
THE VILLAGE OF BLOOMINGDALE
DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER 2021-23

**AN ORDINANCE
REPEALING ORDINANCE NOS. 81-35, 82-15 AND 88-22,
REZONING OF THE PROPERTIES, GRANTING
APPROVAL OF FINAL SITE PLAN AND FINAL
SUBDIVISION, APPROVAL OF SPECIAL USE PERMIT TO
ALLOW ATTACHED DWELLINGS, AND APPROVAL OF
SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT,
WITH EXCEPTIONS, FOR THE PROPERTIES LOCATED
AT 132 RIDGE and 135-139 ½ FIRST STREET; (OLD
TOWN POINTE)**

FRANCO A. COLADIPIETRO, Mayor

PAMELA HAGER, 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 28th day of June, 2021

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PROPERTIES, GRANTING APPROVAL OF FINAL SITE PLAN AND FINAL SUBDIVISION,
APPROVAL OF SPECIAL USE PERMIT TO ALLOW ATTACHED DWELLINGS, AND
APPROVAL OF SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT, WITH
EXCEPTIONS, FOR THE PROPERTIES LOCATED AT 132 RIDGE and 135-139 ½ FIRST
STREET; (OLD TOWN POINTE)**

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 August 10th, 1981, the Village approved Ordinance No. 81-35, which provided for a Special Use to operate a photography studio at 139 First Street;

WHEREAS, on June 28th, 1982, the Village approved Ordinance No. 82-15, which granted a Special Use to permit a dental office and dental clinic;

WHEREAS, on June 13th, 1988, the Village approved Ordinance No. 88-22, which rezoned certain property known as 131 First Street from R-2, to B-2, Old Town Special Use, Planned Development, to permit the construction and operation of a two-story retail/office building;

WHEREAS, 1st Street of Bloomingdale LLC (the “Petitioner”) is proposing to consolidate and rezone the properties located at 132 Ridge Avenue and 135-139 ½ First Street (collectively the “Subject Property”) to construct eighteen (18) new townhomes;

WHEREAS, the proposed development will consist of one 4-unit building and one 5-unit building facing First Street and one 4-unit building and one 5-unit building facing Ridge Avenue;

WHEREAS, Petitioner has requested to change the zoning of the Subject Property from OT/SP/PD, OT/SP and R-2 to OT//SP/PD/R-3 to permit such use; and, in addition to the rezoning of the Subject Property, Petitioner is also requesting a special use permit for a Final Planned Development to allow for the construction of townhomes, with exceptions, as well as Final Site Plan and Final Subdivision approvals;

WHEREAS, the Village Planning and Zoning Commission (hereinafter referred to as the "Commission") conducted a public hearing identified as PC Case No. 2021-103 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 May 18, 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 – Repeal Ordinance 81-35

The Village Board hereby repeals Ordinance No. 81-35, which provided for a Special Use to operate a photography studio at 139 First Street, in its entirety.

Section Five – Repeal Ordinance 82-15

The Village Board hereby repeals Ordinance No. 82-15, which granted a Special Use to permit a dental office and dental clinic, in its entirety.

Section Six – Repeal Ordinance 88-22

The Village Board hereby repeals Ordinance No. 88-22, which rezoned certain property known as 131 First Street from R-2, to B-2, Old Town Special Use, Planned Development, to permit the construction and operation of a two-story retail/office building, in its entirety.

Section Seven – 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 the construction of eighteen (18) new townhomes 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 Subject Properties from OT/SP/PD, OT/SP and R-2, to OT/SP/PD/R-3, General Residence District

(b) Approval of final site plan;

(c) Approval of final subdivision plan;

(d) Approval of Special use permit to allow attached dwellings;

(e) Approval of a special use permit for a Planned Development, to allow the construction of eighteen new townhomes subject to the following exceptions to the Village of Bloomingdale Zoning Ordinance:

- An exception to reduce the minimum lot area of the 5-unit structures to no less than 2,318 square feet in lieu of the 8,000 square feet required.
- An exception to reduce the minimum lot area of the 4 unit structures to 2,352.5 square feet in lieu of the 8,000 square feet required.
- An exception to allow 4'-0" front yard setbacks along both First Street and Ridge Avenue, in lieu of the 40'-0" required.
- An exception to allow rear yard setbacks of 12'-0", in lieu of the 40'-0" required, for all lots.
- An exception to allow 4'-0" interior side yard setbacks of 4'-0", in lieu of the 20'-0" combined side yards, required for Lots 2 and 4.
- An exception to allow 4'-0" interior side yard setbacks of, in lieu of the 8'-0" or 12'-0" required, for Lots 1 and 3.
- An exception to allow 4'-0" corner side yard setbacks, in lieu of the 40'-0" setback required, for Lots 1 and 3.

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- An exception to allow the following floor area ratios, in lieu of the .40 permitted:

Overall Development	.44
Lot 1	1.64
Lot 2	1.62
Lot 3	1.64
Lot 4	1.62

- An exception to allow a rear yard coverage for all lots, with the exception of Lot 5 (Common Area), to be 0.78 in lieu of the 0.30 allowed pursuant to Section 11-5-12-E of the Village Code.
- An exception to allow parcel coverage for all lots, with the exception of Lot 5 (Common Area), to be 0.67 in lieu of the 0.25 allowed pursuant to Section 11-18-3 of the Village Code.
- An exception to allow a front yard parking lot setback (south) of 27.67' in lieu of the 30' required under Section 11-13-4(F)(2) of the Village Code.
- An exception to allow a corner side yard (east) parking lot setback of 10' in lieu of the 30' required under Section 11-13-4(F)(2) of the Village Code.
- An exception to allow the Petitioner the option to provide an additional 4th bedroom in any of the units in lieu of Section 11-7G-3 of the Village Code which provides that Petitioner would be permitted no more than one four-bedroom unit for every ten units.
- An exception to allow 138 (3" caliper) trees, in lieu of the 201 trees required.

Section Eight – 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 May 18th, 2021.

- (b) Compliance with the recommendations of the Engineering Division memo, dated May 13th, 2021.
- (c) Compliance with the recommendations of the Bloomingdale Fire Protection District, in their memo dated March 23rd, 2021.
- (d) The Petitioner shall comply with recommendations from Village Staff and the Village Attorney to finalize any comments relative to the Homeowner Covenants. The Petitioner shall submit Covenants, Conditions and Restrictions, as well as Homeowner's Association documents to be reviewed and approved by Village Staff and the Village Attorney, prior to permit issuance.
- (e) The Petitioner shall include language in their Homeowner Association Declarations and/or Covenants, Conditions and Restrictions, relative to the requirement for installing a driver feedback sign on Springbrook Drive, within the Springbrook Villa subdivision. As the development nears full occupancy, the Village Engineer shall install a traffic monitoring device that will collect traffic data. The Village Engineer will review the collected data and determine if a speed monitoring device is required and if so, shall cause the installation of the device within the Springbrook Development, at the developer's or newly created Homeowner Association's sole expense.
- (f) The Petitioner shall substitute all Honeylocust trees, proposed to be installed in the parkways, and replace with the Miyabe Maple.
- (g) The Petitioner shall install concrete driveways, in lieu of the asphalt driveways, originally proposed.

Section Nine – 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 Ten – 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 Eleven: 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 Twelve: 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 Thirteen: 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]

DECIDED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro	X			
Patrick Shannon			X	
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
TOTAL	5	0	1	

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 28th day of June, 2021.



Franco A. Coladipietro
Village President

ATTEST:



Pamela S. Hager
Village Clerk

Exhibit A
Findings of Fact

Exhibit B
Approved Plans

Exhibit C

Consent

The undersigned, Jason Paliatka, as representative for 1st Street of Bloomingdale, LLC., Owner of the Subject Property, described in the foregoing Ordinance 2021-23 ("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.

DATED this 12th day of July, 2021.

✍ Jason Paliatka – 1st Street of Bloomingdale, LLC.

By: *Jason Paliatka*
Its: MANAGER

SUBSCRIBED AND SWORN to before me

this 12th day of July, 2021.

Debra Skiera
Notary Public
(SEAL)

