
THE VILLAGE OF BLOOMINGDALE

DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER 2020-18

**AN ORDINANCE
REPEALING ORDINANCE 04-23, REZONING OF THE
PROPERTY, GRANTING APPROVAL OF FINAL SITE
PLAN AND FINAL SUBDIVISION, AND APPROVAL OF
SPECIAL USE PERMIT FOR FINAL PLANNED
DEVELOPMENT, WITH EXCEPTIONS, FOR THE
PROPERTY LOCATED AT 485 W. ARMY TRAIL ROAD;
(BUCARO FUNERAL HOME)**

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 27th day of July, 2020

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OF FINAL SITE PLAN AND FINAL SUBDIVISION, AND APPROVAL OF SPECIAL USE
PERMIT FOR FINAL PLANNED DEVELOPMENT, WITH EXCEPTIONS, FOR THE
PROPERTY LOCATED AT 485 W. ARMY TRAIL ROAD;
(BUCARO FUNERAL HOME)**

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 May 10, 2004, the Village approved Ordinance No. 04-23, which granted a final site plan approval for the construction of a bank on the property commonly known as 485 W. Army Trail Road (the "Subject Property");

WHEREAS, FBG Corporation/Frank Giudice (the "petitioner") is proposing to reuse the former bank property and convert the existing structure to a funeral home, with a crematorium;

WHEREAS, the proposed funeral home will contain two viewing parlors, approximately 1,600 square feet each, a lounge, a lobby, offices for staff, a garage and various other rooms used for funeral preparation and staff functions; and in addition to the funeral services provided, the funeral home will also contain an onsite crematorium;

WHEREAS, Petitioner has requested to change the zoning of the Subject Property from B-3, General Business District to B-4, Automotive Business District 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 a funeral home with a crematorium, with exceptions, and 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. 2020-105 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 July 7, 2020, 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 04-23

The Village Board hereby repeals Ordinance No. 04-23, which granted a final site plan approval for the construction of a bank, in its entirety.

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 funeral home with an onsite crematorium 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 from B-3, General Business District to B-4, Automotive Business District
- (b) Approval of final site plan
- (c) Approval of final subdivision plan
- (d) Approval of a special use permit for a Final Planned Development, to allow a funeral home with an onsite crematorium subject to the following exceptions to the Village of Bloomingdale Zoning Ordinance:

- An exception to eliminate the required interior landscaped parking islands pursuant to Section 11-13-4;
- An exception to allow visibly exposed downspouts on certain columns, in lieu of the requirement that all downspouts be internal;
- An exception to allow Petitioner to work with Village Staff to remove certain trees without the otherwise required replacement of such;

- To allow the display of various U.S. military flags, including but not limited to, POW-MIA, United States Marine Corps, United States Navy, United States Army, United States Air Force, United States Coast Guard and the United States National Guard, in addition to the permitted display of the American flag.

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 July 7, 2020.
- (b) Compliance with the recommendations of the Engineering Division memo, dated June 29th, 2020.
- (c) Compliance with the recommendations of the Carol Stream Fire Protection District, in their memo dated June 30th, 2020.
- (d) Petitioner shall work with Village Staff to replace and fill any landscaping removed, as a result of the expansion of the building.

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

DECIDED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman			X	
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro			RECUSED	
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
TOTAL	4	0	1	

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 27th day of July, 2020.



Franco A. Coladipietro
Village President

ATTEST:



Jane E. Michelotti
Village Clerk

Exhibit A
Findings of Fact

Exhibit B
Approved Plans

Exhibit C

Consent

The undersigned, FBG Corporation/Frank Giudice, owner of the Subject Property, described in the foregoing Ordinance 2020-18 ("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 – FBG Corporation

By:  _____

Its: _____

SUBSCRIBED AND SWORN to before me

this 27th day of July, 2020.

 _____

Notary Public
(SEAL)

