
THE VILLAGE OF BLOOMINGDALE

DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER 2020-35

AN ORDINANCE

AMENDING ORDINANCE 95-71, AMENDING ORDINANCE 2009-25, AMENDING ORDINANCE 2011-02, AMENDING A PLANNED DEVELOPMENT, WITH EXCEPTIONS, GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A DRIVE-THROUGH, AND APPROVAL OF FINAL SITE PLAN REVIEW FOR THE PROPERTY AT 148 S. GARY AVENUE; (CAFÉ ZUPAS)

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 23rd day of November 2020

ORDINANCE NO. 2020-35

**AN ORDINANCE
AMENDING ORDINANCE 95-71, AMENDING ORDINANCE 2009-25, AMENDING
ORDINANCE 2011-02, AMENDING A PLANNED DEVELOPMENT, WITH
EXCEPTIONS, GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A
DRIVE-THROUGH, AND APPROVAL OF FINAL SITE PLAN REVIEW FOR THE
PROPERTY AT 148 S. GARY AVENUE; (CAFÉ ZUPAS)**

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, Stratford Crossing/Chino Stratford, LLC., owner of 148 S. Gary Avenue, Bloomingdale, IL 60108 (the “Subject Property”), is working with Edgar Cepuritis (the “Petitioner”), on behalf of Café Zupas, to construct a new drive-through on the Subject Property, which will include a small addition to the existing building and a new sign;

WHEREAS, on December 21, 1995, the Village approved Ordinance No. 95-71, which approved the construction of the Subject Property;

WHEREAS, on July 27, 2009, the Village approved Ordinance No. 2009-25, which amended Ordinance 95-71 to allow for a special use to operate a patio and a final site plan approval;

WHEREAS, on January 24, 2011, the Village approved Ordinance No. 2011-02, which amended Ordinance 2009-25, to allow for the operation of a Smashburger restaurant, with an outdoor patio;

WHEREAS, Petitioner has requested to amend various existing ordinances to amend a planned development, with exceptions, a special use permit to allow a drive-through, and approval of final site plan review in order to operate the Café Zupas restaurant;

WHEREAS, the Village Planning and Zoning Commission (hereinafter referred to as the “Commission”) conducted a public hearing identified as PC Case No. 2020-111 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 November 17, 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 to Ordinance No. 95-71

Subject to the terms and conditions set forth in this Ordinance, the Village Board hereby amends Ordinance No. 95-71, which approved the construction of the Subject Property.

Section Five – Amendment to Ordinance No. 2009-25

Subject to the terms and conditions set forth in this Ordinance, the Village Board hereby amends Ordinance No. 2009-25, which amended Ordinance 95-71 to allow for a special use to operate a patio and a final site plan approval.

Section Six – Amendment to Ordinance No. 2011-02

Subject to the terms and conditions set forth in this Ordinance, the Village Board hereby amends Ordinance No. 2011-02, which amended Ordinance 2009-25, to allow for the operation of a Smashburger restaurant, with an outdoor patio;

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 development and operation of a restaurant, 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 review;
- (b) Approval of a special use permit to allow for a drive-through on the property;
- (c) Amendment of the Planned Development including the following exceptions to the Village of Bloomingdale Zoning Ordinance:
 - Rear (west) Setback of 10'-0", in lieu of the 40'-0" required;
 - To allow a third wall sign that is 49 square feet, in lieu of the 25 square feet allowed, as well as an exception to allow such sign to be painted directly to the surface of a building, which is otherwise not permitted.

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 November 17, 2020.
- (b) The Petitioner shall install a "no right turn" sign, at the exit of the of the drive-through.
- (c) Compliance with the requirements set forth by the Village Engineer, in the memo dated November 9, 2020.
- (d) The Petitioner shall work with the Fire District to address any concerns identified in their memo, dated November 11, 2020.

Section Nine – Compliance and Conformity with Plans and Specifications

The relief and approvals granted pursuant to Section Seven 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 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.


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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 23rd day of November 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, Edgar Cepuritis, as representative for Café Zupas. Petitioner for and on behalf of Stratford Crossing/Chino Stratford, LLC., owner of the Subject Property, described in the foregoing Ordinance 2020- 35 ("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 23rd day of November, 2020.

Edgar Cepuritis
Edgar Cepuritis, Representative – Café Zupas.

By: EDGAR CEPURITIS

Its: VICE PRESIDENT - Development

SUBSCRIBED AND SWORN to before me

this 23rd day of November, 2020.

Nora Saucedo
Notary Public
(SEAL)



Kevin Mottlowitz
Kevin Mottlowitz Stratford Crossing/Chino Stratford, LLC.

By: Kevin Mottlowitz

Its: Authorized Agent

SUBSCRIBED AND SWORN to before me

this 23rd day of November, 2020.

Nora Saucedo
Notary Public
(SEAL)

