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# **THE VILLAGE OF BLOOMINGDALE**

DUPAGE COUNTY, ILLINOIS

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## **ORDINANCE**

NUMBER 2021-43

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**AN ORDINANCE  
AMENDING ORDINANCE 93-37 AND GRANTING  
APPROVAL OF A PLAT OF SUBDIVISION, WITH  
EXCEPTIONS, FOR THE PROPERTY LOCATED AT 471-  
473 W. ARMY TRAIL ROAD (ARMY TRAIL MEDICAL  
CENTER)**

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FRANCO A. COLADIPIETRO, Mayor

PAMELA S. HAGER, Village Clerk

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

Village Board

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Published in pamphlet form by authority of the  
President and the Board of Trustees of the Village of Bloomingdale  
on this the 25th day of October, 2021

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**ORDINANCE NO. 2021-43**

**AN ORDINANCE  
AMENDING ORDINANCE 93-37 AND GRANTING APPROVAL OF A PLAT OF  
SUBDIVISION, WITH EXCEPTIONS, FOR THE PROPERTY LOCATED AT 471-473 W. ARMY  
TRAIL ROAD (ARMY TRAIL MEDICAL CENTER)**

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**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 12<sup>th</sup>, 1993, the Village approved Ordinance No. 93-37, which authorized a special use permit and final site plan approval for two medical offices in the Covington Corporate Center on the property commonly known as 471-473 W. Army Trail Road (the "Subject Property");

**WHEREAS**, SG Army Trail MOB, LLC. (the "Petitioner") owns and is now proposing to subdivide the Subject Property for the purpose of creating a lot for each building on the site;

**WHEREAS**, the Petitioner is looking to subdivide the existing lot into two lots, with Lot 1 containing 137,568 square feet (3.16 acres) and Lot 2 consisting of 103,357 square feet (2.37 acres);

**WHEREAS**, the Village Planning and Zoning Commission (hereinafter referred to as the "Commission") conducted a public hearing identified as PC Case No. 2021-107 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 September 21, 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 93-37**

The Village Board hereby amends Ordinance No. 93-37, which authorized a special use permit and final site plan approval for two medical offices in the Covington Corporate Center, to reflect the subdivision of the Subject Property.

**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 approve the subdivision of 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) Approval of plat of subdivision plan subject to the following exceptions to the Village of Bloomingdale Zoning Ordinance:

- An exception to allow a 15.03’ (east) interior side yard setback for the structure on Lot 1, in lieu of the 25’-0” setback required;
- An exception to allow a 15.03’ (west) interior side yard setback for the structure on Lot 2, in lieu of the 25’-0” setback required;
- An exception to allow a 0’-0” interior parking lot setbacks, in lieu of the 25’-0” setback required; and
- An exception to allow a 0’-0” perimeter landscape setbacks, in lieu of the 25’-0” 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 September 21, 2021.
- (b) Petitioner shall work with staff to confirm that all agreements maintain a common association for landscaping, paving and maintenance.

### **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]***

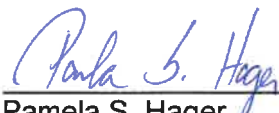
**DECIDED** pursuant to a roll call vote as follows:

	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)				
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	

**PASSED AND APPROVED** by the Village of Bloomingdale Board of Trustees on the 25th day of October, 2021.

  
\_\_\_\_\_  
Franco A. Coladipietro  
Village President

ATTEST:

  
\_\_\_\_\_  
Pamela S. Hager  
Village Clerk

**Exhibit A**  
**Findings of Fact**





**Village of Bloomingdale**  
**Planning and Zoning Commission**  
201 S. Bloomingdale Road  
Bloomingdale, IL 60108  
Tel: 630-671-5694  
Fax: 630-893-1596

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**MEMORANDUM**

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**To:** President Franco Coladipietro and Board of Trustees

**From:** Len Jaster, Chairman  
Bloomingdale Planning and Zoning Commission

**Date:** September 21, 2021

**Subject:** Planning and Zoning Commission Finding of Fact and Recommendation for  
A Plat of Subdivision (or the "Plat")  
Army Trail Medical Center – 471-473 W. Army Trail Road ("Subject Property")  
PC Case No. 2021-107

**Petitioner:** SG Army Trail MOB, LLC., Property Owner and Petitioner

**I. Issue:**

The owner and petitioner, SG Army Trail MOB, LLC., is requesting approval of a Plat of Subdivision, with exceptions from the Village's Zoning Code, for the purpose of creating a lot for each building on the site. The Petitioner is looking to subdivide the existing lot into two lots, with Lot 1 containing 137,568 square feet (3.16 acres) and Lot 2 consisting of 103,357 square feet (2.37 acres). While no physical work is currently proposed for the property, due to its current configuration and having been built as a campus-style development, the creation of two lots will require an amendment to the approving ordinance, including exceptions for certain setbacks as they relate to parking lot setbacks and interior side yard setbacks. The Petitioner is proposing to generally subdivide the property north to south, with the proposed lot line bisecting the existing property line and continuing between the two structures. As a result of the new lot line and the fact that the existing structures will remain, the certain exceptions will be required in order to maintain the existing conditions.

**II. Analysis: Planning and Zoning Commission Findings With Respect to Requested Zoning Relief**

The Director of Community and Economic Development provided the Planning and Zoning Commission (the "Commission") with a brief history of the property and clarified that the subdivision was simply for the purpose of creating a lot for each building and that nothing was changing on the lot physically. Using the illustrations provided, he explained that the subject property was currently a single lot, that was created as a medical campus and the petitioner now looking to subdivide for the purpose of hopefully selling off one of the buildings to a different owner. Staff explained that by doing this, there were existing physical conditions that would require exceptions to the Village's zoning ordinance. Due to the fact that the buildings were staying as is, they would require interior side yard setback exceptions, due to their proximity to the newly proposed lot line. Similarly, the campus currently maintains a single parking lot for both buildings. As the site is remaining the same, by having a property line bisecting the parking lot, it would create the need for exceptions as it relates to landscaping and parking lot setbacks from the newly proposed lot line. Lastly, the Petitioner indicated that they had created a Declaration of Reciprocal Easements, to make sure that any future owner

would share responsibility for maintenance and appearance of the overall association and appearance of the site.

Understanding the information provided and the reason the request was before them, the Commission expressed relatively no concerns with the subdivision request. Certain Commissioners did express initial concerns with the potential to have maintenance issues with two different owners, however upon request, staff indicated that they would work with the Petitioner to make sure that the Declaration of Reciprocal Easements, established the appropriate measures to address the Commission's concerns. With this condition in place, the Commission was satisfied with the request.

### **III. Recommendation of the Planning and Zoning Commission #2021-107:**

Moved by Commissioner Flood, seconded by Commissioner Troiola to recommend in favor of the following zoning permission or relief in connection with a Petition submitted by SG Army Trail MOB, LLC. for the subdivision of the subject property, with exceptions, into two lots. The subject property is currently a single lot, each containing a structure and a shared existing surface parking lot at 471-473 W. Army Trail Road. ("Subject Property"):

1. The Planning and Zoning Commission Chairman sign and Secretary attest to the Plat of Subdivision for SG Army Trail MOB, LLC., 471-473 W. Army Trail Road, which is currently a single lot of record, to create Lot 1 and 2 in the Army Trail Medical Center Subdivision;
2. The Village Board grant approval of the Plat of Consolidation, following which the Village President will sign and the Village Clerk attest to the Plat;
3. An Amendment to Ordinance No. 93-37 which authorized a special use permit and final site plan approval for two medical offices in the Covington Corporate Center;
4. An exception to allow a 15.03' (east) interior side yard setback for the structure on Lot 1, in lieu of the 25'-0" setback required;
5. An exception to allow a 15.03' (west) interior side yard setback for the structure on Lot 2, in lieu of the 25'-0" setback required;
6. An exception to allow a 0'-0" interior parking lot setbacks, in lieu of the 25'-0" setback required; and
7. An exception to allow a 0'-0" perimeter landscape setbacks, in lieu of the 25'-0" required.

The Petitioner shall agree to the following requirements or provide the following additional information in compliance with the Planning and Zoning Commission recommendation:

1. The Petitioner shall work with staff to confirm that all agreements maintain a common association for landscaping, paving and maintenance.

#### **The Roll Call Vote for #2021-107:**

**Ayes:** Commissioners, Flood, Troiola, Coleman and Chairman Jaster

**Nays:** None

**Absent:** Commissioners Damato, King and Vitacco

**Motion Declared Carried**

**Other Considerations:** None

**Minority Report:** None

Respectfully submitted,

/s/ Len Jaster, Chairman  
Planning and Zoning Commission  
September 21, 2021

#### IV. Procedural Requirements:

**Date of Meeting:** September 21, 2021

**Petition No.:** PC#2021-107

**Date Petition Filed with Village Clerk:** August 20, 2021

**Supporting Data:** See list of exhibits and staff reports, **Attachments "A" and "B"**

N/A Statement of compliance and evidence demonstrating that the proposed amendment will conform to the standards established for zoning amendments

#### Notice:

N/A Fire Protection District

Yes Notice sent to the persons to whom the current real estate tax bills are sent, if any, as shown on the record of the local real estate tax assessor for all lots lying within 250 feet of the property lines of the lot for which subdivision is sought.

Yes Publication of a notice of the time, place and purpose of the public hearing on the proposed amendment by the Village Clerk in a newspaper of general circulation within the Village of Bloomingdale not more than 30 days nor less than 15 days in advance of such hearing published: **September 2, 2021 (Daily Herald)**

Yes Posting by the applicant, for a period of not less than 10 days prior to the public hearing, of the Notice as furnished by the Village Clerk.

#### Attachment "A"

- Army Trail Medical Center Plat of Subdivision, prepared by Mackie Consultants, LLC. and dated April 29, 2021.

#### Attachments "B"

- Staff Report from the Director of Community and Economic Development, dated September 16, 2021.

**Exhibit B**  
**Approved Plans**





**Exhibit C**

**Consent**

The undersigned, Eric Nathan, attorney for and on behalf of SG Army Trail MOB, LLC., owner of the Subject Property, described in the foregoing Ordinance 2021- 43 ("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.


Eric Nathan, Manager – SG Army Trail  
MOB LLC, a Georgia limited liability  
company

By:  \_\_\_\_\_

Its: Manager \_\_\_\_\_

SUBSCRIBED AND SWORN to before me

this 21<sup>st</sup> day of October, 2021

 \_\_\_\_\_  
Notary Public  
(SEAL)

