



Agenda
Village of Glen Ellyn
Plan Commission
Regular Meeting
Thursday, September 13, 2018
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

Individuals with disabilities who plan to attend the meeting and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village at least 24 hours before the meeting.

- A. **Call to Order**
- B. **Public Comment (Non Agenda Items)**
- C. **Approval of Draft Minutes**
 - 1. Approval of the Draft June 14, 2018 Plan Commission Meeting Minutes
 - 2. Approval of the draft August 9, 2018 Plan Commission Meeting Minutes
- D. **Public Hearing - 21W180 Hill Avenue and 21W200 Hill Avenue - West Suburban Bank Land Trust No. 3344 by Noorlag Real Estate Group, LLC by Lynea R. Herlien, Manager, Noorlag Real Estate Group, LLC and G. Vincent and Barbara Cuyler - Zoning Map Amendment to I1 Light Industrial**
 - 1. A public hearing to consider the applications for a Zoning Map Amendment for 21W180 Hill Avenue and 21W200 Hill Avenue (Planner Sterrett)
- E. **Trustee's Report**
- F. **Chairman's Report**
- G. **Staff Report**
- H. **Other Business**
- I. **Adjournment**

This note provides you with information regarding what happens to a petition after it has appeared before the Plan Commission. After the Commission makes a recommendation on a petition, the meeting minutes are prepared. Then, the petition, along with the meeting minutes and all pertinent material, is scheduled for consideration by the Village Board. The Village Board meets on the second and fourth Monday of each month at 7:00 p.m. in a meeting room on the third floor of the Civic Center, 535 Duane Street. Questions regarding petitions scheduled for review by the Village Board should be directed to the Planning and Development Department at (630) 547-5250.

cc: Glen Ellyn Plan Commission
Craig Pryde, Plan Commission Liaison Trustee

Village of Glen Ellyn

Mark Franz, Village Manager
Bill Holmer, Assistant Village Manager
Staci Hulseberg, Planning and Development Director
John Sterrett, Village Planner
Kelly Purvis, Associate Planning
Barbara Utterback, Plan Commission Secretary
Meredith Hannah, Economic Development Manager
Lori Gloude, Administrative Assistant
Lindsey Kaminsky, Executive Assistant
Angela Andrianopoulos, Administrative Assistant
Megan Plahm, Communications Coordinator
Brian Baltudis, Facilities Supervisor
David Harris, Glen Ellyn Park District
Eric DePorter, School District 41
Dawn Bussey, Glen Ellyn Public Library
Emily Tammaru, Community Consolidated School District 89
Chris McClain, Glenbard School District 87



Plan Commission
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 09/13/18 07:00 PM
Department: Plan Commission
Department Head: John Sterrett
Category: Minutes
Prepared By: John Sterrett

SCHEDULED

AGENDA ITEM (ID # 3544)

DOC ID: 3544

Approval of the Draft June 14, 2018 Plan Commission Meeting Minutes

The draft minutes from the June 14, 2018 Plan Commission meeting were to be voted on at the June 28, 2018 meeting but were tabled because the majority of the members present at the June 28, 2018 meeting were not at the June 14, 2018 meeting.

The Plan Commission is being asked to vote on the June 14, 2018 meeting minutes.

ATTACHMENTS:

- Draft June 14, 2018 Plan Commission Meeting Minutes (PDF)

DRAFT MINUTES
REGULAR PLAN COMMISSION MEETING
JUNE 14, 2018

Call to Order

The regular meeting of the Plan Commission was called to order by Chairperson Mary Loch at 7:00 p.m. Plan Commissioners Phillip Hartweg, Tracy Heming-Littwin, David Rodemann, Bob Vavra and Jamie Vondruska were present. Plan Commissioners John Mulherin, Angela Fanella, and Mohammed Saeed were excused. Also present were Village Planner John Sterrett, Planning Intern Evan Clements, Recording Secretary Debbie Solomon and Village Trustee Craig Pryde.

Chairperson Loch welcomed new Commissioner Bob Vavra to the Plan Commission.

A quorum was present.

Public Comment

No general comments on non-agenda items were made by the public at this Plan Commission meeting.

Approval of May 10, 2018 Plan Commission Minutes

Commissioner Heming-Littwin moved, seconded by Commissioner Hartweg, to approve the minutes of the May 10, 2018 Plan Commission meeting. The motion carried unanimously by voice vote.

Public Hearing – 375-395 Roosevelt Road and 681 Taft Avenue – LM Commercial Development Variations from Subdivision Regulations Code and Zoning Code and PUD Amendment

On the agenda was a public hearing regarding petitioner LM Commercial Development's request for approval of variations from the Subdivision Regulations Code and Zoning Code and PUD Amendment.

PUBLIC HEARING – 375-395 ROOSEVELT ROAD AND 681 TAFT AVENUE – LM COMMERCIAL DEVELOPMENT VARIATIONS FROM SUBDIVISION REGULATIONS CODE AND ZONING CODE AND PUD AMENDMENT

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF VARIATIONS FROM THE SUBDIVISION REGULATIONS CODE AND

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ZONING CODE AND PUD AMENDMENT TO ALLOW EXISTING OVERHEAD COMED UTILITY LINES TO REMAIN ABOVE GROUND ON THE SUBJECT PROPERTY AND IN THE ADJACENT PUBLIC RIGHT-OF-WAY IN LIEU OF BURYING ALL UTILITY LINES.

Commissioner Heming-Littwin moved, seconded by Commissioner Vondruska, to open the public hearing at 7:01 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Village Planner Sterrett was sworn in and showed a site plan overview of 375-395 Roosevelt Road and 681 Taft Avenue. Village Planner Sterrett stated the petitioner is LM Commercial Development, owner of these properties. Village Planner Sterrett stated the petitioner is requesting a public hearing regarding to allow existing overhead ComEd utility lines to remain above ground on the subject property and in the adjacent public right-of-way in lieu of burying all utility lines. Village Planner Sterrett stated the petitioner is requesting approval of the following:

A. The following variations from the Subdivision Regulations Code:

1. A Variation from Section 11-4-8 of the Glen Ellyn Subdivision Regulations Code to allow 215 linear feet of existing overhead ComEd utility lines to remain above ground on the north side of the adjacent Taft Avenue right-of-way running east-west, adjacent to Lots 3 of 4 of the development, in lieu of being buried.
2. A Variation from Section 11-4-8 of the Glen Ellyn Subdivision Regulations Code to allow 58 linear feet of existing overhead ComEd utility lines to remain above ground in the Taft Avenue right-of-way running north-south, between the Lot 3 and Lot 5 of the development, in lieu of being buried.

B. The following variations from the Zoning Code:

1. A Variation from Section 10-7-5 of the Glen Ellyn Zoning Code to allow 130 linear feet of existing overhead ComEd utility lines running north-south to remain to remain above ground, on the west side of Lot 5 of the development, in lieu of being buried.

2. A Variation from Section 10-7-5 of the Glen Ellyn Zoning Code to allow 256 linear feet of existing overhead ComEd utility lines running east-west to remain above ground, on the south side of Lot 5 of the development, in lieu of being buried.
3. A Variation from Section 10-7-5 of the Glen Ellyn Zoning Code to allow 71 linear feet of existing overhead ComEd utility lines running east-west to remain to remain above ground on Lot 4 of the development in lieu of being buried.
4. A Variation from Section 10-7-5 of the Glen Ellyn Zoning Code to allow 88 linear feet of existing overhead ComEd utility lines running north-south to remain to remain above ground on Lot 4 of the development in lieu of being buried.

C. An Amendment to the Planned Unit Development to allow certain Existing Overhead ComEd Utilities to remain above ground.

Village Planner Sterrett stated the subject property is made up on 4.11 acres and currently being used for Leslie Car Wash on the western portion of the property (Lot 4). Village Planner Sterrett stated the remainder of the site was previously used for Enterprise Rent-a-Car rental service which recently relocated to the property at 404 Roosevelt Road. Village Planner Sterrett stated the building on the property previously occupied by Enterprise is now vacant and will be demolished for future development. Village Planner Sterrett stated the portion of the property at 375-395 Roosevelt Road is located in the C3 Service Commercial District and a portion of the property at 681 Taft Avenue is in the C4 Office District.

Village Planner Sterrett stated the surrounding land uses and zoning districts are as follows:

North: C3 Service Commercial District - Commercial (Retail/Restaurant uses)
 South: CR Conservation District – Village Links Golf Course
 East: C3 Service Commercial District – Commercial (Alfie’s Inn)
 West: C3 Service Commercial District – Commercial (Mattress Firm)

Village Planner Sterrett stated the petitioner received several approvals from the Village Board on November 13, 2017 to redevelop the property for three drive-thru restaurants and a future undetermined use on the Taft Avenue parcel. Village Planner Sterrett stated these approvals included a Major Subdivision to divide the property into five lots, a Preliminary Planned Unit

Development (PUD) for the entire site, a Final PUD for Lot 1, and a Special Use Permit for Lot 1 to develop an Andy's Frozen Custard with a drive-thru. Village Planner Sterrett stated a future Buona Beef with a drive-thru is proposed for Lot 3, and no tenant has been secured for Lots 2 or 5 of the development. Village Planner Sterrett stated Leslie Car Wash will remain on Lot 4 and may undergo some site improvements.

Village Planner Sterrett stated as a PUD, the property is required to place all existing and proposed utility lines underground within the boundaries of the PUD, per Section 10-7-5(B) of the Zoning Code. Village Planner Sterrett stated as a Subdivision, the property is required to place all existing and proposed utilities in the adjacent rights-of-way underground, per Section 11-4-8 of the Subdivision Regulations Code, and this includes the existing overhead utilities located in the Taft Avenue right-of-way. Village Planner Sterrett stated at the time of Preliminary PUD approval, the petitioner proposed burying all existing and proposed utilities both within the boundaries of the PUD and in the adjacent Taft Avenue right-of-way. Village Planner Sterrett stated as part of the review process for the site development permit for the property, the petitioner has been working with the appropriate utility companies to relocate all existing above ground utilities underground, both on the property and the in the right-of-way. Village Planner Sterrett stated the petitioner is proposing to place all existing above ground utilities in the Taft Avenue right-of-way underground with the exception of a portion of the ComEd lines. Village Planner Sterrett stated the petitioner is now requesting that 215 linear feet of the existing overhead ComEd lines on the north side of Taft Avenue running east-west remain above ground as well as 58 linear feet of the existing overhead ComEd lines traveling north-south perpendicular to the Taft Avenue right-of-way be allowed to remain in the Taft Avenue right-of-way. Village Planner Sterrett stated the remaining 120 linear feet of the existing overhead ComEd lines in the Taft Avenue right-of-way are proposed to be buried.

Village Planner Sterrett stated the petitioner is proposing that all existing and proposed utilities on the property will be placed underground with the exception of the existing overhead ComEd lines located on Lot 4 and Lot 5 – 545 total linear feet. Village Planner Sterrett stated the petitioner is now requesting that these existing lines remain above ground and referred the Commissioners to the illustration in the packet which identifies the existing ComEd lines proposed to be buried and the lines requested to remain above ground.

Village Planner Sterrett stated over the last several months, the petitioner has discussed burying all existing overhead ComEd lines with ComEd. Village Planner Sterrett stated the petitioner has indicated to staff that burying all existing overhead ComEd lines would be cost prohibitive and would make the project financially unfeasible so the petitioner is then seeking a variation from Section 10-7-5 of the Glen Ellyn Zoning Code to allow the existing ComEd lines on Lot 4 and Lot 5 to remain above ground and a variation from Section 11-4-8 of the Glen Ellyn

Subdivision Regulations Code to allow a portion of the existing overhead ComEd lines in the adjacent Taft Avenue right-of-way to remain above ground.

Village Planner Sterrett stated since the proposed project did involve multiple approvals, Village Planner Sterrett wanted the Plan Commission to see what type of utility requirements would kick in based on the type of project. Village Planner Sterrett stated if the proposed project did not involve a PUD or a Subdivision, and was just a project done on one lot with one building on it, the petitioner would not be required to go through the PUD process and would only have to bury just one line. Village Planner Sterrett stated the reason for this is that these are not primary utility lines and are secondary lines. Village Planner Sterrett stated if this did not involve a PUD or a Subdivision, the only thing required to be buried would be anything considered as secondary lines. Village Planner Sterrett stated per the Zoning Code for new construction on a property that does not involve a PUD or a Subdivision, only requires secondary lines to be buried.

Commissioner Heming-Littwin asked if the building that was Grandma Sally's to the west and was rebuilt, these lines were not required to go underground because it was just building on the property. Village Planner Sterrett stated this is correct, and they did not have to bury were not as extensive as this projected project.

Commissioner Rodemann asked about the transformers if all the lines are to be buried. Village Planner Sterrett stated ComEd would have to engineer this in such a way that the transformers would still be required. Commissioner Rodemann stated there are quite a number of pole-mounted transformers and asked if those were remaining. Village Planner Sterrett stated he will defer to the petitioner on this as the petitioner has been have discussion with Com Ed, who has proposed a plan for this.

Commissioner Vondruska asked if the Leslie Car Wash was redeveloped, would this trigger something for the lines then to go underground. Village Planner Sterrett stated the lines coming to the site are servicing the building now, and any new construction does need to bury the lines.

Petitioner's Presentation

Ken Adams, Director of Retail Development at LM Commercial Development located at 115 W. 55th Street in Clarendon Hills, Illinois, was sworn in. Mr. Adams stated an additional pole is being added, and this will be the down-feed pole. Mr. Adams stated electricity will be sent to the down-feed pole which will then go underground to service each building. Mr. Adams stated they were hoping to bury all the lines, but the cost differential has made this infeasible.

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Mr. Adams stated ComEd's alternative is to bury the electrical lines on the Roosevelt side which would go underground to Taft. Mr. Adams stated there would be a new pole added to bring up the electrical lines so three poles would go away and one would be added.

Mr. Adams stated they did not solve the notion of all the lines being buried as this would cost approximately \$300,000. Mr. Adams stated they could not fully accomplish what the ordinance calls for so they called ComEd to see what the cost would be if all the lines on Roosevelt would be buried, which would be approximately another \$150,000 for engineering and contingency.

Mr. Adams stated they believe they have met the criteria for no reasonable return, and this is not generally applicable to other non-PUD properties. Mr. Adams stated the variations give them the minimal use then, and the variations are due to an extraordinary hardship.

Questions from the Plan Commission

Commissioner Vondruska asked if it would be prohibitively expensive to relocate the transformers. Mr. Adams stated he is not sure on this, but from his understanding, the transformers will come off the poles and onto the ground.

Commissioner Heming-Littwin asked about the property on the south side of Taft Avenue. Mr. Adams stated nothing is happening with this property yet. Commissioner Heming-Littwin asked if the lines would be buried when something is done with this property. Mr. Adams stated the lines would stay above ground as the trees do hide the lines, and these lines do service other properties as well. Commissioner Heming-Littwin asked if the lines were buried, would the lines need to come back up to service the properties to the east to which Mr. Adams stated yes.

Commissioner Hartweg stated he has an office on Taft, and there are electrical service issues at times. Commissioner Hartweg stated he is suspicious of why ComEd cannot do this proposed work more economically due to the electrical service issues. Commissioner Hartweg stated he just wanted to warn the petitioner about this as they could lose time in the future.

Commissioner Rodemann asked what would tie the east and the west. Mr. Adams stated AT&T has done the engineering on this, but Mr. Adams has not seen this yet. Mr. Adams stated they will be providing underground sleeves for all the utilities on the properties. Commissioner Rodemann stated the ultimate goal should be to get all the above ground lines underground.

Attachment: Draft June 14, 2018 Plan Commission Meeting Minutes (3544 : June 14, 2018 Minutes)

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Commissioner Heming –Littwin stated the thought process seems to be that if the Leslie Car Wash site was redeveloped, the lines would go underground. Mr. Adams stated the middle lines where AT&T is would go underground.

Persons in Favor of or in Opposition to the Request

No one spoke in favor or in opposition to this proposed request.

Commissioner Hartweg moved, seconded by Commissioner Heming-Littwin, to close the public hearing at 7:28 p.m. The motion carried unanimously by voice vote.

Comments from the Plan Commission

Commissioner Vondruska stated he does not want to put the project in jeopardy just to ensure all the lines are underground. Commissioner Vondruska stated he understands the spirit of what the Village is trying to do by putting the lines underground to help with aesthetics and possible issues during storms and other things. Commissioner Vondruska stated he can support this project even though it is not ideal to him, but he does not want to hold up the project.

Commissioner Heming-Littwin stated she agrees with Commissioner Vondruska. Commissioner Heming-Littwin stated across the county, there has still been issues with buried lines even with storms and such. Commissioner Heming-Littwin stated the poles will be on Taft and not Roosevelt which is good so she is fine with this. Commissioner Heming-Littwin stated going forward, a pole or something may need to go back up on Taft.

Commissioner Rodemann stated he would like a condition added to the recommendation for this project that an effort is made to bury the lines when the Leslie Car Wash site is redeveloped. Commissioner Rodemann stated he is fine with this project.

Commissioner Hartweg stated he agrees with the Taft piece as no one knows the lines are there. Commissioner Hartweg stated the petitioner has done its due diligence and a good effort on trying to solve this problem.

Commissioner Vavra stated he is fine with this project. Commissioner Vavra stated this project should be a start at this point, and the lines running through the property should ideally be underground.

Chairperson Loch stated she is fine with this project. Chairperson Loch stated she does like the idea of adding a condition to the recommendation that when the Leslie Car Wash site is

redeveloped, the lines need to go underground. Village Planner Sterrett stated they will need to clarify which segment of lines for the condition.

Motion

Commissioner Heming-Littwin moved, seconded by Commissioner Hartweg to recommend the following:

Having considered the application from LM Commercial Development for the approval of variations from Subdivision Regulations Code and Zoning Code to amend the PUD development of 375-395 Roosevelt Road and 681 Taft Avenue development to allow certain existing overhead ComEd utility lines to remain above ground on the subject property and in the adjacent public right-of-way in lieu of burying all utility lines, located at 375-395 Roosevelt Road and 681 Taft Avenue in the C3 Service Commercial District and the C4 Office District, the Plan Commission hereby adopts the findings of fact contained in the petitioner's application packet and the testimony presented by the petitioner at the public hearing as well as the findings included in the deliberations of the Plan Commission and recommends approval of the following variation requests:

A. The following variations from the Subdivision Regulations Code:

1. A Variation from Section 11-4-8 of the Glen Ellyn Subdivision Regulations Code to allow 215 linear feet of existing overhead ComEd utility lines to remain above ground on the north side of the adjacent Taft Avenue right-of-way running east-west, adjacent to Lots 3 of 4 of the development, in lieu of being buried.
2. A Variation from Section 11-4-8 of the Glen Ellyn Subdivision Regulations Code to allow 58 linear feet of existing overhead ComEd utility lines to remain above ground in the Taft Avenue right-of-way running north-south, between the Lot 3 and Lot 5 of the development, in lieu of being buried.

B. The following variations from the Zoning Code:

1. A Variation from Section 10-7-5 of the Glen Ellyn Zoning Code to allow 130 linear feet of existing overhead ComEd utility lines running north-south to remain to remain above ground, on the west side of Lot 5 of the development, in lieu of being buried.

2. A Variation from Section 10-7-5 of the Glen Ellyn Zoning Code to allow 256 linear feet of existing overhead ComEd utility lines running east-west to remain above ground, on the south side of Lot 5 of the development, in lieu of being buried.
 3. A Variation from Section 10-7-5 of the Glen Ellyn Zoning Code to allow 71 linear feet of existing overhead ComEd utility lines running east-west to remain to remain above ground on Lot 4 of the development in lieu of being buried.
 4. A Variation from Section 10-7-5 of the Glen Ellyn Zoning Code to allow 88 linear feet of existing overhead ComEd utility lines running north-south to remain to remain above ground on Lot 4 of the development in lieu of being buried.
- C. An Amendment to the Planned Unit Development to allow certain Existing Overhead ComEd Utilities to remain above ground.

This recommendation is subject to the following condition: if or when the Leslie Car Wash does come down, the associated east-west utility lines in the middle of the lot will be buried.

The motion carried unanimously with six (6) yes votes and zero no votes as follows: Plan Commissioners Heming-Littwin, Hartweg, Rodemann, Vavra and Vondruska and Chairperson Loch voted “yes.”

Chairperson Loch stated the Plan Commission is a recommending body to the Village Board. Village Planner Sterrett stated this item should come before the Village Board for approval on June 25, 2018.

Public Hearing – 395 Roosevelt Road – Buona Beef – Final Planned Unit Development (PUD), Special Use Permit and Sign Variations

On the agenda was a public hearing regarding a public hearing with discussion, consideration, and recommendation regarding a request for approval of the application of a Final Planned Unit Development (PUD), Special Use Permit, and Sign Variations to construct a Buona Beef restaurant with a drive-thru on Lot 3 of the 375-395 Roosevelt Road development. The property is located at 395 Roosevelt Road, within the C3 Service Commercial district.

PUBLIC HEARING –395 ROOSEVELT ROAD – BUONA BEEF – FINAL PLANNED UNIT DEVELOPMENT (PUD), SPECIAL USE PERMIT AND SIGN VARIATIONS

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING AN APPLICATION FOR APPROVAL OF A FINAL PLANNED UNIT DEVELOPMENT (PUD), SPECIAL USE PERMIT, AND SIGN VARIATIONS TO CONSTRUCT A BUONA BEEF RESTAURANT WITH A DRIVE-THRU ON LOT 3 OF THE 375-395 ROOSEVELT ROAD DEVELOPMENT.

Commissioner Heming-Littwin moved, seconded by Commissioner Vondruska, to open the public hearing regarding at 7:35 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Village Planner Sterrett was sworn in and stated petitioner Keystone Ventures, LLC, developer for Buona Beef, is requesting a public hearing regarding an application for approval of a Final Planned Unit Development (PUD), Special Use Permit, and Sign Variations to construct a Buona Beef restaurant with a drive-thru on Lot 3 of the 375-395 Roosevelt Road development.

Village Planner Sterrett stated that in order to construct the Buona Beef as proposed, the petitioner is specifically requesting approval of the following:

- A. A Final PUD Plan for Lot 3, in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.
- B. A Special Use Permit for a drive-in commercial facility (i.e. drive-thru) for Lot 3 in accordance with Section 10-4-15(B)9 of the Zoning Code
- C. The following variations from the Glen Ellyn Sign Code:
 - 1. A variation from Section 4-5-10(B) of the Sign Code to allow 4 wall signs in lieu of 1 sign permitted.
 - 2. A variation from Section 4-5-10(B) of the Sign Code to allow a marquee sign in the C3 District, which is otherwise not permitted in the C3 District.
 - 3. A variation from Section 4-5-5 of the Glen Ellyn Sign Code to allow LED lighting to outline under the coping of the north elevation of the building which is otherwise prohibited.

Village Planner Sterrett showed an overview map of the property and stated the subject lot is part of the 5-lot commercial development at 375-395 Roosevelt Road. Village Planner Sterrett stated the entire development received Planned Unit Development (PUD) approval for the redevelopment of the site for three restaurant establishments and an office use as well as approval of a Major Subdivision to subdivide the site into 5 lots. Village Planner Sterrett stated

the petitioner is proposing the construction of a Buona Beef Restaurant which will contain a drive-thru as well as an outdoor eating area.

Village Planner Sterrett stated the surrounding land uses and zoning districts are as follows:

North: C3 Service Commercial District - Commercial (Retail/Restaurant uses)

South: CR Conservation District – Village Links Golf Course

East: C3 Service Commercial District – Commercial (Alfie's Inn)

West: C3 Service Commercial District – Commercial (Mattress Firm)

Village Planner Sterrett stated the restaurant will have 41 parking stalls, and the proposed restaurant is consistent with the preliminary PUD approved for the site. Village Planner Sterrett stated the drive-thru will be double-stacked and can hold up to 12 vehicles. Village Planner Sterrett stated staff has no concerns about the vehicles stacking up onto Roosevelt Road. Village Planner Sterrett stated as a part of the development of the entire site, two full access driveways off of Roosevelt Road will be installed on Lots 1 and 3, and this was approved by IDOT.

Village Planner Sterrett stated the staff does have some concern over the proposed 3 perpendicular stalls that will be to the north of the building and to be used as a pick-up area. Village Planner Sterrett stated staff is concerned with this configuration because vehicles entering and exiting these stalls may be inclined to drive on the wrong side of the drive aisle, and staff is also concerned as this pick-up area is also proposed to be in close proximity to the Roosevelt Road access.

Village Planner Sterrett showed a picture of the proposed building and stated the petitioner is also seeking variations from the Sign Code as they are requesting 4 signs in lieu of the maximum of 1 sign that is allowed. Village Planner Sterrett stated a marquee sign is not prohibited in the Sign Code, but also not listed as permitted. Village Planner Sterrett stated the petitioner is also proposing LED strip lighting.

Village Planner Sterrett stated the Plan Commission may want to consider the following conditions as a part of their recommendation:

1. No building permit, with the exception of a demolition permit, shall be issued until all outstanding conditions placed on Ordinance No. 6546 have been addressed.
2. Landscaping, as approved by staff, shall be installed along the western lot line of Lot 3 within six months of the date of the issuance of a temporary certificate of

occupancy unless a Final PUD application for the redevelopment of Lot 4 is submitted within this same time period.

3. Remove or relocate the proposed stalls to be used for a pick-up area for drive-thru vehicles.
4. Any other conditions recommended by the Plan Commission.

Commissioner Hartweg stated the it would be logical and practical to remove the leg on the west side of the pick-up area. Commissioner Vondruska stated that is proposed to be striping and not concrete.

Commissioner Rodemann asked if a landscaping plan will be submitted for the 6-month suggestion for any landscaping. Village Planner Sterrett stated the staff will review this. Commissioner Heming-Littwin stated this part could be a condition, but the petitioner would still need to come to the staff for Landscaping Approval. Village Planner Sterrett stated there are general landscaping options which the petitioner can choose from. Commissioner Heming-Littwin stated there would be a requirement to put landscaping in if the Leslie Car Wash is redeveloped.

Petitioner's Presentation

Sworn in for the petitioner were Tim Hague, President of Keystone Ventures, LLC, in River Forest, Illinois, John Hague, Architect with Hague Architecture in River Forest, Illinois and Ken Adams, Director of Retail Development at LM Commercial Development in Clarendon Hills, Illinois.

Mr. Tim Hague stated they are proposing to put a Buona Beef restaurant at 395 Roosevelt Road, and the Buona Beef restaurants are owned by the Buonavolanto Family. Mr. Tim Hague stated the Buona Beef restaurants started in Berwyn in the 1980's, and now there are 24 locations. Mr. Tim Hague stated the Buona Beef restaurants are brightly colored with a warm feel, and the kitchens are open so the patrons can see in. Mr. Tim Hague stated the drive-thru sales and carry-out sales do usually account for approximately 50% of the sales. Mr. Tim Hague stated the Buona Beef restaurants are committed to the communities they go into.

Mr. Tim Hague stated during a normal lunch hour, the drive-thru can usually have up to 50 vehicles an hour go through so they do use the 3 parking stalls if the cars become queued up. Mr. Tim Hague stated the proposed signage is used in several Buona Beef locations, and the 4 requested signs do communicate the Buona Beef brand.

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Mr. John Hague stated they put the design of the building together with the proposed sign package to be seen from different orientations of the building. Mr. John Hague stated the tower on the building will have the Buona Beef logo and be visible to catch the traffic on Roosevelt Road, and the drive-thru sign will help to catch the Roosevelt Road traffic too.

Mr. Adams stated the area between the proposed Buona Beef restaurant and the Leslie Car Wash is a north/south area that is paved. Mr. Adams stated the lease with the Leslie Car Wash does have another 3 years on it so this site will not be redeveloped in the 6 months that was suggested by staff. Mr. Adams stated it might be good to leave this area paved as any landscaping that would be put in would be wasted if the site is redeveloped at some point.

Questions from the Plan Commission

There were no questions from the Plan Commissioners.

Persons in Favor of or in Opposition to the Request

No one spoke in favor or in opposition to this proposed request.

Comments from the Plan Commission

Commissioner Heming-Littwin thanked the petitioner for choosing Glen Ellyn. Commissioner Heming-Littwin stated she is fine with the proposed pick-up area parking stalls as she has seen this work well. Commissioner Heming-Littwin stated she is fine with the signage as it adds to what the building looks like and is tasteful, and the signage can be seen from the Roosevelt Road corridor. Commissioner Heming-Littwin stated she also has no problem with the proposed LED lighting. Commissioner Heming-Littwin stated she is fine with the condition about any outstanding conditions placed on Ordinance No. 6546 being addressed. Commissioner Heming-Littwin stated there is pavement now where the landscaping is proposed, and it would be crazy to ask for the petitioner to put landscaping in which will probably be disturbed; however, she would like a condition added to this ordinance that this will be addressed when the Leslie Car Wash site is redeveloped.

Commissioner Vondruska stated he agreed with Commissioner Heming-Littwin. Commissioner Vondruska stated he is fine with the proposed signage and the drive-thru. Commissioner Vondruska stated he is fine with the discussed area remaining paved, and he wants to ensure this area looks finished.

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Commissioner Rodemann stated he thinks the proposed signage was done well, and the overall project is nice. Commissioner Rodemann stated he wants to ensure the paved area is maintained.

Commissioner Hartweg stated he is looking forward to this project, and he likes the design.

Commissioner Vavra stated this will be an attractive building, and he does want this business to be successful.

Chairperson Loch thanked the petitioner for coming to Glen Ellyn. Chairperson Loch stated she wants to ensure the discussed area looks nice and finished, and she thinks paving can age and take away from the aesthetics of the look.

Commissioner Vavra moved, seconded by Commissioner Hartweg, to close the public hearing at 8:05 p.m. The motion carried unanimously by voice vote.

Motion

Commissioner Heming-Littwin moved, seconded by Commissioner Vavra to recommend the following:

Having considered the application from Keystone Ventures, LLC, developer for Buona Beef, is requesting a public hearing regarding an application for approval of a Final Planned Unit Development (PUD), a Special Use Permit for a drive -thru, and Variations from the Sign Code to allow the construction of a proposed Buona Beef restaurant at 395 Roosevelt Road in the C3 Service Commercial District, the Plan Commission hereby adopts the findings of fact contained in the petitioner's application packets and the testimony presented by the petitioner at the public hearing as well as the findings included in the deliberations of the Plan Commission and recommends approval of the following variation conditions:

1. No building permit, with the exception of a demolition permit, shall be issued until all outstanding conditions placed on Ordinance No. 6546 have been addressed.
2. Prior to Lot 4 being redeveloped, the area along the Buona Beef western boundary should be maintained in a proper manner, either as sodded or paved, and kept clean and should look finished.
3. Any other conditions recommended by the Plan Commission.

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JUNE 14, 2018

The motion carried unanimously with six (6) yes votes and zero no votes as follows: Plan Commissioners Heming-Littwin, Vavra, Hartweg, Rodemann and Vondruska and Chairperson Loch voted “yes.”

Chairperson Loch stated the Plan Commission is a recommending body to the Village Board. Village Planner Sterrett stated this item should come before the Village Board for approval on June 25, 2018.

Trustee’s Report

Village Trustee Pryde stated the Village Board did pass the Zoning Text Amendments that the Plan Commission had worked on. Trustee Pryde stated the Village Board has been talking about a possible parking garage being built behind the Civic Center, and the Village Board is moving toward a consensus on how to pay for this proposed parking garage. Trustee Pryde stated he has no new news on developments.

Village Planner Sterrett stated they will be working to update the Village’s Comprehensive Plan, and the Plan Commission will be involved in-depth with this.

Chairperson Loch asked about progress on the proposed True North gas station. Trustee Pryde stated there has not, but they are in Discovery at this point. Commissioner Heming-Littwin stated the Protect Glen Ellyn website has posted on its site all the motions that are a part of this.

Trustee Pryde stated they are moving forward with the first-floor renovation of the Civic Center, and additional renovations for the Civic Center’s HVAC system and infrastructure items have been added, which may cost an additional \$500,000 to \$1,000,000.

Chairperson’s Report

Chairperson Loch stated she did attend a TIF meeting in the past few days, and she is happy to see the monies going into the TIF are being used.

Staff Report

Village Planner Sterrett stated the Plan Commission will be working on a Sign Code update this summer. Village Planner Sterrett stated the staff has made a list of possible Sign Code changes as variations have come up.

Attachment: Draft June 14, 2018 Plan Commission Meeting Minutes (3544 : June 14, 2018 Minutes)

PLAN COMMISSION

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JUNE 14, 2018

Village Planner Sterrett introduced Planning Intern Evan Clements who has been with the Village for six months. Planning Intern Clements stated he is working on a variation for 560 Crescent.

Other Business

None

Adjournment

Commissioner Heming-Littwin moved, seconded by Commissioner Vondruska, to adjourn the meeting at 8:20 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary

Attachment: Draft June 14, 2018 Plan Commission Meeting Minutes (3544 : June 14, 2018 Minutes)



Plan Commission
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 09/13/18 07:00 PM
Department: Plan Commission
Department Head: John Sterrett
Category: Minutes
Prepared By: John Sterrett

SCHEDULED

AGENDA ITEM (ID # 3545)

DOC ID: 3545

Approval of the draft August 9, 2018 Plan Commission Meeting Minutes

ATTACHMENTS:

- Draft August 9, 2018 Plan Commission Meeting Minutes (PDF)

DRAFT MINUTES
REGULAR PLAN COMMISSION MEETING
AUGUST 9, 2018

Call to Order

The regular meeting of the Plan Commission was called to order by Chairperson Mary Loch at 7:00 p.m. Plan Commissioners Angela Fanella, Phillip Hartweg, Tracy Heming-Littwin, John Mulherin, Mohammed Saeed, Bob Vavra and Jamie Vondruska were present. Plan Commissioner Rodemann was excused. Also present were Village Planner Kelly Purvis, Village Planner John Sterrett, Planning Intern Evan Clements, Recording Secretary Debbie Solomon and Village Trustee Craig Pryde.

A quorum was present.

Public Comment

No general comments on non-agenda items were made by the public at this Plan Commission meeting.

Approval of June 28, 2018 Plan Commission Minutes

Commissioner Heming-Littwin, seconded by Commissioner Vondruska, to approve the minutes of the June 28, 2018 Plan Commission meeting. The motion carried with eight (8) yes votes as follows: Plan Commissioners Fanella, Heming-Littwin, Hartweg, Mulherin, Saeed, Vavra, Vondruska and Chairperson Loch voted "yes."

Public Hearing – 889 W. St. Charles Road & Vacant Lot – Churchill Woods Forest Preserve – Zoning Map Amendment

On the agenda was a public hearing to consider the application for a Zoning Map Amendment for two recently annexed properties in the Churchill Woods Forest Preserve.

PUBLIC HEARING – 889 W. ST. CHARLES ROAD & VACANT – CHURCHILL WOOD FOREST PRESERVICE – ZONING MAP AMENDMENT

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF A ZONING MAP AMENDMENT TO REZONE THE SUBJECT PROPERTIES FROM THE RE RESIDENTIAL ZONING DISTRICT TO THE CR CONSERVATION RECREATION ZONING DISTRICT.

Commissioner Heming-Littwin, seconded by Commissioner Mulherin, to open the public hearing at 7:01 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Village Planner Purvis was sworn in and stated the petitioner is the DuPage County Forest Preserve District, owner of two recently annexed properties in the Churchill Woods Forest Preserve District commonly known as 889 W. St. Charles Road and “vacant parcel” Crescent Boulevard.

Village Planner Purvis stated the petitioner is requesting approval of a Zoning Map Amendment to rezone the subject properties from the RE Residential zoning district to the CR Conservation Recreation zoning district.

Village Planner Purvis showed an overview map of the property and stated the subject properties are generally located west of I-355 between St. Charles Road and Crescent Boulevard. Village Planner Purvis stated the northern parcel is improved with the historic McKee House structures and a fleet storage facility with a pumping station, and the southern parcel is vacant except for a parking lot. Village Planner Purvis stated both properties were recently annexed into the Village on June 25, 2018 and automatically zoned the most restrictive residential zoning category, as permitted by state statute and by Section 10-3-3 of the Zoning Code.

Village Planner Purvis stated notice of the public hearing was published in the July 25, 2018 edition of the Daily Herald. Property owners within 250 feet of the subject properties were notified by mail of the public hearing and a placard was placed on each of the properties.

Village Planner Purvis stated the Village of Glen Ellyn and the Village of Lombard entered into a Boundary Line Agreement in March of 2012 which was renegotiated in September of 2015 to exchange certain parcels on either side of the boundary. Village Planner Purvis stated one of the parcels that was to be removed from Lombard’s jurisdiction to become part of Glen Ellyn was 889 W. St. Charles Road (the northern parcel with the McKee structures and fleet building). Village Planner Purvis stated on May 1, 2017, the Village of Glen Ellyn and the DuPage County Forest Preserve District entered into a 50-year lease agreement that would allow the Village to re-purpose the fleet building for use as a salt storage facility. Village Planner Purvis stated this was the least costly salt storage option of many the Village considered. Village Planner Purvis stated following the approval of the lease agreement by both Boards, the Forest Preserve District petitioned the Village of Lombard to disconnect 889 W. St. Charles Road from their corporate limits, and the property was disconnected on May 17, 2018.

PLAN COMMISSION

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AUGUST 9, 2018

Village Planner Purvis stated in order to gain contiguity to this parcel, the Village annexed the vacant Forest Preserve owned lot to the south as well. Village Planner Purvis stated both parcels were automatically zoned RE residential zoning upon annexation. Village Planner Purvis stated the Village staff and the Forest Preserve District are in agreement that a more appropriate zoning classification for the subject properties would be CR - Conservation Recreation since neither parcel will be developed for residential use and will remain, for the most part, unimproved open space. Village Planner Purvis stated prior to annexation, the northern parcel was zoned CR - Conservation Recreation in the Village of Lombard, and the southern parcel was zoned R-4 single family residential in DuPage County (which does not have a zoning category for parks and open space).

Village Planner Purvis stated the Community Wide Plan within the Comprehensive Plan designates this part of the Village as “parks and open space.” Village Planner Purvis stated it is also noted in the packet of the Community Wide Plan that the Village should “protect forest preserves and nature conservancies as important open space assets”, highlighting these specific properties.

Village Planner Purvis stated the Plan Commission should consider and make a recommendation to the Village Board regarding which zoning district the Commission finds is most appropriate to apply to the subject properties.

Petitioner's Presentation

There was no presentation from the Petitioner.

Questions from the Plan Commission

There were no questions from the Plan Commissioners

Persons in Favor of or in Opposition to the Request

No one spoke in favor or in opposition to this request.

Commissioner Hartweg moved, seconded by Commissioner Heming-Littwin, to close the public hearing at 7:07 p.m. The motion carried unanimously by voice vote.

Attachment: Draft August 9, 2018 Plan Commission Meeting Minutes (3545 : August 9, 2018 Meeting Minutes)

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Comments from the Plan Commission

Commissioner Heming-Littwin stated she is fine with moving the zoning district to CR – Conservation Recreation, and the other Commissioners were in agreement.

Motion

Commissioner Heming-Littwin moved, seconded by Commissioner Mulherin to recommend the following:

After conducting a Public Hearing and deliberating on the appropriate zoning application for the properties at 889 W. St. Charles Road and “vacant parcel” Crescent Boulevard, the Plan Commission recommends the CR – Conservation Recreation for the properties in accordance with Section 10-10-13 of the Glen Ellyn Zoning Code and hereby adopts the findings of facts based on the presentation by the Village staff.

The motion carried with five (8) yes votes and zero no votes as follows: Plan Commissioners Fanella, Heming-Littwin, Hartweg, Mulherin, Saeed, Vavra and Vondruska and Chairperson Loch voted “yes.”

Public Hearing – Southeast Corner of St. Charles Road and Riford Road – Forest Hill Cemetery – Special Use Permit

On the agenda was a public hearing to consider a request for a Special Use Permit for the expansion of the Forest Hill Cemetery and to provide a Special Use Permit on the original Forest Hill Cemetery which is currently considered legal nonconforming.

PUBLIC HEARING – SOUTHEAST CORNER OF ST. CHARLES ROAD AND RIFORD ROAD – FOREST HILL CEMETERY – SPECIAL USE PERMIT

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF AN APPLICATION FOR THE APPROVAL OF A SPECIAL USE PERMIT IN ACCORDANCE WITH SECTION 10-4-8(B) OF THE GLEN ELLYN ZONING CODE TO PERMIT THE OPERATION OF A CEMETERY WITHIN THE R2 SINGLE FAMILY RESIDENTIAL DISTRICT.

Staff Presentation

Village Planner Sterrett and Planning Intern Clements were sworn in. Planning Intern Clements stated the petitioner is the Forest Hill of Glen Ellyn Cemetery Association, owner and operator of the Forest Hill Cemetery. Planning Intern Clements stated the petitioner has requested a public hearing regarding an application for approval of a Special Use Permit to allow for the

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expansion of an existing cemetery within the R2 Residential zoning district. Planning Intern Clements showed an overview map of the property and stated in order to expand the cemetery operation, the petitioner is specifically requesting approval of a Special Use Permit in accordance with Section 10-4-8(B) of the Zoning Code to permit the operation of a cemetery within the R2 Single Family Residential District.

Planning Intern Clements stated the subject property is located at the southeast corner of St. Charles Road and Riford Road, and the property lies south of Parkview Community Church and west of Churchill Woods Forest Preserve. Planning Intern Clements stated the property is zoned R2 Single Family Residential, and the land use and zoning of the properties in the surrounding area is R2 Single Family Residential and CR Conservation Recreation.

Planning Intern Clements stated notice of the public hearing was published in the July 25, 2018 edition of the Daily Herald. Property owners within 250 feet of the property were notified by mail of the public hearing and a placard was placed on the site.

Planning Intern Clements stated the petitioner is seeking approval of a Special Use Permit on newly-acquired property to allow the expansion of the existing Forest Hill Cemetery. Planning Intern Clements stated in addition to seeking approval of the newly acquired properties, the petitioner is also seeking to establish a special use permit on the existing cemetery so the entire cemetery, both new and existing, will operate under the same special use permit. Planning Intern Clements stated the cemetery, which has been in operation since 1879, was annexed into the Village in 1993 and included parcels 001, 002, 005, and 006. Planning Intern Clements stated at the time of the annexation, the cemetery was considered a legal nonconforming use and did not require a Special Use Permit to continue operation as a cemetery. Planning Interns Clements stated since the 1993 annexation, the cemetery has purchased four (4) additional parcels of land - Parcels 003 and 004 were purchased on November 23, 1994, Parcel 007 was purchased on August 30, 2013 and Parcel 009 was purchased on May 22, 2014. Planning Intern Clements stated because these properties were purchased after the annexation, they are not considered legal nonconforming and require a special use permit prior to the expansion of the cemetery into these parcels. Planning Intern Clements stated prior to expanding the cemetery into the newly acquired parcels and placing gravesites within, a special use permit for the use of a cemetery must be granted. Planning Intern Clements stated in 1995, the Glen Ellyn Zoning Code was amended by Ordinance 4282 which changed the definition of church to include the internment of ashes, and the Ordinance also included the addition of "cemetery" as a special use to the CR, R0, R1, and R2 zoning districts. Planning Intern Clements stated before the adoption of this Ordinance, "cemetery" was not listed as a permitted or special use for any zoning district within the Glen Ellyn Zoning Code.

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Planning Intern Clements stated the cemetery has no future plans for the site other than to continue using the newly acquired parcels for grave sites, except 009 which will be maintained as a wooded wetland area. Planning Intern Clements stated the cemetery anticipates demolishing the single-family residence on parcel 007 and may construct a pond with landscaping. Planning Intern Clements stated the cemetery does not intend on moving forward with this until a later date and has no plans created for such.

Planning Intern Clements stated the cemetery currently has access on Riford Road, St. Charles Road, and Eastern Avenue, and these access points will remain unchanged. Planning Intern Clements stated the access from Eastern Avenue is currently dirt and will eventually be paved to match the other drives within the cemetery.

Planning Intern Clements stated a significant amount of wooded areas exist on the south of the property to adequately screen the cemetery from the adjacent residential areas. Planning Intern Clements stated a critical wetland exists on the far southeastern wooded portion of the property, and no work of any kind is proposed to occur in this area. Planning Intern Clements stated the limits of the critical wetland are on the east side of the Eastern Avenue right-of-way and do not cross over into the cemetery property where graves are proposed to be located. Planning Intern Clements stated although no wetlands exist elsewhere on the site, a wetland buffer of 100 feet would exist beyond the limits of the wetland, and this buffer may have construction activity occur within it provided that disturbed areas are restored to their existing state. Planning Intern Clements stated the area in the cemetery that is within 100 feet of the wetland is currently grass and must be restored to grass upon completion of the land-disturbing activity, in this case gravesites. Planning Intern Clements stated this 100-foot buffer would only affect a small portion of the cemetery along the west right-of-way line of Eastern Avenue.

Planning Intern Clements stated to ensure property management occurs when gravesites are placed near the western edge of the Eastern Avenue right-of-way, the Plan Commission may wish to consider a condition requiring the petitioner to prepare and submit a wetland delineation study that identifies the wetland limits, buffer area, and any buffer remediation work prior to any earthwork being performed within 75 feet of the west right-of-way line of Eastern Avenue.

Planning Intern Clements stated in 2014, the Forest Hill Cemetery was landmarked by the Village Board, and this landmarking included the original cemetery portion as well as the newly acquired property. Planning Intern Clements stated this landmarking does not affect the expansion of the cemetery into the newly acquired property.

Attachment: Draft August 9, 2018 Plan Commission Meeting Minutes (3545 : August 9, 2018 Meeting Minutes)

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Planning Intern Clements stated at the direction of staff, the petitioner is seeking to consolidate all eight (8) parcels. Planning Intern Clements stated this lot consolidation is reviewed and approved administratively and will be performed by staff.

Commissioner Mulherin asked if there is a plan for the residence that the cemetery purchased. Planning Intern Clements stated this residence may be demolished at some point in the future, but there are no plans or permits submitted at this point. Commissioner Mulherin asked about the topography of the wetland area. Planning Intern Clements stated the staff does have a topographical map, but it was not included in the Commissioners' packets.

Commissioner Saeed asked for a clarification on the critical wetland area. Village Planner Sterrett stated this area is considered a significant wetland per DuPage County so there needs to be a larger buffer distance between the edge of the wetland and outside the buffer. Village Planner Sterrett stated basically, the site essentially needs to go back to the way it was originally. Village Planner Sterrett stated the buffer is currently grass and is currently providing a minimal positive buffering for the wetland as is.

Commissioner Saeed asked about the parcel that is not owned on the map. Planning Intern Clements stated that parcel is private property. Commissioner Vavra asked if there is anything significant about the other house. Planning Intern Clements stated this home has not been included as a significant home on the Village's architectural surveys.

Commissioner Fanella asked if the buffer can be used for grave sites. Village Planner Sterrett stated grave sites can be placed in the buffer as long as the status of the site is restored to what it is now. Village Planner Sterrett stated there would be much more concern for this buffer is there were prairie plants being removed or impervious surface going in. Village Planner Sterrett stated grave sites in the buffer are not much more of an impact on this.

Commissioner Mulherin asked about the surface of the roads. Planning Intern Clements stated all roads are impervious surfaces with an earthen driveway as well. Planning Intern Clements stated Eastern Avenue is in the public right-of-way.

Petitioner's Presentation

There was no presentation given by the Petitioner.

Questions from the Plan Commission

Frances Cormany, the manager and secretary/treasurer of the Forest Hill Cemetery whose office is located at 485 N. Main Street, was sworn in.

Commissioner Heming-Littwin asked if the road would be paved at some point. Ms. Cormany stated this will be a matter of finances as it would cost approximately \$50,000 to pave this road. Ms. Cormany stated if the cemetery buys a property with a home on it, the cemetery is required to demolish this home within 10 years of the purchase. Commissioner Mulherin asked if the home is occupied. Ms. Cormany stated there are renters in the home who have lived there for approximately five years.

Commissioner Mulherin stated that there could possibly be opportunities for volunteer work for the demolition of the home to help keep the costs down. Ms. Cormany stated they will keep this in mind.

Commissioner Hartweg asked if it is more difficult to sell grave sites now than in the past. Ms. Cormany stated it can be; however, people still bury cremations as well.

Persons in Favor of or in Opposition to the Request

No one spoke in favor or in opposition to this request.

Commissioner Heming-Littwin moved, seconded by Commissioner Mulherin, to close the public hearing at 7:30 p.m. The motion carried unanimously by voice vote.

Comments from the Plan Commission

Commissioner Mulherin stated this request seems fine and logical as well.

Commissioner Heming-Littwin asked about possible condition of the wetland delineation study. Commissioner Fanella asked about the possible cost of this study. Village Planner Sterrett stated this study could be a few thousand dollars, but he is unsure on this. Village Planner Sterrett stated possibly DuPage County could provide assistance with this study as the county does have an engineer that can help with this. Village Planner Sterrett stated the cemetery is moving west to east, and the area in the buffer zone may not be updated for a long time. Village Planner Sterrett stated the code says, "Any earth work that takes places within 100 feet of a wetland."

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Commissioner Vavra asked if the cemetery would be required to do this anyway to which Village Planner Sterrett stated they would. Commissioner Vavra asked why they would put a restriction in of 100 feet when DuPage County only requires 75 feet. Village Planner Sterrett stated the 100 feet from the edge of the wetland is a requirement.

Commissioner Hartweg asked if there can be a gravel road instead due to the cost. Village Planner Sterrett stated the road may have to be a hard surface as a gravel road may not be permissible, and this would have to follow the Village's parking requirements.

Chairperson Loch asked if the wetland boundary line has changed in the past 10 years. Village Planner Sterrett stated if it does come further out for any reason and place the condition of within 100 feet of the wetland then you are attaching this to the limits of the wetland.

Motion

Commissioner Heming-Littwin moved, seconded by Commissioner Vavra to recommend the following:

Having considered the application of the Forest Hill of Glen Ellyn Cemetery Association for approval of a Special Use Permit for the expansion of the Forest Hill Cemetery at the southeast corner of St. Charles Road and Riford Road in the R2 Residential District, the Plan Commission hereby adopts the findings of fact contained in the petitioner's application packets and presented by the petitioner at the public hearing as well as the findings included in the deliberations of the Plan Commission and recommends approval for the request subject to the following condition:

1. The petitioner shall prepare and submit to the Planning and Development Department a Wetland Delineation Study that identifies the wetland limits, buffer area and any buffer remediation work prior to any earth work being performed within 100 feet of the western boundary of the wetland.

The motion carried with five (8) yes votes and zero no votes as follows: Plan Commissioners Fanella, Heming-Littwin, Hartweg, Mulherin, Saeed, Vavra and Vondruska and Chairperson Loch voted "yes."

Village Planner Sterrett stated this will go before the Village Board for approval on August 27, 2018.

Trustee's Report

Village Trustee Pryde stated the Village Board had one meeting in late July and will have another in late August. Village Trustee Pryde stated there will be public meetings concerning the proposed 1.5 percent food and beverage tax which will help to achieve some of the Village's Capital Improvement projects. Village Trustee Pryde stated they are still moving down the path to building a parking garage behind the Civic Center. Village Trustee Pryde stated the Village Board voted to approve funding to rehabilitate the Civic Center along with the HVAC system being addressed as well. Village Trustee Pryde stated they hope the work on the Civic Center will commence in the next 60 days.

Village Trustee Pryde stated there was an initial meeting of the Comprehensive Plan Committee, and there will be two or three stakeholder meetings for outside interest groups later in August. Chairperson Loch extended an invite to the Commissioners for these meetings.

Chairperson's Report

Chairperson Loch again encouraged the Commissioners to attend one of the stakeholder meetings.

Staff Report

Village Planner Sterrett stated there is an application coming before the Commission in late fall or early winter for Raising Cain, which is proposed to go in the Arby's and Caribou's sites. Village Planner Sterrett stated they will start to see activity at the Enterprise site as well.

Chairperson Loch asked when CVS would be completed. Village Planner Sterrett stated possibly in October, or this completion could be pushed out a bit.

Commissioner Heming-Littwin stated that Fresh Market did close. Village Planner Sterrett stated the Village will start actively pursuing economic development for this property.

Village Planner Sterrett stated for the Comprehensive Plan update, there will be a link to this website on the Village's website.

Trustee Heming-Littwin asked if there has been any movement on the True North property. Village Trustee Pryde stated there has been nothing on this, and this is still in the process.

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Commissioner Mulherin asked about the Giesche property. Village Planner Sterrett stated plans have been submitted three to four weeks ago, and this application could come before the Plan Commission in October or November.

Chairperson Loch asked about any movement on the McChesney property to which Village Trustee Pryde stated there is not.

Other Business

None

Adjournment

Commissioner Heming-Littwin moved, seconded by Commissioner Vondruska, to adjourn the meeting at 7:33 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary



Plan Commission
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 09/13/18 07:00 PM
Department: Plan Commission
Department Head: John Sterrett
Category: Public Hearing
Prepared By: John Sterrett

SCHEDULED

AGENDA ITEM (ID # 3548)

DOC ID: 3548

A public hearing to consider the applications for a Zoning Map Amendment for 21W180 Hill Avenue and 21W200 Hill Avenue (Planner Sterrett)

ATTACHMENTS:

- PC Staff Report - ZMA (PDF)
- Draft Motion to Approve the Zoning Map Amendment (PDF)
- Aerial Photo (PDF)
- Location and Zoning Map – Glen Ellyn (PDF)
- Location and Zoning Map – Lombard (PDF)
- Location and Zoning Map - Unincorporated DuPage County (PDF)
- Public Hearing Notice (PDF)
- Location Map for Public Hearing Notice (PDF)
- Mailing Labels for Public Hearing Notice (PDF)
- Certificate of Publication (PDF)
- Section 2, Page 8 of Comprehensive Plan (PDF)
- Commercial Area Policies - Comprehensive Plan (PDF)
- Section 10-4-19 of the Zoning Code (PDF)
- Section 10-10-13 of the Zoning Code (PDF)
- Ordinance 6164 - Annexation Agreements for 21W180 and 21W200 (PDF)
- Petitioner Application Packet (PDF)

STAFF REPORT

TO: Glen Ellyn Plan Commission

FROM: John Sterrett, Village Planner
Evan J. Clements, Planning Intern

DATE: September 7, 2018

FOR: September 13, 2018 Plan Commission Meeting

SUBJECT: Zoning Map Amendment for 21W180 Hill Avenue and 21W200 Hill Avenue

PETITIONERS: The petitioners are G. Vincent and Barbara Cuyler, owners of 21W200 Hill Avenue, and West Suburban Bank Land Trust No. 3344 by Noorlag Real Estate Group, LLC by Lynea R. Herlien, Manager, Noorlag Real Estate Group, LLC, owner of 21W180 Hill Avenue.

REQUEST: The petitioners are requesting approval of a Zoning Map Amendment to I1 Light Industrial for the properties located at 21W180 Hill Avenue and 21W200 Hill Avenue.

**LOCATION/
ZONING:**

The subject properties are located on the north side of Hill Avenue, west of I-355 and east of Walnut Road. The properties are currently in unincorporated DuPage County zoned as R-4 Single Family Residential and are proposed to be annexed to the Village of Glen Ellyn. The surrounding zoning and land uses are as follows:

<u>Land Use</u>	<u>Zoning</u>
North: Churchill Woods Forest Preserve	CR
Single Family Residential (Dupage County)	R-4
South: Light Industrial (DuPage County)	I-1
East: GWA Treatment Plant (Lombard)	CR
West: Single Family Residential (DuPage County)	R-4

PUBLIC

NOTICE: Notice of the public hearing was published in the August 10, 2018 edition of the *Daily Herald*. Property owners within 250 feet of the subject properties were notified by mail of the public hearing and a placard was placed on each of the properties.

COMP PLAN: The Community Wide Plan within the Comprehensive Plan on page 8 discusses the small cluster of industrial and business uses along Hill Avenue, just outside the Village. The plan recommends that this area be improved and upgraded as a limited and self-contained business area. The Comprehensive Plan designates this area as light industrial. The requested zoning designation is consistent with the Village's Comprehensive Plan.

BACKGROUND: The properties were previously within the Village of Lombard until 2009 when Lombard approved a disconnection of the properties. Since that time the properties remain outside the corporate limits of any municipality. On September 9, 2013 the Village Board approved annexation agreements for each of the properties. Each agreement contains stipulation that the Village Board must approve a text amendment to the Village Zoning Code to create a light industrial zoning district within six (6) months of the execution of the Annexation Agreements or they would be deemed null and void. Furthermore, each agreement states that the properties will be zoned to this Light Industrial district upon annexation.

The Plan Commission met on December 12, 2013 to hold a public hearing on the Zoning Text Amendment for the creation of a light industrial zoning district. The proposed I1 district was created specifically to accommodate the subject properties. The zoning codes for both the Village of Lombard and DuPage County were taken into consideration when the Village's I1 District was created. Following the Public Hearing the I1 Light Industrial Zoning District was adopted by the Village Board on January 13, 2014. (See attached Section 10-4-19 of the Zoning Code)

Future Annexation

The annexation agreements stipulate that once the properties become contiguous to the Village, the owners are required to submit a petition for annexation upon notice by the Village. A portion of the Churchill Woods property to the north was annexed by the Village in June of 2018 and created contiguity with the subject properties. The petitioners have each submitted a petition for annexation. Prior to the Village Board taking action on annexing the properties, the petitioners are seeking a Zoning Map Amendment to zone the properties I1 immediately after annexation, which was the intent of annexing those properties. Before the Village Board takes action on the Annexation and Zoning Map Amendment, the Plan Commission is being asked to conduct a Public Hearing for the Zoning Map Amendment.

Existing Land Use and Conditions

Section 4 of the Annexation Agreement states that any existing use or condition of the property, at the time of annexation, that does not comply with the requirements of the Glen Ellyn Zoning Code may continue and will be considered legal nonconforming and must adhere to Chapter 8 of the Zoning Code which regulates nonconformities. Any new uses or development following the annexation will be required to comply with the Zoning Code.

PLAN COMMISSION ACTION:

The Plan Commission should consider and make a recommendation to the Village Board regarding which zoning district the Commission finds is most appropriate to apply to the subject properties. In deliberating on this issue the Plan Commission should consider the criteria in Section 10-10-13(E) of the Zoning Code for granting approval of a Zoning Map Amendment. Staff

has prepared a draft motion recommending approval of the requested I1 zoning for the properties (attached). If Commission members are opposed to I1 zoning, please come to the meeting prepared to amend the draft motion to include any findings of fact that would be appropriate to support your recommendation.

ATTACHMENTS:

- Draft Motion to Approve the Zoning Map Amendment
- Aerial Photo
- Location and Zoning Map – Glen Ellyn
- Location and Zoning Map – Lombard
- Location and Zoning Map – Unincorporated DuPage
- Public Hearing Notice
- Location Map for Public Hearing Notice
- Mailing Labels for Public Hearing Notice
- Certificate of Publication
- Section 2, Page 8 of the Comprehensive Plan
- Commercial Area Policies – Comprehensive Plan
- Section 10-4-19 of the Zoning Code (I1 Light Industrial District)
- Section 10-10-13 of the Zoning Code
- Ordinance 6164 - Annexation Agreements for 21W180 and 21W200
- Petitioners' Application for a Zoning Map Amendment

CC: Staci Hulseberg, Planning and Development Director
 G. Vincent and Barbara J. Cuyler, Property Owners – 21W200 Hill Avenue
 Jonathan Fox, Attorney for 21W180 Hill Avenue

"MOTION" (DRAFT) TO RECOMMEND APPROVAL OF A ZONING MAP AMENDMENT

After having conducted a public hearing and deliberating on the appropriate zoning classification to apply to the properties at 21W180 Hill Avenue, owned by West Suburban Bank Land Trust No. 3344 by Noorlag Real Estate Group, LLC by Lynea R. Herlien, Manager, Noorlag Real Estate Group, LLC., and 21W200 Hill Avenue, owned by G. Vincent and Barbara Cuyler, the Plan Commission hereby recommends I1 Industrial zoning of the properties in accordance with Section 10-10-13 of the Zoning Code based on the following findings of fact:

1. The existing uses of the properties within the general area of the subject properties consist of industrial to the south, the Union Pacific Railroad, residential, and the Churchill Woods Forest Preserve to the north, residential to the west, and the Glenbard Wastewater Authority plant to the east.
2. The zoning classifications adjacent to the subject properties include I-1 Industrial in unincorporated DuPage County to the south, Conservation Recreation in Glen Ellyn and R-4 Residential in Unincorporated DuPage County to the north, R-4 Residential in Unincorporated DuPage County to the west, and Conservation Recreation in the Village of Lombard to the east.
3. The subject properties are suitable for the I1 Industrial District. These properties have been in use as industrial for several years and were previously zoned as industrial when located within the Village of Lombard. The property would not be a logical site for either residential or commercial.
4. The property immediately to the south is zoned and used for industrial purposes in unincorporated DuPage County. The property to the east is industrial in nature as the Glenbard Wastewater Authority plant.
5. The Comprehensive Plan designates these properties for light industrial and recommends the area be improved and upgraded as a limited self-contained business area.
6. The properties are not vacant and have been improved with industrial uses for several years. The use of the property will remain as industrial with the new zoning classification.
7. The property will not be diminished based on the particular zoning restrictions. When the Village adopted a new I1 Industrial zoning district, the existing uses and conditions on the property were taken into account as well as the industrial provisions contained in the Village of Lombard and DuPage County's zoning codes.

Motion by: _____ Seconded by: _____

21W180 Hill Ave & 21W200 Hill Ave



1 inch equals 167 feet

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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

Attachment: Aerial Photo (3548 : 21W180 & 21W200 Hill Ave ZMA)



Map created on September 6, 2018.

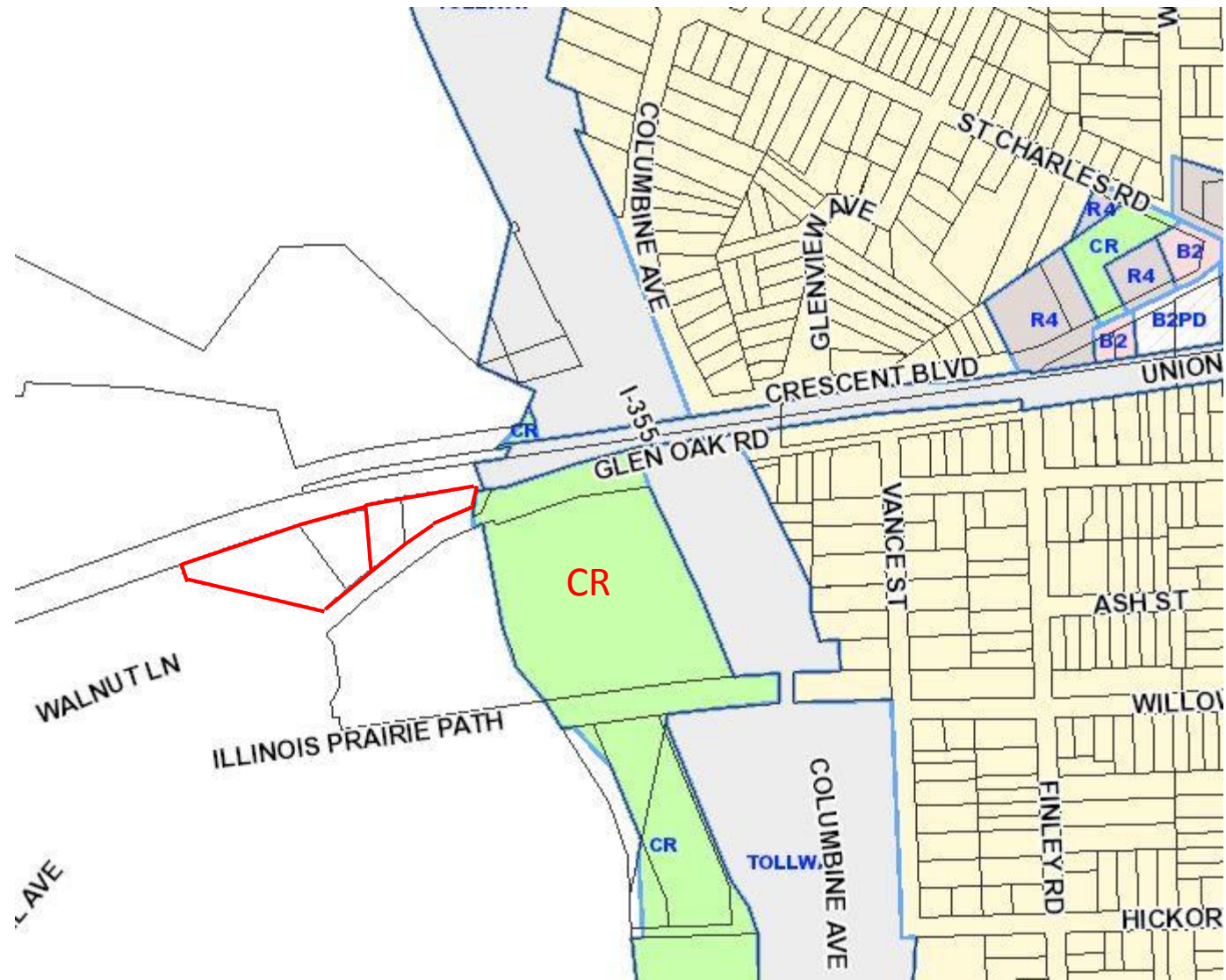
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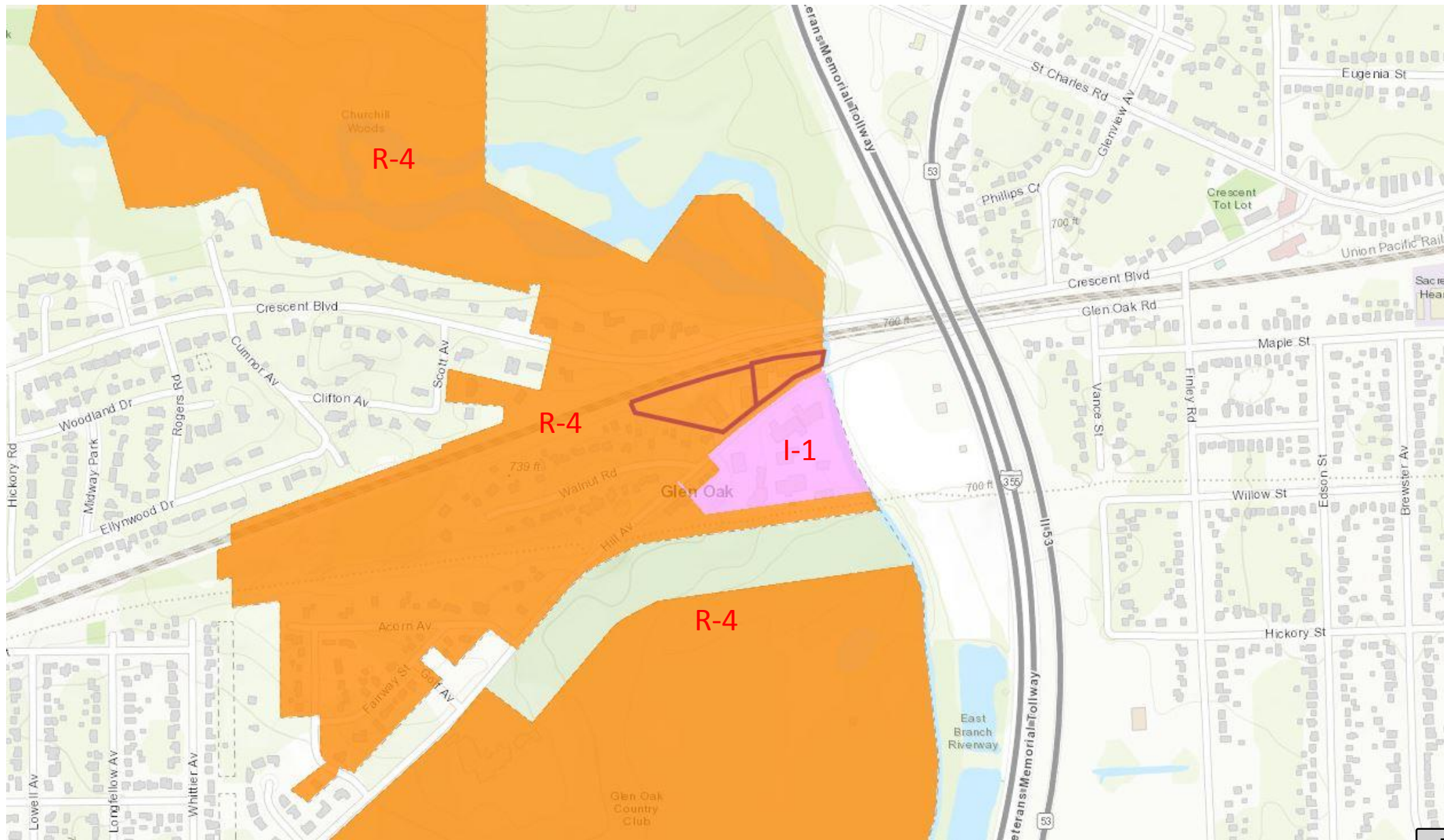
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Zoning

	CC - Community College
	C2 - Community Commercial
	C3 - Service Commercial
	C4 - Office District
	C5A - CBD Retail Core
	C5B - CBD Service
	C6 - Commercial/Multi-use
	CR - Conservation Recreation
	RE - Residential Estate
	R0 - Single Family Residential
	R1 - Single Family Residential
	R2 - Single Family Residential
	R2B - Single Family Residential
	R3 - Multi-family Residential
	R4 - Multi-family Residential
	R5 - Planned Residential
	U - Unincorporated



Location & Zoning Map – DuPage County





NOTICE OF PUBLIC HEARING

West Suburban Bank Land Trust No. 3344 by Noorlag Real Estate Group, LLC by Lynea R. Herlien, Manager, Noorlag Real Estate Group, LLC, owner of 21W180 Hill Avenue, and G. Vincent and Barbara Cuyler, owners of 21W200 Hill Avenue, are requesting approval of a Zoning Map Amendment to I1 Light Industrial for the properties located on the north side of Hill Avenue, west of I-355 and east of Walnut Road, commonly known as 21W180 Hill Avenue and 21W200 Hill Avenue. The properties are currently in unincorporated DuPage County zoned as R-4 Single Family and are proposed to be annexed to the Village of Glen Ellyn. The properties are legally described as follows:

21W180 Hill Avenue

LOTS 1 AND 2 IN HILL OAK SUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1970 AS DOCUMENT NUMBER R70-14300 AND CERTIFICATE OF CORRECTION RECORDED MAY 21, 1970 AS DOCUMENT NUMBER R70-15844 IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-12-207-032 and 05-12-207-033

21W200 Hill Avenue

PARCEL 1: LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, ALL IN DUPAGE COUNTY, ILLINOIS,

AND ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LYING NORTH OF AND ABUTTING LOT 1 IN VILLAGE PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 OF SAID VILLAGE PARK KITCHENS RESUBDIVISION AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF

3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREES 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHEAST CORNER OF SAID LOT 1 FOR THE POINT OF BEGINNING; RUNNING THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT , BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3321.38 FEET AND A CENTRAL ANGLE OF 02 DEGREES 04 MINUTES 19 SECONDS, AN ARC DISTANCE OF 120.10 FEET (MEAS., REC.=120.12') THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 12.79 FEET; THENCE EASTERLY A DISTANCE OF 69.97 FEET TO A POINT THAT IS 16.00 FEET NORTHERLY OF (MEASURED RADIALY THERETO) THE NORTH LINE OF VILLA PARK KITCHENS RESUBDIVISION AS AFORESAID; THENCE CONTINUING EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38'=CALC.), A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, AN ARC DISTANCE OF 50.75 FEET; THENCE SOUTHEASTERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-12-207-037

PARCEL 2:

LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323 IN DUPAGE COUNTY, ILLINOIS,

AND, ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LAYING NORTH OF AND ABUTTING LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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P.I.N: 05-12-207-038

Before the Glen Ellyn Village Board can consider the request for approval of a Zoning Map Amendment, the Glen Ellyn Plan Commission must conduct a public hearing. The Plan Commission will conduct a public hearing on **Thursday, September 13, 2018 at 7:00 p.m.** in the Galligan Board Room on the third floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois to consider Zoning Map Amendment request on file with the Planning & Development Department. All persons who are interested are invited to attend the public hearing of the Plan Commission to listen and be heard.

Information related to the request is available for public review at any time before or after the meeting between the hours of 8:00am and 4:30pm in the Planning and Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the requests should be directed to John Sterrett, Village Planner, 630-547-5249.

Individuals with disabilities who plan to attend the meeting and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Brian Baltudis at (630) 547-5209 at least 24 hours in advance of the meeting.

John Sterrett
Village Planner

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Hill\Hill 21w180 21w200, ZMA\Public Hearing Notice.doc

Attachment: Public Hearing Notice (3548 : 21W180 & 21W200 Hill Ave ZMA)

21W180 Hill Ave & 21W200 Hill Ave
350 Buffer

Village of Glen Ellyn



Churchill Woods Forest Preserve

D.1.h

GIS
REPORT

N

Attachment: Location Map for Public Hearing Notice (3548 : 21W180 & 21W200 Hill Ave ZMA)

Legend

21W180 Hill Ave & 21W200 Hill Ave

BECKER GLEN & JANEL or Current Owner
1075 CRESCENT BLVD
GLEN ELLYN, IL 60137

BOGREN STEVEN & PEGGY or Current Owner
21W257 WALNUT RD
GLEN ELLYN, IL 60137

BROWN RHONDA or Current Owner
21W251 HILL AVE
GLEN ELLYN, IL 60137

COMMONWEALTH EDISON CO
3 LINCOLN CENTRE
OAKBROOK TERRace, IL 60181

DAHL JULIE or Current Owner
8460 MARSH CREEK RD
WOODBURY, MN 55125

DIRKS MATTHEW or Current Owner
21W262 CRESCENT BLVD
GLEN ELLYN, IL 60137

ELLIOT & ELLIOT LLC or Current Owner
21W171 HILL AVE
GLEN ELLYN, IL 60137

FOREST PRESERVE DISTRICT or Current Owner
PO BOX 5000
WHEATON, IL 60189

GARBER LAURA & DAVID or Current Owner
21W270 WALNUT RD
GLEN ELLYN, IL 60137

GLEN HILL LLC or Current Owner
21W171 HILL AVE
GLEN ELLYN, IL 60137

GREEN ROSS A & KATHERINE or Current Owner
595 DWANE ST
GLEN ELLYN, IL 60137

GRIECO JOHN G & CAROL A or Current Owner
21W302 CRESCENT BLVD
GLEN ELLYN, IL 60137

HOLOWINSKI MACIEJ or Current Owner
27 WALNUT RD
GLEN ELLYN, IL 60137

KRZYSKO CAROLE or Current Owner
21W254 CRESCENT BLVD
GLEN ELLYN, IL 60137

KUPFERSCHMIDT JOSEPH or Current Owner
21W240 CRESCENT BLVD
GLEN ELLYN, IL 60137

MAGNESEN MATTHEW & JESS or Current Owner
7 WALNUT RD
GLEN ELLYN, IL 60137

MANGOLD JOHN & SHANNON or Current Owner
9 WALNUT RD
GLEN ELLYN, IL 60137

MARINO JOSEPH & JAHNEAN or Current Owner
21W325 CRESCENT BLVD
GLEN ELLYN, IL 60137

MC MAHON JACK R or Current Owner
920 RATHBONE AVE
AURORA, IL 60506

NICOR GAS
TEN PEACHTREE PLACE
ATLANTA, GA 30309

PHILLIPS & JOHNSTON INC or Current Owner
21W179 HILL AVE
GLEN ELLYN, IL 60137

POTCHEBOUT TADEOUCH or Current Owner
21W282 WALNUT RD
GLEN ELLYN, IL 60137

RITCHIE RON or Current Owner
21W240 WALNUT RD
GLEN ELLYN, IL 60137

SHAPIRO JACOB or Current Owner
21W326 WALNUT RD
GLEN ELLYN, IL 60137

TOMSKY DOUGLAS J or Current Owner
21W276 CRESCENT BLVD
GLEN ELLYN, IL 60137

VILLAGE OF LOMBARD or Current Owner
255 E WILSON ST
LOMBARD, IL 60148

WONG RONNIE or Current Owner
21W230 HILL AVE
GLEN ELLYN, IL 60137

WORTH DANIEL C or Current Owner
21W246 WALNUT RD
GLEN ELLYN, IL 60137

Attachment: Mailing Labels for Public Hearing Notice (3548 : 21W180 & 21W200 Hill Ave ZMA)

NOTICE OF PUBLIC HEARING

West Suburban Bank Land Trust No. 3344 by Noorlag Real Estate Group, LLC by Lynea R. Herliem, Manager, Noorlag Real Estate Group, LLC, owners of 21W180 Hill Avenue, and G. Vincent and Barbara Cuyler, owner of 21W200 Hill Avenue, are requesting approval of a Zoning Map Amendment to 11 Light Industrial for the properties located on the north side of Hill Avenue, west of I-355 and east of Walnut Road, commonly known as 21W180 Hill Avenue and 21W200 Hill Avenue. The properties are currently in unincorporated DuPage County zoned as R-4 Single-Family and are proposed to be annexed to the Village of Glen Ellyn. The properties are legally described as follows:

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 P.I.N.s: 05-12-207-032 and 05-12-207-033

21W200 Hill Avenue
 PARCEL 1 IN VILLA PARK KITCHENS RESUBDIVISION BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, ALL IN DUPAGE COUNTY, ILLINOIS,
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 P.I.N. 05-12-207-037

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John Sterrett
 Village Planner
 Published In Daily Herald August 29, 2018 (4508063)

RECEIVED

SEP - 5 2018

PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County
Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DuPage County DAILY HERALD**. That said **DuPage County DAILY HERALD** is a secular newspaper, published in Naperville and has been circulated daily in the Village(s) of:

Addison, Aurora, Bartlett, Bensenville, Bloomingdale, Carol Stream, Darien, Downers Grove, Elmhurst, Glen Ellyn, Glendale Heights, Hanover Park, Hinsdale, Itasca, Keeneyville, Lisle, Lombard, Medinah, Naperville, Oakbrook, Oakbrook Terrace, Plainfield, Roselle, Villa Park, Warrenville, West Chicago, Westmont, Wheaton, Willowbrook, Winfield, Wood Dale, Woodridge

County(ies) of DuPage

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published August 29, 2018 in said DuPage County DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
 DAILY HERALD NEWSPAPERS

BY

Designee of the Publisher and Officer of the Daily Herald

Control # 4508063

Attachment: Certificate of Publication (3548 : 21W180 & 21W200 Hill Ave ZMA)

Commercial Area Policies

The Community-Wide Plan designates five types of commercial and business areas: 1) Downtown, 2) service commercial, 3) office, and 4) neighborhood commercial, and 5) light industry.

Generalized recommendations for commercial and business areas are presented in Figure 5. More specific improvement and development recommendations for Downtown, Roosevelt Road and Five Corners are presented in Section 3 of this Plan report.

Improvement Guidelines:

Each of Glen Ellyn's existing commercial and business areas should be strengthened and upgraded. Viable existing stores and businesses should be improved and enhanced. New uses, particularly retail and convenience commercial uses that serve the needs of local residents, should be promoted.

New commercial, business and mixed-use development should be of a size and scale compatible with the established image and character of Glen Ellyn. Commercial and business development should be characterized by the highest possible standards of design and construction.

Since commercial and business areas are located along important traffic routes, access to individual properties should be carefully controlled to minimize conflicts with through traffic. The consolidation of access drives for adjacent properties should be encouraged.

Adequate off-street parking should be provided within all commercial and business areas. The consolidation of parking facilities for two or more businesses should be encouraged. Parking lots should be attractively landscaped, particularly along major streets.

The image and appearance of commercial and business areas should also be upgraded. Projects should be undertaken to improve the appearance of the public rights-of-way, including landscaping, lighting, signage, sidewalks, crosswalks and pedestrian amenities. Enhancements to private properties should include façade, parking lot and signage improvements.

Commercial and business areas should not adversely impact adjacent neighborhoods. Screening and buffering should be promoted between commercial and residential areas, including landscaping and attractive fencing. Commercial traffic and parking should not be allowed to "spill over" into the neighborhoods. Noise, safety and grounds maintenance should also be carefully monitored within commercial areas.

Downtown Glen Ellyn:

Glen Ellyn's Downtown is the traditional commercial and service focal point for the Village. It not only contains a range of retail, service, office and housing uses, but is also the site of several important public and institutional buildings.

The Plan strives to strengthen and enhance the historic character and traditional role of Downtown. It should be maintained as Glen Ellyn's multi-purpose commercial and service focal point. While other commercial and office areas will have important functional roles as well, Downtown should remain unique in terms of its pedestrian orientation and the range of businesses, services and other activities it offers to the community.

Compatible and high-quality new retail, service and mixed-use development and redevelopment should be promoted in selected locations within the Downtown, as described in Section 3.

Service Commercial Areas:

Service commercial areas, including Roosevelt Road and small clusters along Butterfield Road in unincorporated Glen Ellyn, should contain a range of retail, service, office and business activities that serve the community and surrounding region.

The Roosevelt Road corridor should continue to accommodate retail, convenience and auto-oriented commercial uses. The redevelopment and replacement of older, obsolete and marginal commercial properties should be promoted, as described in Section 3.

The clustering or grouping of commercial buildings within the same block should be promoted to allow for

shared access drives, parking areas and pedestrian amenities.

Since the size of most lots along commercial corridors is limited, the consolidation of two or more smaller parcels should be encouraged to enable somewhat larger developments with improved access, parking, building placement, and overall design and appearance.

Glen Ellyn should explore the possibility and desirability of annexing the unincorporated commercial areas along Butterfield Road, Hill Avenue and North Avenue/Swift Road in order to supplement the local tax base and establish Village control over future development in these areas.

Office and Industrial Areas:

Office development has been increasing within Glen Ellyn in recent years. Most existing office development is located within or near the Downtown, along Roosevelt Road, and in smaller locations along Butterfield Road. Quality new office development should continue to be promoted.

The small cluster of industrial and business uses located along Hill Avenue just outside the Village is designated in the Plan as "light industrial." This area should be improved and upgraded as a limited and self-contained business area.

Compatible new light industrial and high-tech uses would also be appropriate within Glen Ellyn's office areas.

Neighborhood Commercial Area:

"Five Corners" should be revitalized as a neighborhood service area, a showcase for local history, and an attractive gateway to the Glen Ellyn community. The southwest quadrant of the intersection of Main Street and St. Charles Road should be promoted as a local Historical Center centered on Stacy's Tavern and other historic buildings. Traffic operational improvements should be undertaken, and the overall image and appearance of the area should also be enhanced. See Section 3 for more detailed recommendations.

Commercial Area Policies

The Community-Wide Plan strives to strengthen and reinforce the role and function of Glen Ellyn's commercial and business areas. The Plan establishes policies for improving and upgrading Downtown, Roosevelt Road, and other existing commercial areas, and for promoting compatible new commercial and office development in selected locations.

Map Legend:

Strengthen Downtown as Glen Ellyn's multi-purpose, pedestrian-oriented retail and service focal point. 

Upgrade Roosevelt Road as a location for retail, convenience and auto-oriented commercial uses. 

Continue to promote quality new office development within Glen Ellyn's business areas. 

Maintain the small cluster of business uses along Hill Avenue as a limited light industrial area. 

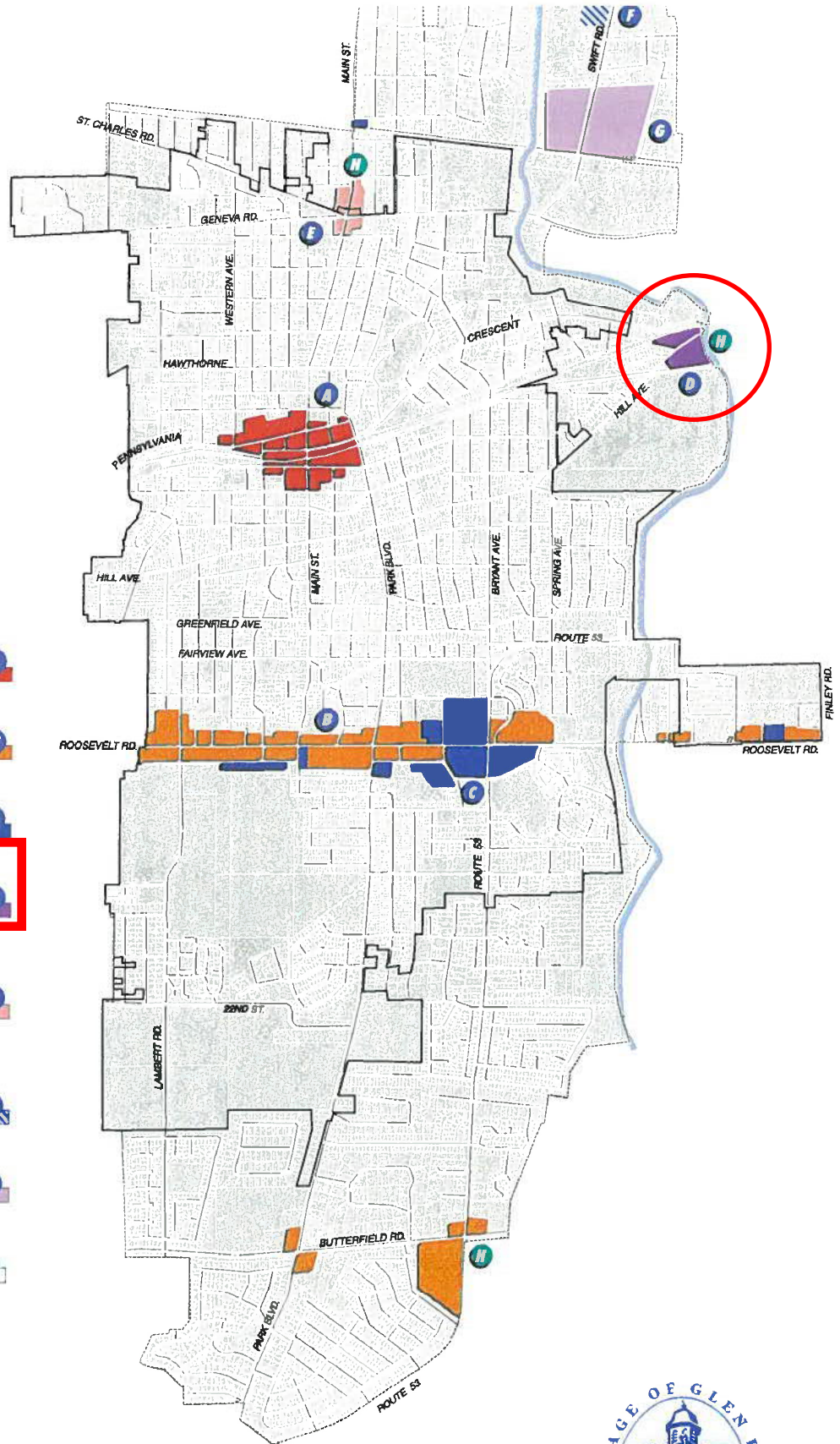
Revitalize Five Corners as a neighborhood service area, a showcase for local history, and an attractive gateway to the community. 

Promote new commercial and office development as a part of the the "Mixed-Use Development Areas" at North Avenue and Swift Road. 

Support Commonwealth Edison's plans to upgrade training, office and power distribution facilities. 

Explore the possibility of annexing nearby unincorporated commercial and business areas. 

NOTE: See Section 3 for more detailed recommendations related to Downtown, Roosevelt Road and Five Corners.



10-4-19. - I1 Light Industrial District.

(A) *Permitted uses:*

1. Artist studio.
2. Automobile car wash.
3. Automobile repair and service.
4. Automotive vehicle rental.
5. Building material sales establishment; plumbing, heating, ventilating and electrical equipment and fixture service and repair; machinery and equipment sales, service and rental; household appliance repair; cabinetmaking and custom woodworking uses.
6. Business, medical or professional office, including contractor's offices.
7. Commercial or trade school.
8. Community support services uses such as: mail order store, newspaper office, office supply, catering, laundry retail and mortuary.
9. Compounding of cosmetics, toiletries, dyes and pharmaceuticals.
10. Dry cleaning and/or commercial laundry establishments including dry cleaning plants and operations primarily serving satellite drop off dry cleaning establishments in other districts.
11. Engraving, printing, publishing, lithography, blueprinting, film processing and photocopying establishments.
12. Exterminating services.
13. Furniture upholstery.
14. Greenhouse, including retail and wholesale sale of plants.
15. Ice sales and storage.
16. Light manufacturing assembly of previously manufactured parts, fabricating, cleaning, testing, assembling, repairing and servicing.
17. Medical cannabis dispensary (in accordance with section 10-5-19 of this title).
18. Overnight and weekend parking.
19. Radio and television: service, repair and studios.
20. Research laboratory.
21. Indoor self-storage facility.
22. Sheet metal shop.

23. Veterinarian and animal hospital.
24. Antenna attachments to existing antenna towers, buildings or other structures which do not exceed the permitted height in the zoning district or the height established by special use permit.
25. Accessory retail use associated with another permitted use where the floor area taken up by retail does not exceed 25 percent.

All permitted uses must also comply with all applicable requirements contained in chapter 5, "Supplementary Regulations", of this title as well as all other pertinent regulations in this title.

(B) *Special uses:* No enumerated special use shall be considered to be an accessory use to any other permitted or special use, and a separate permit shall be required for each separate special use.

1. Animal daycare.
2. Cartage, express or parcel delivery.
3. Church, temple or other religious institution.
4. Club or lodge; private, fraternal or religious.
5. Compost collection facility.
6. Concrete and cast stone fabrication and molding, including monument establishments.
7. Contractor's yard for storage of vehicles and materials.
8. Glass products production.
9. Indoor amusement.
10. Indoor recreation facility.
11. Kennel or cattery.
12. Micro food and beverage manufacturing.
13. Outdoor storage.
14. Private utility use or facility.
15. Public use.
16. Public utility and public service use.
17. Recycling collection center.
18. Television and radio tower, antenna support structure, water and fire tower, cooling tower, etc., which exceed the maximum height.

19. Vehicle storage yard.
20. Warehouse.
21. Wholesale merchandising and storage warehousing.

All special uses must also comply with all applicable requirements contained in chapter 5, "Supplemental Regulations", of this title as well as all other pertinent regulations in this title.

(C) *Accessory buildings, structures and uses:* See sections 10-5-4, "Accessory structures and uses", and 10-5-5, "Yards", of this title.

(D) *Minimum yard and lot requirements:*

1. *Front or corner side yard:* 30 feet in depth. The front ten feet shall be landscaped.
2. *Rear yard:* 20 feet in depth. The rear ten feet shall be landscaped if adjacent to a residential zone or use or property located in the CR zoning district.
3. *Side yard:* 20 feet, such yard shall be landscaped if adjacent to a residential zone or use.
4. *Lot area:* 20,000 square feet.
5. *Lot width:* 100 feet.
6. *Lot depth:* 200 feet.

(E) *Maximum height:*

1. Forty five feet;
2. Churches and temples may be erected to a height not exceeding 75 feet, if the building is set back from each yard line at least two feet for each foot of additional building height above the height limit otherwise permitted in the district;
3. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flagpole shall be specified in the ordinance granting a special use permit.

(F) *Signs and fences:*

1. Signs as per sign ordinance.
2. Screening required pursuant to subsection 10-5-13(L) of this title.

3. See section 10-5-5, "Yards", of this title.

(G) *Parking and loading requirements:*

1. *All buildings except those specified below:* One space for each 250 square feet of floor area.
2. *Car wash:* One space for each two employees, plus reservoir parking space or stack space equal to five times the maximum capacity of the washing unit.
3. *Club and lodge:* One space for each 300 square feet of gross floor area.
4. *Commercial or trade school:* One space for each two students based on design capacity.
5. Additional off street parking and loading requirements are found in chapter 5, "Supplementary Regulations", of this title.

(Ord. 6207, 1-13-2014; amd. Ord. 6228, 4-14-2014)

10-10-13. - Amendments.

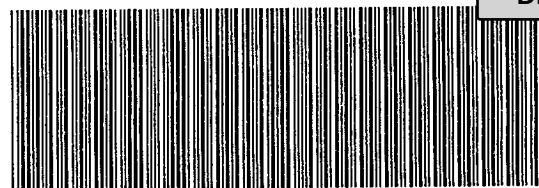
- (A) For the purpose of promoting the public health, safety, morals, comfort, general welfare; to conserve the value of property throughout the Village; and to lessen or avoid congestion in the public streets and highways, the Village Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in this title, pursuant to the procedures established herein;
- (B) Amendments shall be classified into the following:
 - 1. Text amendments, which are amendments to the text of this title; and
 - 2. Map amendments, which are amendments to zoning district map adopted pursuant to this title;
- (C) A petition or application for amendment shall be filed with the Director, Department of Planning and Development, and shall contain at least the following information:
 - 1. *For text amendments:*
 - (a) The name, address and phone number of the petitioner or applicant, pursuant to section 10-10-10 of this chapter;
 - (b) The proposed text amendment; and
 - (c) A statement of how the proposed text amendment relates to the Comprehensive Plan then in effect or otherwise promotes the public health, safety and general welfare;
 - 2. *For map amendments:*
 - (a) The name, address and phone number of the petitioner or applicant, pursuant to section 10-10-10 of this chapter;
 - (b) The proposed map amendment, including the legal description of the property to be affected, common address and permanent index number, and the precise district into which the property is proposed to be placed;
 - (c) The present use of the affected property;
 - (d) The present zoning district in which the affected property is contained;
 - (e) The proposed use of the affected property;
 - (f) A vicinity map at a scale approved by the Director, Department of Planning and Development, showing property lines, streets, existing and proposed zoning and such other items as the Director may require; and

- (g) A statement of how the proposed map amendment relates to the Comprehensive Plan, promotes the public health, safety and general welfare, and how the proposed map amendment fulfills the conditions of subsection (E) of this section;
- (D) The Director, Department of Planning and Development, shall transmit the application to the Plan Commission, which shall hold a public hearing on each application for an amendment at such time and place as shall be established by the commission, after due notice as required herein. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the commission shall prescribe from time to time;
- (E) Within 90 days after the close of the hearing on a proposed amendment, the Plan Commission shall make written findings of fact and shall submit the same together with recommendations to the Village Board. For map amendments, the commission shall make written findings of fact based upon the evidence presented to it in each case with respect to the following matters:
1. Identification of the existing uses of property within the general area of the affected property;
 2. Identification of the zoning classification of property within the general area of the affected property;
 3. Determination as to the suitability of the property in question to the uses permitted under the existing classification or district and under the proposed classification or district;
 4. The trend or development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district;
 5. The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented on the Comprehensive Plan;
 6. The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property; and
 7. The extent to which property values are diminished, if at all, by the particular zoning restrictions;
- (F)

A property affected by a proposed map amendment shall have at least 200 feet of frontage or 25,000 square feet of area, or shall adjoin a parcel of land which bears the same zoning district classification as that proposed for the affected property by the map amendment;

- (G) In case of a written protest against any proposed text amendment or map amendment, signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Village Clerk, the amendment shall not be passed except by a favorable vote of two-thirds of the Village Trustees then holding office. In such case, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application or petition for the proposed amendment;
- (H) The Village Board shall not act upon a proposed amendment until it shall have received a written report and recommendation from the Plan Commission. If an application is not acted upon by the Village Board within six months of the date upon which such application is filed, it shall be deemed to have been denied.

(Ord. 3617, 5-8-1989, eff. 6-1-1989)

**FRED BUCHOLZ**

DUPAGE COUNTY RECORDER

OCT.30,2013

10:56 AM

OTHER

05-12-207-032

035 PAGES

R2013-149932

Village of Glen Ellyn

Ordinance No. 6164

An Ordinance Approving Annexation Agreements for
Properties Located at 21W180 Hill Avenue and 21W200 Hill Avenue
Glen Ellyn, IL 60137

Adopted by the
President and Board of Trustees of the
Village of Glen Ellyn,
DuPage County, Illinois
This 9th Day of September, 2013

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this 10th
day of September, 2013

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 Duane Street
Glen Ellyn, IL 60137

Ordinance No. 6164

**An Ordinance Approving Annexation Agreements for
Properties Located at 21W180 Hill Avenue and 21W200 Hill Avenue
Glen Ellyn, IL 60137**

Whereas, Vincent Cuyler, owner of property located at 21W200 Hill Avenue and Lynnea Herlien, daughter of Jean Noorlag owner of 21W180 Hill Avenue, and acting under the authority granted to her by power of attorney, have agreed to enter into annexation agreements with the Village of Glen Ellyn for the aforementioned properties located on the north side of Hill Avenue between Route 53 and Walnut Road; and

Whereas, the subject properties are not located within the corporate limits of any municipality, are contiguous to the corporate limits of the Village of Glen Ellyn and are legally described as follows:

21W180 Hill Avenue

LOTS 1 AND 2 IN HILL OAK SUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1970 AS DOCUMENT NUMBER R70-14300 AND CERTIFICATE OF CORRECTION RECORDED MAY 21, 1970 AS DOCUMENT NUMBER R70-15844 IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-12-207-032 and 05-12-207-033; and

21W200 HILL AVENUE

PARCEL 1: LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, ALL IN DUPAGE COUNTY, ILLINOIS,

AND ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LYING NORTH OF AND ABUTTING LOT 1 IN VILLAGE PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 OF SAID VILLAGE PARK KITCHENS RESUBDIVISION AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREES 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHEAST CORNER OF SAID LOT 1 FOR THE POINT OF BEGINNING; RUNNING THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT , BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3321.38 FEET AND A CENTRAL ANGLE OF 02 DEGREES 04 MINUTES 19 SECONDS, AN ARC DISTANCE OF 120.10 FEET (MEAS., REC.=120.12') THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 12.79 FEET; THENCE EASTERLY A DISTANCE OF 69.97 FEET TO A POINT THAT IS 16.00 FEET NORTHERLY OF (MEASURED RADIALY THERETO) THE NORTH LINE OF VILLA PARK KITCHENS RESUBDIVISION AS AFORESAID; THENCE CONTINUING EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38'=CALC.), A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, AN ARC DISTANCE OF 50.75 FEET; THENCE SOUTHEASTERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-12-207-037

PARCEL 2:

LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323 IN DUPAGE COUNTY, ILLINOIS,

AND, ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LAYING NORTH OF AND ABUTTING LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREE 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTHERLY RADIAL TO THE LAST

DESCRIBED CURVE A DISTANCE OF 16.00 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38=CALC.), A CENTRAL ANGLE OF 01 DEGREE 16 MINUTES 50 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 74.60 FEET; THENCE EASTERLY ALONG A LINE THAT IS 16.00 FEET NORTH OF AND PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 176.18 FEET (DEED, 176.22'=MEAS.) TO A POINT THAT IS 16.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO SAID NORTH LINE, THE NORTHEAST CORNER OF LOT 2, AFORESAID; THENCE SOUTHERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N: 05-12-207-038; and

Whereas, the Village has issued, delivered and published all statutorily required notices regarding the consideration of the proposed annexation agreements; and

Whereas, in accordance with all statutorily required notices, on September 9, 2013, the Village Board conducted a public hearing on the proposed annexation agreements; and

Whereas, after due investigation and consideration and pursuant to the aforesaid public hearing, the President and Board of Trustees deem it in the best interest of the Village of Glen Ellyn to enter into the annexation agreements, attached hereto as *Exhibits "A "* and *"B"*.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: The foregoing recitals and the preambles in the annexation agreements attached hereto as *Exhibits "A"* and *"B"* shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

Section Two: The Village President and Village Clerk are hereby authorized and directed to execute and attest the annexation agreements for 21W180 Hill Avenue and 21W200 Hill Avenue, attached hereto as *Exhibits "A"* and *"B"* on behalf of the Village of Glen Ellyn.

Section Three: The Village Clerk is hereby authorized and directed to cause said annexation

agreements to be recorded with the Recorder of Deeds of DuPage County, upon the proper execution of the same on behalf of all of the parties, together with a certified copy of this Ordinance approving the execution of the annexation agreements on behalf of the Village of Glen Ellyn.

Section Four: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 9th day of September, 2013.

Ayes: Trustees Clark, Elliott, Thedberg, Sadare and McKinley

Nays: 0

Absent: Trustee O'Shea

Approved by the Village President of the Village of Glen Ellyn, Illinois, this 9th day of September, 2013.

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 10th day of September 2013)

X:\Plandev\PLANNING\ANNEXATIONS\Hill Avenue\Ordinance Approving AA.doc

Attachment: Ordinance 6164 - Annexation Agreements for 21W180 and 21W200 (3548 : 21W180 & 21W200 Hill Ave ZMA)



CERTIFICATION

I, Catherine Galvin, duly elected Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is a true and correct copy of Ordinance No. 61164, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Board Meeting of said Board held on the 9th day of September 2013, and that the same was signed and approved by the President of said Village on the 9th day of September 2013.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as Village Clerk of said Village for safekeeping and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Glen Ellyn, Illinois, this 9th day of September, 2013.

Catherine Galvin

Village Clerk

CORPORATE SEAL

Attachment: Ordinance 6164 - Annexation Agreements for 21W180 and 21W200 (3548 : 21W180 & 21W200 Hill Ave ZMA)

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made and entered into this 9th day of September, 2013, by and between the VILLAGE OF GLEN ELLYN, an Illinois municipal corporation having its principal office in DuPage County, Illinois ("Village"), and WEST SUBURBAN BANK LAND TRUST NO. 3344 BY NOORLAG REAL ESTATE GROUP, LLC BY LYNEA R. HERLIEN, MANAGER ("Owner"). The Village and Owner are collectively referred to as ("Parties").

RECITALS

A. The Owner is the Owner of record of two adjacent parcels of land totaling 2.82 acres commonly known as 21W180 Hill Avenue. The Property is located on the north side of Hill Avenue between Illinois Route 53 and Walnut Road and is not currently contiguous to the Village of Glen Ellyn. The subject Property is legally described on *Exhibit "A"* attached hereto and is identified for real estate purposes with P.I.N.s of 05-12-207-032 and 05-12-207-033 ("Property"). The Property is currently improved.

B. The Village is an Illinois home rule municipal corporation, having its principal office at 535 Duane Street, Glen Ellyn, Illinois.

C. The Owner desires to annex the Property to the Village, as soon as reasonably practicable following the establishment of contiguity between the corporate boundaries of the Village and the Property, pursuant to and in accordance with Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8, and agrees to do all things necessary to assist in that process when the Village so requests, including the execution and delivery to the Village Clerk of a notarized annexation petition, which petition shall strictly conform to *Exhibit "B"* to this Agreement ("*Annexation Petition*").

D. Each parcel of the Property is currently being served by water from the Village of Lombard.

E. The Owner desires to disconnect the Property from the Lombard water system and connect the Property to the Village of Glen Ellyn water system upon Glen Ellyn water becoming available to the Property.

F. Each parcel of the Property is currently served by Village of Lombard sanitary sewer.

G. The Owner desires to disconnect the Property from the Lombard sanitary sewer system and connect the Property to the Village of Glen Ellyn sanitary sewer system upon Glen Ellyn sanitary sewer becoming available to the Property.

H. A public hearing to consider this Agreement was noticed in the Daily Herald on AUGUST 22, 2013 and was held by the Village President and Board of Trustees on SEPTEMBER 9, 2013.

I. The Village has published all notices as required by the Illinois Municipal Code 65 ILCS 5/11-15.1-3 *et seq.*

I. The annexation of the Property shall extend the corporate limits of the Village to the far side of any adjacent highway not heretofore annexed to any other municipality.

K. All other matters, in addition to those specifically referred to above, which are included in this Agreement, have been considered by the Parties, and the annexation of the Property will inure to the benefit and improvement of the Village by increasing the taxable value of the real property within the Village's corporate limits, extending the corporate limits and jurisdiction of the Village to the limits of the Property, promoting the sound planning and development of the Village, and otherwise enhancing and promoting the general welfare of the Village residents and taxpayers.

NOW, THEREFORE, the Owner and Village, in consideration of the mutual covenants herein contained, agree as follows:

1. Incorporation of Recitals. The recitals above are hereby incorporated by reference into this Agreement.

2. Legal Conformance with Law. This Agreement is made pursuant to and in accordance with the provisions of the Village of Glen Ellyn Village Code, and its home rule powers, as established in the Illinois Revised Statutes and the Illinois Constitution.

3. Annexation. Upon notification by the Village that the Property has become, in the opinion of the Village, adjacent and contiguous to the Village, the Owner (if still holding title to any portion of the Property) and each grantee(s) shall within 30 days (a) file a fully executed Annexation Petition in a form approved by the Village Attorney and substantially in accordance with the form of *Exhibit "B"* attached to this agreement and (b) provide Owner's proof of Ownership of the Property. A Plat of Annexation for the Property shall also be prepared by the Village. Upon, but not before the Village's receipt of the Annexation Petition, the Owner's proof of Ownership, and preparation of a Plat of Annexation, the Village's Corporate Authorities may adopt a valid and binding Annexation Ordinance providing for the annexation of the Property and any adjacent rights-of-way to the Village pursuant to Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8. The Village Clerk shall then promptly cause the Annexation Ordinance, Plat of Annexation, and related documents, to be recorded in the Office of the DuPage County Recorder.

Alternatively, at the option of the Village, within 30 days after notice from the Village to do so, and subject to the provisions of 65 ILCS 5/7-1-2 *et. seq.*, or 65 ILCS 5/7-1-11, as amended, the Owner and/or her successors and assigns shall join in, and properly execute, An Annexation Petition to be filed with the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois, and shall cooperate with the prosecution of the Petition before said court, provided, however, that the costs of any such litigation shall not be the responsibility of the Owner.

If all or a portion of the Property is conveyed prior to the annexation of the Property to the Village, whether by the Owner or other subsequent grantor, any contract for sale or other agreement relating to each and every such conveyance shall contain an acknowledgement by the grantee of the existence of this Agreement and the requirement that upon the Property becoming, in the opinion of the Village, adjacent and contiguous to the Village, the Property will be annexed to the Village. In addition, each such contract or other agreement shall contain an agreement by the grantee(s) to do all things necessary or appropriate to cause the Property to be duly and validly annexed to the Village, including, but not limited to, execution of an Annexation Petition.

Should a court of competent jurisdiction determine that annexation of the Property was defective because of the failure of the Parties to follow a procedural requirement constituting a valid precondition to proper annexation of the Property, the Parties, including the successors and assigns of the Owner, agree to promptly cause the Property to be reannexed to the Village in a manner that satisfies all procedural requirements.

Should a court of competent jurisdiction determine that annexation of the Property by the Village was without lawful authority (i.e., lack of contiguity), the Parties agree that this Agreement shall be deemed a Pre-Annexation Agreement authorized pursuant to 65 ILCS 5/11-15.1-1, as amended, and shall remain in full force and effect to the extent permitted by law. Thereafter, should the Property become contiguous to the Village, the Parties, including the successors and assigns of the Owner, agree to promptly take all necessary steps as may then be provided by law to perfect the annexation of the Property to the Village.

4. Zoning. Within six (6) months of the approval of this Agreement, the Village will hold a public hearing and create a new light industrial zoning district. The Owner will receive advance notice of all public meetings and hearings of the Glen Ellyn Plan Commission at which the new light industrial zoning district is discussed. Because the parties to this Agreement desire to move quickly to cause the execution of this Annexation Agreement, the public hearing, before the Plan Commission required by law to take place before the Village Board can definitely act upon the light industrial zoning district, will not have yet taken place prior to the adoption of this Agreement. For this reason, in the event that the Village does not within six (6) months of the date of the execution of this Agreement, approve a new light industrial zoning district, the Agreement shall be void and all the promises and obligations of the Owner shall be terminated. If, however, as is anticipated, the Village does adopt the aforementioned light industrial zoning district, it shall, upon the annexation of the subject Property, grant the light industrial zoning district to the subject Property.

Any existing use or condition of the Property, upon annexation, that does not comply with the requirements of Glen Ellyn's Zoning Code may continue and will be considered a permitted nonconforming use. The Owner's most current plat of survey documenting the existing conditions of the Property shall be submitted to the Village within thirty (30) days of approval of this Agreement and used in conjunction with aerial photographs and other plans, plats and similar documents to evidence the current uses and conditions of the site. Notwithstanding anything herein to the contrary, following annexation, any new tenants occupying the building shall conform to the use regulations of the applicable Village zoning district.

5. Water Service. Each parcel of the Property is currently served by water from the Village of Lombard and the Owner desires to connect to the Glen Ellyn water system upon it becoming available to the Property. The Owner agrees to allow the Village to disconnect the Property from the Lombard water system and connect the Property to the Glen Ellyn water system upon Glen Ellyn water becoming available to the Property. The Owner shall meet all applicable ordinance requirements pertaining to such connections, including upgrades and other necessities. The Owner shall not be required to pay their proportionate share of any water main extension by the Village. The Village further agrees to waive all permit fees, connection fees and building permit deposits related to connecting the Owner's private service line to the Village's water main.

At the time that the Glen Ellyn water system is available to the Property, the Village of Glen Ellyn shall make a good faith effort to connect the Property as part of the water main extension project. If improvements are needed to correct deficiencies or Owner responsible upgrades are required to make a connection, the Owner agrees to hire a contractor and to pay up to \$5000 of the private costs and charges associated with the connection of a private water service line to the Village of Glen Ellyn's water main with the Village paying any amount over \$5000. Any water service connections shall be inspected by Village staff to ensure that they are constructed in accordance with Village standards.

In the event that the Owner fails to petition Glen Ellyn for annexation in accordance with Section 3 above or fails to comply with any other provision of this Annexation Agreement, Glen Ellyn may, at its sole option, discontinue water service to the property and enforce this Agreement in a court of appropriate jurisdiction by specific performance.

6. Sanitary Sewer Service. Each parcel of the Property is currently receiving sanitary sewer service from the Village of Lombard and the Owner desires to connect to the Glen Ellyn sanitary sewer system upon it becoming available to the Property. The Owner agrees to allow the Village to disconnect the Property from the Lombard sanitary sewer system and connect the Property to the Glen Ellyn sanitary sewer system upon Glen Ellyn sanitary sewer becoming available to the Property. The Owner shall meet all applicable ordinance requirements pertaining to such connections, including upgrades and other necessities. The Owner shall not be required to pay their proportionate share of any sanitary sewer main extension by the Village. The Village further agrees to waive all permit fees, connection fees and building permit deposits related to connecting the Owner's private service line to the Village's sanitary sewer main.

At the time that the Glen Ellyn sanitary sewer system is available to the Property, the Village of Glen Ellyn shall make a good faith effort to connect the Property as part of the sanitary sewer extension project. If improvements are needed to correct deficiencies or Owner responsible upgrades are required to make a connection, the Owner agrees to hire a contractor and to pay up to \$5000 of the private costs and charges associated with the connection of a private sanitary sewer service line to the Village of Glen Ellyn sanitary sewer main with the Village paying any amount over \$5000. Any sanitary sewer connections shall be inspected by Village staff to ensure that they are constructed in accordance with Village standards.

In the event that the Owner fails to petition Glen Ellyn for annexation in accordance with Section 3 above or fails to comply with any other provision of this Annexation Agreement, Glen Ellyn may, at its sole option, discontinue sanitary sewer services to the Property and enforce this Agreement in a court of appropriate jurisdiction by specific performance.

7. Rates for Water and Sanitary Sewer Service. Until such time as the Property is annexed to Glen Ellyn, the Owner agrees to pay the usual and customary charges for water and sanitary sewer service for customers outside of Glen Ellyn's corporate limits, as may be established from time-to-time by the corporate authorities of Glen Ellyn. Upon annexation, the Owner shall pay the same rates for water and sanitary sewer services charged to customers inside the Village limits.

8. Fire Protection. The Property is currently served by the Village of Lombard Fire Department. Upon approval of this annexation agreement, the property will be disconnected from the Lombard Fire District and fire service will be provided by the Glen Ellyn Volunteer Fire Company. The Owners agree to pay their proportionate share of the cost of fire service by either becoming part of a Special Service Area approved by the Village on November 23, 2009 by the adoption of Ordinance 5822 and recorded with the DuPage County Recorder of Deeds as document number R2009-191157 which imposes a special tax on unincorporated properties for fire protection services provided by the Glen Ellyn Volunteer Fire Company (hereinafter "Fire SSA") or upon receiving an invoice, pay an annual amount equal to what would be charged against the Property, if the Property were included in the Fire SSA. Payments to support the Glen Ellyn Voluntary Fire Company will continue to be collected annually until such time as the Property is annexed to Glen Ellyn. Following annexation, the Village shall reimburse the Owners the proportional amount for any payments for fire service following the date of annexation and remove the Property from the Fire SSA, if appropriate.

In accordance with existing state law, the Lombard Fire District may require the Village to pay it an amount of money which, over a period of years, equals three (3) years of lost Fire Protection District taxes. If the Village is requested and obligated by law to pay lost real estate tax revenue to the Lombard Fire District, the Owner shall reimburse the Village for the actual amounts which the Village is required to pay.

9. Utility Easements. The Owner agrees to grant the Village at no cost utility easements to allow the Village to extend water and sanitary sewer mains across the Property which will allow the Village to connect the water and sanitary sewer systems in the area from Crescent Boulevard to Hill Avenue. The areas of the easements to be established are identified on *Exhibits "C1" and "C2"* attached hereto. The Village will at its own cost, prepare all plats, agreements and other easement documentation related to the easement for execution by the Owner. The easement documentation will state, among other matters that any construction will be performed with minimal disruption to the Owner and any tenants on the Property, that the easement parcel will not materially conflict with any existing easements, and that the Property will be placed in at least as good a condition as existing prior to construction. The Owner shall not delay execution of these documents and shall sign them within 30 days of approval of the documents.

10. Village Codes. While the Property remains in unincorporated DuPage County, it shall be developed pursuant to the building and zoning regulations of DuPage County, except as otherwise provided herein. From and after the date of annexation of the Property to the Village, the property shall be maintained in accordance with and pursuant to the Village Code of Glen Ellyn, including the building, subdivision, and zoning regulations contained therein, except as otherwise noted in Section 4 of this Agreement. Notwithstanding anything above to contrary, the Owner shall abide, prior to annexation, with all ordinances and regulations of the Village that relate to water and sanitary sewer service. In addition, the Owner shall with regard to new construction, renovation or expansion, be required to follow the Village Ordinances regarding sprinkler systems prior to and after annexation.

11. Hill Avenue. Hill Avenue shall be maintained by the Village of Lombard until such time as the Property is annexed to Glen Ellyn or Hill Avenue is otherwise incorporated into Glen Ellyn as part of any agreement between Glen Ellyn and Lombard or the property on the south side of Hill Avenue is annexed to Glen Ellyn.

12. Village Address. Upon annexation to the Village, the Village will assign the appropriate Village addresses to the Property.

13. Waiver of Annexation Fee. The Village agrees to waive its usual and customary annexation fee for the Property upon annexation to the Village.

14. Term. The term of this Agreement will be 20 years from the date of execution hereof, which will be deemed to become effective on the date hereof.

15. Annexation Agreement Extension. At the option of the Village, the Village may extend this Annexation Agreement, at its conclusion, for an additional period of up to 20 years for a portion or all of the Property. If the Village wishes to exercise this option, it shall do so in writing not earlier than two years before the expiration of the Annexation Agreement, nor later than three months prior to this Agreement's initial termination date. Notice shall be sent in writing to (i) that entity that has paid the real estate property taxes during one of the last two years for the Property or that portion of the Property for which the Village wishes to extend this Agreement or (ii) to the record title holder of the Property or that portion of the Property for which the Village wishes to extend this Agreement. If the Village decides in its sole and absolute opinion to extend the term of this Agreement, the Village may do so whether or not the Property, or any portion of the Property, has been annexed to the Village. The Village may only extend the term of this Agreement once. In the event that the Village has not exercised the option to extend the term of this Agreement pursuant to this Section, and if the Property has not been annexed to the Village at this Agreement's initial termination date, the Village and the Owner may enter into a new Annexation Agreement in the manner provided by law. If the Village has been providing utility services to the non-annexed Property or any non-annexed portions of the Property pursuant to this Agreement, it may terminate such utility service at the conclusion of this Agreement; provided, however, that the Village provide not less than one year prior written notice of such termination to (i) that entity that has paid the real estate property taxes during one of the last two years for the Property or that portion of the Property for which the Village desires to terminate any such utility service or (ii) to the record title holder of the

Property or any portion of the Property for which the Village desires to terminate any such utility service.

16. General Provisions.

A. Severability. In the event that any portion of this Annexation Agreement will be found to be invalid by any court of competent jurisdiction, such finding of invalidity as to that portion will not affect the validity or enforceability of the balance of this Agreement.

B. Remedies. In addition to all rights and remedies specified in this Agreement, the Village will have the authority to pursue any and all rights and remedies, at law or in equity, to which it is entitled in order to enforce the terms of this Agreement. In the event that the Owner fails to comply, the Village may institute an action for specific performance along with other civil and quasi-criminal actions as permitted by law, and the Village may disconnect the water and sanitary sewer services. The Owner will be further liable for any attorney fees, court costs and other costs incurred by the Village as a consequence of the Village's enforcement of this provision.

C. Amendment. This Agreement may be amended from time to time with the consent of the parties, pursuant to Statute.

D. Conflict Regulations. The provisions of this Agreement shall supersede the provision of any Village Codes and Ordinances that may be in conflict with the provisions of this Agreement.

E. Enforcement. This Agreement shall be enforceable in any court of competent jurisdiction by either the Owner or the Village, and their respective successors and assigns, by an appropriate action at law or in equity, to secure the performance of the promises, obligations, and covenants in this Agreement, including the specific performance of this Agreement. The laws of the State of Illinois shall govern this Agreement. Any lawsuit enforcement filed against the Village of Glen Ellyn, or its officers, employees or independent contractors may only seek injunction, mandamus or specific performance for the enforcement of the agreement and may not seek damages.

F. Successors and Assigns and Ownership. This Agreement shall inure to the benefit of and be binding upon the Owner and Village and their respective successors and assigns. No conveyance, transfer or assignment of fee title in the Property or of this Agreement shall serve to release the Owner of her duties and obligations already undertaken under this Agreement. Both parties acknowledge by their signature to this Agreement that the statements made in this Annexation Agreement are true and that they have the authority to execute the Agreement and to bind the Village or the Owner.

G. Application of Ordinances. Upon annexation, the Property and its use will be subject to all Village ordinances generally applicable throughout the Village except as herein set forth.

H. Recording. The Village Clerk is hereby directed to cause this Agreement to be recorded with the Recorder of Deeds of DuPage County, following its execution and approval by the Village Board.

I. No Disconnection. Once the Property subject to this Annexation Agreement has been annexed to the Village, the Owner shall not petition the Circuit court to take any other action to cause the Property to be disconnected from the Village during the term of this Annexation Agreement or any extension to that term. In addition, the Owner may not during the term of this Annexation Agreement petition any other municipality or a court to permit annexation to another municipality.

J. Recitals and Exhibits. The recitals set forth in the beginning of this Agreement, and the exhibits attached hereto, are incorporated herein by this reference and shall constitute substantive provisions to this Agreement.

K. Captions and Paragraph Headings. The captions and paragraph headings used herein are for convenience only and shall not be used in construing any term or provision of this Agreement.

17. Notice. Any notice or communication required or permitted to be given under this Agreement shall be in writing and shall be delivered (i) personally, (ii) by a reputable overnight courier, (iii) by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid, (iv) by facsimile, or (v) by electronic internet mail ("e-mail"). Facsimile notices shall be deemed valid only to the extent that they are (a) actually received by the individual to whom addressed and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. E-mail notices shall be deemed valid only to the extent that they are (a) opened by the recipient on a business day at the address set forth below, and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. Unless otherwise provided in this Agreement, notices shall be deemed received after the first to occur of (a) the date of actual receipt; or (b) the date that is one business day after deposit with an overnight courier as evidenced by a receipt of deposit; or (c) the date that is three business days after deposit in the U.S. mail, as evidenced by a return receipt. By notice complying with the requirements of this Section each party to this Agreement shall have the right to change the address or the addressee, or both, for all future notices and communications to them, but no notice of a change of addressee or address shall be effective until actually received.

Notices and communications to the Village shall be addressed to, and delivered at, the following address:

Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137
Attn: Planning and Development Director

Notices and communications to the Owner shall be addressed to, and delivered at, the following address:

IN WITNESS WHEREOF, the parties have caused this Annexation Agreement to be executed by their duly authorized officers or individually, as the case may be, on _____, 2013.

VILLAGE OF GLEN ELLYN
 A Municipal Corporation:

Village of Glen Ellyn
 535 Duane Street
 Glen Ellyn, IL 60137

BY:

[Signature]
 Village President

OWNER:

[Signature]

BY: _____

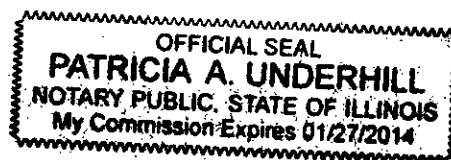
ATTEST:

BY:

[Signature]
 Village Clerk

SUBSCRIBED AND SWORN to
 before me this 13th day of
AUGUST, 2013.

[Signature]
 Notary Public



STATE OF ILLINOIS)
) SS
 COUNTY OF DU PAGE)

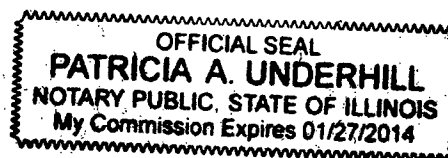
I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that ALEXANDER W. DEMOS personally known to me to be the President of the Village of Glen Ellyn, an Illinois municipal corporation, and CATHERINE CALVIN, personally known to me to be the Clerk of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Clerk, they signed said instrument as the President and the Clerk of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Trustees of said corporation as their free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 10th day of SEPTEMBER, 2013.

Patricia A. Underhill

Notary Public

My Commission Expires: 01/27/2014



Attachment: Ordinance 6164 - Annexation Agreements for 21W180 and 21W200 (3548 : 21W180 & 21W200 Hill Ave ZMA)

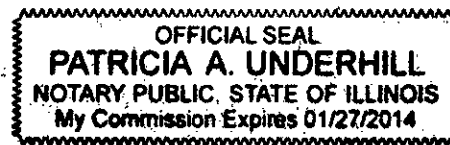
STATE OF ILLINOIS)
) SS
 COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for the County of DuPage, Illinois, DO HEREBY CERTIFY that LYNNEA R. HERLIEN, personally known to me to be the same person whose name is subscribed in the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this 13th day of AUGUST, 2013.

Patricia A. Underhill
 Notary Public

My Commission Expires: 01/27/2014



**EXHIBIT A
LEGAL DESCRIPTION**

LOTS 1 AND 2 IN HILL OAK SUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1970 AS DOCUMENT NUMBER R70-14300 AND CERTIFICATE OF CORRECTION RECORDED MAY 21, 1970 AS DOCUMENT NUMBER R70-15844 IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-12-207-032 and 05-12-207-033

Commonly known as 21W180 Hill Avenue

X:\Plandev\PLANNING\ANNEXATIONS\Hill Avenue\Draft Agreement Noorlag 083010.doc

Attachment: Ordinance 6164 - Annexation Agreements for 21W180 and 21W200 (3548 : 21W180 & 21W200 Hill Ave ZMA)

EXHIBIT B

PETITION FOR ANNEXATION
VILLAGE OF GLEN ELLYN, ILLINOIS

TO THE GLEN ELLYN VILLAGE BOARD:

Petitioners on oath state as follows:

1. That the undersigned are the sole Owner of record of all of the property described in Attachment A and commonly known as 21W180 Hill Avenue with P.I.N.s: of 05-12-207-032 and 05-12-207-033 (Subject Realty).
2. That this petition is executed by all of the owner(s) of record of the Subject Realty.
3. That no electors reside on the Subject Realty or, in the alternative, at least fifty-one percent (51%) of the electors residing on the Subject Realty have executed this petition.
4. That no portion of the property is within the corporate limits of any municipality.
5. That the Subject Property is either contiguous to the Village of Glen Ellyn, will be at the time of annexation, or may be contiguous when combined with other property annexing to the Village of Glen Ellyn.
6. That the property which the Petitioners desire to have annexed to the Village of Glen Ellyn is the property that is described in Attachment A attached hereto and made a part hereof.
7. That this Petition shall be in full force and effect from and after the date hereof and until the property is annexed to the Village of Glen Ellyn in agreement with State Law.

WHEREFORE, the applicants' petition that the property be annexed by ordinance to the Village of Glen Ellyn, Illinois, is in accordance with the appropriate statutes.

The undersigned, on oath, state that the undersigned have read the foregoing Petition for Annexation, have knowledge of the allegations contained therein, and that said allegations are true and correct to the best of the Petitioners' knowledge.

Owner of Record of Subject Property:

Signature: _____

Print Name: _____

Date: _____

Subscribed and sworn to before me this
 _____ day of _____, 20__

NOTARY PUBLIC

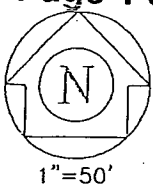
Signature: _____

Print Name: _____

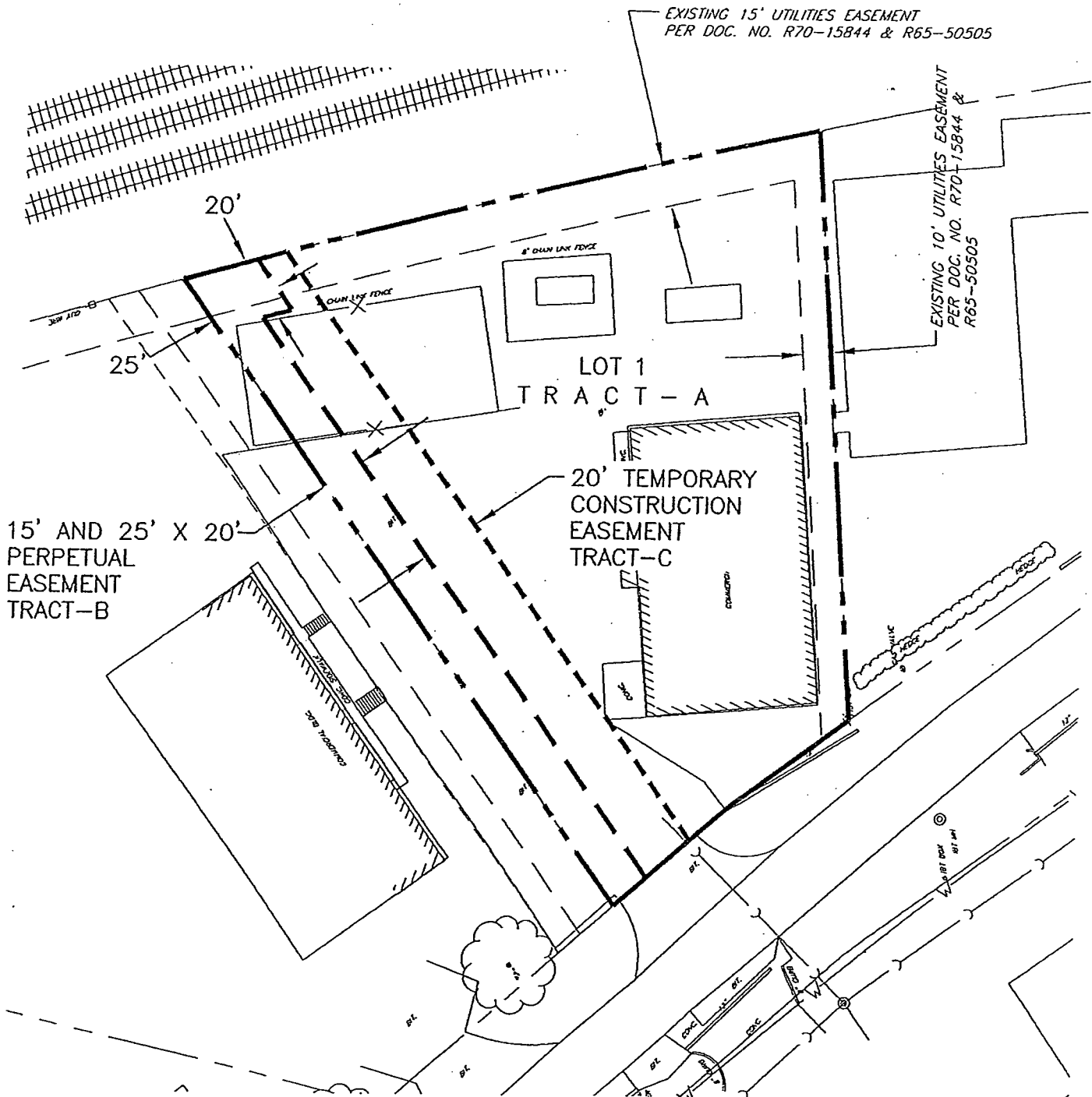
Date: _____

Subscribed and sworn to before me this
 _____ day of _____, 20__

NOTARY PUBLIC



PLAT TO ACCOMPANY EASEMENT GRANTED TO
THE VILLAGE OF GLEN ELLYN
OVER PART OF LOT 1 OF HILL OAK SUBDIVISION IN THE
NE QUARTER OF SECTION 12 TOWNSHIP 39 NORTH
RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN
THE TOWNSHIP OF MILTON, DUPAGE COUNTY, ILLINOIS



WALTER E. DEUCHLER ASSOCIATES, INC.
Consulting Engineers - Aurora, Illinois

SHEET 1
OF 2

VISIONS
CAD DWG: \GE\05036\EASEMENTS.DWG
SIGNED LAM APPROVED JWF BOOK XXX JOB NUMBER
AWN LAM DATE 08/05/09 SCALE 1"=50' 200-05036-00

PLAT TO ACCOMPANY EASEMENT TO THE
VILLAGE OF GLEN ELLYN
LOT 1 OF HILL OAK SUBDIVISION

Attachment: Ordinance 6164 - Annexation Agreements for 21W180 and 21W200 (3548 : 21W180 & 21W200 Hill Ave ZMA)

Exhibit C1
Page 2 of 2

LEGAL DESCRIPTIONS

TRACT A (PARENT TRACT):

LOT 1 OF HILL OAK SUBDIVISION BEING A SUBDIVISION IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPLE MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1970 AS DOCUMENT R70-14300 AND CERTIFICATE OF CORRECTION RECORDED MAY 21, 1970 AS DOCUMENT R70-15844 IN DUPAGE COUNTY, ILLINOIS.

TRACT B (PERPETUAL EASEMENT):

THE SOUTH WESTERLY 15 FEET AND THE NORTH EASTERLY 10 FEET OF THE SOUTH WESTERLY 25 FEET OF THE NORTH WESTERLY 20 FEET OF LOT 1 OF HILL OAK SUBDIVISION BEING A SUBDIVISION IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPLE MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1970 AS DOCUMENT R70-14300 AND CERTIFICATE OF CORRECTION RECORDED MAY 21, 1970 AS DOCUMENT R70-15844 IN DUPAGE COUNTY, ILLINOIS (AS MEASURED AT RIGHT ANGLES TO THE SOUTH WESTERLY AND NORTH WESTERLY LINES THEREOF).

TRACT C (TEMPORARY CONSTRUCTION EASEMENT):

THE NORTHEASTERLY 20 FEET OF THE SOUTHWESTERLY 35 FEET OF LOT 1 OF HILL OAK SUBDIVISION BEING A SUBDIVISION IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPLE MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1970 AS DOCUMENT R70-14300 AND CERTIFICATE OF CORRECTION RECORDED MAY 21, 1970 AS DOCUMENT R70-15844 IN DUPAGE COUNTY, ILLINOIS (AS MEASURED AT RIGHT ANGLES TO THE SOUTH WESTERLY LINE THEREOF).

STATE OF ILLINOIS
COUNTY OF DUPAGE

THIS IS TO CERTIFY THAT THE PLAT HEREON DRAWN WAS PREPARED BY WALTER E. DEUCHLER ASSOCIATES, INC., AN ILLINOIS PROFESSIONAL LAND SURVEYING CORPORATION, FOR THE PURPOSE OF DELINEATING THE LIMITS OF AN EASEMENT. IT IS FURTHER CERTIFIED THAT SAID PLAT WAS PREPARED FROM EXISTING RECORDS AND THAT NO FIELD LAND SURVEY WAS PERFORMED.

DATED AT AURORA, ILLINOIS, THIS _____ DAY OF _____, 2009.

ILLINOIS PROFESSIONAL DESIGN
CORPORATION NO. 1830

PREPARED BY AND RETURN TO: WALTER E. DEUCHLER ASSOCIATES, INC.
230 WOODLAWN AVENUE
AURORA, IL 60506

WALTER E. DEUCHLER ASSOCIATES, INC.
Consulting Engineers - Aurora, Illinois

SHEET	2
OF	2

VISIONS			
CAD DWG: \GE\05036\EASEMENTS.DWG			
SIGNED LAM	APPROVED JWF	BOOK XXX	JOB NUMBER
DRAWN LAM	DATE 08/05/09	SCALE NA	200-05036-00

PLAT TO ACCOMPANY EASEMENT TO THE
VILLAGE OF GLEN ELLYN
LOT 1 OF HILL OAK SUBDIVISION

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made and entered into this 9th day of SEPTEMBER, 2013, by and between the VILLAGE OF GLEN ELLYN, an Illinois municipal corporation having its principal office in DuPage County, Illinois ("Village"), and G. VINCENT CUYLER AND BARBARA J. CUYLER ("Owners"). The Village and Owners are collectively referred to as ("Parties").

RECITALS

A. The Owners are the Owners of record of two adjacent parcels of land totaling 1.08 acres commonly known as 21W200 Hill Avenue. The Property is located on the north side of Hill Avenue between Illinois Route 53 and Walnut Road and is not currently contiguous to the Village of Glen Ellyn. The subject Property is legally described on *Exhibit "A"* attached hereto and is identified for real estate purposes with P.I.N.s of 05-12-207-037 and 05-12-207-038 ("Property"). The Property is currently improved.

B. The Village is an Illinois home rule municipal corporation, having its principal office at 535 Duane Street, Glen Ellyn, Illinois.

C. The Owners desire to annex the Property to the Village, as soon as reasonably practicable following the establishment of contiguity between the corporate boundaries of the Village and the Property, pursuant to and in accordance with Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8, and agree to do all things necessary to assist in that process when the Village so requests, including the execution and delivery to the Village Clerk of a notarized annexation petition, which petition shall strictly conform to *Exhibit "B"* to this Agreement ("*Annexation Petition*").

D. The building on the western parcel is currently served by well water and the building on the eastern parcel is currently served by water from the Village of Lombard.

E. The Owners desire to disconnect the eastern parcel from the Lombard water system and connect it to the Village of Glen Ellyn water system upon Glen Ellyn water becoming available and to also connect the western parcel to the Village of Glen Ellyn water system.

F. The western parcel is currently served by a septic system and the eastern parcel is currently served by Village of Lombard sanitary sewer.

G. The Owners desire to disconnect the eastern parcel from the Lombard sanitary sewer system and connect the eastern parcel to the Village of Glen Ellyn sanitary sewer system upon Glen Ellyn sanitary sewer becoming available to the Property and to also connect the western parcel to the Village of Glen Ellyn sanitary sewer system.

H. A public hearing to consider this Agreement was noticed in the Daily Herald on AUGUST 22, 2013 and was held by the Village President and Board of Trustees on SEPTEMBER 9th, 2013.

I. The Village has published all notices as required by the Illinois Municipal Code 65 ILCS 5/11-15.1-3 *et seq.*

I. The annexation of the Property shall extend the corporate limits of the Village to the far side of any adjacent highway not heretofore annexed to any other municipality.

K. All other matters, in addition to those specifically referred to above, which are included in this Agreement, have been considered by the Parties, and the annexation of the Property will inure to the benefit and improvement of the Village by increasing the taxable value of the real property within the Village's corporate limits, extending the corporate limits and jurisdiction of the Village to the limits of the Property, promoting the sound planning and development of the Village, and otherwise enhancing and promoting the general welfare of the Village residents and taxpayers.

NOW, THEREFORE, the Owners and Village, in consideration of the mutual covenants herein contained, agree as follows:

1. Incorporation of Recitals. The recitals above are hereby incorporated by reference into this Agreement.

2. Legal Conformance with Law. This Agreement is made pursuant to and in accordance with the provisions of the Village of Glen Ellyn Village Code, and its home rule powers, as established in the Illinois Revised Statutes and the Illinois Constitution.

3. Annexation. Upon notification by the Village that the Property has become, in the opinion of the Village, adjacent and contiguous to the Village, the Owners (if still holding title to any portion of the Property) and each grantee(s) shall within 30 days (a) file a fully executed Annexation Petition in a form approved by the Village Attorney and substantially in accordance with the form of *Exhibit "B"* attached to this agreement and (b) provide Owners' proof of Ownership of the Property. A Plat of Annexation for the Property shall also be prepared by the Village. Upon, but not before the Village's receipt of the Annexation Petition, the Owners' proof of Ownership, and preparation of a Plat of Annexation, the Village's Corporate Authorities may adopt a valid and binding Annexation Ordinance providing for the annexation of the Property and any adjacent rights-of-way to the Village pursuant to Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8. The Village Clerk shall then promptly cause the Annexation Ordinance, Plat of Annexation, and related documents, to be recorded in the Office of the DuPage County Recorder.

Alternatively, at the option of the Village, within 30 days after notice from the Village to do so, and subject to the provisions of 65 ILCS 5/7-1-2 *et. seq.*, or 65 ILCS 5/7-1-11, as amended, the Owners and/or their successors and assigns shall join in, and properly execute, an Annexation Petition to be filed with the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois, and shall cooperate with the prosecution of the Petition before said court, provided, however, that the costs of any such litigation shall not be the responsibility of the Owners.

If all or a portion of the Property is conveyed prior to the annexation of the Property to the Village, whether by the Owners or other subsequent grantor, any contract for sale or other agreement relating to each and every such conveyance shall contain an acknowledgement by the grantee of the existence of this Agreement and the requirement that upon the Property becoming, in the opinion of the Village, adjacent and contiguous to the Village, the Property will be annexed to the Village. In addition, each such contract or other agreement shall contain an agreement by the grantee(s) to do all things necessary or appropriate to cause the Property to be duly and validly annexed to the Village, including, but not limited to, execution of an Annexation Petition.

Should a court of competent jurisdiction determine that annexation of the Property was defective because of the failure of the Parties to follow a procedural requirement constituting a valid precondition to proper annexation of the Property, the Parties, including the successors and assigns of the Owners, agree to promptly cause the Property to be reannexed to the Village in a manner that satisfies all procedural requirements.

Should a court of competent jurisdiction determine that annexation of the Property by the Village was without lawful authority (i.e., lack of contiguity), the Parties agree that this Agreement shall be deemed a Pre-Annexation Agreement authorized pursuant to 65 ILCS 5/11-15.1-1, as amended, and shall remain in full force and effect to the extent permitted by law. Thereafter, should the Property become contiguous to the Village, the Parties, including the successors and assigns of the Owners, agree to promptly take all necessary steps as may then be provided by law to perfect the annexation of the Property to the Village.

4. Zoning. Within six (6) months of the approval of this Agreement, the Village will hold a public hearing and create a new light industrial zoning district. The Owners will receive advance notice of all public meetings and hearings of the Glen Ellyn Plan Commission at which the new light industrial zoning district is discussed. Because the parties to this Agreement desire to move quickly to cause the execution of this Annexation Agreement, the public hearing, before the Plan Commission required by law to take place before the Village Board can definitely act upon the light industrial zoning district, will not have yet taken place prior to the execution of this Agreement. For this reason, in the event that the Village does not within six (6) months of the date of the execution of this Agreement, approve a new light industrial zoning district, the Agreement shall be void and all the promises and obligations of the Owners shall be terminated. If, however, as is anticipated, the Village does adopt the aforementioned light industrial zoning district, it shall, upon the annexation of the subject Property, grant the light industrial zoning district to the subject Property.

Any existing use or condition of the Property, upon annexation, that does not comply with the requirements of Glen Ellyn's Zoning Code may continue and will be considered a permitted nonconforming use. The Owner's most current plat of survey documenting the existing conditions of the Property shall be submitted to the Village within thirty (30) days of approval of this Agreement and used in conjunction with aerial photographs and other plans, plats and similar documents to evidence the current uses and conditions of the site. Notwithstanding anything herein to the contrary, following annexation, any new tenants occupying the building shall conform to the use regulations of the applicable Village zoning district.

5. Water Service. The Owners desire to connect the eastern parcel to the Glen Ellyn water system upon Glen Ellyn water becoming available to the Property. The Owners agree to allow the Village to disconnect the eastern parcel from the Lombard water system and connect the eastern parcel to the Glen Ellyn water system upon Glen Ellyn water becoming available to the Property. The Owners further agree to connect the western parcel to the Glen Ellyn water system within five (5) years of Glen Ellyn water becoming available to the Property. The Owners shall meet all applicable ordinance requirements pertaining to such connections, including upgrades and other necessities. The Owners shall not be required to pay their proportionate share of any water main extension by the Village. The Village further agrees to waive all permit fees, connection fees and building permit deposits related to connecting the Owners' private service line from the eastern parcel to the Village's water main. The Owners shall pay all applicable permit fees, connection fees and building permit deposits at the time the western parcel is connected to the Glen Ellyn water system.

At the time that the Glen Ellyn water system is available to the Property, the Village of Glen Ellyn shall make a good faith effort to connect the eastern parcel and provide a suitably sized water service line connection terminating at a valve or B-box for future connection of the western parcel by the Owners. If improvements are needed to correct deficiencies or Owner responsible upgrades are required to make the connection to the eastern parcel, the Owner agrees to hire a contractor and to pay up to \$5000 of the private costs and charges associated with the connection of a private water service line to the Village of Glen Ellyn's water main with the Village paying any amount over \$5000. The Owners agree to hire a contractor and to pay all private costs and all charges associated with the connection of a private water service line to the Village of Glen Ellyn's water main for the western parcel. Any water service connections shall be inspected by Village staff to ensure that they are constructed in accordance with Village standards.

In the event that the Owners fail to petition Glen Ellyn for annexation in accordance with Section 3 above or fail to comply with any other provision of this Annexation Agreement, Glen Ellyn may, at its sole option, discontinue water service to the property and enforce this Agreement in a court of appropriate jurisdiction by specific performance.

6. Sanitary Sewer Service. The Owners desire to connect the Property to the Glen Ellyn sanitary sewer system upon Glen Ellyn sanitary sewer becoming available to the Property. The Owners agree to allow the Village to disconnect the eastern parcel from the Lombard sanitary sewer system and connect the eastern parcel to the Glen Ellyn sanitary sewer system upon Glen Ellyn sanitary sewer becoming available to the Property. The Owners further agree to connect the western parcel to the Glen Ellyn sanitary sewer system within five (5) years of Glen Ellyn sanitary sewer becoming available to the Property. The Owners shall meet all applicable ordinance requirements pertaining to such connections, including upgrades and other necessities. The Owners shall not be required to pay their proportionate share of any sanitary sewer extension by the Village. The Village agrees to waive all permit fees, connection fees and building permit deposits related to connecting the Owners' private service line from the eastern parcel to the Village's sanitary sewer main. The Owners shall pay all applicable permit and connection fees and building permit deposits at the time that the western parcel is connected to the Glen Ellyn sanitary sewer main.

At the time that the Glen Ellyn sanitary sewer system is available to the Property, the Village of Glen Ellyn shall make a good faith effort to connect the eastern parcel and provide a suitably sized sanitary sewer service line connection terminating at a clean out for future connection of the western parcel by the Owners. If improvements are needed to correct deficiencies or Owner responsible upgrades are required to make the connection to the eastern parcel, the Owner agrees to hire a contractor and to pay up to \$5000 of the private costs and charges associated with the connection of a private water service line to the Village of Glen Ellyn's water main with the Village paying any amount over \$5000. The Owners agree to hire a contractor and to pay all private costs and all charges associated with the connection of a private sanitary sewer service line to the Village of Glen Ellyn sanitary sewer main for the western parcel. Any sanitary sewer connections shall be inspected by Village staff to ensure that they are constructed in accordance with Village standards.

In the event that Owners fail to petition Glen Ellyn for annexation in accordance with Section 3 above or fail to comply with any other provision of this Annexation Agreement, Glen Ellyn may, at its sole option, discontinue sanitary sewer services to the Property and enforce this Agreement in a court of appropriate jurisdiction by specific performance.

7. Rates for Water and Sanitary Sewer Service. Until such time as the Property is annexed to Glen Ellyn, Owners agree to pay the usual and customary charges for water and sanitary sewer service for customers outside of Glen Ellyn's corporate limits, as may be established from time-to-time by the corporate authorities of Glen Ellyn. Upon annexation, the Owners shall pay the same rates for water and sanitary sewer services charged to customers inside the Village limits.

8. Fire Protection. The Property is currently served by the Village of Lombard Fire Department. Upon approval of this annexation agreement, the property will be disconnected from the Lombard Fire District and fire service will be provided by the Glen Ellyn Volunteer Fire Company. The Owners agree to pay their proportionate share of the cost of fire service by either becoming part of a Special Service Area approved by the Village on November 23, 2009 by the adoption of Ordinance 5822 and recorded with the DuPage County Recorder of Deeds as document number R2009-191157 which imposes a special tax on unincorporated properties for fire protection services provided by the Glen Ellyn Volunteer Fire Company (hereinafter "Fire SSA") or upon receiving an annual invoice, pay an amount equal to what would be charged against the Property, if the Property were included in the Fire SSA. Payments to support the Glen Ellyn Voluntary Fire Company will continue to be collected until such time as the Property is annexed to Glen Ellyn. Following annexation, the Village shall reimburse the Owners the proportional amount paid for fire service following the date of annexation and remove the Property from the Fire SSA, if appropriate.

In accordance with existing state law, the Lombard Fire District may require the Village to pay it an amount of money which, over a period of years, equals three (3) years of lost Fire Protection District taxes. If the Village is requested and obligated by law to pay lost real estate tax revenue to the Lombard Fire District, the Owner shall reimburse the Village for the actual amounts which the Village is required to pay.

9. Grading Easement. The Owners agree to negotiate in good faith an agreement granting the Village a grading easement on the east end of the Property as necessary in order to accommodate the reconstruction of the Hill Avenue bridge.

10. Village Codes. While the Property remains in unincorporated DuPage County, it shall be developed pursuant to the building and zoning regulations of DuPage County, except as otherwise provided herein. From and after the date of annexation of the Property to the Village, the Property shall be maintained in accordance with and pursuant to the Village Code of Glen Ellyn, including the building, subdivision, and zoning regulations contained therein, except as otherwise noted in Section 4 of this Agreement. Notwithstanding anything above to contrary, the Owners shall abide, prior to annexation, with all ordinance and regulations of the Village that relate to sanitary sewer service. In addition, the Owners shall with regard to new construction, renovation or expansion, be required to follow the Village Ordinances regarding sprinkler systems prior to and after annexation.

11. Hill Avenue. Hill Avenue shall continue to be maintained by the Village of Lombard until such time as the Property is annexed to Glen Ellyn or Hill Avenue is otherwise incorporated into Glen Ellyn as part of any agreement between Glen Ellyn and Lombard or the property on the south side of Hill Avenue is annexed to Glen Ellyn.

12. Village Address. Upon annexation to the Village, the Village will assign the appropriate Village addresses to the Property.

13. Waiver of Annexation Fee. The Village agrees to waive its usual and customary annexation fee for the Property upon annexation to the Village.

14. Term. The term of this Agreement will be 20 years from the date of execution hereof, which will be deemed to become effective on the date hereof.

15. Annexation Agreement Extension. At the option of the Village, the Village may extend this Annexation Agreement, at its conclusion, for an additional period of up to 20 years for a portion or all of the Property. If the Village wishes to exercise this option, it shall do so in writing not earlier than two years before the expiration of the Annexation Agreement, nor later than three months prior to this Agreement's initial termination date. Notice shall be sent in writing to (i) that entity that has paid the real estate property taxes during one of the last two years for the Property or that portion of the Property for which the Village wishes to extend this Agreement or (ii) to the record title holder of the Property or that portion of the Property for which the Village wishes to extend this Agreement. If the Village decides in its sole and absolute opinion to extend the term of this Agreement, the Village may do so whether or not the Property, or any portion of the Property, has been annexed to the Village. The Village may only extend the term of this Agreement once. In the event that the Village has not exercised the option to extend the term of this Agreement pursuant to this Section, and if the Property has not been annexed to the Village at this Agreement's initial termination date, the Village and the Owners may enter into a new Annexation Agreement in the manner provided by law. If the Village has been providing utility services to the non-annexed Property or any non-annexed

portions of the Property pursuant to this Agreement, it may terminate such utility service at the conclusion of this Agreement; provided, however, that the Village provide not less than one year prior written notice of such termination to (i) that entity that has paid the real estate property taxes during one of the last two years for the Property or that portion of the Property for which the Village desires to terminate any such utility service or (ii) to the record title holder of the Property or any portion of the Property for which the Village desires to terminate any such utility service.

16. General Provisions.

A. Severability. In the event that any portion of this Annexation Agreement will be found to be invalid by any court of competent jurisdiction, such finding of invalidity as to that portion will not affect the validity or enforceability of the balance of this Agreement.

B. Remedies. In addition to all rights and remedies specified in this Agreement, the Village will have the authority to pursue any and all rights and remedies, at law or in equity, to which it is entitled in order to enforce the terms of this Agreement. In the event that the Owners fail to comply, the Village may institute an action for specific performance along with other civil and quasi-criminal actions as permitted by law, and the Village may disconnect the water service. The Owners will be further liable for any attorney fees, court costs and other costs incurred by the Village as a consequence of the Village's enforcement of this provision.

C. Amendment. This Agreement may be amended from time to time with the consent of the parties, pursuant to Statute.

D. Conflict Regulations. The provisions of this Agreement shall supersede the provision of any Village Codes and Ordinances that may be in conflict with the provisions of this Agreement.

E. Enforcement. This Agreement shall be enforceable in any court of competent jurisdiction by either the Owners or the Village, and their respective successors and assigns, by an appropriate action at law or in equity, to secure the performance of the promises, obligations, and covenants in this Agreement, including the specific performance of this Agreement. The laws of the State of Illinois shall govern this Agreement. Any lawsuit enforcement filed against the Village of Glen Ellyn, or its officers, employees or independent contractors may only seek injunction, mandamus or specific performance for the enforcement of the agreement and may not seek damages.

F. Successors and Assigns and Ownership. This Agreement shall inure to the benefit of and be binding upon the Owners and Village and their respective successors and assigns. No conveyance, transfer or assignment of fee title in the Property or of this Agreement shall serve to release the Owners of their duties and obligations already undertaken under this Agreement. Both parties acknowledge by their signature to this Agreement that the statements made in this Annexation Agreement are true and that they have the authority to execute the Agreement and to bind the Village or the Owners.

G. Application of Ordinances. Upon annexation, the Property and its use will be subject to all Village ordinances generally applicable throughout the Village except as herein set forth.

H. Recording. The Village Clerk is hereby directed to cause this Agreement to be recorded with the Recorder of Deeds of DuPage County, following its execution and approval by the Village Board.

I. No Disconnection. Once the Property subject to this Annexation Agreement has been annexed to the Village, the Owners shall not petition the Circuit court to take any other action to cause the Property to be disconnected from the Village during the term of this Annexation Agreement or any extension to that term. In addition, the Owners may not during the term of this Annexation Agreement petition any other municipality or a court to permit annexation to another municipality.

J. Recitals and Exhibits. The recitals set forth in the beginning of this Agreement, and the exhibits attached hereto, are incorporated herein by this reference and shall constitute substantive provisions to this Agreement.

K. Captions and Paragraph Headings. The captions and paragraph headings used herein are for convenience only and shall not be used in construing any term or provision of this Agreement.

17. Notice. Any notice or communication required or permitted to be given under this Agreement shall be in writing and shall be delivered (i) personally, (ii) by a reputable overnight courier, (iii) by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid, (iv) by facsimile, or (v) by electronic internet mail ("*e-mail*"). Facsimile notices shall be deemed valid only to the extent that they are (a) actually received by the individual to whom addressed and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. E-mail notices shall be deemed valid only to the extent that they are (a) opened by the recipient on a business day at the address set forth below, and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. Unless otherwise provided in this Agreement, notices shall be deemed received after the first to occur of (a) the date of actual receipt; or (b) the date that is one business day after deposit with an overnight courier as evidenced by a receipt of deposit; or (c) the date that is three business days after deposit in the U.S. mail, as evidenced by a return receipt. By notice complying with the requirements of this Section each party to this Agreement shall have the right to change the address or the addressee, or both, for all future notices and communications to them, but no notice of a change of addressee or address shall be effective until actually received.

Notices and communications to the Village shall be addressed to, and delivered at, the following address:

Village of Glen Ellyn
 535 Duane Street
 Glen Ellyn, IL 60137
 Attn: Planning and Development Director

Notices and communications to the Owners shall be addressed to, and delivered at, the following address:

IN WITNESS WHEREOF, the parties have caused this Annexation Agreement to be executed by their duly authorized officers or individually, as the case may be, on _____, 2013.

VILLAGE OF GLEN ELLYN
 A Municipal Corporation:

Village of Glen Ellyn
 535 Duane Street
 Glen Ellyn, IL 60137

BY:

[Signature]

Village President

OWNERS:

[Signature]
[Signature]

BY: _____

ATTEST:

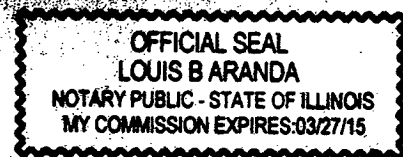
BY:

[Signature]

Village Clerk

SUBSCRIBED AND SWORN to
 before me this 9TH day of
AUGUST, 2013.

[Signature]
 Notary Public



STATE OF ILLINOIS)
) SS
 COUNTY OF DU PAGE)

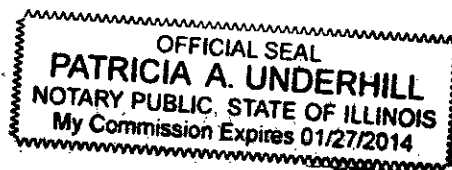
I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that ALEXANDER W. DEMOS personally known to me to be the President of the Village of Glen Ellyn, an Illinois municipal corporation, and CATHERINE CALVIN, personally known to me to be the Clerk of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Clerk, they signed said instrument as the President and the Clerk of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Trustees of said corporation as their free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 10th day of SEPTEMBER, 2013.

Patricia A. Underhill

Notary Public

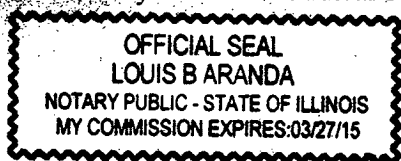
My Commission Expires: 01/27/2014

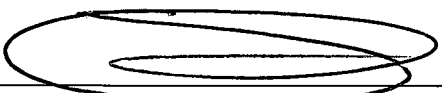


STATE OF ILLINOIS)
) SS
 COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for the County of DuPage, Illinois, DO HEREBY CERTIFY that G. VINCENT CUYLER, personally known to me to be the same person whose name is subscribed in the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this 9th day of AUGUST, 2013.





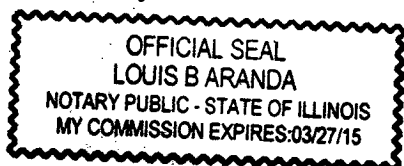
 Notary Public

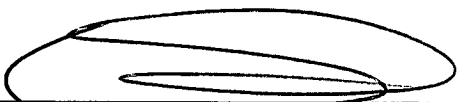
My Commission Expires: 3/27/15

STATE OF ILLINOIS)
) SS
 COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for the County of DuPage, Illinois, DO HEREBY CERTIFY that BARBARA J. CUYLER, personally known to me to be the same person whose name is subscribed in the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this 9th day of AUGUST, 2013.





 Notary Public

My Commission Expires: 3/27/15

EXHIBIT A LEGAL DESCRIPTION

PARCEL 1: LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, ALL IN DUPAGE COUNTY, ILLINOIS,

AND ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LYING NORTH OF AND ABUTTING LOT 1 IN VILLAGE PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 OF SAID VILLAGE PARK KITCHENS RESUBDIVISION AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREES 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHEAST CORNER OF SAID LOT 1 FOR THE POINT OF BEGINNING; RUNNING THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT , BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3321.38 FEET AND A CENTRAL ANGLE OF 02 DEGREES 04 MINUTES 19 SECONDS, AN ARC DISTANCE OF 120.10 FEET (MEAS., REC.=120.12') THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 12.79 FEET; THENCE EASTERLY A DISTANCE OF 69.97 FEET TO A POINT THAT IS 16.00 FEET NORTHERLY OF (MEASURED RADIALLY THERETO) THE NORTH LINE OF VILLA PARK KITCHENS RESUBDIVISION AS AFORESAID; THENCE CONTINUING EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38'=CALC.), A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, AN ARC DISTANCE OF 50.75 FEET; THENCE SOUTHEASTERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-12-207-037

PARCEL 2:

LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323 IN DUPAGE COUNTY, ILLINOIS,

AND, ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LAYING NORTH OF AND ABUTTING LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION AFORESAID, MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREE 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE A DISTANCE OF 16.00 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38=CALC.), A CENTRAL ANGLE OF 01 DEGREE 16 MINUTES 50 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 74.60 FEET; THENCE EASTERLY ALONG A LINE THAT IS 16.00 FEET NORTH OF AND PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 176.18 FEET (DEED, 176.22'=MEAS.) TO A POINT THAT IS 16.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO SAID NORTH LINE, THE NORTHEAST CORNER OF LOT 2, AFORESAID; THENCE SOUTHERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N: 05-12-207-038

COMMONLY KNOWN AS 21W200 HILL AVENUE

X:\Plandev\PLANNING\ANNEXATIONS\Hill Avenue\Draft Agreement Culer 072010.doc

Attachment: Ordinance 6164 - Annexation Agreements for 21W180 and 21W200 (3548 : 21W180 & 21W200 Hill Ave ZMA)

EXHIBIT B**PETITION FOR ANNEXATION
VILLAGE OF GLEN ELLYN, ILLINOIS****TO THE GLEN ELLYN VILLAGE BOARD:**

Petitioners on oath state as follows:

1. That the undersigned are the sole owners of record of all of the property described in Attachment A and commonly known as 21W200 Hill Avenue with P.I.N.s: of 05-12-207-037 and 05-12-207-038 (Subject Realty).
2. That this petition is executed by all of the owner(s) of record of the Subject Realty.
3. That no electors reside on the Subject Realty or, in the alternative, at least fifty-one percent (51%) of the electors residing on the Subject Realty have executed this petition.
4. That no portion of the property is within the corporate limits of any municipality.
5. That the Subject Property is either contiguous to the Village of Glen Ellyn, will be at the time of annexation, or may be contiguous when combined with other property annexing to the Village of Glen Ellyn.
6. That the property which the Petitioners desire to have annexed to the Village of Glen Ellyn is the property that is described in Attachment A attached hereto and made a part hereof.
7. That this Petition shall be in full force and effect from and after the date hereof and until the property is annexed to the Village of Glen Ellyn in agreement with State Law.

WHEREFORE, the applicants' petition that the property be annexed by ordinance to the Village of Glen Ellyn, Illinois, is in accordance with the appropriate statutes.

The undersigned, on oath, state that the undersigned have read the foregoing Petition for Annexation, have knowledge of the allegations contained therein, and that said allegations are true and correct to the best of the Petitioners' knowledge.

Owners of Record of Subject Property:

Signature: _____

Print Name: _____

Date: _____

Signature: _____

Print Name: _____

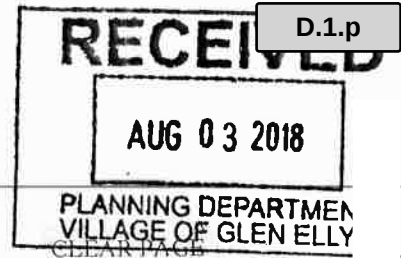
Date: _____

Subscribed and sworn to before me this
_____ day of _____, 20__

NOTARY PUBLIC

Subscribed and sworn to before me this
_____ day of _____, 20__

NOTARY PUBLIC



APPLICATION FOR ZONING MAP AMENDMENT

You may attach separate sheets as needed to answer any of the following questions.

The undersigned petitions the President and Village Board of Trustees of the Village of Glen Ellyn, Illinois, to consider the Zoning Map Amendment described in this application.

Date Filed: _____ Application No: _____

Name of Applicant: **G. Vincent and Barbara J. Cuyler**

Address of Applicant: **87 Baybrook Lane
Oak Brook, IL 60523**

Business Phone No.: **(630) 22-3360** Home Phone No.: **(630) 734-3304**

Mobile Phone No.: **(630) 220-3360** Fax No.: **n/a**

Property Interest of Applicant: **21W200 Hill Avenue, Glen Ellyn, IL 60137**

(Owner, Contract Purchaser, Owner Representative)

Name of Property Owner: **G. Vincent and Barbara J. Cuyler**

Address of Owner: **87 Baybrook Lane
Oak Brook, IL 60523**

Phone No. (Business): **(630) 220-3360** (Home): **(630) 734-3304**

Mobile Phone No.: **(630) 220-3360** Fax No.: **n/a**

Address of Property: **21W200 Hill Avenue**

Legal Description of Property:

See attached.

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Lot Frontage: **213'/418'** Lot Area: **2.8 ac/1.1ac**

Present Use: **Industrial**

Requested Zoning: **I1 Industrial**

Requested Use/Construction: **Continued Industrial**

Estimated Date to Begin New Use/Construction: _____

Name(s), Address(es), and Phone No(s). of Experts (architects, engineers, etc.):

Attachment: Petitioner Application Packet (3548 : 21W180 & 21W200 Hill Ave ZMA)

CLEAR PAGE

Narrative Statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the requirements of paragraph (E) of Section 10-10-13 of the Zoning Code:

Rezone property to Village's I1 Industrial District upon annexation of property

Discuss the Requested Zone Change with Respect to Each of the Following:

1. Identification of the existing uses of property within the general area of the affected property:

See attached

2. Identification of the zoning classification of property within the general area of the affected property:

See attached

Attachment: Petitioner Application Packet (3548 : 21W180 & 21W200 Hill Ave ZMA)

CLEAR PAGE

3. Determination as to the suitability of the property in question to the uses permitted under the existing classification or district and under the proposed classification or district:

See attached

4. The trend or development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district:

See attached

5. The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented on the Comprehensive Plan:

See attached

6. The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property:

See attached

7. The extent to which property values are diminished, if at all, by the particular zoning restrictions:

See attached

Attachment: Petitioner Application Packet (3548 : 21W180 & 21W200 Hill Ave ZMA)

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I (We) certify that all of the statements and documents submitted as part of this application are true to the best of my (our) knowledge and belief.

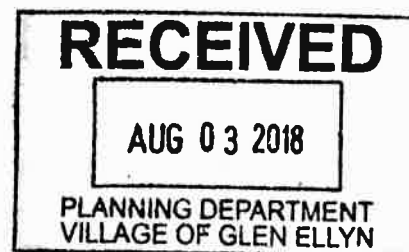
I (We) consent to entry in or upon the premises described in this application by any unauthorized official of the Village of Glen Ellyn for the purpose of inspection.

I (We) consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.

I (We) understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.

<u>8/3/18</u>	<u>G. Vincent Cuyler</u>	<u></u>
Date	Print Name	Signature of Applicant
<u>8/3/18</u>	<u>Barbara J. Cuyler</u>	<u></u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant

**THE BEST INTERESTS OF THE APPLICANT WILL BE SERVED
BY COMPLETEING THIS APPLICATION IN DETAIL**



LEGAL DESCRIPTION

21W200 Hill Avenue

PARCEL 1: LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, ALL IN DUPAGE COUNTY, ILLINOIS,

AND ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LYING NORTH OF AND ABUTTING LOT 1 IN VILLAGE PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 OF SAID VILLAGE PARK KITCHENS RESUBDIVISION AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREES 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHEAST CORNER OF SAID LOT 1 FOR THE POINT OF BEGINNING; RUNNING THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT , BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3321.38 FEET AND A CENTRAL ANGLE OF 02 DEGREES 04 MINUTES 19 SECONDS, AN ARC DISTANCE OF 120.10 FEET (MEAS., REC.=120.12') THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 12.79 FEET; THENCE EASTERLY A DISTANCE OF 69.97 FEET TO A POINT THAT IS 16.00 FEET NORTHERLY OF (MEASURED RADIALLY THERETO) THE NORTH LINE OF VILLA PARK KITCHENS RESUBDIVISION AS AFORESAID; THENCE CONTINUING EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38'=CALC.), A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, AN ARC DISTANCE OF 50.75 FEET; THENCE SOUTHEASTERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-12-207-037

PARCEL 2:

LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323 IN DUPAGE COUNTY, ILLINOIS,

Attachment: Petitioner Application Packet (3548 : 21W180 & 21W200 Hill Ave ZMA)

AND, ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LAYING NORTH OF AND ABUTTING LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREE 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE A DISTANCE OF 16.00 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38=CALC.), A CENTRAL ANGLE OF 01 DEGREE 16 MINUTES 50 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 74.60 FEET; THENCE EASTERLY ALONG A LINE THAT IS 16.00 FEET NORTH OF AND PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 176.18 FEET (DEED, 176.22'=MEAS.) TO A POINT THAT IS 16.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO SAID NORTH LINE, THE NORTHEAST CORNER OF LOT 2, AFORESAID; THENCE SOUTHERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N: 05-12-207-038

Findings of Fact

1. The existing uses of property within the general area of the affected property consist of industrial to the south, the Union Pacific Railroad, residential, and the Churchill Woods Forest Preserve to the north, residential to the west and the Glenbard Wastewater Authority water reclamation plant to the east.
2. The zoning classification to the south is I-1 Industrial in unincorporated DuPage County, Conservation Recreation to the north in Glen Ellyn and R-4 Residential in Unincorporated DuPage County, R-4 Residential to the west in Unincorporated DuPage County, and Conservation Recreation to the east in the Village of Lombard.
3. The subject properties are suitable for the I1 Industrial District. These properties have been in use as industrial for several years and were previously zoned as industrial when located within the Village of Lombard. The property would not be a logical site for either residential or commercial.
4. The property immediately to the south is zoned and used for industrial purposes in unincorporated DuPage County. The property to the east is industrial in nature as the Glenbard Wastewater Authority water reclamation plant.
5. The Comprehensive Plan designates these properties for light industrial and recommends the area be improved and upgraded as a limited self-contained business area.
6. The properties are not vacant. In fact, they have been improved with industrial uses for several years. The use of the property will remain as industrial with the new zoning classification.
7. The property will not be diminished based on the particular zoning restrictions. When the Village adopted a new I1 Industrial zoning district, the existing uses and conditions on the property were taken into account as well as the industrial provisions contained in the Village of Lombard and DuPage County's zoning codes.

APPLICATION FOR ZONING MAP AMENDMENT

CLEAR PAGE

You may attach separate sheets as needed to answer any of the following questions.

The undersigned petitions the President and Village Board of Trustees of the Village of Glen Ellyn, Illinois, to consider the Zoning Map Amendment described in this application.

Date Filed: _____ Application No: _____
 Name of Applicant: West Suburban Bank Land Trust No. 3344 ("Land Trust") by Noorlag Real Estate Group, LLC by Lynea R. Herlien, Manager, Noorlag Real Estate Group, LLC, an Illinois limited liability company, as the power of direction holder and beneficiary under the Land Trust

Address of Applicant: 21W180 Hill Avenue, Glen Ellyn, IL 60137

Business Phone No.: 630-858-8070 Home Phone No.: _____

Mobile Phone No.: _____ Fax No.: _____

Property Interest of Applicant: Power of direction holder and beneficiary under the Land Trust

(Owner, Contract Purchaser, Owner Representative)
 Name of Property Owner: West Suburban Bank Land Trust No. 3344 ("Land Trust") by Noorlag Real Estate Group, LLC by Lynea R. Herlien, Manager, Noorlag Real Estate Group, LLC, an Illinois limited liability company, as the power of direction holder and beneficiary under the Land Trust

Address of Owner: 21W180 Hill Avenue, Glen Ellyn, IL 60137

Phone No. (Business): 630-858-8070 (Home): _____

Mobile Phone No.: _____ Fax No.: _____

Address of Property: 21W180 Hill Avenue

Legal Description of Property:

See attached.

CLEAR PAGE

Lot Frontage: **213'/418'** Lot Area: **2.8 ac/1.1ac**

Present Use: **Industrial**

Requested Zoning: **I1 Industrial**

Requested Use/Construction: **Continued Industrial**

Estimated Date to Begin New Use/Construction: _____

Name(s), Address(es), and Phone No(s). of Experts (architects, engineers, etc.):

Attachment: Petitioner Application Packet (3548 : 21W180 & 21W200 Hill Ave ZMA)

CLEAR PAGE

Narrative Statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the requirements of paragraph (E) of Section 10-10-13 of the Zoning Code:

Rezone property to Village's I1 Industrial District upon annexation of property

Discuss the Requested Zone Change with Respect to Each of the Following:

1. Identification of the existing uses of property within the general area of the affected property:

See attached

2. Identification of the zoning classification of property within the general area of the affected property:

See attached

Attachment: Petitioner Application Packet (3548 : 21W180 & 21W200 Hill Ave ZMA)

CLEAR PAGE

3. Determination as to the suitability of the property in question to the uses permitted under the existing classification or district and under the proposed classification or district:

See attached

4. The trend or development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district:

See attached

5. The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented on the Comprehensive Plan:

See attached

6. The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property:

See attached

7. The extent to which property values are diminished, if at all, by the particular zoning restrictions:

See attached

Attachment: Petitioner Application Packet (3548 : 21W180 & 21W200 Hill Ave ZMA)

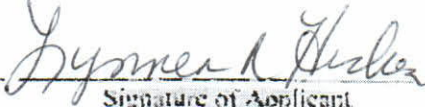
CLEAR PAGE

I (We) certify that all of the statements and documents submitted as part of this application are true to the best of my (our) knowledge and belief.

I (We) consent to entry in or upon the premises described in this application by any unauthorized official of the Village of Glen Ellyn for the purpose of inspection.

I (We) consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.

I (We) understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.

<u>8-8-18</u>	<u>Lynnea R. Herleen, Manager</u>	<u></u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant

**THE BEST INTERESTS OF THE APPLICANT WILL BE SERVED
BY COMPLETING THIS APPLICATION IN DETAIL**

**EXHIBIT A
LEGAL DESCRIPTION**

LOTS 1 AND 2 IN HILL OAK SUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1970 AS DOCUMENT NUMBER R70-14300 AND CERTIFICATE OF CORRECTION RECORDED MAY 21, 1970 AS DOCUMENT NUMBER R70-15844 IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-12-207-032 and 05-12-207-033

Commonly known as 21W180 Hill Avenue, Glen Ellyn, IL 60137

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Attachment: Petitioner Application Packet (3548 : 21W180 & 21W200 Hill Ave ZMA)

Findings of Fact

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