



Agenda
Village of Glen Ellyn
Regular Meeting
Thursday, October 22, 2020
7:00 PM
**REMOTE MEETING TO BE CONDUCTED ON
ZOOM**

Village Board Meeting Procedures Statement

This meeting will be conducted by video conference without a physically present quorum of the Glen Ellyn Plan Commission because of a disaster declaration related to COVID-19 and public health concerns affecting the Village of Glen Ellyn. The Chairperson of the Plan Commission has determined that an in-person meeting at the Civic Center is not practical or prudent because of the disaster. The Chairperson, Commissioners of the Plan Commission, Village Manager, and Village Attorney will not be physically present at the Civic Center because their attendance is unfeasible due to the disaster. Physical attendance at the Civic Center by the public is also not feasible because of the disaster.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89821775487?pwd=Q3dpS0V3ZU5KUUhJRU95NmFJV3U5QT09>

Password: 140168

Or join by telephone:

Dial (for higher quality, dial a number based on your current location):

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Webinar ID: 898 2177 5487

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- A. Call to Order**
- B. Public Comment (Non Agenda Items)**
- C. Approval of Draft Minutes from the September 10, 2020 Plan Commission Meeting**
 - 1) Draft Minutes from the September 10, 2020 Plan Commission Meeting
- D. Public Hearing to Consider a Zoning Map Amendment for Multiple Properties on Hill Avenue**
 - 1) Request for a Zoning Map Amendment for Multiple Properties on Hill Avenue
- E. Public Hearing to Consider a Minor Subdivision with Variations - 21W536 Acorn Avenue & 0N282 Cumnor Avenue**

- 1) Request for a Minor Subdivision with Subdivision and Zoning Code Variations

F. Trustee's Report

G. Chairman's Report

H. Staff Report

I. Other Business

J. Adjournment

DRAFT MINUTES
REGULAR PLAN COMMISSION MEETING
September 10, 2020

Call to Order and Roll Call

The meeting was called to order at 7:02 p.m. by Chairperson Mary Loch. Roll call was taken. Present: Chairperson Loch, and Plan Commissioners Lloyd Berry, Laura Brown, Angela Fanella, Tracy Heming-Littwin and John Mulherin. Absent: Plan Commissioners Mohammed Saeed, David Rodemann and Jamie Vondruska.

Chairperson Loch described the Commission's role in the review process, and listed the various methods used to notify the public of the meeting – a public hearing – and ways to invite feedback from the public. She also gave a statement of remote meeting procedures, and outlined the meeting's approach employing the Zoom platform, adopted because of the Covid-19 situation.

She introduced meeting participants Village Community Development Director Staci Springer, Village Planners Kelly Purvis and Katie Ashbaugh, Associate Planner Cole Jackson, Recording Secretary Barbara Dutton, Glen Ellyn Police Department Chief Phil Norton, and Bill Enright, Village Board of Trustees liaison to the Plan Commission.

Adoption of Emergency Allowance of Remote Participation by the Plan Commission

A motion to allow remote participation in the meeting was made by Commissioner Heming-Littwin, and seconded by Commissioner Fanella. The motion carried with a roll call vote of six (6) yes and zero (0) no as follows: Commissioners Heming-Littwin, Mulherin, Berry, Brown and Fanella and Chairperson Loch voted "yes."

Public Comment Non-Agenda Items

There was no public comment pertaining to non-agenda items.

Approval of July 9, 2020 Plan Commission Meeting Minutes

Commissioner Heming-Littwin moved to approve the draft minutes of the July 9, 2020 Regular Plan Commission meeting; seconded by Commissioner Brown, the motion carried with a roll call vote of six (6) yes and zero (0) no as follows: Plan Commissioners Heming-Littwin, Berry, Brown, Fanella, Mulherin and Chairperson Loch voted "yes."

Public Hearing - 535 Pennsylvania Avenue -The Enclave - Special Use Permit

A motion to open the Public Hearing to consider a Special Use Permit for the property at 535 Pennsylvania (The Enclave) was made and seconded by Commissioners Brown and Fanella, respectively. The motion carried with six (6) yes votes and zero (0) no votes as follows: Commissioners Brown, Fanella, Berry, Heming-Littwin, Mulherin and Chairperson Loch voted "yes."

Staff Introduction

Sworn in were Associate Planner Jackson, Director of Development Springer, Planner Purvis with the Village of Glen Ellyn, 535 Duane Street in Glen Ellyn, and Glen Ellyn Police Chief Phil Norton, 65 S. Park Boulevard, Glen Ellyn.

Associate Planner Cole gave an overview of the subject property at 535 Pennsylvania Avenue, for which use alteration is contemplated to develop a space to accommodate work-from-home activity, as well as an environment that would have a social aspect that would feature “liquor lockers.” Operating through a membership arrangement, the members could use the space during the day, and socialize in the building at night. Planner Cole described the surrounds, noting 13 parking spaces associated with the site, as well as the existence of nearby public parking. He added that a retail component would operate around uses of the building; items in the building would be offered for sale. He noted that doors are locked during the day. A Special Use Permit, he reiterated, was being sought.

Commissioner Heming-Littwin asked Police Chief Norton for his thoughts on the concept, and whether he had any concerns. Chief Norton responded, “Yes,” and explained that anytime a business serves alcohol, it can lead to all types of problems for the Department.

Commissioner Brown wondered whether, given the business model description of an experiential retail environment, whether the enterprise envisioned would have back stock or whether customers would place orders for items to be delivered. Planner Purvis said she didn’t think there would be storage of products on the premises.

Commissioner Heming-Littwin indicated that she understood that the back two-thirds of the building would be used for office space, while the front would serve as a retail area.

Petitioner’s Presentation

After being sworn in, Petitioner Robert Kellman, 535 Pennsylvania Avenue, Glen Ellyn, presented his case to attain a Special Use Permit applicable to the property at the aforementioned address.

Mr. Kellman explained that potential customers visiting the establishment would be able to try out furniture on display and get a feel for the merchandise before deciding whether or not to buy it. He cited what he said is a popular trend on the East and West Coast, and went on to explain that he is looking to partner with interior designers, and that items employed in unusual uses – such as a kitchen chair being deployed in an office – will be a theme of the business, and related that a focus on recruitment of members has contributed to business growth. The advent of Covid-19 and associated business closure had altered his plans. After a “false start,” he said he moved to ramp back up and focus on the co-working space model more than retail.

Commissioner Questions

Observing that the social media campaign to garner members seemed aggressive, Commissioner Heming-Littwin asked Mr. Kellman how many members the club would have and what the requirements to join are. He responded that membership would cap out at 70, and that profits are expected to come from the retail side of the business. The Petitioner said that interior designers and community members would be charged a \$95 monthly membership fee, and would have use of a shared staff. Commissioner Heming-Littwin inquired as to the hours of operation, the staffing level and Covid-19 safety measures.

Mr. Kellman said the hours of operation would be from 7 a.m. to 1 a.m., that there would be a staff of four, and listed hand sanitizer, mask and social-distancing protocols, oversized HVAC units, daily cleaning, and furniture removal as preventative actions. Heming-Littwin said she hadn't seen a sign posted near the door requiring masks, but Mr. Kellman responded that a sign was there.

Commissioner Heming-Littwin asked what the level of sales was pre-Covid and how sales tax gets back to the Village. The Petitioner said that the business has been filing a monthly retail sales tax forms with the State, but that the previous month saw only light business. The first month of business – prior to Covid – generated about \$1,800. Mr. Kellman says he hopes to sell \$15,000-\$20,000 worth of furniture a month, but pointed out that the focus since the restart has been on attracting interior designers. Commissioner Heming-Littwin remarked about the potential appeal of low-traffic to shoppers in the Covid-19 era. The Petitioner said his marketing strategy excluded curbside and “no-interaction” engagement, so had to pivot to consider other uses, but expressed optimism in the plan.

Commissioner Berry wondered why he didn't see any information on The Enclave website about furniture sales. Mr. Kellman said furniture sales information had been posted but was removed while a focus was placed on generating membership. He added that the business has two separate marketing channels: one for co-working/membership and another directed toward interior designers, with different marketing methods used. Commissioner Berry asked if information about furniture for sale was available inside the building, to which the Petitioner responded affirmatively.

In citing a web posting calling for art to be displayed for sale, Commissioner Fanella asked the Petitioner if he anticipated a more traditional retail experience down the road. Mr. Kellman explained that while his business doesn't sell art, it allows opportunities for local artists to gain exposure for their work, while decorating the building space, and that they had had a more traditional retail focus, but didn't have the opportunity to explore it. To a question about such plans from Chairperson Loch, he indicated that they continue to evaluate this direction, but under Covid-19 conditions are currently concentrating on the membership/co-working model, until such time opening for retail activities is more feasible.

Commissioner Brown asked about pricing structures and the composition of recent retail month sales. Mr. Kellman said they were for chairs and various other items sold through an interior designer, noting that interior designers are given discounts, based on relationships.

Relating that Facebook ads promoting an alternative workspace had been captured, Chief Norton asked whether a member can share alcohol out of a locker with another member. Mr. Kellman said there would be no prohibition on doing so as far as he's aware. The Chief asked if the member could sell alcohol, but Mr. Kellman said he didn't see such a situation arising. Chief Norton cited from a piece in the *DuPage Policy Journal* a quote, “You can come to Enclave and you can make it into whatever you want it to be,” and asked if this was accurate. The Petitioner suggested the quote was cherry-picked. The Chief said the messaging makes him suspicious, to which the Petitioner said the Police are invited to meet with him to go over any concerns. The Chief observed that the focus of the enterprise has changed, which the Petitioner acknowledged, but said he expected to return to a retail emphasis.

Commissioner Heming-Littwin asked the Petitioner what would prevent a member from bringing more than two additional people into the building at one time. Mr. Kellman responded that camera-

monitoring and staffing would address this and that violators would be sanctioned. Social media ads, she believes, emphasize the social club aspect of the business. Mr. Kellman said various ads are running, but the focus has pivoted toward co-working/retail purposes, and the social dimension is “icing on the cake.” To queries about current work space usage, the Petitioner responded that six, seven or fewer individuals are in the space during daytime work hours, and that that place was empty the majority of weeknights and on weekends.

Commissioner Brown asked how usage is limited to the stated hours for use and whether any members had been punished for violating rules. Mr. Kellman responded that the biometric key is used to stop off-hour entry, and that no members have thus far been booted for banned activity.

Commissioner Fanella asked Chief Norton what hour would the business have to close if it was viewed as a bar, restaurant or social venue. He said it depends on the type of liquor license and service, but the latest is typically 1 a.m., and that locking doors during open hours would not be permitted. He said he could check the Code, and then asked the Petitioner who had participated in conversations about the BYOB part. Mr. Kellman recalls discussions began with Meredith before she left the Economic/Planning Department, but continued with Mark Franz and A.J. Covid, Kellman said, precipitated tonight’s meeting, as the emphasis of the business direction had shifted.

Commissioner Berry asked Chief Norton if there had been any incidences at the requiring Police response at the establishment, to which the Chief responded no, but mentioned a discussion concerning a situation wherein undercover agents were able to be served alcohol at a private party despite not being on a guest list. Kellman attributed this to miscommunication.

Commissioner Mulherin asked if the storefront will change, as it is stark and lacking signage. Mr. Kellman said signs have been produced and are planned for placement.

Commissioner Heming-Littwin asked what will prevent liquor from being served to underage individuals. Mr. Kellman cited the biometric locks, cameras, membership agreements and the small number of members. He confirmed that no one would be checking IDs.

Commissioner Berry asked what the number of members currently is. Mr. Kellman said 60.

Public Comment

Thomas LaMantia, 535 Pennsylvania Ave., sworn in, directed his comment to the Police Chief, saying that the building cameras are motion-sensitive, only visible to the building owner and primarily focused on the exterior. He said back-of-building space is used by his growing IT business.

Recognized was Anne Gould, 609 Newton Avenue, Glen Ellyn, who recalled reading varying maximum occupancy limits in different documents, and asked if a staff member would be present at closing time to make sure everyone leaves. She commented that the proposed establishment seems like a private club promoted as a shared living room and wondered how the model is compatible with maintaining and protecting the Village’s primary downtown retail core. She asked Chief Norton whether the usage sought would allow for the same activities permissible in a private residence. He said no, and that under the license – designated A-5 – there is no (closing) time limit and that legal alcohol is allowed, however, the The Enclave would be subject to certain regulations, and would be subject to Dram Shop liability.

Planner Purvis interjected that, despite being a private club, cannabis use would not be permitted. Community Development Director Springer stated that maximum occupancy for the space is 49 people, and that higher numbers were related to the membership.

Associate Planner Jackson read the following received written comments into the record:

Marilyn Peretti, 515 N. Main St., 1B-S: *"What is the definition of a 'private social club'? Is there one within 10 miles of this location at 535 Pennsylvania Ave.? If yes, where is it and its name. Please describe what happens at this 'private social club'. Who is eligible to join? How many members can join, and where is the parking for them at this Glen Ellyn location?"*

Thank you."

Pete Ladesic, 615 Scott Ave: *"Dear Plan Commission Chair and Members,*

I am writing with some observations and or concerns about an item on your agenda this evening.

I do not see a real benefit to our village of allowing a use other than retail for this location.

We have a limited amount of retail space in our central business district and by all planning standards the best and highest use of this space would be retail space in order to generate some sort of retail sales tax and or food and beverage tax.

I do support the idea of a collaborative business space but feel that this use should best be kept out of our core retail district.

I question how the space could generate any retail sales tax revenue for the following reasons:

During the day if it were used to represent the sale of retail products but not actually have point of sale retail products those taxes would go to the place of the manufacturer and designers (who) typically do not pay sales tax as they have resale exemptions.

The concept of a BYOB social club by its nature it will actually compete with other restaurants and bars in our downtown that are already struggling due to Covid as no food or alcohol will sold so no taxes will be generated by this space.

Maybe I am missing something but that is for you all to figure out.

Thank you for your service to our village!"

Community Development Director Springer asked if an upcoming wine-tasting is open to the public and whether more such events are to be held at The Enclave. Mr. Kellman responded future such events are probably unlikely, and that the event was scheduled to promote the opening of the ko-ze wine business. The event –one of two – is capped at 15 people, by invitation only, and the wine proprietor will be serving the wine.

A motion to close the Public Hearing concerning 535 Pennsylvania was made and seconded by Commissioners Heming-Littwin and Fanella, respectively. The motion carried with a roll call vote of six

(6) yes and zero (0) no as follows: Commissioners Heming-Littwin, Fanella, Berry, Brown and Mulherin and Chairperson Loch voted “yes.”

Commissioner Discussion

Commissioner Berry asked if a Special Use Permit could be granted for a specific period of time. Chairperson Loch interpreted the question to mean that The Enclave had changed its business model in response to Covid-19, and that the Commission would like to see the business return to their intended retail focus, so a check on the business would be made in a couple of years to see if it can function in the manner originally intended. Commissioner Berry confirmed this was the point of his question. Community Development Director Springer stated that an SUP could have conditions attached and be monitored.

Chairperson Loch sought clarification about taxes potentially generated by interior design sales. Commissioner Heming-Littwin explained that if the business sells to a designer who in turn sells to a customer, collection of the tax would be incumbent on the interior designer, who is subject to tax requirements of the jurisdiction in which the designer is located. Director Springer stated that some tax had been collected from The Enclave by the Village. Commissioner Heming-Littwin, who is disinclined to approve the Special Use Permit, thought the focus of the venture seemed to be on membership rather than retail, and expressed concern about the potential for underage drinking. She said the Village’s “vibrant” restaurant business should be supported, and is uncomfortable with the obscured windows at The Enclave, and doesn’t see goods on offer as being exclusively available there. If a timeframe is attached, she feels it should only be extended until December. The upshot: She’s against the SUP.

Taking “a little bit different approach,” Commissioner Berry saw the potential for engagement with local restaurants, which would generate sales, and considered the benefit of co-working to be an important component that could contribute to a progressive business environment – especially given Covid-19 limitations. He said the owner appears to cooperate with the police, and that the site is vacant space at the end of the retail row. As such, he advocated that a conditional Special Use Permit be granted for a two-year period, and that window shades at the location be up during specified hours to present the appearance of a retail establishment. He advocated that a conditional permit cover a two-year period, as three months does not give the business owner adequate time to create the opportunity to re-pivot back into retail – a business plan he sees as valid, given news reports about the home-improvement business sector. Commissioner Berry said such social environments are popular in the City, and that he would vote to approve a permit for a conditional period of time.

Commissioner Mulherin agreed with Commissioner Berry.

Commissioner Fanella said she didn’t think the usage proposed is appropriate for the District, feeling that it doesn’t adhere to the spirit of the Code. She expressed concerns about how the venue has been marketed, and would not support approval of a Special Use Permit, temporary or otherwise.

Commissioner Brown said her thoughts on the matter are closer to those of Commissioners Fanella and Heming-Littwin, and that the business has not looked to her, from a consumer standpoint, to be a retail establishment.

Chairperson Loch determined the opinions expressed signal insufficient support for recommending approval of the Special Use Permit.

Commissioner Berry asked what The Enclave would do if approval is not granted. Community Development Director Springer said the Department would work with the Petitioner to find another location if the Village Board concurs with a negative Plan Commission recommendation. Commissioner Loch suggested the Petitioner could potentially change the business model to do more retail.

Commissioner Heming-Littwin moved for the following:

After conducting a public hearing and deliberating on the request of Robert Kellman, representing The Enclave at the property at 535 Pennsylvania Avenue for approval of a Special Use Permit to allow a social club and office on site, the Plan Commission hereby makes the following findings of fact: The proposed use will not be harmonious and in accordance with the general objectives, or within the specific objectives of the C5A zoning district, based on testimony provided this evening, and so the Plan Commission is not recommending approval.

Seconded by Commissioner Brown, the motion carried by roll call vote with four (4) yes and one (1) no as follows: Plan Commissioners Heming-Littwin and Fanella and Brown and Chairperson Loch voted “yes,” and Commissioner Berry voted “no.”

Chairperson thanked the Petitioner, praised the co-working concept and offered a reminder that the question of approval still must go before the Village Board.

Public Hearing - 37 Briar Street - Iron Gate Apartments - Fence Variation

A motion to open the Public Hearing concerning a fence variation for 37 Briar Street (Iron Gate Apartments) was made and seconded by Commissioners Berry and Brown, respectively. The motion carried with a roll call vote of six (6) yes and zero (0) no as follows: Commissioners Berry, Brown, Heming-Littwin and Fanella, and Chairperson Loch voted “yes.”

Staff Introduction

After being sworn in, Planner Ashbaugh, Village of Glen Ellyn, 535 Duane Street in Glen Ellyn, described the subject of the evening’s public hearing as a project, requiring two zoning variations, to replace a deteriorated fence at the subject property with a closed fence she described as having a height of 6 feet (as opposed to the Code-specified 4-foot height) along approximately 683 feet of the corner side (south) lot line and approximately 30 feet of the rear (east) lot line on the property located at 11 – 37 Briar Street. She related the public hearing notice actions effected, which included a mailing to more than 300 property owners in the area. The property, which is comprises approximately 8 ½ acres north of Roosevelt Road, carries the R4 (residential) zoning classification, and holds a fence that was shown in photos to be in a state of disrepair. A wood, “shadowbox” style fence is proposed as a replacement.

Commissioner Berry inquired what the rationale was for a 6-foot vs. a 4-foot fence. Planner Ashbaugh understood that it would provide a screen and offering a buffer and security. Community Development Director Springer stated that the fence currently in place does not provide much screening. Chairperson Loch asked if the Plan Commission had input into the fence choice. Commissioner Heming-Littwin wondered if Chief Norton thinks there’s a safety issue in having such a solid fence along Roosevelt.

Commissioner Brown asked if there was any traffic safety concern relative to right-hand turns onto Roosevelt. Planner Ashbaugh said she thought the fence was positioned far enough to the east on the lot line that it doesn't interfere with the sightline. Heming-Littwin mentioned concern about left-hand turns, too. Chairperson Loch said it appears to be a setback from the street. Planner Ashbaugh said IDOT right-of-way is the parkway.

Commissioner Fanella inquired whether landscaping between the fence and Roosevelt Road could be a condition of approval. Planner Ashbaugh replied that the right of way is IDOT property, and the agency is strict, typically proscribing landscape directives.

Petitioner's Presentation

Sworn in was Petitioner Iman Jalali, 25 Briar Street, Glen Ellyn, Ill., who stated that his company purchased the complex approximately a year ago, and recognized that a number of things at the site needed to be addressed, including the fence. He related that "a more appropriate fence" had been recommended by the fence company with which he was working, and that a 4-foot height would not provide adequate privacy screening and durability on a major road. He said he's seeking a solution that is both sturdy and presents a better aesthetic look.

Commissioner Questions

Commissioner Berry asked if the Petitioner had plans to stain or treat the wood after the fence is installed. Mr. Jalali said, no, that there is no need for the type of wood to be used.

Chairperson Loch asked if the board-on-board style had been selected for a particular reason. The Petitioner said he went with recommendations from three fence companies for the shadowbox style, and that the style was seen to provide a greater level of screening and durability.

Community Development Director Springer related Chief Norton's opinion that "you can conceal more behind a 6-foot solid fence than you can a 4-foot solid fence," so for public safety, he favored the latter.

Public Comment

There was no public comment.

Commissioner Heming-Littwin moved to close the Public Hearing; seconded by Commissioner Brown, the motion carried with a roll call vote of six (6) yes and zero (0) no as follows: Plan Commissioners Heming-Littwin, Brown, Berry, Fanella and Chairperson Loch voted "yes."

Commissioner Discussion

Commissioner Berry said he was in favor of a fence replacement, but thought a new fence with an open part at the top of the panel might be a nice compromise. He supports a 6-foot fence but hopes the Petition would consider one that emits light the top.

Commissioner Brown agreed with Commissioner Berry, calling for a hybrid approach.

Commissioner Mulherin agreed with Commissioner Berry.

Commissioner Fanella said she had no problem with a replacement fence, so long as the Police Chief and the Village are satisfied with the type.

Commissioner Heming-Littwin said she was fine with the fence, but wants to make sure Chief Norton has the ability to go on record speaking on it. She is in favor of approving the fence, but will only vote to approve if the recommendation is put on the non-consent agenda.

Chairperson Loch said she is okay with a 6-foot fence, but conditional on choosing a model with a decorative top.

Commissioner Mulherin agrees with all that was said.

Commissioner Heming-Littwin moved for the following:

After conducting a public hearing and deliberating on the requests of Iman Jalali of SIM Briar Street LLC, owner of Iron Gate Apartments to the construction of a closed fence with a height of 6 feet along approximately 683 feet of the corner side (south) lot line and approximately 30 feet of the rear (east) lot line on the property located at 11 – 37 Briar Street, the Plan Commission hereby makes the following Findings of Fact:

In regard to the request for approval of the Zoning Variations from Section 10-5-5(B)(4) #11(a)(1) to allow a closed fence in the corner side and rear yards where a fence is required to be 33 percent open; and Section 10-5-5(B)(4) #11(b)(4) to allow a fence in the corner side and rear yards to be 6 feet in height where a fence of no more than 4 feet in height is permitted, the Commission finds:

Due to the character of the property in question and it being along Roosevelt Road, it's harder to be in strict guideline, therefore, having considered the petition of requests of Iman Jalali of SIM Briar Street LLC, owner of Iron Gate Apartments for improvements to 11 – 37 Briar Street, the Plan Commission recommends that the plans and the presentation which included the findings associated with the Zoning Variations have been satisfied and therefore recommends that the Village Board approve the variations as requested subject to the following conditions:

1. The fence shall be constructed in substantial conformance with the plans as submitted and the testimony as presented in tonight's meeting;
2. That the petitioner submit a building permit application and the required plans and documents for the Village staff to review the structural integrity of the accessory structures on the lot.
3. The Petitioner look into possibly having a more open top on the fence.
4. That the item not be put on the consent agenda, so that proper input from the Chief of Police of Glen Ellyn can be obtained regarding the height requested for the fence.

Seconded by Commissioner Brown, the motion carried by roll call vote with five (5) yes and zero (0) no as follows: Plan Commissioners Heming-Littwin and Berry, Brown and Fanella and Chairperson Loch voted "yes."

Chairperson Loch thanked Mr. Jalali for his investment in Glen Ellyn.

Trustee's Report

Village Board Trustee Bill Enright pointed out that the Apex project has started, and that parking and traffic flow is being adjusted to accommodate businesses. The parking garage, he reported, won't be returned until April 1, 2021, and the budget process is expected to begin in the next month or so.

Chairman's Report

Chairperson Loch declared that she is "threw her hat into the ring" by seeking the Village Board President post.

Staff Report

Planner Purvis stated that the Streetscape Committee had received a bid for surface mock-ups, which will be at Crescent and Main, as part of an outreach campaign to obtain resident feedback as to preferred treatments.

A third review by staff of the Comprehensive Plan has concluded, she continued, and that direction was given to the consultants for revision. More engagement is in order, she explained, outlining a number of events, including an open house, subsequent Zoom-facilitated meetings and a workshop.

A 3-D model was presented to the Village Board, related Planner Purvis, who explained that the technology involved offers an "immersive" model that could serve as a visualization tool. Such a model of the Downtown is in the works, she added.

According to Community Development Director Springer and Planner Ashbaugh, the subject of the proposed McChesney site redevelopment project is expected to be on an autumn agenda.

Other Business

None.

Adjournment

Following a motion by Commissioner Heming-Littwin to adjourn, Chairperson Loch concluded the meeting at 9:40 p.m.

Respectfully submitted,

Barbara Dutton
Recording Secretary

STAFF REPORT

TO: Glen Ellyn Plan Commission

FROM: Kelly Purvis, Planner

DATE: October 7, 2020

FOR: October 22, 2020 Plan Commission Meeting

SUBJECT: Zoning Map Amendment for Certain Property in the Glen Oak Industrial Park

PETITIONER: The petitioners are Elliot & Elliot, LLC, Phillips & Johnston, Inc, and Glen Hill, LLC, owners of approximately 7.59 acres of land commonly known as 21W201 Hill Avenue, 21W203 Hill Avenue, 21W211 Hill Avenue, 21W167 Hill Avenue, 21W165 Hill Avenue, 21W169 Hill Avenue, 21W161 Hill Avenue, 21W 159 Hill Avenue, 21W157 Hill Avenue, 21W155 Hill Avenue, 21W153 Hill Avenue, 21W151 Hill Avenue, 21W179 Hill Avenue, 21W171 Hill Avenue.

REQUEST: The petitioners are requesting approval of a Zoning Map Amendment to zone the subject properties I1 Light Industrial District upon annexation to the Village. The properties are currently zoned I-1 Light Industrial District in unincorporated DuPage County.

**LOCATION/
ZONING:** The properties are generally located on the south side of Hill Avenue, west of I-355 and east of Walnut Road. The surrounding zoning and land uses are shown on the attached zoning & location map.

**PUBLIC
NOTICE:** Notice of the public hearing was published in the October 6, 2020 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 the property near the Hill Avenue right-of-way.

COMP PLAN: The Community Wide Plan within the Comprehensive Plan designates this unincorporated area as “light industry” (page 12). It is also noted on page 19 of the Commercial Area Policies that the Village should “maintain the small cluster of business uses along Hill Avenue as a limited light industrial area” and “explore the possibility of annexing nearby unincorporated commercial and business areas”. This area is also highlighted as a potential development site, and on page 27 of the Comprehensive Plan, it is noted that “this area should be designated for office and light-industrial uses; to the extent possible, existing properties should be more attractively screened and landscaped”.

BACKGROUND: On December 12, 2013 the Plan Commission met to hold a public hearing on a Zoning Text Amendment to create a light industrial zoning district. The proposed I1 district was created specifically to accommodate the subject properties and the properties directly to the north on Hill Avenue (which have already been annexed into the Village). 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).

Village staff have been negotiating an annexation agreement with the property owners for a number of years, and these properties are part of a long-term annexation strategy for the Village. With utility extension projects moving forward along the Hill Avenue right-of-way, the terms of the annexation agreement for these properties have been finalized and the owners of the property have petitioned the Village for annexation. Following annexation of the property, a zoning district will need to be assigned. The lots will come into the Village with legal non-conforming conditions and uses on the properties. No further approvals are being requested at this time.

The residential lots fronting on Hill Avenue will also be incorporated as part of this annexation. However, the Community Development Director will automatically be zoning these lots R2 Residential District in accordance with Section 10-3-3 of 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 draft findings of fact and a motion for a recommendation of approval of the requested I1 Light Industrial District zoning for the properties (attached). Plan Commissioners should feel free to modify the findings based upon information provided at the public hearing. If Commission members wish to recommend denial and would like staff to prepare a motion to deny the request, please contact staff in advance of the meeting.

ATTACHMENTS:

- Petitioner's Application for a Zoning Map Amendment
- Aerial Photo
- Location and Zoning Map
- Public Hearing Notice
- Location Map for Public Hearing Notice
- Properties Notified of Public Hearing

- Certificate of Publication
- Sections from the Comprehensive Plan
- Sections 10-4-19 of the Zoning Code
- Section 10-10-13 of the Zoning Code
- Draft Findings of Fact
- Draft Motion to Approve the Zoning Map Amendment

CC: Staci Springer, Community Development Director
Rich Daubert, Professional Engineer
Bob Minix, Part-Time Professional Engineer
Amy McKenna, Senior Civil Engineer
Rob Elliot, Petitioner
Kevin Carrara, Petitioner's Attorney

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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: **Elliot & Elliot, LLC c/o Rathje Woodward, LLC**

Address of Applicant: **300 E. Roosevelt Road, Suite 300
Wheaton, IL 60187**

Business Phone No.: **630-668-8500** Home Phone No.: _____

Mobile Phone No.: _____ Fax No.: **630-668-9218**

Property Interest of Applicant: **Owner**

(Owner, Contract Purchaser, Owner Representative)

Name of Property Owner: **Same as above**

Address of Owner:

Phone No. (Business): _____ (Home): _____

Mobile Phone No.: _____ Fax No.: _____

Address of Property: _____

Legal Description of Property:

See enclosed.

Lot Frontage: _____ Lot Area: **approx. 8 acres**

Present Use: **Industrial and Residential**

Requested Zoning: **Industrial and Residential**

Requested Use/Construction: **Zoning and uses as set forth in the associated annexation agreement.**

Estimated Date to Begin New Use/Construction: _____

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

Webster McGrath & Ahlberg, Ltd.
207 S, Naperville Road
Wheaton, IL 60187

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:

The proposed property to be annexed currently contains two areas: (1) an industrial area to permit the continued use, operation and maintenance of the existing five single and multi-tenant principal buildings and accessory structures making up the condominium association, including the shared use of 226 parking spaces to satisfy parking requirements of all permitted uses from time to time carried out within the PUD; and (2) a residential area to permit the continued use, operation and maintenance of the existing six (6) single family residences, a cellular transmission tower, buildings and various accessory structures.

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:

The existing uses within the general area are residential, both within the Village and unincorporated, industrial and commercial.

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

The zoning classification for Village property in the general area is Light Industrial, Conservation Recreation and R-1 and R-2 Single Family Residential.

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:

The property has been assembled and operated as a comprehensive industrial use and residential use for over 50 years and is an existing County approved Planned Development.

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:

The trend can be seen by the Village's annexation of Light Industrial property directly to the north.

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 the response above.

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:

Not applicable.

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

Not applicable.

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.

9-08-20 Daniel Hagen, President 
Date Print Name Signature of Applicant

9-09-2020 Christopher Kowalski, President 
Date Print Name Signature of Applicant

Date Print Name Signature of Applicant

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

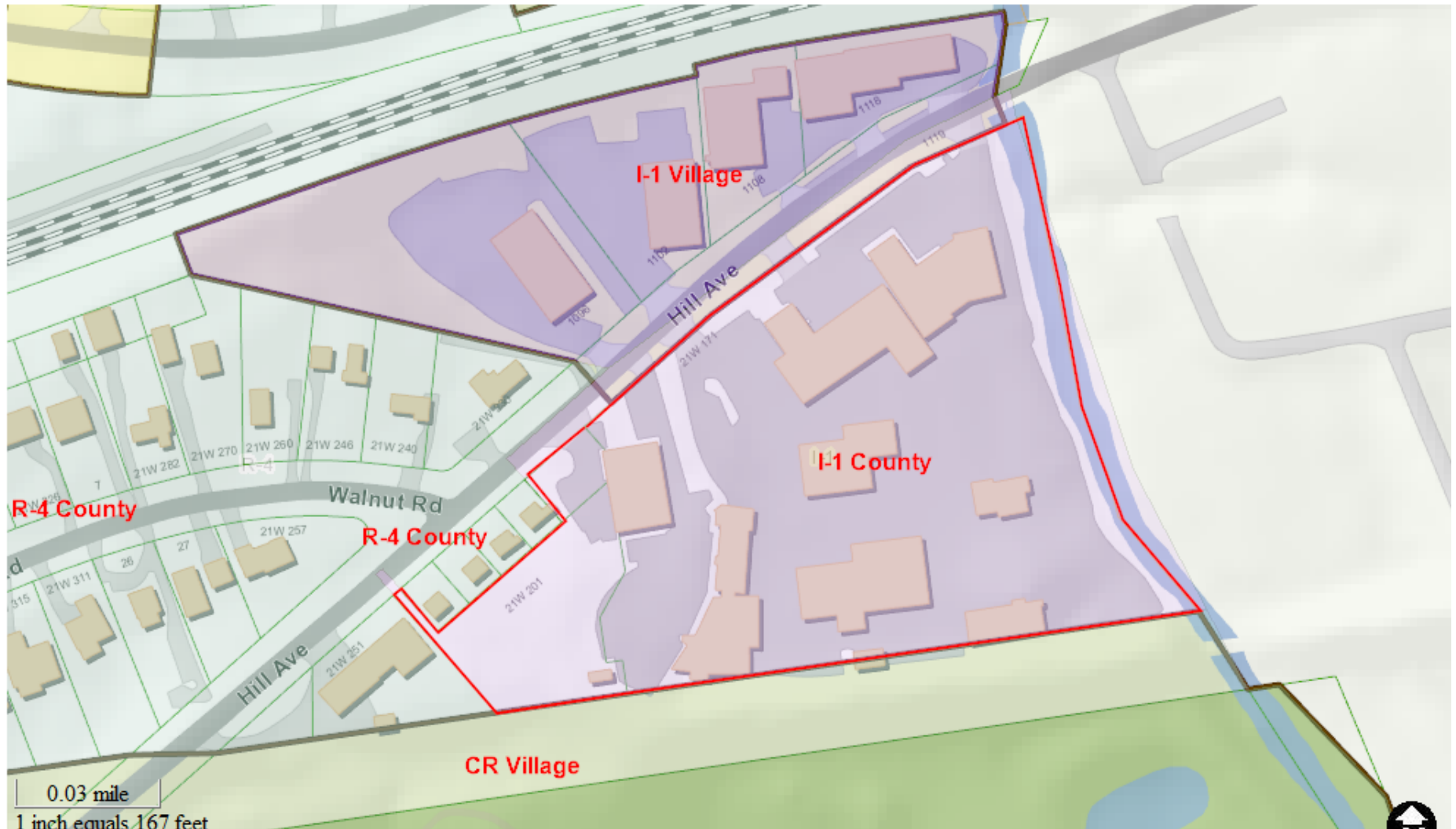


Map created on October 7, 2020.

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Map created on October 7, 2020.

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NOTICE OF PUBLIC HEARING

Elliot & Elliot, LLC, Phillips & Johnston, Inc, and Glen Hill, LLC, owners of approximately 7.59 acres of land commonly known 21W201 Hill Avenue, 21W203 Hill Avenue, 21W211 Hill Avenue, 21W167 Hill Avenue, 21W165 Hill Avenue, 21W169 Hill Avenue, 21W161 Hill Avenue, 21W 159 Hill Avenue, 21W157 Hill Avenue, 21W155 Hill Avenue, 21W153 Hill Avenue, 21W151 Hill Avenue, 21W179 Hill Avenue, 21W171 Hill Avenue are requesting approval of a Zoning Map Amendment to zone the subject properties I1 Light Industrial District upon annexation to the Village. The properties are generally located on the south side of Hill Avenue, west of I-355 and east of Walnut Road. The properties are currently in unincorporated DuPage County zoned as I-1 Industrial District and are proposed to be annexed to the Village of Glen Ellyn. The properties are legally described as follows:

THAT PART OF LOTS 8, 9, 11 AND 12 IN THE ASSESSMENT DIVISION OF SECTION 12, TOWNSHIP 39 NORTH RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHERE THE NORTH RIGHT OF WAY LINE OF THE CHICAGO, AURORA AND ELGIN RAILROAD INTERSECTS THE CENTER LINE OF HILL AVENUE (AS NOW PLATTED AND RECORDED) THENCE NORTH 48 DEGREES 37 MINUTES 41 SECONDS EAST, ALONG THE CENTER LINE OF HILL AVENUE, 344.04; THENCE SOUTH 41 DEGREES 12 MINUTES 19 SECONDS EAST AT RIGHT ANGLES TO THE CENTER LINE OF HILL AVENUE, 33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 41 DEGREES 12 MINUTES 19 SECONDS EAST 67.0 FEET; THENCE 48 DEGREES 37 MINUTES 41 SECONDS EAST, PARALLEL WITH THE CENTER LINE OF HILL AVENUE, 187 FEET; THENCE , NORTH 41 DEGREES 27 MINUTES WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 67 FEET TO A LINE THAT IS PARALLEL AND 33 FOOT OFFSET OF THE CENTER LINE OF HILL AVENUE; THENCE NORTH 48 DEGREES 37 MINUTES 41 SECONDS EAST ALONG SAID PARALLEL LINE 283.9 FEET; THENCE NORTH 53 DEGREES 27 MINUTES 41 SECONDS EAST 294.69 FEET; THENCE NORTH 64 DEGREES 45 MINUTES 41 SECONDS EAST 137 FEET TO THE CENTER LINE OF THE EAST BRANCH OF THE DUPAGE RIVER (BEING ALSO THE EASTERLY LINE OF LOT 11 AFORESAID); THENCE SOUTH 11 DEGREES 08 MINUTES 57 SECONDS EAST ALONG THE CENTER LINE OF SAID RIVER (BEING ALSO THE EASTERLY LINE OF LOT 11) 352.4 FEET TO THE SOUTHEAST CORNER OF SAID LOT 11; THENCE SOUTH 22 DEGREES 08 MINUTES 49 SECONDS, 86.97 FEET; THENCE SOUTH 39 DEGREES 31 MINUTES 48 SECONDS 146.97 FEET TO THE NORTH LINE OF THE CHICAGO, AURORA AND ELGIN RAILROAD; THENCE SOUTH 81 DEGREES 47 MINUTES 04 SECONDS WEST, ALONG THE NORTH LINE OF SAID RAILROAD, 830.5

FEET TO THE SOUTHEAST CORNER OF LOT 15 IN GLEN OAKS WOODS; THENCE NORTH 41 DEGREES 22 MINUTES 19 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 15 , 142.2 FEET; THENCE NORTH 48 DEGREES 37 MINUTES 41 SECONDS EAST 10.0 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PINS: 05-12-401-016, 05-12-401-017, 05-12-405-001, and 05-12-405-004 through 05-12-405-017

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, October 22, 2020 at 7:00 p.m.** via the virtual meeting platform, Zoom, to consider the Zoning Map Amendment request on file with the Community Development Department. All persons who are interested are invited to participate in 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 8:00 AM and 4:30 PM in the Community Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The application and staff report will be posted on the Village's website for public viewing no later than Friday October 16, 2020. Questions related to the request should be directed to Kelly Purvis, Village Planner, 630-547-5371.

On June 12, 2020, Governor Pritzker signed PA 101-0640 (SB2135) into law. This new law amends the Open Meetings Act ILCS 120 to expressly authorize public bodies to meet remotely without the otherwise required quorum present at the meeting place while a disaster declaration is in place. The Covid-19 disaster declaration satisfies this condition, allowing Plan Commission members to participate electronically in meetings at this time. The Public is welcome to observe and participate in all meetings of the Plan Commission.

Any public questions or comments should be submitted in advance of the meeting via email to kpurvis@glenellyn.org. All public comments received by 4:30 PM on Thursday, October 22, 2020 will be read into the record at the public hearing. The public may also observe and participate in the meeting in progress on Zoom. The Zoom information is provided below.

<https://us02web.zoom.us/j/89821775487?pwd=Q3dpS0V3ZU5KUUhJRU95NmFJV3U5QT09>

Password: 140168

Or join by telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 253 215 8782 or
+1 346 248 7799 or +1 669 900 9128

Webinar ID: 898 2177 5487

Password: 140168

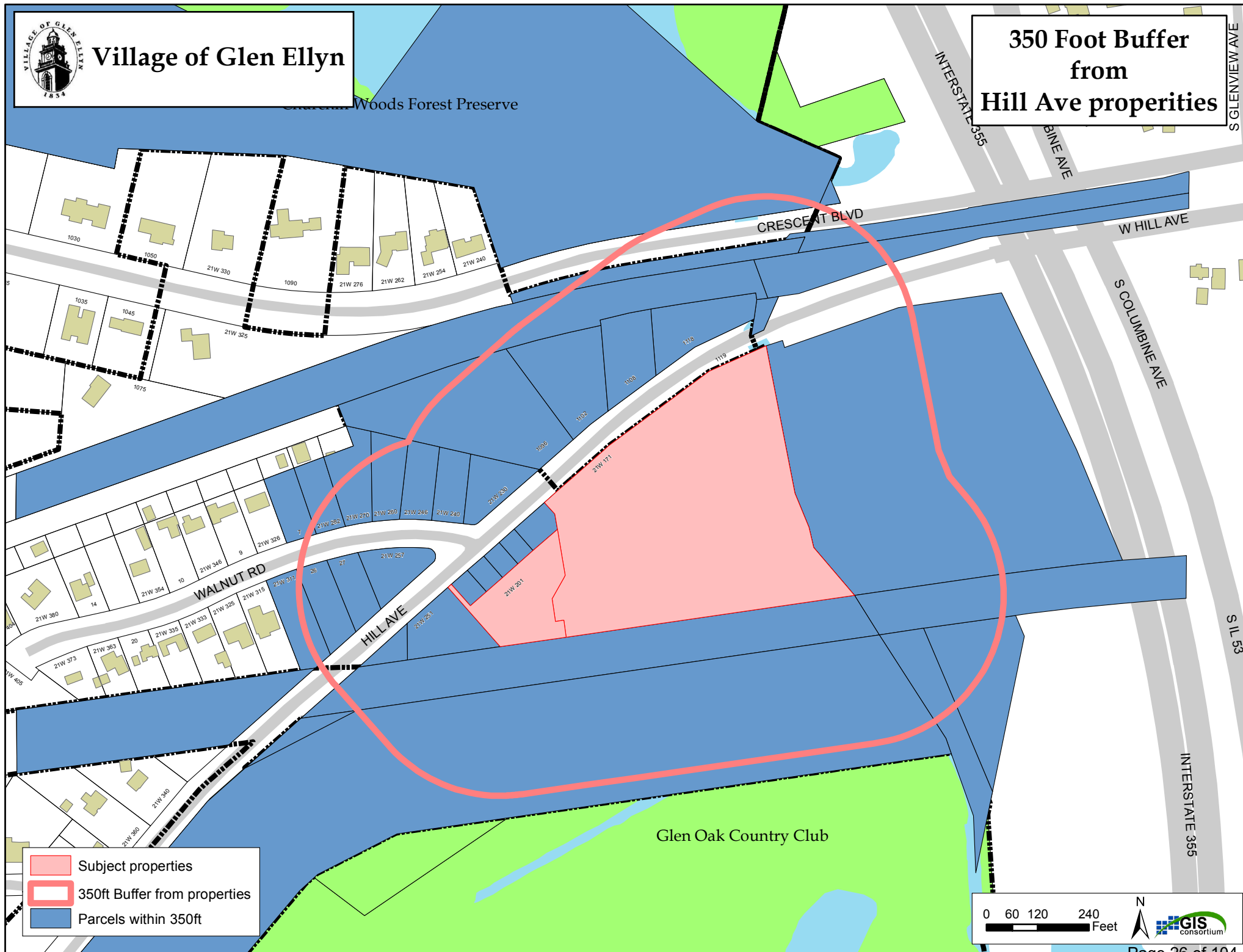
Questions and comments after the meeting can be emailed to kpurvis@glenellyn.org. These temporary meeting procedures will be eliminated once the emergency declaration is lifted.

Kelly Purvis
Village Planner



Village of Glen Ellyn

350 Foot Buffer from Hill Ave properties



List of Addresses for Public Hearing Notice
21W201 Hill Avenue, Glen Ellyn, IL

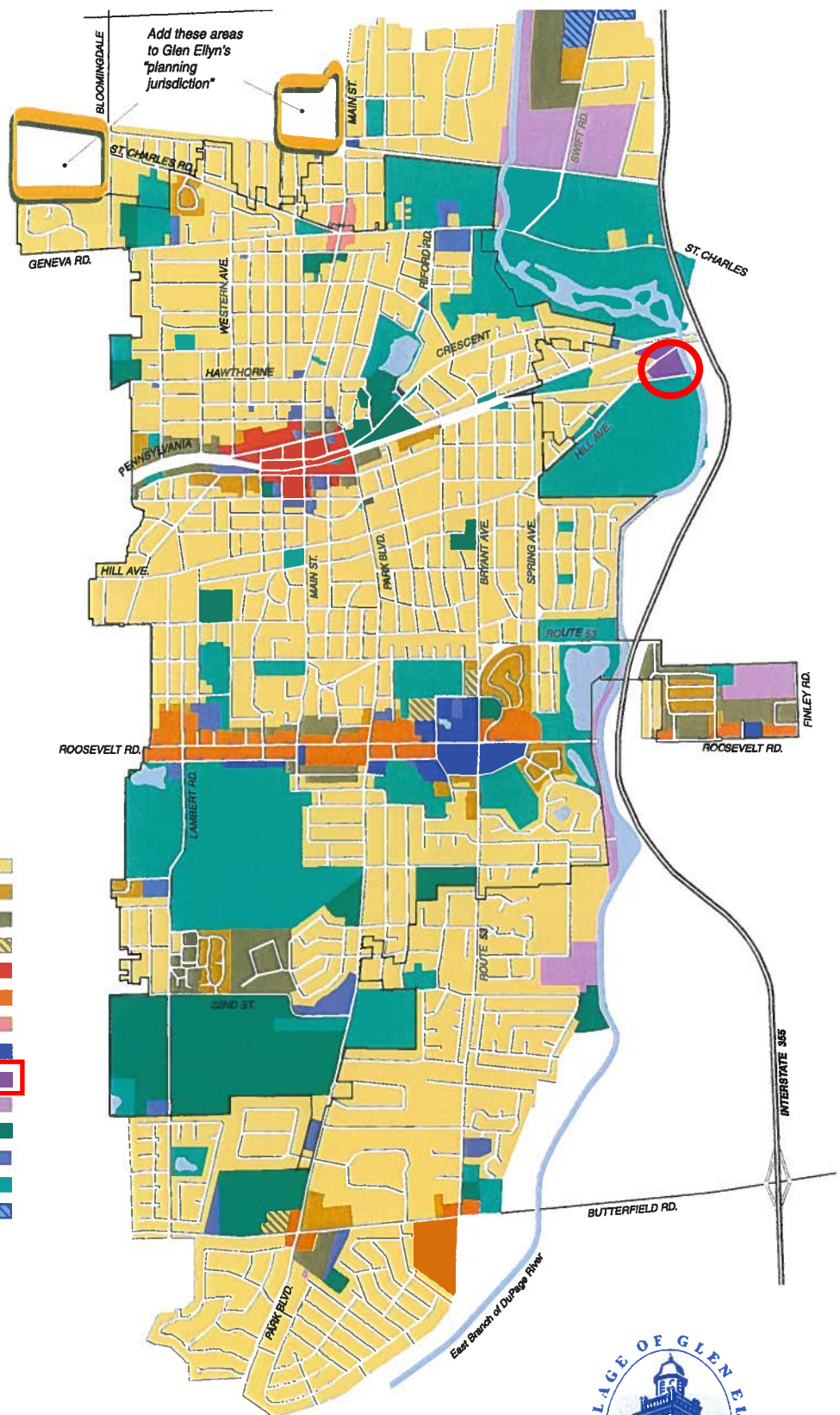
Name	Street Number	Street Name	Apartment	City	State	Zip Code
BOGREN, STEVEN & PEGGY	21W257	WALNUT RD		GLEN ELLYN	IL	60137
BROWN, RHONDA	21W251	HILL AVE		GLEN ELLYN	IL	60137
COMMONWEALTH EDISON CO	3	LINCOLN CENTRE	4TH FL	OAKBROOK TERR	IL	60181
CUYLER, G VINCENT & B J	1118	HILL AVE		GLEN ELLYN	IL	60137
DUPAGE COUNTY HWY DEPT	130	COUNTY FARM RD		WHEATON	IL	60187
ELLIOT ELLIOT LLC	21W171	HILL AVE		GLEN ELLYN	IL	60137
FOREST PRESERVE DISTRICT		PO BOX 5000		WHEATON	IL	60189
GARBER, LAURA & DAVID	21W270	WALNUT RD		GLEN ELLYN	IL	60137
GLEN HILL LLC	21W171	HILL AVE		GLEN ELLYN	IL	60137
GLEN OAK COUNTRY CLUB	21W451	HILL AVE		GLEN ELLYN	IL	60137
HOLOWINSKI, MACIEJ	27	WALNUT RD		GLEN ELLYN	IL	60137
JAC PROPERTIES GE LLC	4554	ECO INDUSTRIAL		TUCSON	AZ	85756
MAGNESEN, MATTHEW & JESS	7	WALNUT RD		GLEN ELLYN	IL	60137
MC MAHON, JACK R	920	RATHBONE AVE		AURORA	IL	60506
NICOR GAS / SOUTHERN CO	241	RALPH MCGILL BLVD		ATLANTA	GA	30309
PHILLIPS & JOHNSTON INC	21W179	HILL AVE		GLEN ELLYN	IL	60137
POTCHEBOUT, TADEOUCH	21W282	WALNUT RD		GLEN ELLYN	IL	60137
RITCHIE, RON	21W240	WALNUT RD		GLEN ELLYN	IL	60137
TOWNSHIP OF MILTON	1492	MAIN ST		WHEATON	IL	60187
VILLAGE OF LOMBARD	255	WILSON ST		LOMBARD	IL	60148
WONG, RONNIE	21W230	HILL AVE		GLEN ELLYN	IL	60137
WORTH, DANIEL C	21W246	WALNUT RD		GLEN ELLYN	IL	60137
ZATSORENKO, ALEXANDER V	26	WALNUT RD		GLEN ELLYN	IL	60137
ZEISS, MICHAEL & CATHERINE	21W311	WALNUT		GLEN ELLYN	IL	60137

Community Wide Plan

The Community-Wide Plan provides an overall framework for improvement and development within Glen Ellyn over the next 10 to 15 year period. It establishes long-range policies for key aspects of the Village, consistent with the recently prepared Comprehensive Plan Vision Statement and Goals and Objectives. The Plan strives to maintain and enhance the unique and distinguishing features of the community, improve and upgrade areas that are beginning to decline, and promote compatible new development and redevelopment in selected locations.

Map Legend:

- Single-Family Detached Residential
- Low-Density Attached Residential
- Medium-Density Residential
- Senior Residential
- Downtown Glen Ellyn
- Service Commercial
- Neighborhood Commercial
- Office
- Light Industry**
- Utilities
- Schools
- Public/Semi-Public
- Parks and Open Space
- Mixed-Use Development Area



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.

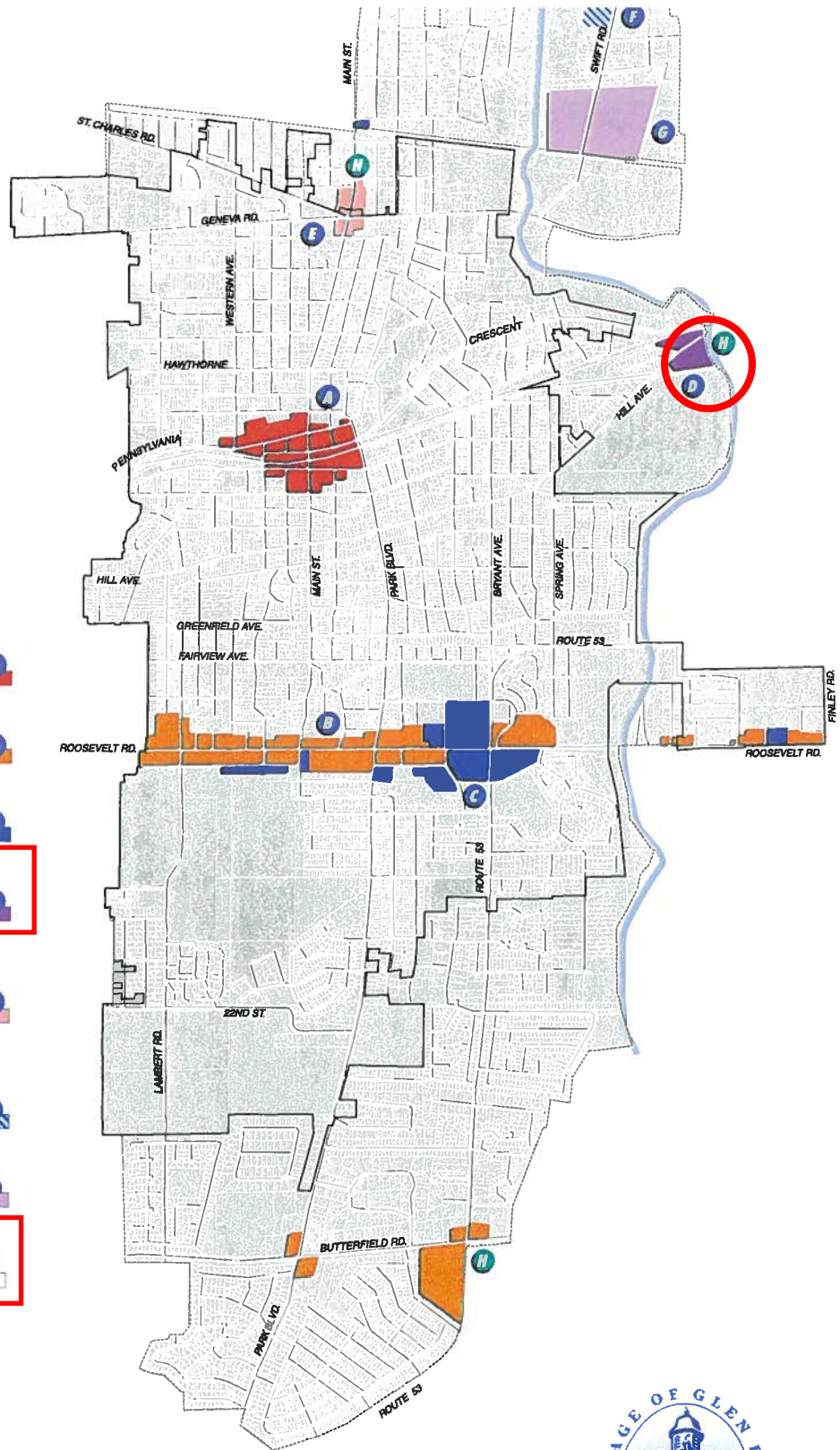


Figure 6

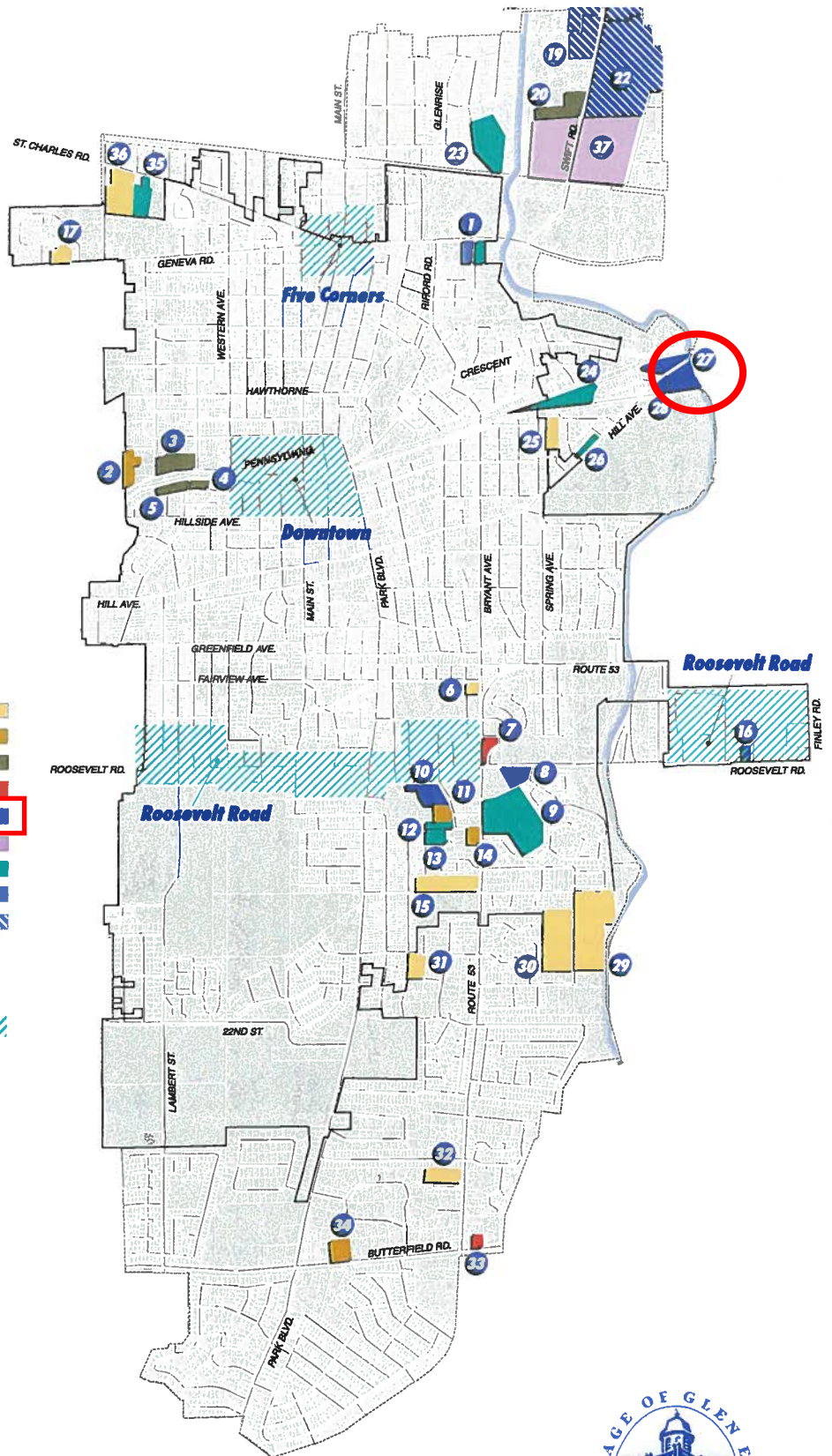
Potential Development Sites

Even though Glen Ellyn is a mature, built-up community, there are several vacant properties scattered throughout the planning jurisdiction where new development might occur in the future. In addition, a few developed areas are characterized by underutilization and may be subject to intensification or redevelopment. Potential development sites within the planning jurisdiction are highlighted in Figure 6.

- Map Legend:**
- Single-Family Residential
 - Low-Density Residential
 - Medium-Density Residential
 - Commercial
 - Office and Business**
 - Commonwealth Edison
 - Parks and Open Space
 - Public/Institutional
 - Mixed-Use Development Area
 - Potential Development Site (see Table 1)
 - "Target Areas" (see Section 3)

Note:

The characteristics of the Potential Development Sites are presented in Table 1. The table also indicates the land-use recommendation for each site.



Area Number	Existing Use	Surrounding Uses	Current Zoning	1986 Comp. Plan	Vehicular Accessibility	Utility Service	
19	Semi-rural residential; vacant land	<u>North:</u> Commercial/SF <u>South:</u> MF residential <u>East:</u> SF residential <u>West:</u> MF residential	<u>County:</u> R-4	Outside the 1986 planning area	Frontage on Swift Road (minor arterial)	Currently served by DuPage County water and sewer collection system; Glenbard Wastewater Authority treatment	↩
20	Semi-rural residential; vacant land	<u>North:</u> MF residential <u>South:</u> Com. Edison <u>East:</u> SF residential <u>West:</u> MF residential	<u>County:</u> R-4	Outside the 1986 planning area	Frontage on Swift Road (minor arterial)	Currently served by DuPage County water and sewer collection system; Glenbard Wastewater Authority treatment	↩
21	Mix of residential and commercial uses; vacant land	<u>North:</u> Glendale Heights <u>South:</u> SF residential <u>East:</u> I-355 expressway <u>West:</u> Commercial	<u>County:</u> B-2 (west) R-4 (east)	Outside the 1986 planning area	Frontage on North Avenue (major arterial) and Swift Road (minor arterial)	Currently served by DuPage County water and sewer collection system	↩
22	Semi-rural residential; vacant land	<u>North:</u> Commercial/SF <u>South:</u> Com. Edison <u>East:</u> I-355 expressway <u>West:</u> SF - MF residential	<u>County:</u> R-4	Outside the 1986 planning area	Frontage on Swift Road (minor arterial), with interior local street system	Currently served by DuPage County water and sewer collection system	↩
23	Vacant land	<u>North:</u> SF residential <u>South:</u> Ackerman Park <u>East:</u> Com. Edison <u>West:</u> SF residential	<u>County:</u> R-4	Single-family residential	Limited frontage on Eastern Avenue (local street)	Currently served by DuPage County water and sewer collection system	↩
24	Vacant land	<u>North:</u> Railroad <u>South:</u> Prairie Path <u>East:</u> SF residential <u>West:</u> Railroad	<u>County:</u> R-4	Park/open space	Not accessible from a public street	No utility service at present; could be served by Glen Ellyn water and sewer extensions	↩
25	Vacant land	<u>North:</u> Prairie Path <u>South:</u> SF residential <u>East:</u> SF residential <u>West:</u> SF residential	<u>County:</u> R-4	Single-family residential	Not currently accessible from a public street; access from Acorn (local street) might be possible	No utility service at present; could be served by Glen Ellyn water and sewer extensions	↩
26	Vacant land	<u>North:</u> SF residential <u>South:</u> Glen Oak Club <u>East:</u> Glen Oak parking <u>West:</u> SF residential	<u>County:</u> R-4	Park/open space	Frontage on Hill Avenue	No utility service at present; could be served by Glen Ellyn water and sewer extensions	↩
27	Several light industrial uses	<u>North:</u> Railroad <u>South:</u> Prairie Path <u>East:</u> I-355 expressway <u>West:</u> SF/MF residential	<u>County:</u> I-1	Office	Frontage on Hill Avenue	No utility service at present; could be served by Glen Ellyn water and sewer extensions	↩

Environmental Considerations	Future Development Potential	Preliminary Consultant Recommendation
Lightly wooded site	<u>Potentially good.</u> Good accessibility; could become a highly desirable development site, particularly if combined with Site 18; land assembly and clearance would be required.	Mixed-use development area. Suitable for office and multi-family housing. If possible, this site should be combined with Site 18 to create a more attractive mixed-use development parcel.
Lightly wooded site	<u>Fair.</u> Adequate size and accessibility; presence of older homes and proximity to Commonwealth Edison plant represent constraints; multi-family housing already under construction to the north.	Medium-density residential. Appropriate location for new townhomes, apartments or condominiums; must be screened and buffered from Commonwealth Edison.
Lightly wooded site; difficult topography in eastern portion	<u>Potentially good.</u> Good accessibility and visibility, although size, configuration and topography are more difficult than Site 22; land assembly and clearance would be required.	Mixed-use development area. Suitable for office and commercial development. In the long-term, this site might be combined with Site 22 to create an attractive mixed-use development parcel.
Lightly wooded site	<u>Fair.</u> Good size and visibility, although a number of semi-rural homes are located in the interior; frontage properties are more marginal and subject to redevelopment.	Mixed-use development area. Appropriate for a mix of housing types, with higher densities along the Swift Road frontage; combination with Site 21 would enhance commercial use opportunities.
Lightly wooded site; floodplain; difficult topography	<u>Limited.</u> Good size, but limited accessibility and environmental constraints. This site was purchased by DuPage County as a Wetland Bank Site.	Open space. This site should be maintained as open space and as a wetland bank site.
Wooded site; difficult topography	<u>Poor.</u> "Land-locked" parcel with difficult topography and configuration.	Park and open space. This site should be maintained as open space. If the issues related to access, topography and stormwater management can be resolved, low-density residential development might be considered.
Wooded site	<u>Limited.</u> Good size, but poor accessibility and environmental concerns represent constraints.	Single-family detached residential. If this site cannot be developed, it should be maintained as open space.
Wooded site	<u>Limited.</u> Small site size will most likely preclude new building development.	Park and open space. If this site is used as parking for Glen Oak Country Club (as is the parcel to the east), it should be attractively screened and landscaped along Hill Avenue.
Redevelopment of any existing uses would likely require environmental investigation	<u>Limited.</u> Current uses are generally sound and viable and this area is not likely to change in the near future.	Office. This area should be designated for office and light-industrial uses; to the extent possible, existing properties should be more attractively screened and landscaped.

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 Community 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 Community 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 Community 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; Ord. 6674, 2-25-2019)

(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO APPROVE THE REQUESTED ZONING MAP AMENDMENT TO ZONE THE PROPERTIES LOCATED AT 21W201 HILL AVENUE, 21W203 HILL AVENUE, 21W211 HILL AVENUE, 21W167 HILL AVENUE, 21W165 HILL AVENUE, 21W169 HILL AVENUE, 21W161 HILL AVENUE, 21W 159 HILL AVENUE, 21W157 HILL AVENUE, 21W155 HILL AVENUE, 21W153 HILL AVENUE, 21W151 HILL AVENUE, 21W179 HILL AVENUE, AND 21W171 HILL AVENUE TO I-1 LIGHT INDUSTRIAL DISTRICT UPON ANNEXATION TO THE VILLAGE OF GLEN ELLYN

Related to the petitioners' request for a zoning map amendment to zone the subject properties to I1 Light Industrial District upon annexation to the Village of Glen Ellyn, and in accordance with Section 10-10-13(E) of the Zoning Code, the Plan Commission hereby makes the following findings of fact:

(Draft reasons, taken partially from the petitioner's application packet, as to how the project may comply with the necessary findings have been drafted by Staff; the Commission may wish to consider the findings but should feel free to amend the below reasons to make your own findings of fact based upon information provided at the public hearing).

1. The existing uses of property within the general area of the affected property consist of industrial uses to the north, the Illinois Prairie Path to the south (recreational use), residential to the west and the Glenbard Wastewater Authority water reclamation plant to the east (institutional/public use).
2. The zoning classification of the surrounding properties is as follows: to the north is I1 Light Industrial, CR Conservation Recreation to the south, R-4 Residential to the west in the Village of Lombard, and CR Conservation Recreation to the east in the Village of Lombard.
3. The subject properties are suitable for the I1 Industrial District. These properties are currently zoned for industrial use in unincorporated DuPage County, and have been used as industrial properties for several years. The subject properties would not be a logical site for residential or commercial uses.
4. The general area has not seen any new development in recent years. The properties immediately to the north have been improved with various office and business uses with industrial zoning for decades. The property to the east is industrial in nature as the location of the Glenbard Wastewater Authority water reclamation plant. The residential uses and the Illinois Prairie Path are also long-standing uses adjacent to the site.
5. The Comprehensive Plan designates these properties as appropriate for "light industry" and recommends the area be improved and upgraded as a limited self-contained business area.
6. The properties are not and have not been vacant. The properties have been improved with light industrial uses and businesses for many years. The use of the property would remain substantially the same once annexed into the corporate limits of the Village of Glen Ellyn.
7. The property will not be diminished based on the particular zoning restrictions. A zoning designation of I1 Light Industrial District would be most appropriate and would create the

least non-conforming conditions on the properties as compared to any other Village zoning designation for the site.

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

After conducting a public hearing and deliberating on the appropriate zoning classification to apply to the properties at 21W201 Hill Avenue, 21W203 Hill Avenue, 21W211 Hill Avenue, 21W167 Hill Avenue, 21W165 Hill Avenue, 21W169 Hill Avenue, 21W161 Hill Avenue, 21W 159 Hill Avenue, 21W167 Hill Avenue, 21W155 Hill Avenue, 21W153 Hill Avenue, 21W151 Hill Avenue, 21W179 Hill Avenue, and 21W171 Hill Avenue, the Plan Commission hereby recommends I1 Light Industrial zoning of the properties in accordance with Section 10-10-13(E) of the Zoning Code based on the findings of fact attached to the Staff Report, dated October 7, 2020, as discussed or amended at the Plan Commission public hearing on October 22, 2020, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village.

The Plan Commission makes this recommendation of approval with the following conditions:

- 1. _____

- 2. _____

- 3. _____

- 4. _____

Motion by: _____ Seconded by: _____

STAFF REPORT

TO: Glen Ellyn Plan Commission
FROM: Kelly Purvis, Planner
DATE: October 2, 2020
FOR: October 22, 2020 - Plan Commission Public Hearing
SUBJECT: 21W536 Acorn Avenue & 0N282 Cumnor Avenue – A Public Hearing for a Minor Subdivision with Subdivision Code and Zoning Code Variations

PETITIONER: The petitioners are David and Sandra Crane, owners of the property located at 21W536 Acorn Avenue along with Dennis Anest and Susan Nies, owners of the property located at 0N282 Cumnor Avenue.

REQUEST: The petitioners have submitted formal applications for a Minor Subdivision with Subdivision Code and Zoning Code Variations. In order for the property to be resubdivided as proposed, the petitioners will need to receive approval of the following:

1. A Final Plat of Subdivision in accordance with Section 11-3-5 of the Subdivision Regulations Code, Ordinance 5334.
2. The following Variations from the Glen Ellyn Subdivision Code:
 - a. A variation from Section 11-4-2(N) to allow the creation of a flag lot.
 - b. A variation from Section 11-4-4(M) to allow a subdivision without the installation of street lights.
 - c. A variation from Section 11-4-7(A) to allow a subdivision without the installation of sidewalks on both sides of the rights-of-way adjacent to all existing streets.
 - d. A variation from Section 11-4-8(A) to allow a subdivision where all existing communication lines, electric lines, and other similar utilities in the subdivision and in the rights-of-way adjacent to the subdivision will not be placed underground.
 - e. A variation from Section 11-4-9(C)1 to allow a subdivision without the planting of trees in the parkway every 40 feet on center.
3. A variation from Section 10-4-8(D)8(a) of the Glen Ellyn Zoning Code to allow a lot width of 20 feet for Lot 2 in the proposed subdivision in lieu of the lot width of 66 feet required.
4. An annexation agreement and petition for annexation (to be reviewed by the Village Board).

5. A right-of-way vacation for that part of Acorn Avenue west of Cumnor Avenue (to be reviewed by the Village Board).

LOCATION:

The subject properties are located just east of the Enclaves Subdivision at the corner of Cumnor Avenue and Acorn Avenue. Both properties are zoned R-4 Single Family Residential in unincorporated DuPage County.



The surrounding zoning and land uses are as follows:

Surrounding Land Uses

North: Prairie Path
South: Single Family Residences
East: Single Family Residences
West: Single Family Residences (Enclaves)

Zoning

CR Glen Ellyn
R-4 DuPage County
R-4 DuPage County
R2 Glen Ellyn

**PUBLIC
NOTICE:**

Notice of the public hearing was published in the October 6, 2020 edition of the Daily Herald and mailed to property owners within 350 feet of the subject properties, and a placard was placed on the properties.

BACKGROUND:

The Village has held several meetings over the years with the residents on Cumnor Avenue, Acorn Avenue, Fairway Street, and Walnut Road regarding the extension of Village utilities (water and sewer mains) and annexation to the Village. In the past, most of the property owners in this area have been uninterested in paying the cost to extend the utilities from Hill Avenue through the subdivision and the extra costs associated with becoming a part of the Village. However, as part of the approval of the Enclaves Subdivision in 2016, the developers of that project extended Village water and sanitary mains north

from Hill Avenue to the corner of Cumnor Avenue and Fairway Street and then west into the Enclaves Subdivision. Since the water and sewer mains are much closer now, there have been several residents on Cumnor Avenue, Acorn Avenue and Fairway Street that have expressed an interest in connecting to Village utilities and annexing.

The Village has completed engineering for the utility extension and on September 28, 2020, the Village Board approved a contractor to complete the utility extension work. At this time, four properties have petitioned for annexation so that they can connect to the new water and sewer mains. As outlined in the annexation agreements for each lot, the property owners will pay their proportionate share of the cost of the water and sewer mains. An ordinance will be drafted for the remaining seven benefitted properties detailing the costs of connection should they decide to connect to Village utilities at a future date.

In addition to connecting to utilities, the property owners at 21W536 Acorn Avenue and 0N282 Cumnor Avenue are interested in resubdividing their two lots into three lots. In order to do so, the Village would need to vacate a portion of the Acorn Avenue right-of-way, following the annexation of the properties into the Village. After the annexation and the right-of-way vacation are approved, the subdivision will be considered by the Village Board. The minor subdivision and variations are the elements that need to be review by the Plan Commission. While most of the property vacated would go toward creating a third lot, the property owners at 0N282 Cumnor Avenue are also interested in receiving some of the vacated right-of-way in order to generally increase their property limits and to include their driveway in their lot (which is now partially within the public right-of-way). It is typical for the Village to vacate public rights-of-way 50/50 between adjoining properties. In this case however, the lots would be very oddly shaped if an equal split were to take place. Therefore, the petitioners have agreed to the unequal split shown on the proposed subdivision plat.

The petitioners came before the Plan Commission on January 24, 2019 for a pre-application meeting to discuss the preferred configuration of the Minor Subdivision and to receive informal feedback related to potential variations including the creation of a flag lot. The Plan Commission expressed support for the Minor Subdivision configuration that is now formally proposed. The minutes from the January 24, 2019 Pre-Application meeting have been attached for the Plan Commission's information. Village staff have met with the petitioners several times to discuss the proposed subdivision of the properties and are also in support of the proposed layout.

**PROJECT
SUMMARY:**

The petitioners have requested that the Village vacate that portion of the Acorn Avenue right-of-way west of Cumnor Avenue, so that their two lots can be subdivided into three lots. The vacation of Village property is typically reviewed

by Village staff with final approval granted by the Village Board. The right-of-way vacation, approval of the annexation agreements, and annexation of the properties are scheduled to be considered by the Village Board on November 9, 2020.

Sheet one of the Final Plat of Subdivision shows the existing layout of the lots and that part of Acorn Avenue that would be vacated as part of this project. Page two of the Final Plat of Subdivision shows the proposed layout of the three lots. The new lots would comply with the bulk zoning regulations with the exception of the proposed lot width on Lot 2. In order to proceed, the petitioners will need the variations listed below. The petitioners would keep their existing homes on the lots and are not proposing new construction on the newly created lot at this time. More information about the proposed subdivision is noted below.

1. Flag Lot & Lot Width: Lot 2 of the proposed subdivision would be a flag lot with minimum frontage on the public right-of-way. Since the Village measures lot width at the 30 foot setback line, the lot width of Lot 2 would be 20 feet in lieu of the 66 feet that is required. Staff requested that the buildable area be noted on the Plat so that the flag lot configuration will not create confusion or difficulty when someone does want to construct a home on the lot.
2. Trees: No parkway trees are proposed to be planted as part of the minor subdivision. The Subdivision Code requires parkway trees to be planted every 40 feet on center within the subdivision. A subdivision variation is being requested for this requirement. Since the properties are part of an established subdivision currently in unincorporated DuPage County, there are existing mature trees on the properties.
3. Street Lights: The subdivision Code requires that street lights be installed within the subdivision limits. No street lights are proposed and a subdivision variation is being requested for this requirement. Note, there are not streetlights throughout the larger neighborhood, so this variation would be in keeping with the character of the area.
4. Sidewalks: The Subdivision Code requires that sidewalks be installed on both sides of the rights-of-way adjacent to all existing streets. The petitioners will be requesting a subdivision variation for this requirement and will likely pay a fee in lieu of installing the sidewalks. The surrounding neighborhood has a rural streetscape and does not currently have sidewalks.
5. Utility Undergrounding: The Subdivision Code requires that all existing communication lines, electric lines, and other similar utilities in the subdivision and in the rights-of way adjacent to the subdivision be placed underground. There are overhead wires along the west side of

Cumnor Avenue and the north side of Acorn Avenue, at the intersection with Cumnor Avenue and to the east. The petitioners are not proposing to bury the overhead wires and are requesting a subdivision variation for this requirement.

6. Pedestrian Easements: There is a 10 foot pedestrian easement proposed along the west lot line of Lot 2. This easement will allow the Village to create a pedestrian pathway that will connect to the pathway north of the Enclaves development. The pedestrian easement that continues along the southerly portion of Lot 2 will allow pedestrian use of the private driveway to access the path from Cumnor and Acorn Avenues. The combined paths will provide pedestrian connectivity from Whittier Avenue to Acorn Avenue.
7. Private Driveway Easement and Maintenance Agreement: Provisions have been drafted for restrictions regarding the use, access and maintenance of the shared driveway. While the Village is not party to this agreement, staff has reviewed the document to ensure responsibility for driveway maintenance has been assigned to the owners of Lot 2 and Lot 3 and any future owners of the subject properties. The agreement is referenced on the Final Plat of Subdivision and will be recorded along with the plat.

As noted above, staff is supportive of the proposed subdivision configuration and while it may seem like a large number of variations, staff is also supportive of the variations required for the subdivision. The subdivision includes two existing lots with existing homes and only creates one new lot. Additionally, the surrounding neighborhood is established and does not have sidewalks, streetlights, parkway trees planted foot on center, or undergrounded utilities. Therefore, the variations requested would not be out of character with the neighborhood, but would be in-keeping with the more rural streetscape. The creation of the flag lot, whereby a portion of Acorn Avenue west of Cumnor would become a shared driveway, was suggested by the Public Works Department since the Acorn Avenue right-of-way is not constructed to the Village's roadway standards and installation of a compliant cul-de-sac would be unlikely (due both to the associated cost and the amount of land available).

**MINOR
SUBDIVISION
SUBMITTALS:**

All documentation required to process a minor subdivision as required by Section 11-3-5 of the Subdivision Code has been provided for the Plan Commission's review with the exception of the items listed below. The Subdivision Code is written to address typical subdivisions which generally include construction of some kind. In this case, the property owners are simply shifting lot lines to create a new lot. Staff did not feel that the submittals below were reasonable to request as part of this review. A reason for each omission is provided in bold below. If the Plan Commission is interested in having any of

this information, please contact staff before the meeting, with as much advance notice as possible. Note, the Village recently approved a minor subdivision on Taylor Avenue and Hill Avenue, which did not include new construction as part of the subdivision; the Village reduced the submittals required for that subdivision as well.

11-3-5(B)3 Submission Requirements:

(p) A soil condition survey to determine the corrosiveness of soils;

This information has not been provided because there is no new construction proposed as part of the resubdivision. The structures on the properties will remain as they are currently constructed. If necessary, a soil survey will be submitted along with the building permit application for construction of a new home on Lot 2.

(q) Information regarding the ownership and maintenance responsibilities of public and nonpublic improvements, including, but not limited to:

1. Common areas not owned by the Village, such as stormwater management facilities; and
2. Public areas in the public right-of-way such as islands and entrance acres;

This information has not been provided because there are no stormwater management facilities or public areas in the public-right of-way proposed as part of this resubdivision.

11-3-5(D) Supporting documents:

1. Plan Commission:

- a) All construction plans, specifications and drawings including profiles, cross sections and details where applicable of all proposed public improvements. Elevations shall be referred to the standard national geodetic vertical datum;

This information has not been provided because there is no proposed construction or any public improvements proposed as part of the resubdivision, except the path along the west lot line of Lot 2, which the Village will be constructing.

- b) A tree preservation plan identifying which trees, if any, are to be preserved and protected during construction of the subdivision;

This information has not been requested of the petitioner; it is not anticipated that any trees will be removed and there is no construction proposed as part of the resubdivision. A tree preservation survey will be required at the time of building permit application when a new home is proposed on Lot 2 of the subdivision.

- c) A hydraulic report prepared by a licensed engineer to verify the adequacy of

the proposed water distribution system;

This information has not been requested of the petitioner; the Village's Public Works Department is overseeing the utility extension project on Cumnor Avenue from Fairway Street to Acorn Avenue. The capacity of the water and sewer systems has been evaluated by the Public Works Department, Deuchler Engineering Associates and the IEPA. This construction of this project was approved by the Village Board on September 28, 2020.

d) A site grading plan;

This information has not been requested of the petitioner; there are no proposed changes to the grading on the site at this time. A grading plan would be required at the time of building permit application for construction of a home on Lot 2 of the subdivision.

e) A utility plan;

This information has not been requested of the petitioner; the existing utilities will remain as they currently are until the homes are connected to the Village's water and sewer systems. The Village's Public Works Department is overseeing the extension of Village water and sewer mains so that the properties may be served by these Village utilities as approved by the Village Board on September 28, 2020.

f) A plan showing the location of any sidewalks, multiuse paths, parkway trees and streetlights;

This information has not been requested of the petitioner. In typical subdivisions the Village would require that sidewalks, parkway trees and streetlights be installed, however in this case the petitioners are requesting variations from these requirements as they would just involve three lots and would be atypical for the neighborhood.

g) Protective covenants of a homeowners' or other property owners' association including provisions for maintenance of any common amenities;

This information has not been requested of the petitioner; the existing single family homes are not within an HOA. An agreement has been submitted for the shared driveway which is being reviewed by the Village attorney and will cover future access and maintenance; the agreement is referenced on the Plat and will be recorded along with the Plat.

j) Written evidence from the proper governmental agencies of their willingness to accept and maintain dedicated areas;

This information has not been requested because there are no areas to be dedicated to any government agencies.

k) Neither the Village Board nor the Plan Commission shall approve such plat, unless, in addition to any other requirements of such Village Board or

Plan Commission, the topographical and profile studies submitted with the subdivision plat have on their face a certification of a licensed professional engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, adequate provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will not be deposited on the property of adjoining landowners in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision. The topographical and profile studies required herein shall not be recorded, but shall be retained and filed by the Village as permanent public documents; and

Topographical and profile studies have not been requested because none are necessary at this time since there is no construction being proposed as part of the resubdivision and drainage on the site will not be changed. The Village will manage road profile plans during the utility construction project.

- l) Neither the Village Board nor the Plan Commission shall approve a final plat unless in addition to any other requirements of such Village Board or Plan Commission, when said plat has any lands bordering on or including any public waters of the state in which the state of Illinois has any property rights or property interests, unless such subdivision plat is approved by the department of transportation, nor shall any person offer or present for recording or record any map, plat or subdivision of lands, any part of which as shown on the map, plat or subdivision is situated within 500 feet of any surface drain or watercourse serving a tributary area of 640 acres or more, until such map, plat or subdivision of lands has been reviewed by the department of transportation either independently or in cooperation with federal, state or local agencies, for the purpose of determining, for the protection of persons and property, the flood hazards involved and a report thereon filed by that department with the recorder.

There are no lands bordering on or including any public waters of the state within the proposed resubdivision.

**COMMISSION
ACTION:**

The Plan Commission should consider the petitioners' requests for approval of a Minor Subdivision with Subdivision and Zoning Code Variations and make a recommendation to the Village Board for approval, approval with conditions, or denial. Staff has attached relevant sections of the Subdivision and Zoning Code for the Plan Commission's use in determining if the criteria for granting a Final Plat of Subdivision with Subdivision and Zoning Code variations have been met. Staff has prepared draft findings of fact and a motion for a recommendation of approval of the requests (attached). Plan Commissioners

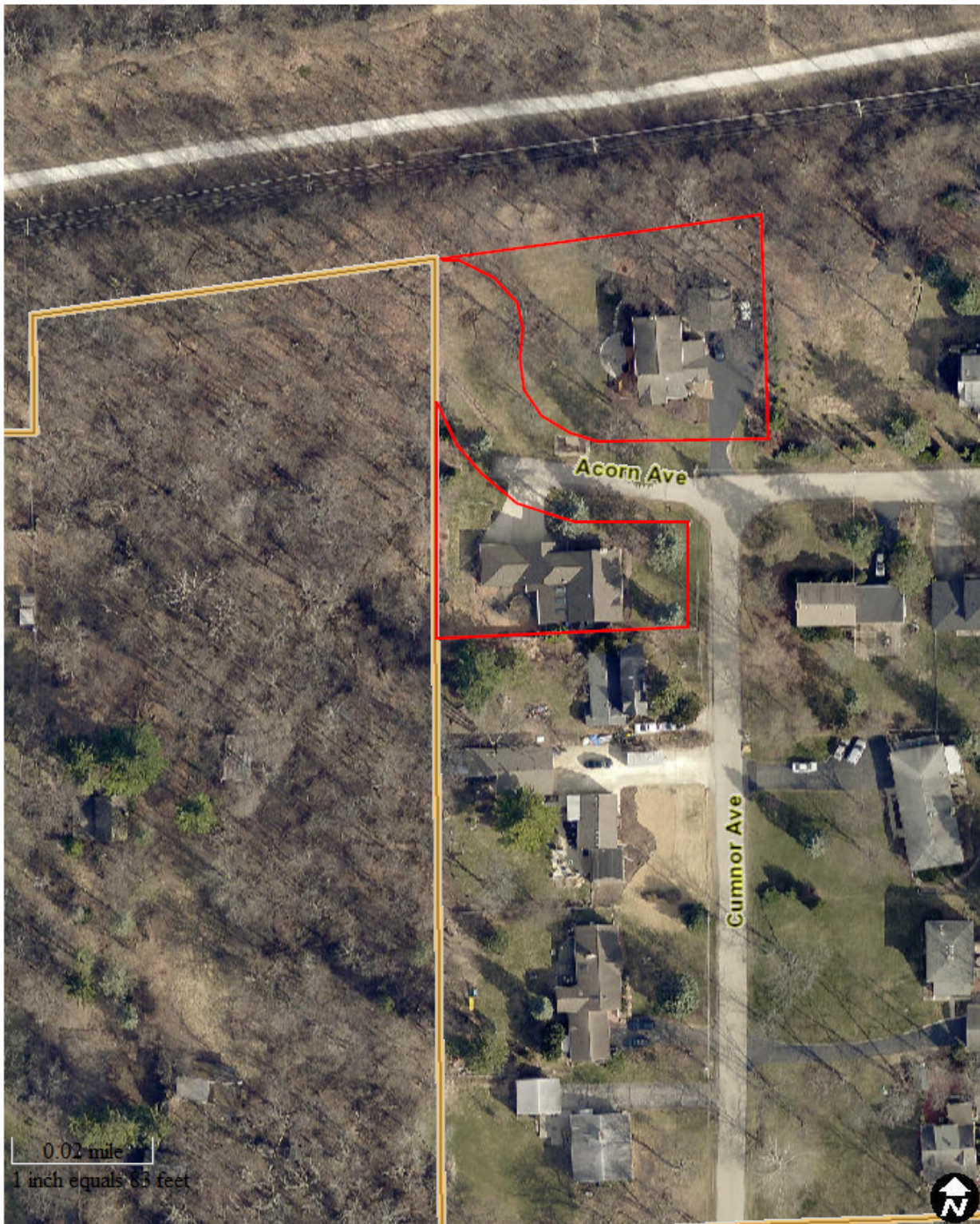
should feel free to modify the findings based upon information provided at the public hearing. If Commission members wish to recommend denial and would like staff to prepare a motion to deny, please contact staff in advance of the meeting.

ATTACHMENTS:

1. Aerial Photo
2. Zoning & Location Map
3. Public Hearing Notice
4. List of Public Notice Recipients
5. Public Hearing Notice Buffer Map
6. Petitioners' Application for a Minor Subdivision with Variations
7. Petitioners' Application for a Zoning Variation
8. Petitioners' Narrative Statement
9. Proposed Final Plat of Subdivision (3 pages)
10. Shared Private Driveway Easement & Maintenance Agreement
11. Plan Commission Minutes from the January 24, 2019 meeting
12. Section 11-3-10 of the Subdivision Code
13. Section 11-3-11 of the Subdivision Code
14. Section 10-10-12 (E) – (F) of the Zoning Code
15. Draft Findings of Fact
16. Draft Motion to Approve the Minor Subdivision & Variations

Cc: Staci Springer, Community Development Director
Amy McKenna, Senior Civil Engineer
Rich Daubert, Professional Engineer
Bob Minix, Part-Time Professional Engineer
Dennis Anest & Susan Nies, Petitioners
David & Sandra Crane, Petitioners

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Report 10222020.doc



Map created on January 16, 2019.

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Map created on October 5, 2020.

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NOTICE OF PUBLIC HEARING

David and Sandra Crane, owners of the property located at 21W536 Acorn Avenue along with Dennis Anest and Susan Nies, owners of the property located 0N282 Cumnor Avenue, are requesting approval of a Minor Subdivision, Subdivision Variations, and a Zoning Variation to allow the subject properties and a piece of public right-of-way to be resubdivided into 3 single-family home lots. The subject properties are generally located near the intersections of Cumnor Avenue and Acorn Avenue in the R-4 Residential District in unincorporated DuPage County. The property owners have also requested a right-of-way vacation and have submitted petitions for annexation to the Village of Glen Ellyn; these petitions will come before the Village Board for consideration on November 9, 2020. The subject properties are legally described as follows:

PROPERTY COMMONLY KNOWN AS 21W536 ACORN AVENUE, GLEN ELLYN, IL 60137:

LOT 27 IN GLEN OAK, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 13, 1913, AS DOCUMENT NO. 110577, IN DUPAGE COUNTY, ILLINOIS.

P.I.N: 05-12-304-001 & 05-12-304-002

PROPERTY COMMONLY KNOWN AS 0N282 CUMNOR AVENUE, GLEN ELLYN, IL 60137:

LOT 28 (EXCEPT THE SOUTH 63 FEET MEASURED PARALLEL TO THE SOUTH LINE THEREOF) IN GLEN OAK, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 13, 1913, AS DOCUMENT NO. 110577, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-12-313-010

Before the Glen Ellyn Village Board can consider the requests, the Plan Commission must conduct a public hearing. The Glen Ellyn Plan Commission will conduct a public hearing to consider the petitioners' requests for approval of a Minor Subdivision, Subdivision Variations and a Zoning Variation on **Thursday, October 22, 2020 at 7:00 p.m.** via the virtual meeting platform, Zoom.

At this public hearing, the Plan Commission will specifically consider the petitioners' request for approval of the following:

- A. A Final Plat of Subdivision in accordance with Section 11-3-5 of the Subdivision Regulations Code, Ordinance 5334.
- B. A variation from Section 11-4-2(N) of the Glen Ellyn Subdivision Regulations Code to allow the creation of a flag lot.
- C. A variation from Section 11-4-4(M) of the Glen Ellyn Subdivision Regulations Code to allow a subdivision without the installation of street lights.

- D. A variation from Section 11-4-7(A) of the Glen Ellyn Subdivision Regulations Code to allow a subdivision without the installation of sidewalks on both sides of the rights-of-way adjacent to all existing streets.
- E. A variation from Section 11-4-8(A) of the Glen Ellyn Subdivision Regulations Code to allow a subdivision where all existing communication lines, electric lines, and other similar utilities in the subdivision and in the rights-of-way adjacent to the subdivision will not be placed underground.
- F. A variation from Section 11-4-9(C)1 of the Glen Ellyn Subdivision Regulations Code to allow a subdivision without the planting of trees in the parkway every 40 feet on center.
- G. A variation from Section 10-4-8(D)8(a) of the Glen Ellyn Zoning Code to allow a lot width of 20 feet for Lot 2 in the proposed minor subdivision in lieu of the lot width of 66 feet required.

The subject properties are legally described as follows:

PROPERTY COMMONLY KNOWN AS 21W536 ACORN AVENUE, GLEN ELLYN, IL 60137:

LOT 27 IN GLEN OAK, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 13, 1913, AS DOCUMENT NO. 110577, IN DUPAGE COUNTY, ILLINOIS.

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LOT 28 (EXCEPT THE SOUTH 63 FEET MEASURED PARALLEL TO THE SOUTH LINE THEREOF) IN GLEN OAK, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 13, 1913, AS DOCUMENT NO. 110577, IN DUPAGE COUNTY, ILLINOIS.

All persons who are interested are invited to participate in 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 8:00 AM and 4:30 PM in the Community Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The application and staff report will be posted on the Village's website for public viewing no later than Friday October 16, 2020. Questions related to the request should be directed to Kelly Purvis, Village Planner, 630-547-5371.

On June 12, 2020, Governor Pritzker signed PA 101-0640 (SB2135) into law. This new law amends the Open Meetings Act ILCS 120 to expressly authorize public bodies to meet remotely without the otherwise required quorum present at the meeting place while a disaster declaration is in place. The Covid-19 disaster declaration satisfies this condition, allowing Plan Commission

members to participate electronically in meetings at this time. The Public is welcome to observe and participate in all meetings of the Plan Commission.

Any public questions or comments should be submitted in advance of the meeting via email to kpurvis@glenellyn.org. All public comments received by 4:30 PM on Thursday, October 22, 2020 will be read into the record at the public hearing. The public may also observe and participate in the meeting in progress on Zoom. The Zoom information is provided below.

<https://us02web.zoom.us/j/89821775487?pwd=Q3dpS0V3ZU5KUUhJRU95NmFJV3U5QT09>

Password: 140168

Or join by telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 253 215 8782 or
+1 346 248 7799 or +1 669 900 9128

Webinar ID: 898 2177 5487

Password: 140168

Questions and comments after the meeting can be emailed to kpurvis@glenellyn.org. These temporary meeting procedures will be eliminated once the emergency declaration is lifted.

Kelly Purvis
Village Planner

X:\Plandev\PLANNING\Annexations\Acorn & Cumnor Avenue\Subdivision\Public Notice, Minor Sub & ZV.docx

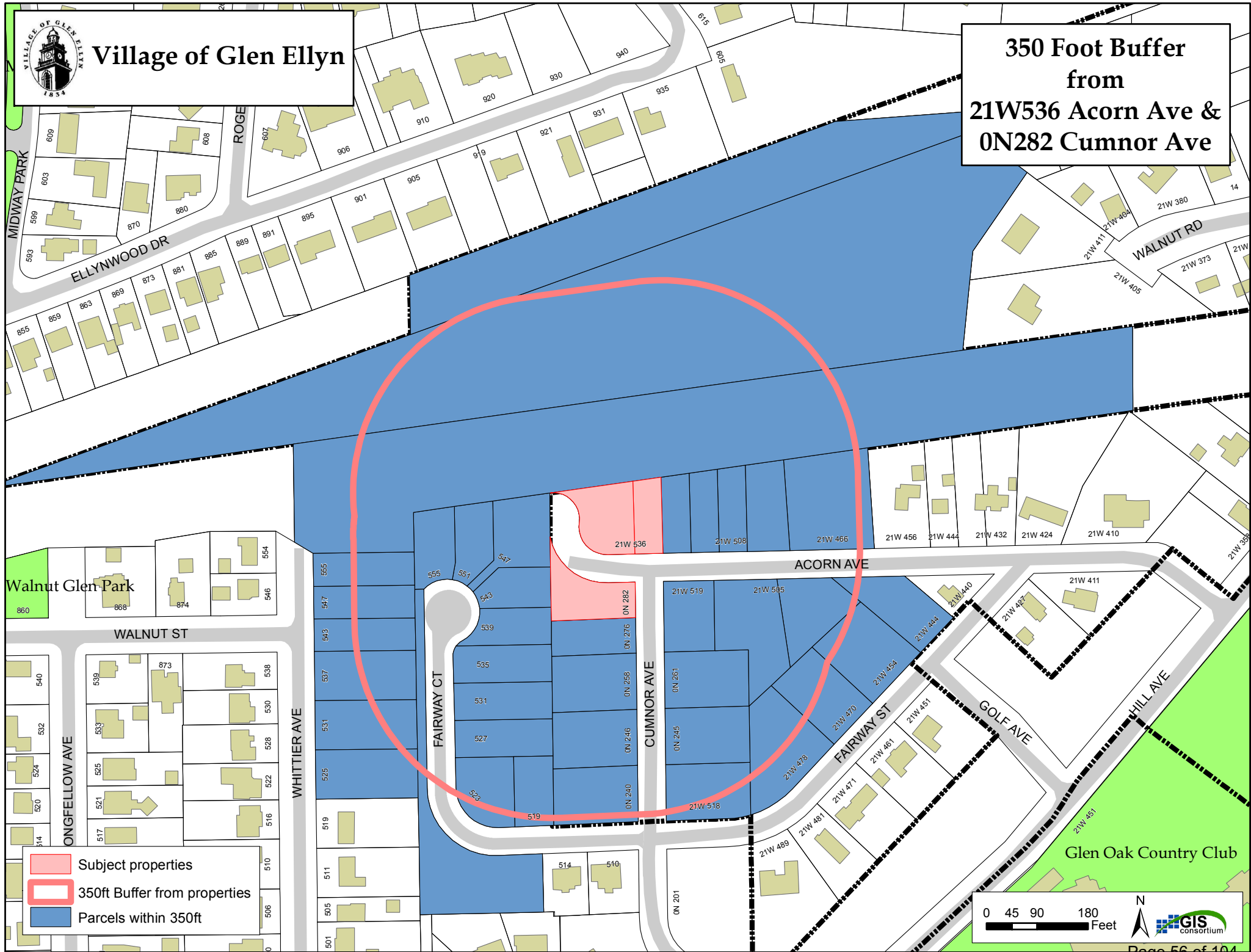
**List of Addresses For Public Hearing Notice
21W536 Acorn Avenue, Glen Ellyn, IL**

Name	Street Number	Street Name	Apt Number	City	State	Zip Code
ANEST, D & S NIES	0N282	CUMNOR AVE		GLEN ELLYN	IL	60137
ANTON REALTY LLC	15419	127TH ST	100	LEMONT	IL	60439
BLICKENS DERFER, N & A	543	WHITTIER AVE		GLEN ELLYN	IL	60137
CRANE, DAVID & SANDRA	21W536	ACORN ST		GLEN ELLYN	IL	60137
DUPAGE COUNTY HWY DEPT	130	COUNTY FARM RD		WHEATON	IL	60187
FILIPPI, BRUCE ALAN TR	0N276	CUMNOR AVE		GLEN ELLYN	IL	60137
FOREST PRESERVE DISTRICT		PO BOX 5000		WHEATON	IL	60189
GARVEY, KATHLEEN E	555	WHITTIER AVE		GLEN ELLYN	IL	60137
GRITIS, JEFFREY J	531	WHITTIER AVE		GLEN ELLYN	IL	60137
JENSKY, JACK T & ARLYNE	0N261	CUMNOR AVE		GLEN ELLYN	IL	60137
JTM FAIRWAY LLC	201	MAIN ST		ROSELLE	IL	60172
KERMEND, PATRICIA & F	21W505	ACORN AVE		GLEN ELLYN	IL	60137
KOOP, SEAN & NATALIE	0N258	CUMNOR AVE		GLEN ELLYN	IL	60137
KREISSL, KEITH & SAMANTHA	537	WHITTIER AVE		GLEN ELLYN	IL	60137
MASLANKA, LAWRENCE & P A	21W519	ACORN AVE		GLEN ELLYN	IL	60137
MELIN, DALE A	21W466	ACORN ST		GLEN ELLYN	IL	60137
OBERST, DAVID	525	WHITTIER AVE		GLEN ELLYN	IL	60137
O'NEILL, BRIAN P & CAROL	21W470	FAIRWAY ST		GLEN ELLYN	IL	60137
SCIGOVSKY, CHERYL M	21W444	FAIRWAY ST		GLEN ELLYN	IL	60137
SNODGRASS, HARRY	0N240	CUMNOR AVE		GLEN ELLYN	IL	60137
STACK, PATRICK F & K P	547	WHITTIER AVE		GLEN ELLYN	IL	60137
SUSMARK, MARK & JANET	21W478	FAIRWAY ST		GLEN ELLYN	IL	60137
WIESENMEYER, TOM	400	POPLAR AVE		ELMHURST	IL	60126
WILKS, JULIE	0N245	CUMNOR AVE		GLEN ELLYN	IL	60137
WITT, INARA B	200	LA QUINTA DR		WINDSOR	CA	95492
ZELASKO, PIOTR & KATARZYNA	0N246	CUMNOR AVE		GLEN ELLYN	IL	60137



Village of Glen Ellyn

350 Foot Buffer
from
21W536 Acorn Ave &
0N282 Cumnor Ave



- Subject properties
- 350ft Buffer from properties
- Parcels within 350ft





RECEIVED
AUG 18 2020
VILLAGE OF GLEN ELLYN

Village of Glen Ellyn
535 Duane Street • Glen Ellyn, Illinois 60137 • Phone: (630) 547-5250 • Fax: (630) 547-5370

APPLICATION FOR MINOR SUBDIVISION APPROVAL

CLEAR PAGE

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

DATE FILED: _____ APPLICATION NUMBER: _____

I. APPLICANT INFORMATION:

Name: David Crane
Address: 21W536 Acorn Ave. Glen Ellyn, IL 60137
Phone Number: (Home) 630-542-8567 (Business) 630-437-5820
Mobile Number: 630-542-8567 Fax: _____
Email: dcrane61661@gmail.com
Property Interest of Applicant: Owner
(Owner, Contract Purchaser, Owner Representative)

II. OWNER INFORMATION:

Name: Same as above
Address: _____
Phone Number: (Home) _____ (Business) _____
Mobile Number: _____ Fax: _____
Email: _____

III. PROPERTY INFORMATION:

Address: Parcel 1: 21W536 Acorn Ave. Glen Ellyn, IL 60137
Parcel 2: ON 282 Cummar Ave. Glen Ellyn, IL 60137

Legal Description of Property:

CLEAR PAGE

Parcel 1: Lot 27 in Glen Oak, A Subdivision of part of the south 1/2 of section 12, Township 39 north, Range 10, East of the third principal meridian, according to the plat thereof recorded January 13, 1913 as document no. 110577, in DuPage County, Illinois

Parcel 2: Lot 28 (Except the south 63 feet measured parallel to the south line thereof) in Glen Oak a subdivision of part of the south 1/2 of section 12, Township 39 north, Range 10, east of the third principal meridian, according to the plat thereof recorded January 13, 1913 as document 110577, in DuPage County, Illinois.

Permanent Index No.: 05-12-304-001 & 002 Zoning: Unincorporated

Lot Dimensions: 200.00' x 139.20' Lot Area: 19,809 SF

Parcel 2: 63' x 150' 11,761 SF

Present Use: Residential property with one house.

Description of Subdivision:

The proposed subdivision includes 3 current parcels. Parcel 1 is owned by David Crane, Parcel 2 is owned by Dennis Anest and Parcel 4 is the Acorn Avenue ROW that will be vacated. These 3 parcels will be reconfigured to allow for the creation of another lot to the west of the Crane Residence per the submitted Plat of Subdivision.

Estimated Date to Begin Construction: No construction is planned

Name(s), Address(es) and Phone Numbers of consultants (Architects, Engineers, Attorneys, etc.):

TFW Surveying and Mapping Inc.
888 East Belvidere Road, Suite 413
Grayslake, IL 60030
847-548-6600
Attn: Tom Wasilewski

IV. APPROVAL STANDARDS:

CLEAR PAGE

Narrative Statement: Please provide a narrative statement. The narrative statement should include, but not be limited to, information concerning the proposed use of the lots, the type and number of dwelling units and/or type of business or industry and the manner in which subdivision is to be served by public utilities. A separate sheet may be used if necessary.

See attached separate document.

Section 11-3-10 of the Subdivision Code requires that the following six (6) criteria be met before a Subdivision can be approved. Please describe how the proposed Subdivision meets these requirements. The information provided will be used by the Plan Commission in considering the request.

Please describe how the proposed subdivision meets the following criteria.

1. The proposed subdivision conforms to the provisions set forth in this Subdivision Ordinance, including the rules and regulations referenced in Section 11-4-1 of the Subdivision Code.

The proposed subdivision conforms to all applicable statutory provisions and zoning ordinances (other than the variations being applied for). See the attached document titled "Petition for Subdivision Variations".

2. Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed.

The village of Glen Ellyn is completing the installation of water and sanitary sewer on Cumnor Avenue in 2020 or 2021. These improvements will be located in the Cumnor Right Of Way and provide utility access to the lots included in the subdivision.

Petition for Subdivision Variations:

1. Subdivision Variation from Section 11-4-3(N) to allow for the creation of a flag lot: This variation is required due to the unique configuration of the three properties involved in the subdivision. The proposed new lot needs to front Cumnor Avenue to access public utilities. After reviewing several options with village staff, it was agreed that the flag lot configuration was the best option given the circumstances.
2. Subdivision Variation from Section 11-4-4(M) to allow for a subdivision without the installation of street lights: This variation is requested due to the fact that there are not currently street lights on the section of Cumnor Avenue which is contiguous to this subdivision.
3. Subdivision Variation from Section 11-4-7(A) to allow for a subdivision without the installation of sidewalks on both sides of the rights of way adjacent to all existing streets: The ROW's on Cumnor and Acorn Avenues adjacent to the subdivision do not currently have sidewalks. Sidewalks are not currently planned for the Cumnor Avenue improvements, so adding sidewalks to this small section of Cumnor would not make sense.
4. Subdivision Variation from Section 11-4-8(A) to allow for a subdivision where all existing communication lines, electric lines and other similar utilities in the subdivision and in the rights-of-way adjacent to the subdivision have not been placed underground: This variation is requested because the proposed subdivision is contiguous to only a short section of the ROW on Cumnor Ave. All of the utilities on either side of this short area, on both Cumnor and Acorn Avenues, are currently overhead. Placing the existing utilities underground for just this short area would not make sense.
5. Subdivision Variation from Section 11-4-9(C) to allow for a subdivision without planting trees in the parkway every 40 feet on center: This variation is requested since the short section of contiguous ROW on Cumnor Ave already has some mature trees. The contiguous section is so short that planting trees at 40' centers does not make sense.

3. A public sewage system is proposed and adequate provision has been made for such system or, if other methods of sewage disposal are proposed that such systems will comply with federal, state, and local laws and regulations.

As stated in item #2 above, Glen Ellyn is constructing a new sanitary line on Cumnor for access to the lots in this subdivision.

4. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precaution have been identified by the Subdivider and that the proposed uses of these areas are compatible with such conditions.

None exist.

5. The proposed subdivision will not be detrimental to the public health, safety and welfare.

The proposed subdivision will not be detrimental to the public health, safety and welfare. In fact, because part of this subdivision includes a 10' walking path easement to provide access to the west, the public health, safety and welfare will be enhanced beyond the current situation.

6. No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector street to such an extent that the street does not function at a level of service deemed acceptable by the Village. The applicant may propose and construct the approved traffic mitigation measures to provide adequate roadway capacity for the proposed development.

Because only one additional lot is being added as part of this subdivision, there will be very little impact on traffic in the neighborhood.

AFFIDAVIT OF AUTHORIZATION

CLEAR PAGE

I, DENNIS ANEST owner of the property described as

ON 282 CUMMOR AVE
GLEN ELLYN, IL
60137

verify that David Crane

is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission, Zoning Board of Appeals, and/or Village Board of Trustees. Owner acknowledges that any notice given applicant is actual notice to owner.


OWNER SIGNATURE

Subscribed and sworn to before me this

6 day of January, 2020


Notary Public



VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

APPLICATION FOR VARIATION

CLEAR PAGE

For the property at 21W 536 Acorn Ave. Glen Ellyn, IL 60137

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Planning and Development Department.

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

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: David Crane
Address: 21W536 Acorn Ave. Glen Ellyn, IL 60137
Home Phone No.: 630-542-8567 Cell Phone No.: 630-542-8567
Fax No.: _____
E-mail: dcrane61661@gmail.com

Ownership Interest in the Property in Question:

I own the property.

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant):

Same as applicant

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity):

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Choose "Yes" or "No")

YES ☐

NO ☒

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (Choose "Yes" or "No")

YES ☐

NO ☒

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

III. PROPERTY INFORMATION:Common address: 21W536 Acorn AvenuePermanent tax index number: 05-12-304-001 & 002

Legal description:

Lot 27 in Glen Oak, A Subdivision of part of the south 1/2 of section 12, Township 39 north, Range 10, East of the third principal meridian, according to the plat thereof recorded January 13, 1913 as document no. 110577, in DuPage County, Illinois

Zoning classification: Unincorporated Milton TownshipLot size: 200.00 ft. x 139.20 ft. Area: 19809 sq. ft.Present use: Residential lot with a house.IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

A variation from Section 10-4-8(D)8(a) is being requested to allow for a 20 ft. lot width in lieu of 66 ft. for a portion of the proposed Lot 2 of the Crane minor subdivision. This variation is being requested due to Lot 2 being a flag lot because of the unique configuration of the affected properties and the vacated Acorn right of way. The proposed layout will allow a portion of Lot 2 to front Cumnor Avenue where the proposed public utilities will be located. The lot otherwise meets the district size requirements for a standard lot.

Estimated date to begin construction: No construction is planned.

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):

TFW Surveying and Mapping Inc.
888 East Belvidere Road, Suite 413
Grayslake, IL 60030
847-548-6600
Attn: Tom Wasilewski

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

The following items are intended to elicit information to support conclusions by the ZBA or PC and the Village Board that the required findings/standards for a variation under the Zoning Code have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

See attached document for this section.

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):

OR

A. Standards Applicable to All Variations Requested:

1. Because the section of Acorn Ave. to the west of Cumnor Ave. does not meet the village roadway standards, that section of the Acorn Ave. ROW will be vacated. As such, Lot 2 will need to be configured to allow for access to Cumnor Ave for the proposed public utilities. This leads to a narrow "flag" section as part of the lot configuration.

- b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

Since the Acorn Ave. ROW along the south line of Lot 2 is being vacated, the only way to get utilities to Lot 2 is to extend a section of the property to the Cumnor Ave. ROW.

3. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

The variance allowing the flag lot will simply allow a portion of the property to front Cumnor Ave., not altering the character of the locality.

- B. For the purpose of supplementing the above standards, the ZBA or PC, in making its recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

Without the flag lot layout as recommended by village staff, Lot 2 would not have access to the water and sanitary improvements planned for Cumnor Avenue.

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

This request includes an extremely unique set of circumstances, so it is highly unlikely any other property in this zoning district would face similar conditions.

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

The purpose of the variation is to allow the proposed Lot 2 to have access to public utilities on Cumnor Avenue. Because of the Acorn Avenue ROW vacation, both village staff and affected property owners agreed that the flag lot layout was the best solution for all parties.

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

The need for the variance was created by unique circumstances relating to the vacation of an existing ROW and the configuration of the contiguous properties.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located.

Approval of the requested variance will simply allow for the creation of another lot adjacent to the Crane residence. This lot will not affect the public welfare in any fashion.

6. Provide evidence that the proposed variation will not:

a. Impair an adequate supply of light and air to adjacent property;

The variation for the flag lot will not affect the supply of light and air to the adjacent properties. There are currently no street lights in this neighborhood.

b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;

A flag lot will not increase the hazard from fire or other dangers to adjacent properties.

c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;

The flag lot will simply adjust the size of the property. This will not affect health, safety, comfort or morals.

d. Diminish or impair property values within the neighborhood;

Granting this variance will increase the property values in the neighborhood, allowing for the possible construction of a high value home.

e. Unduly increase traffic congestion in the public streets and highway;

Traffic is very light in this neighborhood, and the variance will not materially affect that condition.

f. Create a nuisance; or

The requested variances will not create a nuisance, but will allow for the new development in this area to continue.

g. Results in an increase in public expenditures.

The requested variance will not increase public expenditures. By allowing for the flag lot, providing public utilities to this parcel will be less costly.

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.

The flag lot variance is the only item necessary for providing a conforming lot.

8. Please add any comments which may assist the commission in reviewing this application.

The vacation of the Acorn Ave. ROW and the flag lot variance were agreed to after meetings with village staff. All parties involved agree that this is the best option for adding lot 2 and providing the means for connecting to public utilities.

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

CLEAR PAGE

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

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Zoning Variation Request Package and applicable provisions of the Glen Ellyn Zoning Code.

I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.

<u>6/20/20</u>	<u>David Crane</u>	<u>David Crane</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

Village of Glen Ellyn
Planning & Development Department
535 Duane Street
Glen Ellyn, IL 60137

Re: Annexation & Minor Subdivision
Narrative Statement

Village Staff,

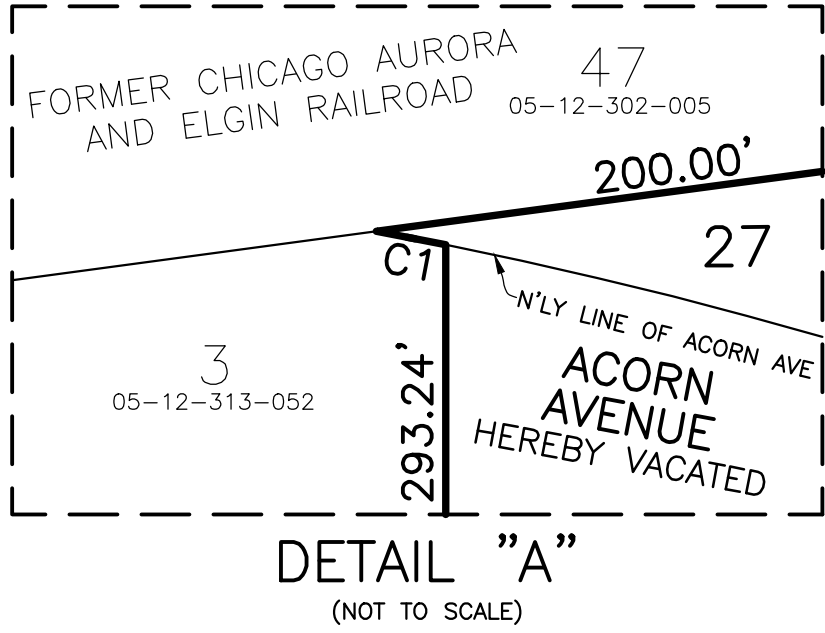
We (David Crane and Dennis Anest) are petitioning to be annexed into the village of Glen Ellyn in order to connect to the water main and sanitary sewer to be constructed in Cumnor Avenue. Along with the annexation we are applying for a minor subdivision that affects our two properties as well as the Acorn Avenue Right of Way. The Acorn ROW to the west of Cumnor Ave only provides access to the Anest property with a large section further west and north undeveloped. As such, we are pursuing the vacation of this ROW. These three properties are being reconfigured to allow for the creation of a new lot to the west of the Crane residence. As part of the minor subdivision there will be a 10' pathway/sidewalk easement included to provide continual access from the new Enclaves path to Cumnor Ave.

The Minor Subdivision will require some variances from the current ordinances. Those variances are summarized in the attached document titled "Petition for Subdivision Variance".

Sincerely,

David Crane
21W536 Acorn Avenue

NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	0.92	62.29	00°50'46"	0.92	N79°02'23"W
NUMBER	DISTANCE	BEARING			
L1	3.14	S00°00'00"E			



FRANCHISE CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DuPAGE)

THE UNDERSIGNED HEREBY CERTIFY THAT THERE ARE NO EXISTING FACILITIES WITHIN THE DEPICTED EASEMENT/RIGHT OF WAY AND FURTHER CERTIFY AS AGENT FOR THEIR RESPECTIVE UTILITY, ALL RIGHTS AND EASEMENTS CURRENTLY EXISTING WITHIN SAID EASEMENT/RIGHT OF WAY ARE HEREBY RELINQUISHED AND VACATED.

NICOR: THIS _____ DAY OF _____ A.D. 20 ____ .

TITLE _____

WITNESS _____

STATE OF ILLINOIS) SS
COUNTY OF DuPAGE)

THE UNDERSIGNED HEREBY CERTIFY THAT THERE ARE NO EXISTING FACILITIES WITHIN THE DEPICTED EASEMENT/RIGHT OF WAY AND FURTHER CERTIFY AS AGENT FOR THEIR RESPECTIVE UTILITY, ALL RIGHTS AND EASEMENTS CURRENTLY EXISTING WITHIN SAID EASEMENT/RIGHT OF WAY ARE HEREBY RELINQUISHED AND VACATED.

COMED: THIS _____ DAY OF _____ A.D. 20 ____ .

TITLE _____

WITNESS _____

STATE OF ILLINOIS) SS
COUNTY OF DuPAGE)

THE UNDERSIGNED HEREBY CERTIFY THAT THERE ARE NO EXISTING FACILITIES WITHIN THE DEPICTED EASEMENT/RIGHT OF WAY AND FURTHER CERTIFY AS AGENT FOR THEIR RESPECTIVE UTILITY, ALL RIGHTS AND EASEMENTS CURRENTLY EXISTING WITHIN SAID EASEMENT/RIGHT OF WAY ARE HEREBY RELINQUISHED AND VACATED.

AT&T: THIS _____ DAY OF _____ A.D. 20 ____ .

TITLE _____

WITNESS _____

STATE OF ILLINOIS) SS
COUNTY OF DuPAGE)

THE UNDERSIGNED HEREBY CERTIFY THAT THERE ARE NO EXISTING FACILITIES WITHIN THE DEPICTED EASEMENT/RIGHT OF WAY AND FURTHER CERTIFY AS AGENT FOR THEIR RESPECTIVE UTILITY, ALL RIGHTS AND EASEMENTS CURRENTLY EXISTING WITHIN SAID EASEMENT/RIGHT OF WAY ARE HEREBY RELINQUISHED AND VACATED.

CABLE: THIS _____ DAY OF _____ A.D. 20 ____ .

TITLE _____

WITNESS _____

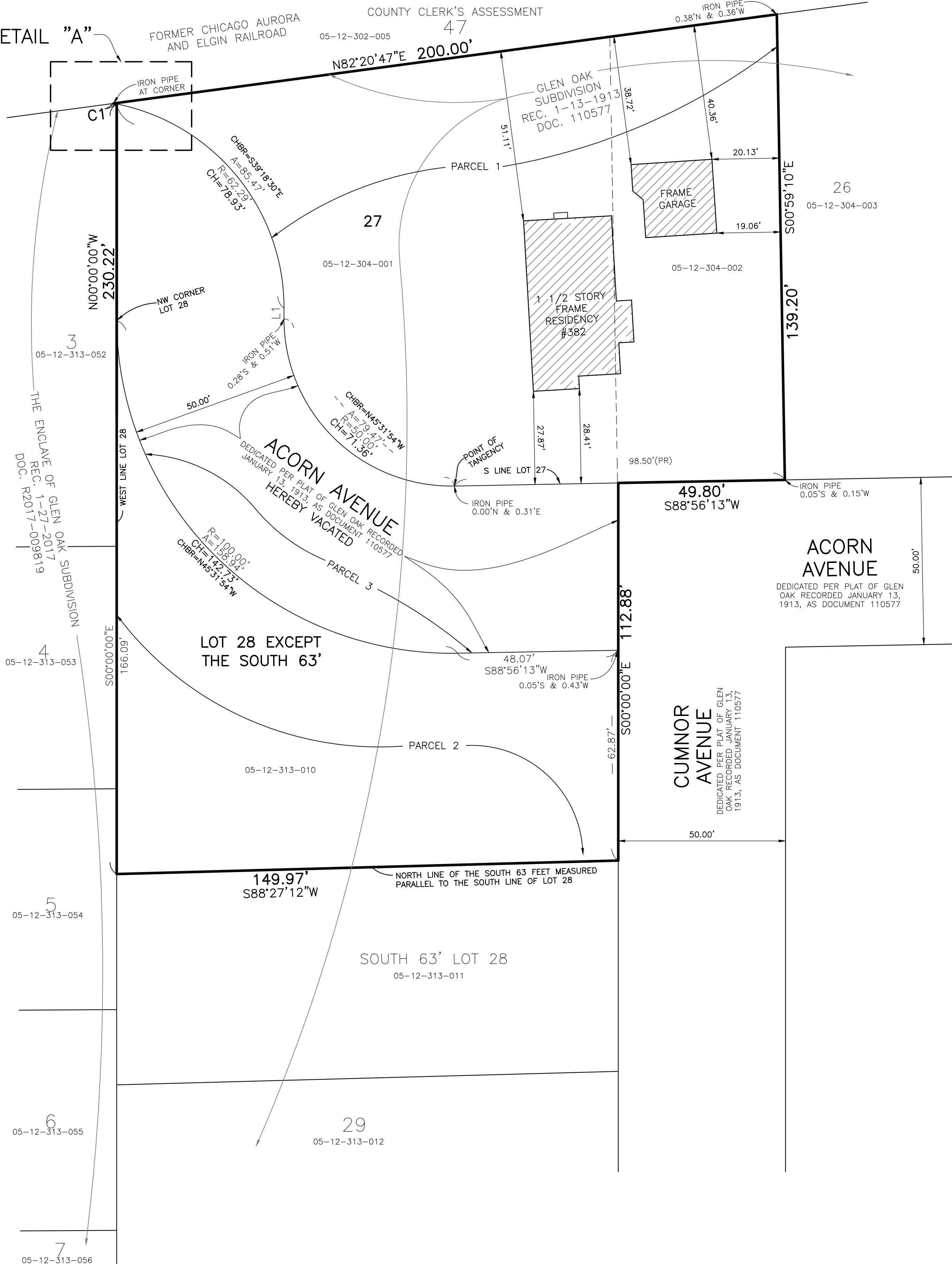
SHEET 1: EXISTING PROPERTY LIMITS
SHEET 2: PROPOSED PROPERTY LIMITS
SHEET 3: SIGNATURE SHEET

REVISED: SEPTEMBER 15, 2020 (VILLAGE COMMENTS 9-11-2020)
REVISED: AUGUST 14, 2020 (VILLAGE COMMENTS)
REVISED: JULY 13, 2020 (VILLAGE COMMENTS 6-5-2020)
REVISED: NOVEMBER 25, 2019 (VILLAGE COMMENTS 9-10-2018)
DATE: MAY 7, 2018
ORDER NO: 180086
PROJ. NO: 382
FOR: MR. DAVID CRANE
PROJ. NAME: GLEN OAK
Copyright © TFW Surveying & Mapping, Inc., 2020. All rights reserved.
Professional Design Firm Registration #184-002793.

SHEET 1 OF 3

EXISTING PROPERTY AREA SUMMARY

PARCEL 1	19,809 SQ. FT.	OR 0.4548 ACRES
PARCEL 2	11,761 SQ. FT.	OR 0.2700 ACRES
PARCEL 3	10,831 SQ. FT.	OR 0.2486 ACRES
TOTAL AREA	42,401 SQ. FT.	OR 0.9734 ACRES



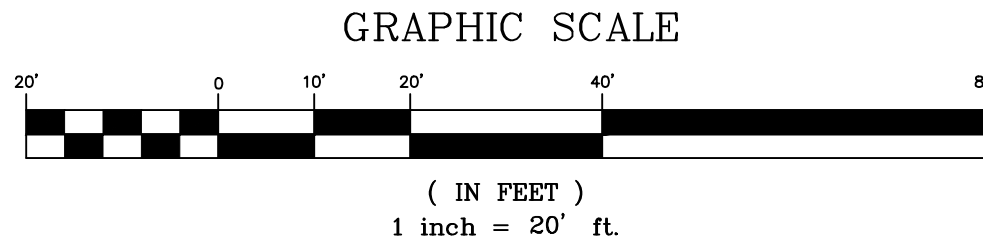
FINAL PLAT OF SUBDIVISION CRANE SUBDIVISION

BEING A SUBDIVISION OF LOTS 27, 28 AND PART OF ACORN AVENUE IN GLEN OAK, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GLEN OAK RECORDED JANUARY 13, 1913, AS DOCUMENT 110577, IN DuPAGE COUNTY, ILLINOIS.

ADDRESS:
21W536 ACORN AVENUE
GLEN ELLYN, ILLINOIS
P.I.N: 05-12-304-001
05-12-304-002

0N282 CUMNOR AVENUE
GLEN ELLYN, ILLINOIS
P.I.N: 05-12-313-010

BASIS OF BEARINGS: BASIS OF BEARINGS BASED ON WEST LINE OF GLEN OAK RECORDED JANUARY 13, 1913 AS DOCUMENT 110577.



LEGEND

BL = BUILDING LINE
BSL = BUILDING SETBACK LINE
DE = DRAINAGE EASEMENT
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
PUE = PUBLIC UTILITY EASEMENT
(R) = RECORD
UE = UTILITY EASEMENT

BUILDING MEASUREMENTS AND PROPERTY LINE TIES, AS SHOWN HEREON ARE REFERENCED TO OUTSIDE OF BUILDING.

NO DIMENSIONS TO BE ASSUMED FROM SCALING

EASEMENTS AND BUILDING LINES AS SHOWN HEREON (OR THE VACATION OF THE SAME) ARE DERIVED FROM RECORD PLATS OF SUBDIVISION AND OTHER PUBLIC DOCUMENTS MADE AVAILABLE TO THIS SURVEYOR. ADDITIONAL EASEMENTS, BUILDING SETBACKS AND OTHER RESTRICTIONS MAY EXIST OVER THE SUBJECT PROPERTY AND WOULD BE IDENTIFIED BY A TITLE SEARCH. ZONING DISTRICT HAS NOT BEEN DETERMINED. FOR CURRENT ZONING RESTRICTIONS CONTACT LOCAL MUNICIPALITY.

COMPARE YOUR LEGAL DESCRIPTION AND BOUNDARY MONUMENTATION WITH THIS PLAT AND AT ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.

PREPARED BY:

TFW SURVEYING & MAPPING

LAND SURVEYING • TOPOGRAPHIC MAPPING • CONSTRUCTION LAYOUT
888 EAST BELVIDERE ROAD • SUITE 413 • GRAYSLAKE, ILLINOIS 60030
847-548-6600 FAX 548-6699
info@tfwsurvey.com www.tfwsurvey.com

PARCEL 1 OWNER'S CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF _____) DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE
PROPERTY DESCRIBED AND THAT IT HAS CAUSED THE SAID PROPERTY TO BE SURVEYED AND
SUBDIVIDED AS SHOWN HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES
HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREON SHOWN.
DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D. 20____.

"I FURTHER CERTIFY THAT THIS PROPERTY IS WITHIN THE LIMITS OF GLENBARD TOWNSHIP HIGH
SCHOOL DISTRICT 87, GLEN ELLYN ELEMENTARY SCHOOL DISTRICT 41 AND COMMUNITY COLLEGE
DISTRICT 502."

BY: _____ TITLE: _____
BY: _____ TITLE: _____

NAME: MR. DAVID CRANE
ADDRESS: 21W536 ACORN AVENUE
GLEN ELLYN, ILLINOIS

NOTARY CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF _____) I, _____, A NOTARY PUBLIC IN
AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT
_____ AND _____ OF _____
PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED
TO THE FOREGOING INSTRUMENT AS _____ AND _____,
APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND
DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES
AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS
_____ DAY OF _____, A.D. 20____.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

PARCEL 2 OWNER'S CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF _____) DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE
PROPERTY DESCRIBED AND THAT IT HAS CAUSED THE SAID PROPERTY TO BE SURVEYED AND
SUBDIVIDED AS SHOWN HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES
HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREON SHOWN.
DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D. 20____.

"I FURTHER CERTIFY THAT THIS PROPERTY IS WITHIN THE LIMITS OF GLENBARD TOWNSHIP HIGH
SCHOOL DISTRICT 87, GLEN ELLYN ELEMENTARY SCHOOL DISTRICT 41 AND COMMUNITY COLLEGE
DISTRICT 502."

BY: _____ TITLE: _____
BY: _____ TITLE: _____

NAME: MR. DENNIS ANEST
ADDRESS: 0N282 CUMNOR AVENUE
GLEN ELLYN, ILLINOIS

NOTARY CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF _____) I, _____, A NOTARY PUBLIC IN
AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT
_____ AND _____ OF _____
PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED
TO THE FOREGOING INSTRUMENT AS _____ AND _____,
APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND
DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES
AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS
_____ DAY OF _____, A.D. 20____.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

RECORDER'S CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE) THIS INSTRUMENT _____ WAS FILED FOR RECORD IN THE
RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS ON THE _____ DAY
OF _____ A.D. 20____ AT _____ O'CLOCK ____M.

RECORDER

REVISED: SEPTEMBER 15, 2020 (VILLAGE COMMENTS 9-11-2020)
REVISED: AUGUST 14, 2020 (VILLAGE COMMENTS)
REVISED: JULY 13, 2020 (VILLAGE COMMENTS 6-5-2020)
REVISED: NOVEMBER 25, 2019 (VILLAGE COMMENTS 9-10-2018)
DATE: MAY 7, 2018
ORDER NO: 180086
PROJ. NO: 382
FOR: MR. DAVID CRANE
PROJ. NAME: GLEN OAK
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Professional Design Firm Registration #184-002793.

SHEET 3 OF 3

VILLAGE BOARD CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF _____) APPROVED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF GLEN ELLYN,
DUPAGE COUNTY, ILLINOIS, THIS DAY OF _____ A.D. 20____

SIGNED: _____ PRESIDENT
ATTEST: _____ CLERK

I, _____, VILLAGE CLERK OF THE VILLAGE OF GLEN ELLYN, ILLINOIS
DO HEREBY CERTIFY THAT THE ANNEXED PLAT WAS PRESENTED TO AND BY ORDINANCE
DULY APPROVED BY THE VILLAGE BOARD OF THE VILLAGE OF GLEN ELLYN, AT ITS
MEETING HELD ON _____ A.D. 20____ IN WITNESS
WHEREOF I HAVE HEREUNTO SET THE SEAL OF THE VILLAGE OF GLEN ELLYN, ILLINOIS.

VILLAGE CLERK

SURFACE WATER DRAINAGE STATEMENT
NO ENGINEERING PLANS PREPARED

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE) APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF GLEN ELLYN, DUPAGE
COUNTY, ILLINOIS, THIS DAY OF _____ A.D. 20____

SIGNED: _____ CHAIRMAN
ATTEST: _____ RECORDING SECRETARY

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE) I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY
CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES,

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF OF DUPAGE, ILLINOIS
THIS _____ DAY OF _____, A.D. 20____.

COUNTY CLERK

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE) I, _____, VILLAGE COLLECTOR OF THE VILLAGE OF GLEN ELLYN,
DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR
FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS, THEREOF THAT
HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THE PLAT.
DATED AT GLEN ELLYN, DUPAGE COUNTY, ILLINOIS
THIS _____ DAY OF _____, A.D. 20____.

VILLAGE COLLECTOR

RETURN PLAT TO:
VILLAGE OF GLEN ELLYN
535 DUANE STREET
GLEN ELLYN, ILLINOIS 60137

SEND TAX BILL TO:
MR. DAVID CRANE
21W536 ACORN AVENUE
GLEN ELLYN, ILLINOIS

PUBLIC UTILITY AND DRAINAGE EASEMENT (PUDE) PROVISIONS

EASEMENTS ARE RESERVED FOR AND GRANTED TO THE VILLAGE OF GLEN ELLYN ("VILLAGE") AND TO THOSE PUBLIC UTILITY
COMPANIES OPERATING UNDER FRANCHISE OR CONTRACT WITH THE VILLAGE INCLUDING, BUT NOT LIMITED TO, COMMONWEALTH
EDISON COMPANY, NICOR GAS COMPANY, WIDE OPEN WEST, ILLINOIS BELL TELEPHONE COMPANY DBA A.T.&T. CABLE COMPANY,
COMCAST, AND THEIR SUCCESSORS AND ASSIGNS OVER ALL THE AREAS MARKED "PUBLIC UTILITY AND DRAINAGE EASEMENT
(PUDE)" ON THE PLAT FOR THE PERPETUAL RIGHT, PRIVILEGE, AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, SURVEY, REPAIR,
INSPECT, MAINTAIN, AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS AND INCLUDING WATER MAINS,
STORM AND/OR SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS,
APPLIANCES, AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE OVER, UPON,
ALONG, UNDER, AND THROUGH, SAID INDICATED EASEMENT, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR
NECESSARY WORKERS AND EQUIPMENT TO DO ANY OF THE ABOVE WORK.
THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM, OR REMOVE ANY TREES, SHRUBS, PLANTS, FENCES, PAVEMENT OR OTHER
IMPROVEMENTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES WITH NO
REQUIREMENT TO RESTORE BY THE VILLAGE. NO PERMANENT STRUCTURES SHALL BE PLACED ON SAID EASEMENT, BUT SAME
MAY BE USED AT THE OWNER'S RISK FOR GARDENS, SHRUBS, LANDSCAPING, OR OTHER PURPOSES THAT DO NOT THEN OR
LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS.
WHERE AN EASEMENT IS USED FOR BOTH VILLAGE MAINS AND SEWERS AND OTHER UTILITIES, THE OTHER UTILITY INSTALLATION
SHALL BE SUBJECT TO THE ORDINANCES, CODE, AND REGULATIONS OF THE VILLAGE OF GLEN ELLYN AND ALL OTHER
APPLICABLE LAWS.

VILLAGE ENGINEER'S CERTIFICATE AS TO STREETS, DOMESTIC WATER
AND SANITARY SEWER SYSTEMS

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE) VILLAGE ENGINEER OF THE VILLAGE OF GLEN ELLYN, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT
ALL MATTERS PERTAINING TO PLAT REQUIREMENTS AS PRESCRIBED IN THE REGULATIONS GOVERNING PLATS ADOPTED BY THE
VILLAGE BOARD OF THE VILLAGE OF GLEN ELLYN, ILLINOIS, INsofar AS THEY PERTAIN TO THE SUBJECT PLAT, HAVE BEEN
COMPLIED WITH. I FURTHER CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE REQUIRED PERFORMANCE
SECURITY IS POSTED FOR THE COMPLETION OF THE IMPROVEMENTS COVERING SANITARY SEWERAGE SYSTEM AND DOMESTIC
WATER SUPPLY AND TRANSMISSION SYSTEM UNDER THE JURISDICTION OF THE VILLAGE OF GLEN ELLYN, BASED ON ENGINEER'S
PLANS AND SPECIFICATIONS PREPARED BY A LICENSED ENGINEER AND APPROVED BY ALL PUBLIC AUTHORITIES HAVING
JURISDICTION.

DATED AT GLEN ELLYN, DUPAGE COUNTY, ILLINOIS THIS _____ DAY OF _____, A.D. 20____.

VILLAGE ENGINEER

PEDESTRIAN EASEMENT PROVISIONS

OWNER HEREBY GRANTS TO THE VILLAGE A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR THE INGRESS, EGRESS AND PASSAGE OF
PEDESTRIANS OVER, ACROSS AND UPON THE PROPERTY DEPICTED HEREON AS PEDESTRIAN EASEMENT, THE USE AND ENJOYMENT OF THE
PEDESTRIAN EASEMENT BY THE VILLAGE AND THE VILLAGE'S INVITEES, IS AND SHALL BE SUBJECT TO THE EASEMENT CONDITIONS, AS DEFINED
HEREIN.

THE USE OF THE PEDESTRIAN EASEMENT IS INTENDED FOR AND EXPRESSLY LIMITED TO, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED
HEREIN, THE INGRESS UPON, PASSAGE OVER AND ACROSS AND EGRESS FROM THE PEDESTRIAN EASEMENT, IN CONFORMANCE WITH AND
SUBJECT TO THE LIMITATIONS AND RESTRICTIONS CONTAINED IN THE EASEMENT CONDITIONS.

THE PEDESTRIAN EASEMENT IS NOT INTENDED FOR AND SHALL NOT BE UTILIZED TO EFFECTUATE THE ENTRY UPON OR USE OF ANY PORTION
OF THE CRANE SUBDIVISION OUTSIDE OF THE PEDESTRIAN EASEMENT BY AN INVITEE, UNLESS FIRST APPROVED IN WRITING BY OWNER OR FOR
THE PURPOSE OF LAWFULLY VISITING AN OWNER OR OCCUPANT OF A DWELLING UNIT LOCATED WITHIN THE CRANE SUBDIVISION.

OWNER HEREBY RESERVES FOR ITSELF AND ITS SUCCESSORS, ASSIGNS AND GRANTEES, THE FULL AND UNFETTERED USE AND ENJOYMENT OF
THE PEDESTRIAN EASEMENT, INCLUDING, WITHOUT LIMITATION, THE GRANTING OF ADDITIONAL EASEMENTS RIGHTS THEREOVER AND/OR
THEREUNDER, PROVIDED SAID USE, ENJOYMENT AND/OR ADDITIONAL EASEMENTS DO NOT UNREASONABLY INTERFERE WITH THE REASONABLE
USE OF THE PEDESTRIAN EASEMENT BY THE VILLAGE AND ITS INVITEES IN THE MANNER PROVIDED FOR HEREIN, OR DAMAGE THE PATH
IMPROVEMENTS, AS DEFINED HEREIN. IN ADDITION THERETO, THE OWNERS AND THEIR RESPECTIVE TENANTS, GUESTS AND INVITEES SHALL
RETAIN THE FREE AND UNFETTERED RIGHT OF INGRESS UPON, PASSAGE OVER AND EGRESS FROM THE PEDESTRIAN EASEMENT AND THE PATH
IMPROVEMENTS. NO BUILDINGS, FENCES OR STRUCTURES SHALL BE PLACED IN THE PEDESTRIAN EASEMENT AND THE VILLAGE SHALL HAVE
THE RIGHT TO CUT DOWN, TRIM OR REMOVE TREES, SHRUBS OR OTHER PLANTS THAT INTERFERE WITH THE VILLAGE'S USE OF THE
PEDESTRIAN EASEMENT IN THE MANNER PROVIDED FOR HEREIN.

THE VILLAGE SHALL, AT ITS COST, HAVE THE RIGHT TO CONSTRUCT A PEDESTRIAN PATH WITHIN THE PEDESTRIAN EASEMENT AT ANY TIME IN
THE FUTURE, THE DESIGN, LOCATION AND MATERIAL OF WHICH SHALL BE AT THE FULL DISCRETION OF THE VILLAGE ("PATH IMPROVEMENTS").

UPON COMPLETION OF THE PATH IMPROVEMENTS, THE VILLAGE SHALL, AT ITS EXPENSE, MAINTAIN, REPAIR, RENEW AND REPLACE THE PATH
IMPROVEMENTS LOCATED THEREIN AS FROM TIME TO TIME NECESSARY AND APPROPRIATE TO AT ALL TIMES KEEP THE PATH IMPROVEMENTS IN
A SAFE AND USEABLE CONDITION, FOR THE UNINTERRUPTED USE AND ENJOYMENT THEREOF IN THE MANNER CONTEMPLATED UNDER THESE
PROVISIONS. THE OWNER SHALL BE RESPONSIBLE FOR KEEPING THE PATH IMPROVEMENTS FREE OF DEBRIS AND REFUSE AND FOR
MAINTAINING THE REMAINDER OF THE PEDESTRIAN EASEMENT, INCLUDING BUT NOT LIMITED, MOWING AND LANDSCAPE MAINTENANCE. SNOW
REMOVAL WITHIN THE PATH IMPROVEMENTS SHALL NOT BE THE RESPONSIBILITY OF THE VILLAGE OR OWNER.

THE VILLAGE SHALL HAVE THE RIGHT TO PERMIT AND ALLOW MEMBERS OF THE GENERAL PUBLIC TO ACCESS THE PATH IMPROVEMENTS AND
EXERCISE THE USE AND ENJOYMENT OF THE PEDESTRIAN EASEMENT AS PROVIDED HEREIN, SUBJECT TO THE EASEMENT CONDITIONS
(INDIVIDUALLY AS "INVITEE") AND COLLECTIVE THE "INVITEES").

THE USE AND ENJOYMENT OF THE PEDESTRIAN EASEMENT BY MEMBERS OF THE GENERAL PUBLIC AS INVITEES SHALL BE AT THE DISCRETION
OF THE VILLAGE. NOTHING CONTAINED IN THESE PROVISIONS IS INTENDED TO CREATE, NOR SHALL IT BE CONSTRUED AS CREATING, ANY
RIGHTS IN OR FOR THE DIRECT BENEFIT OF THE GENERAL PUBLIC. ANYTHING CONTAINED HEREIN TO THE CONTRARY NOTWITHSTANDING,
NOTHING SET FORTH IN THESE PROVISIONS BE CONSTRUED TO LIMIT THE UNFETTERED USE AND ENJOYMENT OF THE PATH IMPROVEMENTS BY
THE OWNERS AND THEIR TENANTS, GUESTS AND INVITEES.

THE USE AND ENJOYMENT OF THE PEDESTRIAN EASEMENT BY THE VILLAGE AND ITS INVITEES SHALL BE EXPRESSLY SUBJECT TO THE
FOLLOWING LIMITATIONS, COVENANTS AND CONDITIONS (COLLECTIVELY THE "EASEMENT CONDITIONS");
(A) THE USE AND ENJOYMENT OF THE PEDESTRIAN EASEMENT AND THE PATH IMPROVEMENTS FROM TIME TO TIME LOCATED THEREIN SHALL
AT ALL TIMES BE CARRIED OUT IN CONFORMANCE WITH THE TERMS AND PROVISIONS OF THE EASEMENT CONDITIONS.
(B) NO MOTORIZED VEHICLES OF ANY TYPE SHALL BE PERMITTED WITHIN THE PEDESTRIAN EASEMENT, OTHER THAN ELECTRIC VEHICLES BEING
UTILIZED BY DISABLED, HANDICAPPED OR AGED PERSONS AND MOTORIZED MAINTENANCE VEHICLES AND EQUIPMENT EMPLOYED BY THE
VILLAGE.
(C) THE VILLAGE SHALL USE ITS POLICE POWERS AND OTHER POWERS TO PREVENT THE PEDESTRIAN EASEMENT AND PATH IMPROVEMENTS OR
ANY PERSONS, ANIMALS OR ENTITIES FROM ENDANGERING THE PUBLIC HEALTH OR SAFETY OR NOISE GENERATED FROM THE USE OF THE
PEDESTRIAN EASEMENT AND TO AVOID ANY AND ALL INTERFERENCE WITH THE QUIET ENJOYMENT OF PERSONS USING OR RESIDING UPON
NEARBY PROPERTIES. THE VILLAGE SHALL CARRY OUT AND ENFORCE THESE OBLIGATIONS AT ITS OWN EXPENSE.

THE VILLAGE SHALL, AT ITS EXPENSE, CARRY OUT AND ENFORCE THE COMPLIANCE WITH ALL OF THE EASEMENT CONDITIONS BY THE
VILLAGE'S INVITEES.

PREPARED BY:

TFW SURVEYING & MAPPING UZ
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FINAL PLAT OF SUBDIVISION
CRANE SUBDIVISION

BEING A SUBDIVISION OF LOTS 27, 28 AND PART OF ACORN AVENUE IN GLEN OAK, A
SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10,
EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GLEN OAK
RECORDED JANUARY 13, 1913, AS DOCUMENT 110577, IN DUPAGE COUNTY, ILLINOIS.

TITLE COMMITMENT NOTES

PARCEL NUMBERING HAS BEEN RANDOMLY ASSIGNED AND
DOES NOT RELATE TO ANY TITLE COMMITMENT OR TITLE
DOCUMENTATION PROVIDED TO THIS SURVEYOR.

NO TITLE COMMITMENT PROVIDED TO THIS SURVEYOR.

SURVEYOR'S DESIGNATION OF RECORDING
(PERMISSION TO RECORD)

STATE OF ILLINOIS) SS
COUNTY OF LAKE) I, JAMES P. MEIER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, HEREBY
DESIGNATE _____ OF _____ (street name)
IN _____ (city, state) TO RECORD THIS SUBDIVISION PLAT WITH THE DUPAGE COUNTY
RECORDER OF DEEDS. THIS DESIGNATION IS GRANTED UNDER THE RIGHT TO DESIGNATE SUCH
RECORDING UNDER CHAPTER 109, SECTION 2 OF THE ILLINOIS REVISED STATUTES, AS A
CONDITION OF THIS GRANT, SAID DESIGNEE IS HEREBY REQUIRED TO PROVIDE TO THIS
SURVEYOR, A CERTIFIED COPY OF SAID PLAT, IMMEDIATELY UPON RECORDING OF SAME.
RECEIPT OF SAID CERTIFIED COPY WILL SERVE AS NOTICE TO THE SURVEYOR THAT THE
PLAT HEREON DRAWN HAS BEEN RECORDED.

DATED THIS 25th DAY OF NOVEMBER, A.D. 2019.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3295
LICENSE EXPIRES NOVEMBER 30, 2020

SURVEYOR CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF LAKE) I, JAMES P. MEIER, ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY
THAT I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY TO-WIT:

PARCEL 1:
LOT 27 IN GLEN OAK, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 12,
TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO
THE PLAT THEREOF RECORDED JANUARY 13, 1913, AS DOCUMENT NO. 110577, IN DUPAGE
COUNTY, ILLINOIS.

PARCEL 2: PARCEL 2: LOT 28 (EXCEPT THE SOUTH 63 FEET MEASURED PARALLEL TO THE
SOUTH LINE THEREOF) IN GLEN OAK, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF
SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN,
ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 13, 1913 AS DOCUMENT 110577, IN
DUPAGE, COUNTY, ILLINOIS.

PARCEL 3:
THAT PART OF ACORN AVENUE LYING WEST OF THE WEST LINE OF CUMNOR AVENUE
EXTENDED NORTH TO THE SOUTH LINE OF LOT 27 IN GLEN OAK, BEING A SUBDIVISION OF
PART OF THE SOUTH 1/2 OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE
THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 13,
1913, AS DOCUMENT NO. 110577, , IN DUPAGE COUNTY, ILLINOIS.

AND THAT THE PLAT HEREON DRAWN IS A REPRESENTATION OF SAID SURVEY AND
SUBDIVISION DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

NO PART OF THE PROPERTY WITHIN THIS SUBDIVISION IS SITUATED WITHIN FIVE HUNDRED
(500) FEET OF ANY SURFACE DRAIN OR WATER COURSE SERVING A TRIBUTARY AREA OF
SIX HUNDRED AND FORTY (640) ACRES OR MORE. I FURTHER CERTIFY THAT ALL REGULATIONS
ENACTED BY THE COUNTY BOARD RELATIVE TO PLATS AND SUBDIVISIONS HAVE BEEN
COMPLIED WITHIN THE PREPARATION OF THIS PLAT AND THAT SAID PLAT IS WITHIN THE
CORPORATE LIMITS OF THE VILLAGE OF GLEN ELLYN,

I FURTHER CERTIFY THAT THE PROPERTY SHOWN HEREON FALLS ENTIRELY WITHIN FLOOD
ZONES "X" - AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOOD PLAIN
AS PER MY REVIEW OF THE NATIONAL FLOOD INSURANCE PROGRAM - FLOOD INSURANCE
RATE MAP: MAP NUMBER 17043C0068J, EFFECTIVE DATE: AUGUST 1, 2019

I FURTHER CERTIFY THAT THE LAND INCLUDED ON THIS PLAT IS WITHIN THE CORPORATE
LIMITS OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT UPON COMPLETION OF CONSTRUCTION,
AS SHOWN, AND IRON PIPES WILL BE SET AT ALL LOT CORNERS,
CERTIFIED AT GRAYSLAKE, ILLINOIS THIS 25th DAY OF NOVEMBER A.D. 2019.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3295
LICENSE EXPIRES NOVEMBER 30, 2020

SHARED PRIVATE DRIVEWAY EASEMENT AND MAINTENANCE AGREEMENT

WHEREAS, David & Sandra Crane and Dennis Anest & Susan Nies, hereafter, current “Parcel Owners” of PARCEL 1 and PARCEL 2 which are contiguous Land Parcels Located in the Village of Glen Ellyn, in DuPage County, Illinois:

PARCEL 1: LOT 27 in GLEN OAK, A SUBDIVISION OF PART OF THE SOUTH ½ OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 13, 1913, AS DOCUMENT NO. 110577, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: LOT 28 (EXCEPT THE SOUTH 63 FEET MEASURED PARALLEL TO THE SOUTH LINE THEREOF) IN GLEN OAK, A SUBDIVISION OF PART OF THE SOUTH ½ OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 13, 1913 AS DOCUMENT 110577, IN DUPAGE COUNTY, ILLINOIS.

WHEREAS, there currently exists a Milton Township, in DuPage County, IL maintained road (Acorn Avenue) between PARCEL 1 and PARCEL 2 that shall become part of a new lot “LOT 2” and a Shared Private Driveway described and shown on the survey attached hereto as FINAL PLAT OF SUBDIVISION – CRANE SUBDIVISION; and

WHEREAS said shared driveway shall be fully maintained by LOT 2 and LOT 3 of the Crane Subdivision, the Owners of which may change over time; and

WHEREAS, PARCEL 1 and PARCEL 2 Owners desire to impress upon the said properties certain covenants, rights-of-way and restrictions regarding the use, access and maintenance which shall inure to the benefit of and be binding upon the successors and assigns of LOT 2 and LOT 3 Owners; and

WHEREAS, the Owners of PARCEL 1 will also be the Owners of said LOT 2 in the Crane Subdivision until such time that said LOT 2 is sold to a new property owner.

THEREFORE, the undersigned current PARCEL 1 (David & Sandra Crane) and PARCEL 2 (Dennis Anest & Susan Nies) Owners do hereby impress upon the above described properties the following covenants, rights-of-way and restricts, which shall thereafter be covenants which run with the land and shall inure to the benefit of and be binding upon the grantees, successors, and assigns of each of said separate Land Parcels:

The driveway area shown on Sheet 2 of the FINAL PLAT OF SUBDIVISION – CRANE SUBDIVISION shall become a Shared Private Driveway with a perpetual easement in favor of the successors in title of LOT 2 and LOT 3 Owners for parking of vehicular traffic and for ingress and egress to and from said properties. Accordingly, LOT 2 shall be burdened by said easement in favor of the Parcel Owner’s successors in title to LOT 3 and likewise LOT 3 shall be burdened by said easement in favor of the Parcel Owner’s successor in title to LOT 2.

The successors in title to each Land Parcel of said LOT 2 and LOT 3 shall not obstruct or restrict the use of any portion of said driveway and no buildings or improvements may be erected upon said easement with the exception of underground water, sanitary, electrical, and other utilities to service the subject properties and allow the construction of a single-family home on LOT 2.

These costs include all street repair and maintenance costs required to bring the Shared Private Driveway up to its previous condition before the construction and obtainment of these utilities for LOT 2. These costs will be the sole responsibility and borne by the Owner of LOT 2 when these utilities are constructed. The Owner of LOT 3 shall have no responsibility for costs, expenses, and liability for the Owner of LOT 2 obtaining and the implementation and maintenance of these new utility services.

The easement shall be maintained in a serviceable, neat, and acceptable manner so that the overall appearance of said Private Driveway shall be uniform. Each of Grantor's successors in title to LOT 2 and LOT 3 shall be charged for the repair and maintenance thereof and shall cooperate with each other in the performance of routine and necessary repairs, overlay, sealing, and snow plowing of said Private Driveway. The successor in title to either tract may perform such repairs and maintenance as may be necessary without the consent of the other upon giving written notice of intent to perform such repairs and the estimated cost thereof. Notice may be delivered by U.S. Mail, certified, return receipt requested, or other personal service not less than (30) days prior to beginning such repairs or maintenance. The party that performs said repairs/maintenance shall be entitled to a lien upon the property of the dissenting party equal to one-half of the actual cost of said repairs/maintenance plus fifteen per cent (15%). Said lienholder shall have the same remedies as holders of material materialmen in accordance with the Materialmen Lien laws of the State of Illinois.

In the event it becomes necessary to enforce the terms of this easement through court proceedings the prevailing party shall be entitled to reasonable attorney fees.

Vehicle and Pedestrian Access Easement. The Shared Private Driveway shall be subject to a perpetual, nonexclusive easement for ingress and egress granting access to the Owners of LOT 2 and LOT 3 and their occupants, agents, employees, guests, services, and emergency vehicles.

Parking. For the safety of the residents, no machinery, trailers, vehicles, or other property may be stored or parked upon the Shared Private Driveway except parking of vehicles for limited periods of time (not to exceed twelve hours).

Prepayment. Prepayment of maintenance, snowplowing, and Liability insurance for the Easement and Shared Private Driveway will be made annually to the road maintenance account by each Owner of LOT 2 and LOT 3 on July 1st of each year with a pro-rated share of the estimated annual cost of the private driveway maintenance, driveway improvements, annual snow removal, and liability insurance.

Checking Account. The Owners of LOT 2 and LOT 3 shall establish and maintain a bank checking account with a local bank and will prepare and distribute to the herein affected owners an annual income and expense report and yearend balance sheet, accounting for all funds received and disbursed.

Snow Plowing. The Private Driveway shall be snowplowed so as to permit year-round access. The cost shall be shared equally by the Owners of LOT 2 and LOT 3. Individual parcel driveway snow plowing, if desired, will be invoiced to the parcel owners directly by the snowplow contractor.

Effective Term. This Agreement shall be perpetual and shall encumber and run with the land as long as the driveway remains private.

Binding Agreement. This Agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators, and assigns.

Amendment. This Agreement may be amended only by the consent of all owners of LOT 2 and LOT 3.

Invalidity. Should any provision in this Agreement be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected, and each term and condition shall be valid and enforceable to the extent permitted by law.

Disclaimer by Village of Glen Ellyn. It is understood and agreed that the Village of Glen Ellyn, Village Board, Planning Commission, and the agents of the Village shall not be liable or responsible in any manner to the subject property owners, or to their contractors.

Witness the due execution hereof on this the _____ day of _____, 2020.

Grantors and Current Owners of PARCEL 1 - David & Sandra Crane

By: _____
David Crane

By: _____
Sandra Crane

Grantors and Current Owners of PARCEL 2 - Dennis Anest & Susan Nies

By: _____
Dennis Anest

By: _____
Susan Nies

State of Illinois
County of DuPage

Personally appeared before me, the undersigned authority in and for the said County and State, on this _____ day of _____, 2020, within my jurisdiction, the within named David & Sandra Crane (PARCEL 1) and Dennis Anest & Susan Nies (PARCEL 2), Current Parcel Owners, who acknowledge that they executed, signed, and delivered the above and foregoing instrument on the date there provided.

My Commission Expires: _____

Notary Public

REGULAR PLAN COMMISSION MEETING
JANUARY 24, 2019

Call to Order

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

Public Comment

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

Approval of Draft Minutes

Commissioner Saeed moved, seconded by Commissioner Vondruska, to approve the minutes of the January 7, 2019 Plan Commission meeting. The motion carried unanimously by voice vote.

Commissioner Saeed moved, seconded by Commissioner Vondruska, to approve the minutes of the January 10, 2019 Plan Commission meeting. The motion carried unanimously by voice vote.

Public Hearing – 495-499 Roosevelt Road – Raising Cane’s Chicken Fingers – Special Use Permit, Zoning Variations & Sign Variations

On the agenda was a public hearing regarding a public hearing to consider the application for a Special Use Permit, Zoning Variations and Sign Variations for 2495-499 Roosevelt Road.

PUBLIC HEARING – 495-499 ROOSEVELT ROAD – RAISING CANE’S CHICKEN FINGERS – SPECIAL USE PERMIT, ZONING VARIATIONS & SIGN VARIATIONS

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT, ZONING VARIATIONS AND SIGN VARIATIONS FOR RAISING CANE’S RESTAURANTS, LLC TO CONSTRUCT A 3,707 SQUARE FOOT RAISING CANE’S CHICKEN FINGERS RESTAURANT WITH A DRIVE-THRU.

Commissioner Hartweg, seconded by Commissioner Rodemann, to open the public hearing at 7:01 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Planning Intern Clements was sworn in and stated the petitioner is Raising Cane's Restaurant, LLC, lessee of the property located at 495-499 Roosevelt Road, represented by LuAron McCormack. Planning Intern Clements stated they are conducting a public hearing for approval of a Special Use Permit, Zoning Variations and Sign Variations to construct a Raising Cane's Chicken Fingers restaurant with a drive-thru. Planning Intern Clements stated in order to facilitate the project, the petitioner will need to receive approval of a Special Use Permit for a drive-thru, Zoning Variations, Sign Variations, Lot Consolidation and Exterior Appearance.

Planning Intern Clements stated a notice of public hearing for the requested approvals was published in the January 9, 2019 edition of the Daily Herald. Property owners within 250 feet of the property were notified by mail of the public hearing and placard signs were placed on the site.

Planning Intern Clements stated in order to accommodate the project, the petitioner is specifically requesting approval of the following:

- A. A Special Use Permit for a drive-in commercial facility (i.e. drive-thru) in accordance with Section 10-4-15(B)9 of the Zoning Code
- B. The following variations from the Glen Ellyn Zoning Code:
 - 1. A variation from Section 10-5-8(I) of the Zoning Code to allow for a 10' drive-thru aisle in lieu of the minimum required 12' drive-thru aisle.
 - 2. A variation from Section 10-5-5(C)1 of the Zoning Code to allow for an impervious surface setback of 4.5' along the west property line in lieu of the minimum required impervious surface setback of 8.3'.
 - 3. A variation from Section 10-4-15(G)15 of the Zoning Code to provide 33 parking spaces in lieu of the 34 parking spaces required.
- B. The following variations from the Glen Ellyn Sign Code:

1. A variation from Section 4-5-10(A) of the Sign Code to allow 4 signs in lieu of 3 sign permitted for a corner lot.
2. A variation from Section 4-5-10(A) of the Sign Code to allow for a total combined area of all signs to be 185 square feet in lieu of the maximum 150 square feet permitted on a corner lot.
3. A variation from Section 4-5-10(A) of the Sign Code to allow a wall sign to have a surface area of 67.52 square feet in lieu of the maximum 46 square feet permitted for a wall sign.
4. A variation from Section 4-5-10(A)2 of the Sign Code to allow a freestanding sign to have a surface area of 56 square feet in lieu of the maximum 50 square feet permitted.

Planning Intern Clements stated the subject property contains two parcels totaling 43,035 square feet in area, and the eastern most parcel currently contains a vacant Arby's restaurant and the western parcel contains a vacant Caribou Coffee restaurant. Planning Intern Clements stated both buildings will be demolished as part of the redevelopment.

Planning Intern Clements stated the surrounding land uses primarily consist of commercial with some office and residential uses. Planning Intern Clements stated zoning in the surrounding area is C3 along Roosevelt Road with C4 and R4 along Taft Avenue, and the surrounding land uses are:

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

South: Multi-Family Residential zoned R4 Multi-Family Residential District

Southwest: Offices zoned C4 Office District

East: Commercial (Restaurant uses) zoned C3 Service Commercial District

West: Commercial (Service/Retail uses) zoned C3 Service Commercial District

Planning Intern Clements stated the petitioner is proposing the construction of a 3,707 square foot building for a Raising Cane's Chicken Finger restaurant, and the restaurant will contain a drive-thru as well as a small outdoor eating area. Planning Intern Clements stated as part of the development of the entire site a proposed right-in-right-out access on Roosevelt Road has been approved by IDOT in concept.

Planning Intern Clements stated the use of a drive-thru requires a Special Use Permit, and the drive-thru will have one lane that wraps around the building with the ordering boards located

to the south of the building and the entrance to the drive-thru lane being located approximately 60 feet away from the Roosevelt Road access. Planning Intern Clements stated the drive-thru lane will accommodate a total of 10 stacked vehicles to satisfy the minimum 5 stacking spaces required. Planning Intern Clements stated the petitioner is seeking a variation to allow for a 10 foot drive aisle in lieu of the required 12 foot drive aisle. Planning Intern Clements stated this is a common variation that has been approved by the Village Board in the past. Planning Intern Clements stated considering the slow speeds at which patrons drive through the drive thru lane, staff believes that this variation will not create a health and safety hazard.

Planning Intern Clements stated landscaping will be installed along Roosevelt Road, Main Street, and Taft Avenue, and the petitioner is also proposing landscaping on the interior of the lot including foundation plantings, parking lot islands, landscaping in the drive-thru area, and plantings along the west lot line. Planning Intern Clements stated the landscaping consists of a mixture of evergreens, shrubs, and perennials, as is required by code.

Planning Intern Clements showed a proposed rendering of the building and stated the existing utilities will be undergrounded with this project.

Planning Intern Clements stated the Plan Commission is being asked to conduct a public hearing on the requests for approval of a Special Use Permit, variations from the Zoning Code, and variations from the Sign Code. Planning Intern Clements stated the Plan Commission should consider the petitioner's requests and make a recommendation to the Village Board for approval, approval with conditions or denial. In reviewing the applications, the Commission should consider the following criteria:

- Section 10-10-14(E) of the Zoning Code for the Special Use for a drive-thru
- Section 10-10-12 of the Zoning Code for the Zoning Variations
- Section 4-5-17(G)3 of the Sign Code for the Sign Variations
-

Planning Intern Clements stated the Plan Commission may wish to consider that the following conditions be placed on the recommendation of the project:

1. Final IDOT approval of the proposed RI/RO access shall be obtained prior to the issuance of a building permit for construction of the building including the foundation work.
2. The Plat of Consolidation shall be finalized and recorded prior to the issuance of a building permit for construction of the building including the foundation work.

3. Outstanding items contained in the Public Works memo prepared by Rich Daubert, P.E. dated October 26, 2018 shall be addressed at the time of the building permit submission.
4. If any rooftop units, after installation, are still visible from the adjacent rights-of-way of Main Street, Roosevelt Road, or Taft Avenue, then additional screening shall be installed to fully screen these units.
5. Any other conditions recommended by the Plan Commission.

Questions from the Plan Commission

Commissioner Saeed asked if the total sign square footage was 185 square feet as he adds up a different total. Village Planner Sterrett was sworn in and stated the Staff Memo is incorrect on page 36 as the monument sign is 56 square feet and not 67 as listed.

Acting Chairperson Mulherin asked about the process and status of the conditional approval by IDOT for the right-in/right out piece. Planning Intern Clements stated they received conditional approval from IDOT through the Project Engineer, and this is good enough for staff to move forward with this. Planning Intern Clements stated it is the final dimensions that they need approval from IDOT on. Acting Chairperson Mulherin stated the concept is approved, but they just need final dimensions to which Planning Intern Clements stated this is correct.

Commissioner Vondruska asked about the north and south entrances. Planning Intern Clements stated just having the north and south entrances are fine as this pass-through discourages people from making a left out.

Acting Chairperson Mulherin asked if there is currently a non-pervious separation between the lot to the west and this property. Planning Intern Clements stated it is currently parking lot to parking lot with the buildings almost adjacent.

Commissioner Rodemann asked if staff is comfortable with the site circulation as there will be looping around the building. Planning Intern Clements stated staff is fine with this.

Commissioner Rodemann asked if the handicapped spaces will need to meet Illinois' ADA standards to which Planning Intern Clements stated they will.

Petitioner's Presentation

LuAron McCormack, Development Manager with Raising Cain's Chicken Fingers in Plano, Texas, Jason Cooper, Professional Engineer with Kimley-Horn Engineering in Lisle, Illinois, and Julie Olson, Architect with CSRS Architects, Inc. in Baton Rouge, Louisiana, were sworn in.

Ms. McCormack presented the history of Raising Cane's Restaurants and stated the first Raising Cane's Restaurant was built in 1996, located outside the gate of Louisiana State University. Ms. McCormack stated they have over 450 restaurants internationally and are very involved in the community. Ms. McCormack stated they believe in giving back. Ms. McCormack showed pictures of existing Raising Cane's locations.

Questions from the Plan Commission

Commissioner Rodemann stated he has concerns with vehicles circling the building. Commissioner Rodemann stated there is proposed parking on the east side of the property and asked how pedestrians from this side will enter the building. Mr. Cooper stated the majority of Raising Cane's business is done in the drive-thru so the majority of people would park on the west side of the property as there will be a door on that side. Mr. Cooper stated this is a site concept that is utilized often, and they believe it is the best layout.

Commissioner Rodemann asked about the narrower drive aisle. Mr. Cooper stated they worked closely with the Village staff on the final engineering of this, and there will be signage to alert vehicle drivers to watch for pedestrians. Commissioner Rodemann asked if there would be a standing waiting area for vehicles. Mr. Cooper stated that is not a part of this plan.

Acting Chairperson Mulherin asked to review the signage which was shown on the screen. Acting Chairperson Mulherin asked where the monument sign would be. Planning Intern Clements stated this sign would be on the northeast corner of the property.

Ms. McCormack stated if they do not use the mural signage that they normally use, the heart artwork is used instead. Mr. Cooper stated the Naperville Raising Cain's location does have this mural on the building.

Commissioner Hartweg asked if the proposed building will be the same size as the Naperville location. Mr. Cooper stated the building would be the same size as Naperville's as the same prototype is being used.

Commissioner Saeed asked if the heart sign could be brought down in size to closer to the maximum size for a wall sign. Ms. McCormack stated this sign has always been a standard size, and she is not sure if it can be reduced.

Persons in Favor of or in Opposition to the Request

None

Commissioner Hartweg moved, seconded by Commissioner Vondruska to close the public hearing at 7:34 p.m. The motion carried unanimously by voice vote.

Comments from the Plan Commission

Commissioner Rodemann stated he supports the project as it is a nice project. Commissioner Rodemann stated this corner needs revitalization, and the design is nice. Commissioner Rodemann stated there is a logistical challenge to moving people in and out. Commissioner Rodemann stated he has no exception to the signage as presented as the signage seems appropriate to the size of the building, and the building is on a corner.

Commissioner Vondruska thanked the petitioner for considering Glen Ellyn for its business. Commissioner Vondruska stated the signage in relation to the rest of the building is nicely done, and he supports the other variations as well. Commissioner Vondruska stated this will be a nice addition to this corner.

Commissioner Hartweg stated this is a good project and seems like a well-planned operation. Commissioner Hartweg stated he likes the artwork as it is homey and sets the building apart. Commissioner Hartweg stated he is glad they are considering Glen Ellyn as this project is very positive.

Commissioner Saeed stated this is a good project, and the variations are not too out of line. Commissioner Saeed stated he was concerned about the maximum square footage of signs, but the petitioner stated this has been used before. Commissioner Saeed stated he supports this project.

Acting Chairperson Mulherin stated he supports the project as well. Acting Chairperson Mulherin stated the variances are appropriate and thanked the petitioner for coming to Glen Ellyn.

Motion

Commissioner Vondruska moved, seconded by Commissioner Hartweg, to recommend approval of a Special Use Permit, Variations from the Glen Ellyn Zoning Code, and Variations from the Glen Ellyn Sign Code for Raising Cane's Restaurants, LLC for the property at 495-499 Roosevelt Road to accommodate a proposed Raising Cane's Chicken Fingers Restaurant with a drive-thru.

Having considered the applications of Raising Cane's Restaurants, LLC for approval of a Special Use Permit, Variations from the Zoning Code, and Variations from the Sign Code to accommodate the construction of a Raising Cane's Chicken Fingers restaurant with a drive-thru at the property located at 495-499 Roosevelt Road in the C3 Service Commercial District, the Plan Commission hereby adopts the findings of fact contained in the petitioner's application packet and presented by the petitioner at the public hearing as well as the findings of fact included in the deliberations of the Plan Commission, and recommends to the Village Board approval of the following requests:

- A. A Special Use Permit for a drive-in commercial facility (i.e. drive-thru) in accordance with Section 10-4-15(B)9 of the Zoning Code
- B. The following variations from the Glen Ellyn Zoning Code:
 - 2. A variation from Section 10-5-8(I) of the Zoning Code to allow for a 10' drive-thru aisle in lieu of the minimum required 12' drive-thru aisle.
 - 2. A variation from Section 10-5-5(C)1 of the Zoning Code to allow for an impervious surface setback of 4.5' along the west property line in lieu of the minimum required impervious surface setback of 8.3'.
 - 3. A variation from Section 10-4-15(G)15 of the Zoning Code to provide 33 parking spaces in lieu of the 34 parking spaces required.
- C. The following variations from the Glen Ellyn Sign Code:
 - 1. A variation from Section 4-5-10(A) of the Sign Code to allow 4 signs in lieu of 3 sign permitted for a corner lot.
 - 2. A variation from Section 4-5-10(A) of the Sign Code to allow for a total combined area of all signs to be 185 square feet in lieu of the maximum 150 square feet permitted on a corner lot.

3. A variation from Section 4-5-10(A) of the Sign Code to allow a wall sign to have a surface area of 67.52 square feet in lieu of the maximum 46 square feet permitted for a wall sign.
4. A variation from Section 4-5-10(A)2 of the Sign Code to allow a freestanding sign to have a surface area of 56 square feet in lieu of the maximum 50 square feet permitted.

Subject to the following conditions:

1. Final IDOT approval of the proposed RI/RO access shall be obtained prior to the issuance of a building permit for construction of the building including the foundation work.
2. The Plat of Consolidation shall be finalized and recorded prior to the issuance of a building permit for construction of the building including the foundation work.
3. Outstanding items contained in the Public Works memo prepared by Rich Daubert, P.E. dated October 26, 2018 shall be addressed at the time of the building permit submission.
4. If any rooftop units, after installation, are still visible from the adjacent rights-of-way of Main Street, Roosevelt Road, or Taft Avenue, then additional screening shall be installed to fully screen these units.

The motion carried with five (5) yes votes and zero (0) no votes as follows: Plan Commissioners Vondruska, Hartweg, Rodemann, Saeed and Acting Chairperson Mulherin voted “yes.”

Village Planner Sterrett stated this will be on the Village Board’s agenda at the February 11th Village Board Meeting.

Pre-Application Meeting – 21W536 Acorn Avenue and 0N282 Cumnor Avenue – Crane & Anest – Minor Subdivision with Subdivision & Zoning Variations

On the agenda was a pre-application meeting to discuss the Minor Subdivision of these two lots into three lots with variations.

Staff Presentation

Village Planner Purvis presented the background on this minor subdivision and stated the petitioners are David Crane, owner of the property located at 21W536 Acorn Avenue, and Dennis Anest, owner of the property located at 0N282 Cumnor Avenue. Village Planner Purvis showed an overview map of the subject properties and stated the subject properties are located just east of the Enclaves Subdivision at the corner of Cumnor Avenue and Acorn Avenue. Village Planner Purvis stated both properties are zoned R-4 Single Family Residential in unincorporated DuPage County, and the surrounding land uses are R-4 DuPage County and R2 Single Family Residential Glen Ellyn.

Village Planner Purvis stated the petitioners are requesting a pre-application meeting to discuss the re-subdivision of their two properties into three lots. Village Planner Purvis stated due to the existing layout of the land, variations would be required in order to resubdivide the lots.

Village Planner Purvis stated the Village has held several meetings over the years with the residents on Cumnor Ave., Acorn Ave., Fairway St., and Walnut Rd. regarding the extension of Village utilities (water and sewer) and annexation to the Village. Village Planner Purvis stated in large part, the property owners in this area have been uninterested in paying the cost to extend the utilities (approximately \$50,000 per property) and the extra costs associated with becoming a part of the Village. Village Planner Purvis stated as part of the approval of the Enclaves Subdivision in 2016, the developers of the project were required to extend Village water and sanitary mains north from Hill Avenue to the corner of Cumnor Avenue and Fairway Street and north into the Enclaves Subdivision. Village Planner Purvis stated since the water and sewer mains are much closer now, there have been several residents on Cumnor Avenue, Acorn Avenue and Fairway Street that have expressed an interest in connecting to Village utilities and annexing. Village Planner Purvis stated the Village is in the process of drafting annexation agreements for 4 properties in this area and conducting Phase 1 and Phase 2 Engineering for the utility extension.

Village Planner Purvis stated in addition to connecting to utilities, David Crane, the property owner at 21W536 Acorn Avenue, is interested in subdividing his lot into two lots. Village Planner Purvis stated in order to do so, the Village would need to vacate a portion of the Acorn Avenue right-of-way, following the annexation of his property into the Village. Village Planner Purvis stated property owner Dennis Anest at 0N282 Cumnor Avenue is interested in receiving some of the vacated right-of-way as well, to increase the limits of his property to include his driveway (which is now partially within the public right-of-way). Village Planner Purvis stated it is typical for the Village to split rights-of-way 50/50 between adjoining properties, but in this case, the lots would be very oddly shaped if an equal split were to take place. Village Planner Purvis stated Village staff have met with the petitioners several times to discuss the proposed

subdivision of the properties and have suggested the proposed layout on the plat of subdivision attached for the Plan Commission's review.

Village Planner Purvis stated the proposed resubdivision of the properties would require an exchange of property (right-of-way vacation) from the Village to each of the property owners. Village Planner Purvis stated this process is typically reviewed by Village staff with final approval from the Village Board. Village Planner Purvis stated in conjunction with the vacation, Mr. Crane would subdivide his newly expanded property into two lots. Village Planner Purvis stated Mr. Crane plans to keep the existing house on the easterly lot and would create a second lot to the west meeting requirements of the R2 zoning district (as close to Code compliant as possible), which is what the property would be zoned upon annexation.

Village Planner Purvis stated Village staff reviewed several iterations of this proposal, each one resulting in non-conformities from the Code. Village Planner Purvis stated dead-end roads, private streets and flag lots are all prohibited in the Subdivision Code. Village Planner Purvis stated the Village's Engineers in the Public Works Department did not want to accept an oddly shaped, dead-end roadway that is 10 feet less in width than our standard roadways and would require repair and maintenance. Village Planner Purvis stated Public Works suggested that the portion of Acorn Avenue west of Cumnor Road should be a private street.

Village Planner Purvis reviewed the three options that have been discussed for this, and the Village staff recommends Option 3 to result in the creation of a flag lot that would help make the lots fairly rectangular in shape. Village Planner Purvis stated with this option, the Village would not be responsible for the maintenance of a dead-end road (as the roadway would become part of the properties). Village Planner Purvis stated some sort of shared access easement agreement that also covered the maintenance of the private road would need to be negotiated between the property owners in order for this configuration to work. Village Planner Purvis stated this layout would still require Mr. Anest to give a portion of his property to the northerly lot, but he would also benefit from the right-of-way vacation in this instance. Village Planner Purvis stated this option would not require that the roadway be brought to the Village's standards. Village Planner Purvis stated this option would require the below variations from the Subdivision and Zoning Code.

Village Planner Purvis stated in addition to approval of an annexation agreement, annexation and a right-of-way vacation, and based upon the preliminary plans the staff has at this time, staff anticipates that the petitioners will require approval of the following in order to proceed with the project:

1. A Minor Subdivision with the following variations:
 - a. A Subdivision Variation to allow the construction of a flag lot; and

- b. A Subdivision Variation to waive the requirement of undergrounding the utility lines and planting trees 40 foot on center; and
 - c. A Subdivision Variation to waive the requirement to install sidewalks (likely with a fee in lieu of installing sidewalks); and
2. A variation from the Zoning Code to allow a 20 foot lot width in lieu of an 80 foot lot width.

Village Planner Purvis stated typically, before the Village vacates public right-of-way, staff examines the site to determine if the land is of use to the Village. Village Planner Purvis stated in this case, there is a path that is supposed to be constructed as part of the Enclaves Subdivision that would terminate at Acorn Avenue. Village Planner Purvis stated the path is 10 feet wide and runs along the Enclaves northern boundary. Village Planner Purvis stated if Acorn Avenue were vacated by the Village there would be a missed opportunity to provide pedestrian connectivity to this path. Village Planner Purvis stated for this reason, staff has asked that a 10 foot easement be provided on the newly created lot that would extend to the public right-of-way. Village Planner Purvis stated the Village will likely construct the path at the same time the Enclaves' path is constructed using matching materials.

Village Planner Purvis stated the Plan Commission is being asked to conduct a pre-application conference and provide comments that will assist the petitioner in preparing a formal application. Village Planner Purvis stated in reviewing the project, the Plan Commission may wish to consider/provide feedback regarding the following:

- 1. If the Commission is supportive of the overall concept.
- 2. If the Commission would prefer one of the other configurations for the resubdivision of the lots.
- 3. If the Commission is comfortable with the requested variations.
- 4. Clarify any concerns.

Questions from the Plan Commission

Commissioner Vondruska asked why a more private drive is not used for Option 3. Village Planner Purvis stated it could be, and this is basically Option 1. Village Planner Purvis stated with either option, there is a private drive.

Commissioner Rodemann asked if the easement for the walkway is on the west side of the new lot and cross-shared drive to which Village Planner Purvis stated it is

Acting Chairperson Mulherin asked about the Village's responsibility for the roads as the Village is looking to the future with annexing the entire site. Village Planner Purvis stated Public Works does not want a little dead-end road, and the Fire Department and such could still circulate without a problem.

Commissioner Hartweg asked how confusing the road is now. Mr. Crane stated there is very little traffic, and the garbage trucks go in and back out.

Petitioner's Presentation

David Crane, owner of the property at 21W536 Acorn Avenue, stated he and Mr. Anest have been working on getting sanitary to their homes for some time. Mr. Crane stated they were going to try to divide the vacated right-of-way equally, but this would create very oddly-shaped lots. Mr. Crane stated the current Option 3 is a good compromise, and there would be enough rooms on all the lots. Mr. Crane stated with this option, the Village does not need to maintain a dead-end street. Mr. Crane stated there will be a financial arrangement with Mr. Anest so if the extra lot sells, Mr. Anest will benefit from this. Mr. Crane stated creating a third lot would help to increase the Village's tax base.

Commissioner Rodemann stated the 20-foot exposure of the flag lot does not expose anything. Mr. Crane stated they think there is enough room to get a separate driveway in. Commissioner Rodemann stated this is a good compromise.

Acting Chairperson Mulherin asked about the easement. Village Planner Purvis stated staff would ask the petitioners to have something worked out on this.

Comments from the Plan Commission

Commissioner Vondruska stated Option 3 logically makes sense. Commissioner Vondruska stated he supports this if the staff is comfortable with how this will fit in with future planning.

Commissioner Saeed stated he agrees with Option 3.

Commissioner Rodemann stated part of the easement agreement should be that the Village has adequate access to the back property.

Commissioner Hartweg stated he agrees with this. Commissioner Hartweg stated he was a little leery about a flag lot, but this makes the most sense.

Acting Chairperson Mulherin stated he is comfortable with all this as long as this Village is.
Acting Chairperson Mulherin stated there should be an easement.

Acting Chairperson Mulherin stated no vote is needed on this at this time, and the consensus of the Plan Commission is supportive of this overall concept.

Trustee's Report

Trustee Ladesic stated there was a Workshop on Tuesday night, and the Village Board discussed the Apex 400 development. Trustee Ladesic stated there was lots of constructive input given by the Village staff, the Village Board and residents. Trustee Ladesic stated this project is generally supported by the Village Board, and the project will come to the Village Board for a vote at the January 28th meeting.

Chairperson's Report

Acting Chairperson Mulherin welcomed a member of the League of Women's Voters to the meeting who was observing.

Staff Report

Village Planner Sterrett stated there will be a Plan Commission meeting on February 14, 2019 to review the subarea for the Downtown Comprehensive Plan update. Village Planner Purvis stated there might be a Zoning Code Text Amendment to review as well.

Village Planner Purvis invited everyone to Fire Station #1 on Saturday, January 26th from 10:00 a.m. to 2:00 p.m. to a charrette for the future Downtown Streetscape project.

Other Business

None

Adjournment

Commissioner Hartweg moved, seconded by Commissioner Vondruska, to adjourn the meeting at 8:10 p.m. The motion carried unanimously by voice vote.

PLAN COMMISSION

-15-

JANUARY 24, 2019

Respectfully Submitted,

Debbie Solomon
Recording Secretary

11-3-10. - Criteria for subdivision approval.

A subdivision shall not be approved unless:

- (A) The proposed subdivision conforms to the provisions set forth in this title, including the rules and regulations referenced in section 11-4-1 of this title.
- (B) Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed.
- (C) A public sewage system is proposed and adequate provision has been made for such system or, if other methods of sewage disposal are proposed that such systems will comply with federal, state and local laws and regulations.
- (D) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precaution have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions.
- (E) The proposed subdivision will not be detrimental to the public health, safety and welfare.
- (F) No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector street to such an extent that the street does not function at a level of service deemed acceptable by the Village. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development.

(Ord. 5334, 2-28-2005)

11-3-11. - Variances.

- (A) Where extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternate proposal, the Village may approve variances to this title so that substantial justice may be done and public interest secured, provided that the variance shall not have the effect of nullifying the intent and purpose of this title.
- (B) All requests for variances to this title shall be forwarded to the Plan Commission for review and recommendation to the Village Board. The Village Board shall then approve, deny or conditionally approve the requested variance.
- (C) The Plan Commission shall not recommend approval of a variance nor shall the Village Board grant approval of a variance unless it determines that:
 - 1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements;
 - 2. The conditions upon which the request is based are unique to the property for which the relief is sought, create substantial difficulty in developing the property and are not generally applicable to other property; and
 - 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
- (D) For the purpose of supplementing the above standards, the Plan Commission and Village Board shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorable to the applicant:
 - 1. That the variation, if granted, will not alter the essential character of the locality;
 - 2. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 - 3. That the proposed variation will not:
 - (a) Diminish or impair property values within the neighborhood;
 - (b) Unduly increase traffic congestion in the public streets and highway; or
 - (c) Result in an increase in public expenditures; and
 - 4. That the variation is the minimum variation that will make possible the reasonable use of the land;
 - 5. Whether or not the alleged difficulty or particular hardship has been created by any person presently having an interest in the property or by the applicant.
- (E) The Plan Commission shall forward a written recommendation on the request for a variance to the Village Board that shall set forth the reasons on which the Plan Commission's recommendation is based.
- (F) In approving variances, the Plan Commission may recommend and the Village Board may require such conditions as will in its judgment, secure substantially the purposes described in section 11-1-4 of this title.
- (G) A petition for any variance shall be submitted in writing by the subdivider at the time when the plat is filed for the consideration by the Plan Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- (H) Whenever a variance is requested under this title, the Plan Commission shall hold a public hearing thereon. Notice of the time and place of such hearing shall be published according to the procedures set forth in subsection 11-3-4(B) of this chapter.

(Ord. 5334, 2-28-2005)

10-10-12. - Variations.

- (E) The Community Development Director shall not vary the provisions of this title, nor shall the Zoning Board of Appeals recommend, and the Village Board vary, the provisions of this title, except in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any regulation of this title relating to the use, construction or alteration of buildings or structures or the use of land, and unless it shall have made findings based upon the evidence presented to it in the following cases:
1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; and that the variation, if granted, will not alter the essential character of the locality; or
 2. That the plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality;
- (F) For the purpose of supplementing the above standards, in consideration of granting an administrative variation or recommending approval of a variation, the Community Development Director or the Zoning Board of Appeals shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:
1. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;
 2. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district;
 3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant;
 5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 6. That the proposed variation will not:
 - (a) Impair an adequate supply of light and air to adjacent property;
 - (b) Substantially increase the hazard from fire or other dangers to said property or adjacent property;
 - (c) Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;
 - (d) Diminish or impair property values within the neighborhood;
 - (e) Unduly increase traffic congestion in the public streets and highways;
 - (f) Create a nuisance; or
 - (g) Result in an increase in public expenditures;
 7. That the variation is the minimum variation that will make possible the reasonable use of the land, building or structure;
 8. In the case of a planned unit development, that the granting of the variation will not significantly compromise the character and concept of the planned unit development;

(Ord. 3617, 5-8-1989, eff. 6-1-1989; amd. Ord. 3953, 9-28-1992; Ord. 6520, 7-24-2017; Ord. 6674, 2-25-2019)

(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO APPROVE THE REQUESTED MINOR SUBDIVISION WITH SUBDIVISION AND ZONING CODE VARIATIONS FOR THE PROPERTIES LOCATED AT 21W536 ACORN AVENUE AND 0N282 CUMNOR AVENUE, GLEN ELLYN, IL

Related to the petitioners' request for a minor subdivision on the subject properties and in accordance with Section 11-3-10 of the Subdivision Code, the Plan Commission hereby makes the following findings of fact:

(Draft reasons, taken partially from the petitioner's application packet, as to how the project may comply with the necessary findings have been drafted by Staff; the Commission may wish to consider the findings but should feel free to amend the below reasons to make your own findings of fact based upon information provided at the public hearing).

1. Where applicable, the proposed subdivision conforms to the provisions set forth in the Subdivision Code, including rules and regulations referenced in section 11-4-1 of the Subdivision Code, except those variations from the Subdivision Code and Zoning Code that are being requested.
2. Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed. The utility extension project is being constructed and overseen by the Village, and is not a part of the minor subdivision under review.
3. A public sewage system is proposed and adequate provision has been made for such system, however, the utility extension project is being constructed and overseen by the Village and is not a part of the minor subdivision under review.
4. A soil survey of the properties has not been conducted as part of the minor subdivision because no new construction is proposed on the subject properties at this time. At such time that a building permit application is submitted for the construction of a new home on Lot 2, the appropriate soil surveys will be conducted. The existing single family homes on Lot 1 and Lot 3 of the subdivision will remain.
5. The proposed subdivision will not be detrimental to the public health, safety and welfare because the subdivision will create only one new residential lot in an established residential neighborhood.
6. The subdivision will not result in an increase in traffic to such an extent that the street capacity is impacted and does not function at a level of service deemed acceptable by the Village since only one new single-family lot is being created.

Related to the petitioners' request for the following variations from the Subdivision Code:

- (A) A variation from Section 11-4-2(N) to allow the creation of a flag lot; and
- (B) A variation from Section 11-4-4(M) to allow a subdivision without the installation of street lights; and

- (C) A variation from Section 11-4-7(A) to allow a subdivision without the installation of sidewalks on both sides of the rights-of-way adjacent to all existing streets; and
- (D) A variation from Section 11-4-8(A) to allow a subdivision where all existing communication lines, electric lines, and other similar utilities in the subdivision and in the rights-of-way adjacent to the subdivision will not be placed underground; and
- (E) A variation from Section 11-4-9(C)1 to allow a subdivision without the planting of trees in the parkway every 40 feet on center;

and in accordance with Section 11-3-11 of the Subdivision Code, the Plan Commission hereby makes the following findings of fact:

(Draft reasons, taken partially from the petitioner's application packet, as to how the project may comply with the necessary findings have been drafted by Staff; the Commission may wish to consider the findings but should feel free to amend the below reasons to make your own findings of fact based upon information provided at the public hearing).

1. The granting of the subdivision variations will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements because the surrounding neighborhood has a more rural streetscape, where there are established trees, there are no sidewalks, streetlights or undergrounded utilities. While the newly created lot will be a flag lot, adequate access to the public right-of-way will be provided.
2. The conditions upon which the request is based are unique to the property for which the relief is sought, create substantial difficulty in developing the property and are not generally applicable to other property because while a minor subdivision is proposed, no new construction is proposed at this time and only one new lot is being created as a result of the subdivision. If the petitioners were required to make all of the improvements of a typical subdivision, it would be infeasible to resubdivide the land just to create one additional single family lot.
3. A particular hardship to the owners would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out due to the substantial costs for the improvement to the subdivision and adjacent rights-of-way, only to create one new single family lot.
4. The variations, if granted, would not alter the essential character of the locality, but would actually fit the character of the existing neighborhood which has a more rural streetscape.
5. The purpose of the variations is not based exclusively upon a desire to make more money out of the property because without the variations being granted the subdivision would not be feasible.

6. The proposed variations will not diminish or impair property values within the neighborhood, because the variations will allow the subject properties within the subdivision to match the more rural streetscape treatment of the surrounding neighborhood. The flag lot configuration will not impact or impair other property values and will not be noticeable to the general public.
7. The proposed variations will not unduly increase traffic congestion in the public streets and highways because only one new lot is being created as a result of the minor subdivision.
8. The proposed variations will not result in an increase in public expenditures.
9. The variations are the minimum variations that will make possible the reasonable use of the land.
10. The difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant(s).

Related to the petitioner's request for the following variation from the Zoning Code:

- (A) A variation from Section 10-4-8(D)8(a) to allow a lot width of 20 feet for Lot 2 in the proposed subdivision in lieu of the lot width of 66 feet required;

and in accordance with Section 10-10-12 of the Zoning Code, the Plan Commission hereby makes the following findings of fact:

(Draft reasons, taken partially from the petitioner's application packet, as to how the project may comply with the necessary findings have been drafted by Staff; the Commission may wish to consider the findings but should feel free to amend the below reasons to make your own findings of fact based upon information provided at the public hearing).

1. The plight of the owner is due to unique circumstances; and the variation if granted, will not alter the essential character of the locality because the lot width of the newly created lot is a result of the flag lot configuration. It will only be recognizable as a smaller lot width when viewed on the plat of survey or plat of subdivision. The actual property will appear to any passerby to be a standard lot with a standard lot width.
2. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of regulation were to be carried out because without the granting of a variation for the lot width, a flag lot could not be created. The proposed minor subdivision would be infeasible if all required improvements related to the roadway were required of the petitioners in order to create one new single family lot.
3. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district because this is a unique circumstance where Village right-of-way is available to be vacated in order to create a new lot.

Two of the three lots within the proposed subdivision are existing as is the roadway. The only way for the petitioners to avoid a costly roadway reconstruction to bring Acorn Avenue right-of-way up to the Village's roadway standards would be to create a private driveway, thereby creating a flag lot resulting in a smaller lot width.

4. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property because without the lot width variation, the subdivision would not be feasible due to the costs of all of the public improvements that would be required in order to create one additional single family lot.
5. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant.
6. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located because the lot width variation will not be noticeable. Due to the layout of the property, the lot will appear to have a standard width.
7. That the proposed variation will not impair adequate supply of light and air to adjacent property because any structure permitted to be constructed on the lot will adhere to appropriate setbacks for the district.
8. That the proposed variation will not substantially increase the hazard from fire or otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village because any structure permitted on the lot will adhere to the appropriate setbacks in the district and will also be required to meet all Village building codes.
9. That the proposed variations will not diminish or impair property values within the neighborhood or unduly increase congestion in the public streets and highways because the variation allows for the creation of a flag lot with a reduced lot width, which will not have an impact on property values or traffic in the streets.
10. That the proposed variation will not create a nuisance or result in an increase in public expenditures as the reduced lot width will not be discernable to the general public and will only be noticeable when viewing a plat. There will be no impact to public expenditures due to the reduced lot width.
11. That the variation is the minimum variation that will make possible the reasonable use of the land.

**"MOTION" (DRAFT) TO RECOMMEND APPROVAL OF A
MINOR SUBDIVISION WITH SUBDIVISION AND ZONING CODE VARIATIONS**

After conducting a public hearing and deliberating on the requests of David and Sandra Crane and Dennis Anest and Susan Nies, for a Minor Subdivision with Subdivision and Zoning Code Variations to allow the resubdivision of their properties located at 21W 536 Acorn Avenue and 0N282 Cumnor Avenue, the Plan Commission hereby recommends approval based on the findings of fact attached to the Staff Report, dated October 2, 2020, as discussed or amended at the Plan Commission public hearing on October 22, 2020, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village.

The Plan Commission makes this recommendation of approval with the following conditions:

1. _____

2. _____

3. _____

4. _____

Motion by: _____ Seconded by: _____