ORDINANCE NO. 1929-19

AN ORDINANCE GRANTING APPROVAL FOR A CLASS I SITE PLAN, A SPECIAL USE PERMIT, AND VARIANCES FOR 649 SOUTH ROHLLWING ROAD
(DUPAGE COUNTY NORDIC WASTEWATER TREATMENT PLANT)

WHEREAS, DuPage County (hereinafter “Petitioner”) has filed a Petition requesting (1) a Class I Site Plan, (2) a special use permit, and (3) variance from § 7.05(5)(A), § 7.05(5)(C); and § 7.05(9) of the Itasca Zoning Ordinance, for the property at 649 South Rohllwing Road in the Village of Itasca (hereinafter “Subject Property”), which is located in the R-1 Single Family Residential District; and

WHEREAS, Petitioner proposed a Class I Site Plan, attached hereto as Exhibit A; and

WHEREAS, Petitioner seeks a special use permit pursuant to § 7.04(2)(m)(3) to operate a sewage treatment plant in the R-1 Single Family Residential District in order to upgrade the existing “Nordic” wastewater treatment plant; and

WHEREAS, Petitioner seeks a variance from § 7.05(5)(A), § 7.05(5)(C); and § 7.05(9) of the Itasca Zoning Ordinance in order to allow a front-yard setback of 10 feet, a rear-yard setback of 37 feet, and lot coverage of 43% or 19,253 square feet; and

WHEREAS, Petitioner submitted petitions, attached hereto as Exhibit B, for the special use permit and variances from the Itasca Zoning Ordinance, and a public hearing was held by the Itasca Plan Commission on November 20, 2019, pursuant to public notice as required by law, with respect to Petitioner’s petitions; and

WHEREAS, the Plan Commission made the following findings of fact with respect to the special use permit:

1. The approval of the special use is in the public interest and not solely for the interest of the applicant.

2. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

3. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.

4. The proposed use will comply with the regulations and conditions specified in the Zoning Ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

WHEREAS, the Plan Commission made the following findings of fact with respect to the recommended variances:
1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

2. The plight of the owner is due to unique circumstances.

3. The variation, if granted, will not alter the essential character of the locality.

WHEREAS, the Itasca Plan Commission voted to recommend that the Village authorities grant the special use permit and approve the variance, subject to the following conditions:

1. The project must comply with all Village Ordinances, Building Codes, Subdivision Regulations, the DuPage County Stormwater Ordinance, and Standard Development Specifications in place at the time of permit application.

2. Permits for the Construction of the Sewage Treatment Plants shall be submitted within two (2) years from the date of Village Board Approval.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The corporate authorities accept the findings of fact and recommendations of the Itasca Plan Commission concerning Petitioner’s petitions.

SECTION TWO: The corporate authorities hereby approve Exhibit A, Petitioner’s Class I Site Plan.

SECTION THREE: The corporate authorities hereby grant Petitioner a special use permit pursuant to § 7.04(2)(m)(3) to operate a sewage treatment plant in the R-1 Single Family Residential District in order to upgrade the existing Nordic wastewater treatment plant, subject to the conditions listed below.

SECTION FOUR: The corporate authorities hereby grant Petitioner variances from § 7.05(5)(A), § 7.05(5)(C); and § 7.05(9) of the Itasca Zoning Ordinance in order to allow a front-yard setback of 10 feet, a rear-yard setback of 37 feet, and lot coverage of 43% or 19,253 square feet, subject to the conditions listed below.

SECTION FIVE: The special use permit and variances approved in Sections Three and Four of this Ordinance are subject to the following conditions:

1. The project must comply with all Village Ordinances, Building Codes, Subdivision Regulations, the DuPage County Stormwater Ordinance, and Standard Development Specifications in place at the time of permit application.

2. Permits for the Construction of the Sewage Treatment Plants shall be submitted within two (2) years from the date of Village Board Approval.
3. The Petitioner must enter into an Intergovernmental Agreement (IGA) with the Village concerning permitting and inspections of the Subject Property during and after construction.

4. The Petitioner must enter into an Intergovernmental Agreement (IGA) with the Itasca Park District concerning the use of the ingress/egress easement during and after construction.

SECTION SIX: All other aspects of the Subject Property are to be in compliance with all Village ordinances, including but not limited to the Itasca Zoning Ordinance, unless otherwise modified by ordinance.

SECTION SEVEN: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION EIGHT: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION NINE: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

AYES: ___________________________________________________________

NAYES: ___________________________________________________________

ABSENT: _________________________________________________________

ABSTAIN: _________________________________________________________

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 17th day of December, 2019.

APPROVED:

_____________________________________
Village President Jeffery J. Pruyn

ATTEST:

_____________________________________
Village Clerk Jody Conidi