
THE VILLAGE OF BLOOMINGDALE

DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER 2020-20

**AN ORDINANCE
AMENDING ORDINANCE 85-36 AND ORDINANCE 93-52,
GRANTING THE APPROVAL OF A SPECIAL USE PERMIT
TO EXPAND THE EXISTING NURSERY, A SPECIAL USE
PERMIT TO EXPAND THE EXISTING PLANNED
DEVELOPMENT, WITH EXCEPTIONS, APPROVAL OF
FINAL SITE PLAN AND FINAL SUBDIVISION FOR THE
PROPERTY AT 200-206 W. LAKE STREET; (PLATT HILL
NURSERY)**

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 14th day of September, 2020

ORDINANCE NO. 2020-20

AN ORDINANCE

AMENDING ORDINANCE 85-36 AND ORDINANCE 93-52, GRANTING THE APPROVAL OF A SPECIAL USE PERMIT TO EXPAND THE EXISTING NURSERY, A SPECIAL USE PERMIT TO EXPAND THE EXISTING PLANNED DEVELOPMENT, WITH EXCEPTIONS, APPROVAL OF FINAL SITE PLAN AND FINAL SUBDIVISION FOR THE PROPERTY AT 200-206 W. LAKE STREET; (PLATT HILL NURSERY)

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, Platt Hill Nursery, LLC (the “petitioner”), owner of 200 and 206 W. Lake Street, Bloomingdale, IL 60108 (the “Subject Property”), has requested approval of special use permits, with exceptions, to expand its existing operations at 222 W. Lake Street and approval of final site plan and final subdivision;

WHEREAS, Petitioner is in the business of growing plant material, including trees and shrubs for sale and the proposed expansion will provide additional space for growing beds, Quonset huts, and a supply shed;

WHEREAS, the Village Planning and Zoning Commission (hereinafter referred to as the “Commission”) conducted a public hearing identified as PC Case No. 2020-103 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 August 18, 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 – Amendment of Ordinance 85-36

Subject to the terms and conditions set forth in this Ordinance, the Village Board hereby amends Ordinance No. 85-36, which rezoned the property at 222 W. Lake Street, to expand the existing Planned Development.

Section Five – Amendment of Ordinance 93-52

Subject to the terms and conditions set forth in this Ordinance, the Village Board hereby amends Ordinance No. 93-52, which rezoned a portion of the property at 222 W. Lake Street and granted final site plan approval, to expand the existing Planned Development.

Section Six - 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 expansion of Petitioner’s existing operations, 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 final site plan;
- (b) Approval of final subdivision;
- (c) Approval of a special use permit to allow for the expansion of the existing nursery, to include the property at 200 and 206 W. Lake Street;

(d) Approval of a special use permit to include the properties at 200 and 206 W. Lake Street, within the existing Planned Development, currently located at 222 W. Lake Street at the Subject Property including the following exceptions to the Village of Bloomingdale Zoning Ordinance:

- Tree preservation, removal and replacement to allow for the replacement of 25 trees, in lieu of the 648 required;
- Reduction of building setbacks, to allow a 30'-0" corner side yard setback, in lieu of the 50'-0" required;
- To allow a 4'-0" fence in the front and corner side yard, in lieu of the 3'-6" fence allowed.

Section Seven – 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 August 18, 2020.
- (b) Compliance with the Engineering Memorandum dated August 13, 2020.
- (c) Compliance with requirements from Bloomingdale Fire Protection District, dated July 7, 2020.
- (d) The Petitioner shall be required to install a "No Right Turn" sign exiting the site, onto William Way. The Commission is recommending that the sign installed be enforceable by the Bloomingdale Police Department.
- (e) The Petitioner shall install a swing gate at the exit onto William Way, in lieu of the chain fence that was proposed.

Section Eight – Compliance and Conformity with Plans and Specifications

The relief and approvals granted pursuant to Section Four of 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 Nine – 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 Ten -- 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 Eleven -- 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 Twelve -- Recording

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

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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 14th day of September, 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, Graham Hill, as representative for Platt Hill Nursery, owner of the Subject Property, described in the foregoing Ordinance 2020-20 ("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.

Graham Hill – Platt Hill Nursery

By: 

Its: Vice President

SUBSCRIBED AND SWORN to before me

this 15 day of September, 2020.



Notary Public
(SEAL)

