's Home Rule Powers, as follows:

Section One - Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two – Adoption of Findings and Recommendations

The Board of Trustees hereby adopts the Findings and Recommendations of the Commission as if fully set forth herein, as EXHIBIT A, which is attached hereto and made a part hereof.

Section Three – Description of Property

The properties subject to the granting of the requested approvals is described in EXHIBIT A, which is attached hereto and made a part hereof.

Section Four – Amend Ordinance No. 2020-18

The Village Board hereby amends Ordinance No. 2020-18, which granted rezoning from B-3 to B-4, a Planned Development, with exceptions and Final Site Plan approval to convert the existing structure into a funeral home with a crematorium.

Section Five – Grant of Requested Application

The Board of Trustees hereby grant the following pursuant to certain requirements of Title 11 (Zoning Regulations) of the Village Code, to allow a hospice care facility on the Subject Property, as set forth in the Petitioner's exhibits attached herein, as EXHIBIT B (the "Approved Plans"), which are attached hereto and made a part hereof.

- (a) Rezoning of the eastern 1.85 acres from B-4, Automotive Business District to B-3, General Business District
- (b) Approval of final site plan

(c) Approval of final subdivision and plat

(d) Approval of a special use to allow a hospice care facility, a use that is similar and compatible to a combination of a nursing or rest home, and a medical/physician's clinic;

(e) Approval of a special use permit for a Final Planned Development, to allow a hospice care facility subject to the following exceptions to the Village of Bloomingdale Zoning Ordinance:

- An exception to reduce the Front Yard Setback (south) to 45'-0", in lieu of the 75'-0" required;
- An exception to reduce the Rear Yard (north) to 20'-4", in lieu of the 40'-0" required;
- An exception to reduce the Front Yard Perimeter to 24'-0" (to the closest point), in lieu of the 30'-0" required;
- An exception to reduce the Rear Yard Perimeter Landscaping to 0'-0", in lieu of the 10'-0" required;
- An exception to reduce the Rear Yard Parking Lot Setback (north) to 1'-0", in lieu of the 40'-0" required;
- An exception to eliminate the need for parking lot islands as required by Section 11-13-4 of the Village Code;
- An exception to allow visibly exposed downspouts on certain columns, in lieu of the requirement that all downspouts be internal;
- An exception to allow the replacement of 22 trees, in lieu of the 25 required;
- An exception to allow the placement of a monument sign at the entrance of the facility with a 0'-0" setback on the south and west property lines, in lieu of the 15'-0" required and 10'-0" from the back of curb on Army Trail Road, in lieu of the 20'-0" setback required.

Section Six – Additional Requirements

Approval of the Application granted by this Ordinance is further subject to the following conditions and the Petitioner's compliance therewith:

- (a) Compliance with all plans and testimony presented at the Planning and Zoning Commission meeting of February 2, 2021.
- (b) Compliance with the recommendations of the Engineering memo, dated January 27, 2021.
- (c) Compliance with the recommendations of the Carol Stream Fire Protection District, in their memo dated December 22, 2020.

Section Seven – Compliance and Conformity with Plans and Specifications

The relief and approvals granted pursuant to this Ordinance shall be further contingent upon the substantial conformance with the plans, specifications and documents, which were submitted to the Commission and to the Board of Trustees, and which are set forth in the petitioner's exhibits attached herein, as Exhibit B (the "Approved Plans"), which are attached hereto and made a part hereof, and shall govern except where they are inconsistent with the specific terms of this Ordinance.

Section Eight – Conditions to Zoning Relief and Conflict Clause

The Subject Property is subject to all terms and conditions of applicable ordinances and regulations of the Village, including, without limitation, zoning ordinances, building codes, subdivision regulations and regulations concerning the construction and design of antennas and satellite stations; provided, however, the specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the Village to the extent that there may be any conflict. The grant of these special uses and additional approvals are limited to the specific business operation described herein.

Section Nine: Penalty

Any person violating the terms and conditions of this Ordinance shall, following prior notice thereof by the Village to such offending person and such opportunity to correct such violation(s) as the

Village may determine appropriate, be subject to a penalty not exceeding \$1,000.00, with each and every day that such violation of this Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other actions they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees of the Village.

Section Ten: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law; provided, however, this Ordinance shall not take effect until the Consent (a copy of which is attached hereto and made a part hereof as EXHIBIT C) is executed by the Petitioner and by the owner, thereby memorializing its agreement to be bound by the terms and conditions contained within this Ordinance. Such execution shall take place within forty-five (45) days after the passage and approval of this Ordinance or within such extension of time as may be granted by the Board of Trustees by motion prior to the expiration of said forty-five day (45) period. If the Consent is not executed within forty-five (45) days after passage and approval of this Ordinance or within an extension of time granted during said forty-five (45) day period, this Ordinance shall be void and of no force or effect, and the request for relief identified herein shall be deemed abandoned.

Section Eleven: Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees.

[Remainder of Page Intentionally Left Blank; Roll Call to Follow]

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Section Ten: Effective Date

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Exhibit A
Findings of Fact

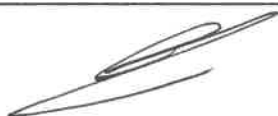
Exhibit B
Approved Plans

Exhibit C

Consent

The undersigned, Frank Giudice, on behalf of Bucaro Family Services, LLC, owner of the Subject Property, described in the foregoing Ordinance 2020-10 ("Ordinance"), having read a copy of the Ordinance, do hereby accept, concur, and agree to develop, use and maintain the Subject Property in accordance with the terms and conditions stated in the Ordinance, to the extent that the Owner has use and control over the Subject Property as of the date of the approval of the Ordinance. This consent shall be binding upon all parties in interest and all successors and assigns to the Subject Property.

Frank Giudice – Bucaro Family Services,
LLC.



By: _____

Its: Manager/Partner

SUBSCRIBED AND SWORN to before me

this 2nd day of February, 2021.

Nora Saucedo
Notary Public
(SEAL)

