



Agenda
Village of Glen Ellyn
Plan Commission Meeting
Thursday, September 9, 2021
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

- A. **Call to Order**
- B. **Public Comment (Non Agenda Items)**
- C. **Approval of Draft Minutes from the August 26, 2021 Plan Commission Meeting**
 - 1) Draft Minutes of the August 26, 2021 Plan Commission Meeting
- D. **Public Hearings**
 - 1) 400, 418-424 N. Main Street - Apex 400 Planned Unit Development Amendment Request. The Petitioner, Larry Debb is requesting an amendment to the previously granted Planned Unit Development Plans to allow the installation of roof top equipment on the building, which is currently under construction.

cc: Plan Commission Members
Steve Thompson, Trustee Liaison
Kelly Purvis, Staff Liaison
Barbara Dutton, Recording Secretary
Staci Springer, Community Development Director
Atrian Fard, Planner
Associate Planner
Lori Gloude, Administrative Assistant
Mark Franz, Village Manager
Emily Rodman, Assistant Village Manager
Meredith Hannah, Economic Development Coordinator
Megan Plahm, Communications Coordinator
Brian Baltudis, Facilities Manager
Dave Harris, Glen Ellyn Park District
Emily Tammaru, Community Consolidated School District 89
Seth Chapman, Glenbard School District 87
Eric DePorter, Glen Ellyn School District 41
Dawn Bussey, Glen Ellyn Public Library

Dear Interested Citizens:

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

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

- 2) Brookshire Subdivision - Jenna Court - The Home Owner's Association for Brookshire Subdivision is requesting a sign variation to allow a residential development sign on outlot "A" of the subdivision, which is commonly owned by the property owners.

- E. Trustee's Report**
- F. Chairman's Report**
- G. Staff Report**
- H. Other Business**
- I. Adjournment**



**Glen Ellyn Plan
Commission**
535 Duane Street
Glen Ellyn, IL 60137

Meeting 9/9/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Minutes
Prepared By: Kelly Purvis

**AGENDA ITEM (ID
2021-1391)**

DOC ID: 2021-1391

Draft Minutes of the August 26, 2021 Plan Commission Meeting

Statement of the Issue:

See minutes attached.

Analysis:

NA

Budget Impact:

NA

Action Requested:

Review and approve.

Attachments:

1. 8-26-21 Plan Commission Meeting Minutes-DRAFT

DRAFT MINUTES
REGULAR PLAN COMMISSION MEETING
August 26, 2021

Call to Order and Roll Call

The meeting was called to order at 7:01 p.m. by Chairperson Tim Loftus, who explained the Plan Commission's role as an advisory body to the Village Board, and asked those present to keep their masks on. He introduced meeting participants Village Board Trustee Liaison Steve Thompson, Planning Manager Kelly Purvis, Planner Atrian Fard, and Recording Secretary Barbara Dutton.

Roll was called. Present: Chairperson Loftus and Plan Commissioners Lloyd Berry, Laura Brown, Angela Fanella, Matt Halkyard, Peter Cooper and Mohammed Saeed. Absent: Commissioner Jamie Vondruska.

Public Comment Non-Agenda Items

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

Approval of Plan Commission Meeting Minutes

Commissioner Saeed moved to approve the draft minutes of the August 12, 2021 Plan Commission meeting; seconded by Commissioner Halkyard, the motion passed by voice vote.

844, 850 and 856 Forest Avenue Pre-Application Meeting for a Proposed 16-Unit Row House Development

Staff Introduction

Village Planner Atrian Fard described the location envisioned for construction of 16 unit row houses, for which an amendment to the Zoning Map, a preliminary and final Planned Unit Development (PUD) designation, several variations, and exterior approval appearance are sought. The subject property includes three vacant lots and is located at the northwest corner of Forest Avenue and St. Charles Road, approximately 380 feet east of St. Charles Road's intersection with North Main Street, she explained. The 37,608SF site includes a corner lot with 76 feet of frontage along St. Charles Road, and which is considered the front of the site. The three lots are currently zoned R2, to which the Petitioner is requesting a change to R3, a designation, Ms. Fard said, deemed appropriate by Staff. To the west, the subject property is adjacent to the R2 Residential District as well as B-2 General Business District of unincorporated DuPage County. The adjacent property directly to the north and those to the east across Forest Avenue are located in the R-4 Single-Family Residential District of unincorporated DuPage County. The property directly to the south, across St. Charles Road is R2 Residential. While the proposed attached single-family development with four dwelling units per building is a permitted use, explained Ms. Fard, the petitioner will be required to seek Special Use for a PUD. She reported that the Petitioner is in the process of purchasing the property, on which he hopes to construct four freestanding three-story buildings, together comprising 16 row houses: 10 three-bedroom with two-car garages and six two-bedroom units with one-car garages and an off-street parking space. One handicap space is also specified for the development.

The proposal delineates 69 percent of the site to be maintained as open space. According to Ms. Fard, the Residential PUD calls for the area of land set aside for common open space not be of an isolated or an unusable size and/or character. Compliance with this standard will be confirmed as part of the formal process, she said.

A shared two-way driveway is proposed, and refuse is envisioned to be collected from each unit rather than a common dumpster, said Ms. Fard, who added that the driveway configuration could potentially cause difficulty for trucks, given the small amount of space for turnaround. As part of the formal project review, she said, a traffic assessment will determine if the design is appropriate. A site plan, illustrates the addition of trees and landscape screening, she said, but a formal review of the landscape plan will also be required. Planner Fard presented a list of deviations expected to be sought by the Petitioner:

- A lot width of 81 feet where 90 feet is required;
- A density of 16 units as opposed to the seven or eight permitted (or up to nine if certain amenities are offered);
- A floor-area ratio of 0.94, which exceeds the maximum allowed of 0.4;
- Relief in the form of numerous setback deviations;
- A proposed 10 feet of building spacing where 18 feet are required;
- Impervious surface that exceeds the code specification of 50 percent or less;
- Alteration of the size of off-the-street parking spaces;
- A drive-aisle width of 20 feet narrowing to 16, where 23 feet is required; and
- A driveway approach width of 20 feet, where 24 feet is required; and
- possibly an additional deviation with respect to the required 10-foot wide landscaped buffer strip along the west side and north, rear property lines.

Planner Fard displayed a concept image depicting a “transitional, more contemporary design” of architecture visualized for the project (though the design is yet to be determined). She related that the Village Engineer concluded that the amount of net new impervious surface in the proposed project is at or near the storm-water management threshold, so onsite retention would be required – a stipulation to be further evaluated.

Commissioner Questions

Commissioner Halkyard asked if the development would be on sewer or septic, to which Planner Fard replied, the former. Chairperson Loftus asked why R3 zoning is desired, and if R4 had been chosen whether there’d be a change in the variations requested. Planner Fard responded by pointing out that developments shown earlier in the meeting are zoned R2, and are close to commercial zoning, but R3 is less transitional from the R2 residential setting of the proposed. She added that the difference in requirements between R2 and R3 are minor. Chairperson Loftus asked if having one handicap parking spot met requirements; Planner Fard stated that, so far, no additional spaces are required, but research on this point isn’t complete. The Chairperson asked if the proposed visitor parking is adequate. Planner Fard said that because the proposed development is considered attached single-family, the combination of parking areas outlined should render it adequate.

Commissioner Fanella asked if the proposed distance between buildings is a fire safety issue. Ms. Fard indicated that she wasn't in a position to comment on this point. Chairperson Loftus asked if the Fire Department had looked at the plans. Planning Manager Purvis said that no Fire Department representative was at the Development Committee meeting, but a Fire Department review would be in order for a formal proposal. Commissioner Brown was asked if the Petitioner had explored purchasing the property to the west (which Chairperson Loftus observed was for sale) along St. Charles for a turnaround. Planner Fard deferred the question to the Petitioner. Commissioner Brown asked if the townhomes proposed would have basements. Ms. Fard said she'd not seen anything about basements. Commissioner Brown asked if parking would be free. Ms. Fard suggested asking the Petitioner this.

Petitioner's Presentation

Rick Scheck, owner of Scheck International and the contract purchaser of the subject property displayed images of recently constructed local townhouses, including the Courtyards and Newleaf. Mr. Scheck, who introduced himself as a 19-year Glen Ellyn resident with construction and real estate experience, showed a photo of the site for which he is proposing a similar complex, stressing the use of local talent in development. He pointed out the proximity to the Ackerman park district facility, saying that a "health and wellness component" – specifically a possible membership to the fitness center – is envisioned for the townhomes he proposes. Mr. Scheck reviewed properties near the site – which he stated has water, power and sewer – and said elevation in terrain precludes tapping aforementioned land to the west for a turnaround. He reported reaching out to nearby residents and businesses about his plans, and surmises there might be interest in selling property in the neighborhood. Mr. Scheck maintained that his development would have adequately wide entry for vehicles, as well as would offer an entry-level product in an area that has little inventory of new homes of modest square footage. He mentioned the prospect of proceeds from developments he accomplishes in town going to local charities.

The Petitioner's project architect, Craig Pryde with KTG Architecture + Planning, reviewed the architectural concept for the townhome development proposed, which he described as a "transitional product" designed to achieve affordability goals by diverging in density and unit size from other for-sale products in the market. He recognized that the Village is looking to redevelop the neighborhood in which the proposed development site lies, and explained that the zoning designation sought was more conducive to the vision for the product. Mr. Pryde said that the Petitioner would work to eliminate deviations in the development, which would face Forest Ave. He said parking would be consolidated for efficiency, no parking spaces will need variations/deviations, and guest parking (which could increase if spaces are unsold) is not required. With regard to Fire Department access, he said suspects the plan would be acceptable to the Village, but indicated a potential alternative could create an emergency access route. He pointed out as problematic from a setback standpoint an elevation change that is challenging to landscaping. He said a privacy fence is specified for the development, with garage entrances kept to the back. He said Building Code separation was chosen, yielding the 10-ft. separation, adding, "We're creating the architecture to fit the site." Mr. Pryde concluded that construction could be phased as sales occur, and that in the interest of affordability the design is be a "more straightforward" architecture.

Commissioner Brown asked the price point expected for a townhome planned, as well as if they might be designed to include an elevator. Mr. Scheck replied that he could see it being in the \$375K-\$450K range, and said that the Courthouse development has elevators, but living units start at \$750K. Mr. Pryde confirmed that elevators undermine affordability goals. Commissioner Saeed asked how storm water would be managed, wondering if a retention pond is envisioned. Saying that retention areas would detract from open space, Mr. Pryde indicated that an underground solution for wastewater would be preferable. The architect added that permeable pavers could be used for the drive space, but said these would be costly to install and maintain. Anticipating that the development would be home to 32 cars, Commissioner Saeed expressed concern about left turns onto St. Charles Road. Mr. Pryde said it's a bit presumptive to say the intersection of Forest and St. Charles and would be drastically different than it is now. Mr. Scheck said turning restrictions already exist.

Commissioner Halkyard asked Petitioner if there is flexibility to bring the project down to 15 units to help with the density issues, to which Mr. Pryde responded affirmatively. Chairperson Loftus asked if a requirement to have above-ground storm water retention would affect the number of units constructed. Mr. Pryde said above-ground would be more expensive, explaining that although a trade-off analysis can be performed, density helps offset costs. Commissioner Cooper observed that the area sees flooding and said he's concerned about how this will be exacerbated. Mr. Scheck speculated that some flooding could be attributed to clogged manholes on the site. Mr. Halkyard asked the price point for affordable housing in the Village. Planning Manager Purvis cited the rental level (based on household size), but said that it is different from "for-purchase" properties, and she'd have to look it up. Mr. Scheck anticipated that the proposed townhomes could have monthly mortgage payments of \$1,500-\$1,800. Mr. Pryde said rental projects have a more robust methodology for providing for discounts and affordability, whereas lower price points and other costs (e.g., interest and closing costs) are factors for purchase products.

Mr. Halkyard asked how the finished development would be managed. Mr. Pryde replied that it would be managed by either Mr. Scheck or a professional association. Chairperson Loftus asked if the Village would provide trash pick-up service, and expressed concern about the drive width. Mr. Pryde replied that, since the homes would not be apartments (considered commercial), he thought the Village would, and that negotiation with the waste hauler could address maneuverability. Commissioner Brown asked about plans for fencing. Mr. Scheck responded that a 6-ft. privacy fence is planned. Chairperson Loftus observed an existing block wall; Mr. Scheck indicated he'd have to look into the wall situation.

Public Comment

Allen Gaiden, 1N144 Forest Ave., said the planned development is too dense, and expects congestion with people getting in and out of units proposed. He stated that Forest Avenue is not in a condition adequate for the traffic he expects the development would generate. He recommends a scaled-down plan to avoid street parking, and is against the development as proposed.

Kathleen Gaiden, 1N144 Forest Ave., agreed with her husband, saying the project is too big for the space provided, and thinks parking would be problematic. She said that Milton Township maintains the neglected road on her block, and also that flooding issues have occurred in the neighborhood.

Gino Capezio, 606 St. Charles Rd., explained that he lives in a home on the “flagged-in” parcel. He said he agrees with the points his neighbors voiced, adding that his property would be affected the most. While he thinks the complex would be tastefully designed, he said it would affect property values in the neighborhood. He is concerned about noise level, and said he has reluctantly put his home up for sale because he is “terrified” at the prospect of the proposed development and potentially other such plans.

Vicki Linder, 600 E. St. Charles Rd., concurred with Mr. Capezio, and identified herself as the second most affected resident in the neighborhood. She said she is “scared to death” by the effect she believes the proposed development would have on property values. Having been in her home for more than 20 years, she said she thought she had a lot of equity built up, but now is not sure. Loss of green space is a concern, she continued, as is increased density. She said Forest can hardly handle existing traffic and that St. Charles Road is already dangerous. She cited existing water issues and suggested that parking on Forest is unrealistic. Fewer units might resolve a lot of the issues, she said, but stressed that the development proposed would change the neighborhood considerably.

Chairperson Loftus asked who maintains Forest Ave. Planning Manager Purvis stated that the portion in the Village is maintained by the Village, while the northerly segment is managed by the Township. (She added that the Village has agreements with the Township for snow plowing.) Commissioner Halkyard asked if Forest is on the list of capital improvements identified by the Village. Ms. Purvis said she can check. Mrs. Gaiden expressed concern about access relative to Emerson and Forest Avenues.

Mr. Scheck said he saw no evidence of diminished property values near other local townhouse projects, maintained that development of the subject property was inevitable, and sees the project as complimentary to the area. He suggested that residents’ construction equipment might have contributed to road deterioration, and noted that the nearby Montessori school had been required to have storm-water retention. Mr. Capezio disagreed with the opinion that the development wouldn’t hurt property values, and asserted that a flagged-in parcel would not be attractive to potential buyers.

Commissioner Discussion

Commissioner Fanella said she agrees with a lot of the Petitioner’s proposal in terms of housing in Glen Ellyn, is supportive of the overall concept and sees some variations as reasonable, but doesn’t endorse the spot zoning. She conveyed that she’d like to see such a development blend into the neighborhood and feature robust landscaping buffers to protect neighbors. Commissioner Halkyard said that, generally speaking, he is supportive of the overall development, but believes it would need to be incorporated into the neighborhood and that the proposed is too dense. Commissioner Cooper said he is generally in favor of trying to create affordable, entry-level housing, but is concerned about the water issues and is apprehensive about the potential for traffic accidents. He further expressed concerns about the potential of spot zoning to cause long-standing property owners to see the character of their neighborhood changed and about the narrowness of entryways presenting a fire-protection issue. While praising the effort to create affordable housing, Commissioner Saeed voiced concern about storm water. He stated that he would be in support of the project if storm water could be managed underground.

Commissioner Berry said the site seems to be one seeking a development, and while this proposed use is better than the previous submission, the design needs to promote cohesion in transition. He

recommends investigating fire and waste-hauling vehicle ingress and egress, given the 20-ft. driveway width he called “pretty narrow.” Commissioner Brown said she likes the plan but would be more comfortable with 12 units. She thinks townhomes will spur positive development in the area. Chairperson Loftus declared that 13 variations is not even close to Code and that the proposed is “way too dense.” He expressed concern about scale, and pointed out that the developments presented as comps exist in a different context, so transition make-up is different. He said he can’t support the plan presented, and that the Petitioner needs to scale back the density. Imagining serious parking issues, Chairperson Loftus wondered where cars would park if a resident hosts a party. He added that there might also be fire and storm water issues not yet discovered.

Trustee’s Report

Trustee Thompson reported that changes are being made to Village’s EMS service contract, notably fee changes and the addition of staff, and supervisory oversight. Medicare and Medicaid submittal procedures are also affected, he said. The prospect of a re-constituted Architectural Review Commission is in the offing, he continued, and said that a Central Business District grocery store report is to be heard. He said an upcoming workshop is to focus on a Police Department staffing study and a quarterly report on the financial health of the Village, which he said is experiencing a strong financial recovery. He added that the municipality has received a strong auditor rating and that the Village expects to receive funds under the American Rescue Plan Act. To a query from Chairperson Loftus about the progress to fill the remaining Plan Commission vacancy, Mr. Thompson said the appointment is still to be determined.

Chairman’s Report

Chairperson Loftus offered a reminder that Commission training is set for September 2nd.

Staff Report

Planning Manager Purvis announced that the Apex 400 PUD amendment consideration relative to building height will be back before the Plan Commission, as will an Avere apartment PUD amendment for expansion to create an amenity space. In response to queries about recusal of Commissioners wondering if they might have a conflict in deliberating about Avere, Trustee Thompson advised asking the Village Ethics Officer. Ms. Purvis reported that interviews are underway to select an Associate Planner. Chairperson Loftus complimented Planner Fard on the presentation she delivered this evening.

Other Business

None.

Adjournment

Chairperson Loftus adjourned the meeting at 9:22 p.m. following a voice vote on a motion to adjourn by Commissioner Fanella, seconded by Commissioner Halkyard.

Respectfully submitted,

Barbara Dutton-Thomas
Recording Secretary



**Glen Ellyn Plan
Commission**
535 Duane Street
Glen Ellyn, IL 60137

Meeting 9/9/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Kelly Purvis

**AGENDA ITEM (ID
2021-1389)**

DOC ID: 2021-1389

**400, 418-424 N. Main Street - Apex 400 Planned Unit Development
Amendment Request. The Petitioner, Larry Debb is requesting an
amendment to the previously granted Planned Unit Development
Plans to allow the installation of roof top equipment on the building,
which is currently under construction.**

Statement of the Issue:

See attached staff report.

Analysis:

See attached staff report.

Budget Impact:

NA

Action Requested:

See attached staff report.

Attachments:

1. PC Staff Report - 400 N Main - 090321
2. 1. Aerial Photo
3. 2. Zoning & Location Map
4. 3. Public Hearing Notice
5. 4. Address List for Public Hearing Notice
6. 5. Location Map for Public Notice
7. 7. Plan Commission Meeting Minutes - January 7, 2019
8. 8. Village Board Workshop Minutes - January 22, 2019
9. 9. Village Board Meeting Minutes - January 28, 2019
10. 10. Ordinance No. 6671 - Approving the RDA

11. 11. Ordinance No. 6672 - Approving the Preliminary PUD, Deviations & Exterior Appearance
12. 12. Plan Commission Meeting Minutes - March 28, 2019
13. 13. Village Board Meeting Minutes - April 8, 2019
14. 14. Ordinance No. 6690 - Approving the Final PUD
15. 15. Plan Commission Meeting Minutes - January 28, 2021
16. 16. Village Board Meeting Minutes - February 22, 2021
17. 17. Village Board Meeting Minutes - March 8, 2021
18. 18. Application for Preliminary and Final PUD Amendment
19. 19. Supplemental Application Information
20. 20. Narrative Statement dated 7-7-21
21. 21. Building Elevations dated 12-21-20
22. 22. Roof Plan dated 12-21-20
23. 23. Site Context Aerial dated 12-21-20
24. 24. Main Street Elevation Study dated 12-21-20
25. 25. Street View Exhibit dated 12-11-20
26. 26. Draft Finding of Fact
27. 27. Draft Motion to Approve

STAFF REPORT

TO: The Glen Ellyn Plan Commission

FROM: Kelly Purvis, AICP, Planning Manager

DATE: September 3, 2021

SUBJECT: September 9, 2021 Plan Commission Meeting
Public Hearing to consider an Amendment to the Apex 400 Planned Unit Development with Deviations

PETITIONER: The petitioner is Lawrence Debb, part owner of Apex 400 LLC, which is the owner of the properties located at 400, 418-424 N. Main Street.

REQUEST: The petitioner is requesting a recommendation of approval of the following:

1. An Amendment to the Special Use Permit for a Preliminary and Final Planned Unit Development Plan on the property located at 400, 418-424 N. Main Street in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.
2. The following additional deviation from the Glen Ellyn Zoning Code (all previous deviations granted are to remain unchanged):
 - a. A deviation from 10-4-17-1(E) to allow roof top mechanical equipment and any screening that might be needed, to be installed on the building to a height up to 64 feet from the average existing grade exceeding the permitted building height of 61 feet granted by Ordinance No. 6672 and Ordinance No. 6690 and exceeding the limitation of 45 feet permitted in the C5A district.

PUBLIC NOTICE: Notice of the public hearing was published in the August 20, 2021 edition of the Daily Herald, mailed to property owners within 350 feet of the subject property and a placard was placed at the site.

LOCATION & ZONING: The subject properties are located at the northwest corner of Main Street and Hillside Avenue. The total site is comprised of 1.55 acres and includes a lot extending to Glenwood Avenue.

A majority of the property is zoned C5A Central Business District, Central Service Subdistrict. The parcel extending to Glenwood Avenue is zoned C5B Central Business District, Central Service Subdistrict.

The surrounding zoning and land uses are as follows:

<u>Surrounding Land Uses</u>	<u>Zoning</u>
North: Commercial	C5A and C5B
South: Commercial, St. Petronille Parking GE Bible Church	C5B R2
East: Commercial	C5A
West: Commercial, St. Petronille Church	C5B and R2



PROJECT

BACKGROUND:

In June of 2018, GSP Development submitted their formal application for development of the subject property with a 5-story mixed-use development consisting of 107 luxury apartment units and 8,844 square feet of first floor commercial space. The petitioners appeared before the Plan Commission on January 7, 2019 for a public hearing where the following requests were considered:

1. A Special Use Permit for Preliminary approval of a Planned Unit Development Plan in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.
2. The following deviations from the Zoning Code:
 - a. Section 10-4-17-1(E) to permit a building height up to 65 feet at the top of the parapet in lieu of 45 feet; and
 - b. Section 10-5-8(I) to allow:
 - i. Parking spaces 18 feet in length in lieu of 19 feet; and
 - ii. Parking spaces 8.5 feet wide in lieu of 9.5 feet wide in certain locations where the aisle width is at least 24 feet wide; and

- iii. An aisle width of 21'-7 3/4" on a portion of the site and 24 feet on other parts of the site in lieu of 25 feet; and
- c. Section 10-7-9(D) to allow 100% of the site to be covered in lieu of 65%; and
- d. Section 10-5-9(B) to allow an off street loading space 40 feet in length in lieu of 50 feet; and
- e. Section 10-5-13(M)2 to allow the parking garage lights to emit up to 6.2 foot candles at the public entrance to the garage on Hillside Avenue, 7.14 foot candles at the public garage entrance along Main Street, and 7.3 foot candles at the residential parking garage entrance along Hillside Avenue in lieu of 3 foot candles at the lot line; and
- f. Any other deviations necessary to construct the development as depicted on the plans presented and available for public review.

By a roll call vote of 9 "yes" and 0 "no" votes, the Plan Commission recommended unanimously that the Village Board approve the petitioners' requests.

On January 22, 2019, the Village Board discussed the recommended conditions of approval, financial incentives and the Redevelopment Agreement for the project at a workshop meeting. Whether parking should be included onsite or located elsewhere in the downtown to reduce the height of the structure, was also discussed. The majority of the Trustees expressed their opinion that the development would not be viable without the public parking component of the project.

On January 28, 2019, the Village Board considered the Special Use Permit for a PUD, Preliminary PUD Plans, Exterior Appearance, and the Redevelopment Agreement for the proposed development. The Village Board asked the petitioners to reduce the height of the building at the northeast and southeast corners of the building to reduce the perceived height of the structure, and the developer agreed to make the requested changes. The tallest part of the building was reduced to 61 feet from the previously requested (and noticed for) height of 65 feet.

The Village Board adopted Ordinance No. 6671 to approve the Redevelopment Agreement between the Village and GSP Development by a vote of 5 "yes" and 2 "no" votes. The Village Board also approved Ordinance No. 6672 granting approval of the zoning entitlements for the project, including the Special Use Permit for a Planned Unit Development, Preliminary Planned Unit Development Plans with Deviations and the Exterior Appearance by a vote of 5 "yes" to 2 "no". A copy of the minutes from these meetings and Ordinance No. 6671 and 6672 are attached.

The Plan Commission reviewed the petitioners' request for approval of a

Final PUD Plan at a public meeting on March 28, 2019. Finding that the plans were in substantial conformance with the preliminary plan that was previously approved and with the conditions of approval, by a vote of 7 “yes” and 0 “no” the Plan Commission unanimously recommended approval of the Final PUD Plan. Note, the plans presented for the approval of the Final PUD included the reduced building height of 61 feet.

The Village Board reviewed the Final PUD Plans for the Apex 400 mixed-use development at a public meeting on April 8, 2019. The Trustees determined that plans were in substantial conformance with those that were approved as part of the Preliminary PUD application and by a vote of 5 “yes” and 1 “no” the Village Board adopted Ordinance No. 6690 granting approval of the Final PUD Plans for the project. Ordinance No. 6690 and the Plan Commission and Village Board meeting minutes for the Final PUD approval are attached.

The project development team submitted for building permits in phases. The demolition permit for the Giesche Shoe building was issued on July 23, 2019. A site development permit was issued on August 28, 2019. The full building permit for the project was issued on September 25, 2020. The project is currently under construction and is expected to be substantially complete in March of 2022.

During the building permit review phase, staff notified the property owner that the rooftop equipment (HVAC and black iron exhaust) proposed in the permit drawings could not be installed on the roof as proposed. The Village’s Zoning Code requires that height be measured from the property’s average existing grade to the highest part of the structure. The building structure as defined, includes all structures and equipment that is affixed to the building. Therefore, the building height would be measured at the top of the roof top equipment, which was not accounted for in the height deviation that was granted for the project. At the time, the developer decided to revise the plans to move the HVAC equipment to a lower level of the building and the black iron exhaust was removed from the plans.

On January 28, 2021, the petitioner appeared before the Plan Commission at a public hearing to request an amendment to the approved PUD Plans to increase the building height deviation by 3 feet (to a total of 64 feet) which would allow the HVAC units and black iron exhaust to be installed on the top of the building. Note, the black iron exhaust cannot be located anywhere but on the rooftop. This piece of equipment is required if a restaurant user is to occupy the first floor commercial space. At the time, the developers had an interested restaurant tenant for the space that petitioned for the height deviation increase on their behalf. The Plan Commission unanimously supported the petitioner’s request by a vote of 9 “yes” and 0 “no” votes. The minutes from the January 28, 2021 Plan Commission meeting are attached.

The request was presented to the Village Board on February 22, 2021. Discrepancy over disclosure of property ownership and Affidavits Confirming No Conflict of Interest (a form required for the PUD applications) resulted in the request being table until March 8, 2021. At the March 8th meeting, while it seemed that the majority of the Trustees were in favor of approving the request, it was tabled until March 22, 2021 for further discussion. The project was not presented at the March 22, 2021 meeting because the developer lost the restaurant tenant that was interested in the space. Meeting minutes from the February 22, 2021 and March 8, 2021 Village Board meetings are attached.

Since a significant amount of time has passed, the PUD Amendment request needs to go back through the public hearing process. The plans have not changed from the previous submittal reviewed by the Plan Commission in January. The petitioner on the applications has been revised, and the request is now coming directly from the property owner, rather than an interested tenant.

**PROJECT
SUMMARY:**

The total height deviation needed to accommodate the petitioner's request is 64 feet from the average existing grade (3 feet more than was approved as part of the Preliminary and Final PUD Plans). The tallest piece of equipment would extend approximately 6 feet 6 inches from the top of the roof, and approximately 3 feet 6 inches above the top of the parapet (see attached building elevations).

All mechanical equipment proposed to be placed on the rooftop is to be located toward the center of the roof (see attached roof plan) approximately 25 feet from the sides of the building and should not be visible from the street. Exhibits have been provided which show three street level views of the proposed building including the requested rooftop equipment. The images suggest that the mechanical equipment will not be visible from street level. If any of the units are visible from street level upon completion of the project, the property owner would be required to screen them, as is required in the Ordinances approving the development.

All exhibits related to the building height have been updated to reflect the revised height deviation request and are attached.

**PLAN
COMMISSION
ACTION:**

The Plan Commission should consider the petitioner's requests for approval of the following:

1. An Amendment to the Special Use Permit for a Preliminary and Final

Planned Unit Development Plan on the property located at 400, 418-424 N. Main Street in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.

2. The following additional deviation from the Glen Ellyn Zoning Code (all previous deviations granted are to remain unchanged):
 - a. A deviation from 10-4-17-1(E) to allow roof top mechanical equipment and any screening that might be needed, to be installed on the building to a height up to 64 feet from the average existing grade exceeding the permitted building height of 61 feet granted by Ordinance No. 6672 and Ordinance No. 6690 and exceeding the limitation of 45 feet permitted in the C5A district.

Upon considering each of these requests, the Commission should make a recommendation to the Village Board for approval, approval with conditions, or denial. In deliberating this recommendation the Plan Commission should consider the criteria in Sections 10-7-7 and 10-10-14(E) of the Zoning Code. Staff has prepared draft findings of fact for a recommendation of approval of the Amendment to the Preliminary and Final Planned Unit Development Plans with Deviations (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 of the requests and would like staff to prepare a motion to deny, please contact staff in advance of the meeting. A draft motion to approve has been attached for the Plan Commissioner's review and use.

Staff suggests that the Plan Commission consider the following conditions of approval:

1. That the project be constructed, maintained, and operated in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees;
2. That updated building permit plans for the additional mechanical equipment be submitted to the Village for review and that an amended building permit be issued prior to work on the subject mechanical equipment taking place.
3. That should any of the roof top mechanical equipment, once installed, be visible from the public right-of-way, such equipment shall be appropriately screened from view. In such case, the developer will submit cut sheets for any screening to the Community Development Department for approval prior to installation.

ATTACHMENTS:

1. Aerial Photo
2. Zoning & Location Map
3. Public Hearing Notice
4. Address List for the Public Hearing Notice
5. Location Map for Notification
6. Certificate of Publication
7. Plan Commission Meeting Minutes – January 7, 2019
8. Village Board Workshop Minutes – January 22, 2019
9. Village Board Meeting Minutes – January 28, 2019
10. Ordinance No. 6671 – Approving the RDA
11. Ordinance No. 6672 – Approving the Preliminary PUD, Deviations, and Exterior Appearance
12. Plan Commission Meeting Minutes – March 28, 2019
13. Village Board Meeting Minutes – April 8, 2019
14. Ordinance No. 6690 – Approving the Final PUD
15. Plan Commission Meeting Minutes – January 28, 2021
16. Village Board Meeting Minutes – February 22, 2021
17. Village Board Meeting Minutes – March 8, 2020
18. Application for Preliminary and Final PUD Plan Approval
19. Supplemental Application Information
20. Petitioner's Narrative Statement dated 7-7-21
21. Building Elevations dated 12-21-20
22. Roof Plan dated 12-21-20
23. Site Context Aerial dated 12-21-20
24. Main Street Elevation Study dated 12-21-20
25. Street View Exhibit dated 12-11-20
26. Draft Findings of Fact
27. Draft Motion to Approve

CC: Staci Springer, AICP, Community Development Director
Steve Witt, AIA, Building & Zoning Official
Larry Debb, Property Owner

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Main\Main 400, Apex 400 PUD Amd\PC\PC Staff Report - 400 N Main - 090321.docx

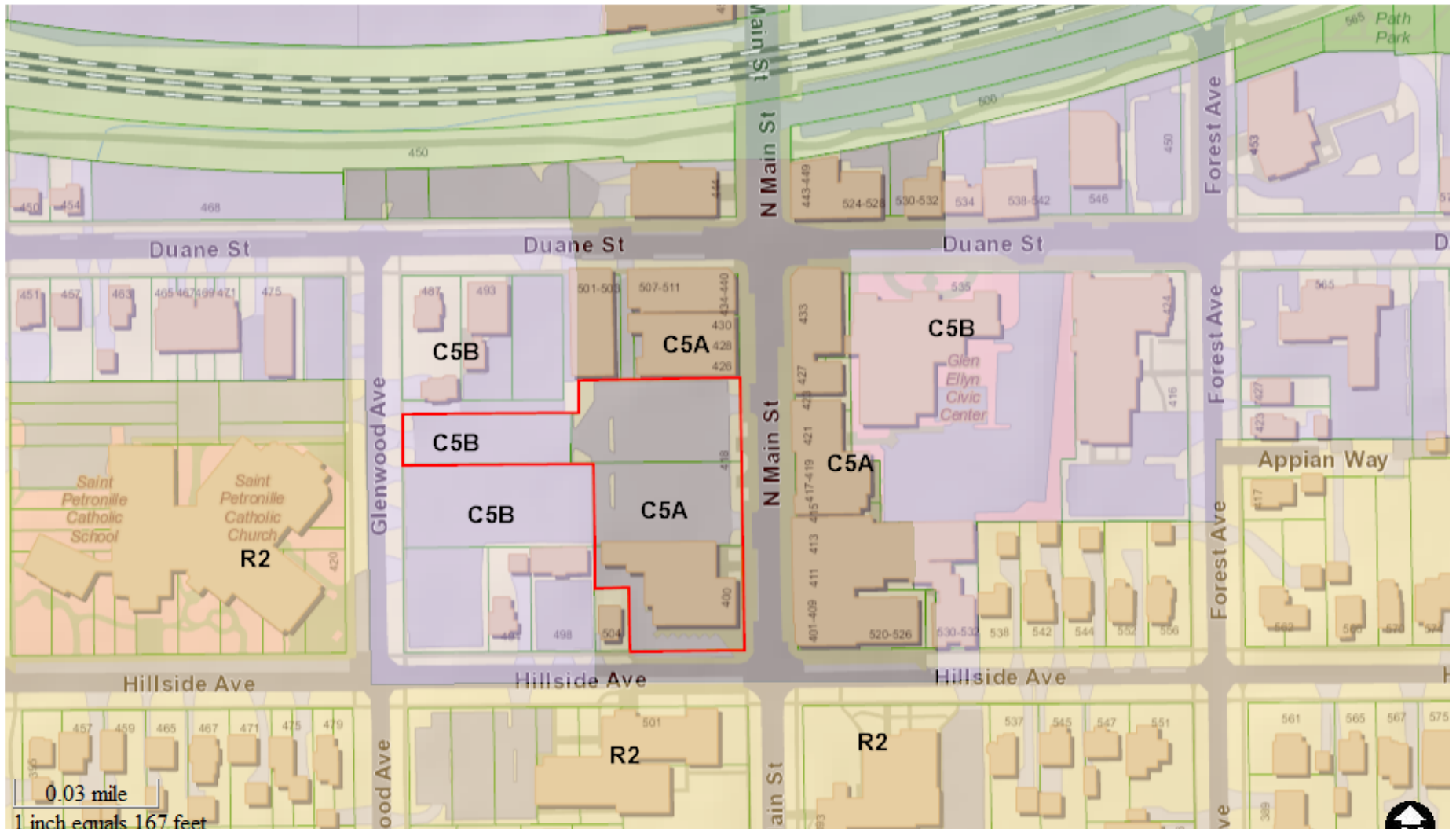


Map created on November 30, 2018.

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1 inch equals 167 feet

Map created on November 30, 2018.

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NOTICE OF PUBLIC HEARING

Larry Debb, manager and part owner of Apex 400 LLC, the property owner, is requesting approval of a Planned Unit Development Plan Amendment for the property located at 400, 418-424 N. Main Street, Glen Ellyn. A portion of the subject property is zoned C5A Central Retail Core Subdistrict and a portion of the property is zoned C5B Central Service Subdistrict. The property is on the west side of Main Street between Duane Street and Hillside Avenue. The applicant is proposing to add rooftop mechanical equipment to the building, which is currently under construction. The rooftop mechanical equipment would exceed the permitted height deviation approved as part of the preliminary and final Planned Unit Development Plans.

Before the Glen Ellyn Village Board can consider the requests, the Plan Commission must conduct a public hearing. The Plan Commission will consider the requests on **Thursday, September 9, 2021 at 7:00 p.m. in the Galligan Board Room on the third floor of the Civic Center.**

The Plan Commission will consider the petitioner's requests for approval of the following:

1. An Amendment to the Special Use Permit for a Preliminary and Final Planned Unit Development Plan on the property located at 400, 418-424 N. Main Street in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.
2. The following additional deviation from the Glen Ellyn Zoning Code (all previous deviations granted are to remain unchanged):
 - a. A deviation from 10-4-17-1(E) to allow roof top mechanical equipment and any screening that might be needed, to be installed on the building to a height up to 64 feet from the average existing grade exceeding the permitted building height of 61 feet granted by Ordinance No. 6672 and Ordinance No. 6690 and exceeding the limitation of 45 feet permitted in the district.

The subject property is legally described as follows:

400 N. MAIN STREET

LOT 2 AND LOT 3 (EXCEPT THE WEST 40.0 FEET THEREOF) IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST ¼ OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 5, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY ILLINOIS.

P.I.N.: 05-11-327-023; and

418-424 N. MAIN STREET

PARCEL 1

THE EAST 175 FEET OF LOT 1 IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY,

ILLINOIS

P.I.N.: 05-11-327-026; and

PARCEL 2

LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-11-327-005; and

PARCEL 3

LOT 6 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-327-016

Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois, and can be requested by contacting Kelly Purvis, Planning Manager, at kpurvis@glenellyn.org. All plans and a staff report will be posted on the Village's website no later than Friday, September 3, 2021.

All persons who are interested are invited to attend the public hearing. All public comments received by 4:30 pm on Thursday, September 9, 2021 will be read into the record at the public hearing. Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.

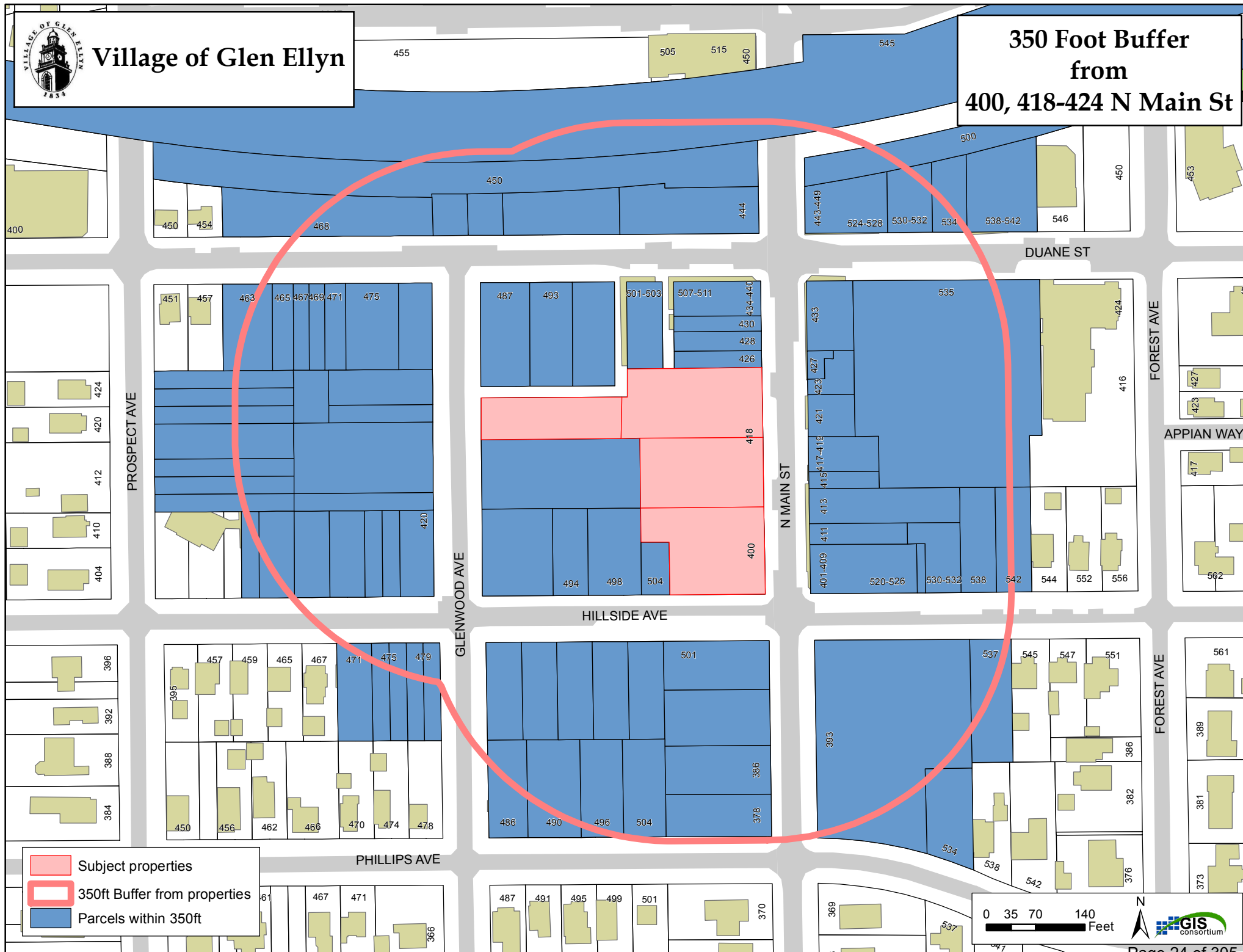
X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Main\Main 400, Apex 400 PUD Amd\Public Hearing Notices\Public Hearing Notice - PUD Amendment 081621.docx

**List of Addresses for Public Notice
400, 418-424 N. Main St.**

Recipient	Street Number	Street Direction	Street Name	Apt #	City	State	Zip
400 MAIN LLC	1111	E	TOUHY AVE	#230	DES PLAINES	IL	60018
413 MAIN ST LLC	1	W	DUNDEE RD	#200	BUFFALO GROVE	IL	60089
428 NORTH MAIN STREET LLC	428	N	MAIN ST		GLEN ELLYN	IL	60137
493 DUANE ST LLC	1900	S	HIGHLAND	#107	LOMBARD	IL	60148
AIM DUANE LLC	600		ENTERPRISE DR	#120	OAK BROOK	IL	60523
ALLISON, ALEXANDER C	537		HILLSIDE AVE		GLEN ELLYN	IL	60137
ATG TRUST L01-052	1	S	WACKER DR	#24FL	CHICAGO	IL	60606
BAPTISTA JR, ROBERT C	467		DUANE ST		GLEN ELLYN	IL	60137
BRICKS ON MAIN LLC	411	N	MAIN ST		GLEN ELLYN	IL	60137
CASAZZA, JUSTIN	386	N	MAIN ST		GLEN ELLYN	IL	60137
CITGROUP INC			PO BOX 30508		TAMPA	FL	33630
CJI MAIN ST PROPERTY LLC	1800		PADDOCK CT		NAPERVILLE	IL	60565
COMMUTER RAIL DIVISION	547	W	JACKSON BLVD		CHICAGO	IL	60661
CORHIRT GE LLC	26W271		DURFEE		WHEATON	IL	60187
DIOCESE OF JOLIET	425		SUMMIT ST		JOLIET	IL	60435
DUDLEY, GEORGIA D	479		HILLSIDE AVE		GLEN ELLYN	IL	60137
DUPAGE COUNTY HWY DEPT	130	N	COUNTY FARM RD		WHEATON	IL	60187
DVORAK, FRANCES	7433		SHELLRIDGE TERR		LAKE WORTH	FL	33467
EICHIN, RICHARD & E A	471		DUANE ST		GLEN ELLYN	IL	60137
FRANKLIN & KENT DESIGNS	155		FOREST AVE		GLEN ELLYN	IL	60137
GLEN ELLYN BIBLE CHURCH	501		HILLSIDE		GLEN ELLYN	IL	60137
HENSHAW, MARGOT DAY	530		DUANE		GLEN ELLYN	IL	60137
JOHANSON, MATTHEW & SUSAN	475		HILLSIDE		GLEN ELLYN	IL	60137
KATY'S BOUTIQUE	427		MAIN ST		GLEN ELLYN	IL	60137
KREISSLER , TODD & ANNA	542		HILLSIDE AVE		GLEN ELLYN	IL	60137
LAVI, SHARONE	5070	N	KIMBERLY AVE	#C	CHICAGO	IL	60630
MAUDE, JOSEPH & SUSAN	475		DUANE ST		GLEN ELLYN	IL	60137
MJR PROPERTIES LLC	601		FOREST		GLEN ELLYN	IL	60137
PASTERIK, MARK & WENDI S	486		PHILLIPS AVE		GLEN ELLYN	IL	60137
RHODES, GREGORY & DONNA	538		HILLSIDE AVE		GLEN ELLYN	IL	60137
ROSCH, JOHN	497		MAIN ST		GLEN ELLYN	IL	60137
SCIGOUSKY, GEORGE	490		PHILLIPS AVE		GLEN ELLYN	IL	60137
SCOBEE, BRIAN & DAENON	471		HILLSIDE AVE		GLEN ELLYN	IL	60137
SGE LLC	5248	N	GLENWOOD		CHICAGO	IL	60640
SHANNON, JENNIFER	640	N	MAIN ST		GLEN ELLYN	IL	60137
SHOUB, SCOTT	711		DUANE ST		GLEN ELLYN	IL	60137
SIMMONS, KAREN	465		DUANE ST		GLEN ELLYN	IL	60137
SIMONEIT, DANIEL J	504		HILLSIDE		GLEN ELLYN	IL	60137
ST MARKS EPISCOPAL CHURCH	393	N	MAIN ST		GLEN ELLYN	IL	60137
ST PETRONILLE PARISH	420		GLENWOOD		GLEN ELLYN	IL	60137
SWADE, PAUL	478		TEQUESTA DR	#218	TEQUESTA	FL	33469
TERMOSJ LLC	1315		CINDY LN		SANDWICH	IL	60548
VLAHOS, JOHN S	4N602		MOUNTAIN ASH DR		WAYNE	IL	60184
WHARTON, E DALE & HELEN M	23W469		SPYGLASS CT		NAPERVILLE	IL	60540
VILLAGE OF GLEN ELLYN	535		DUANE ST		GLEN ELLYN	IL	60137
GLEN ELLYN BIBLE CHURCH	390		MAIN ST		GLEN ELLYN	IL	60137
O MALLEY, CHRIS & LEMARIE	496		PHILLIPS AVE		GLEN ELLYN	IL	60137
CITGROUP INC	444	N	MAIN ST		GLEN ELLYN	IL	60137
ARIEL DARMONI	5070	N	KIMBERLY AVE	#C	CHICAGO	IL	60630
JIMENEZ, MARIO	426	N	MAIN ST		GLEN ELLYN	IL	60137



**350 Foot Buffer
from
400, 418-424 N Main St**



MINUTES
SPECIAL PLAN COMMISSION MEETING
JANUARY 7, 2019

Call to Order

The special meeting of the Plan Commission was called to order by Chairperson Mary Loch at 7:00 p.m. Plan Commissioners Angela Fanella, Lloyd Barry, Phillip Hartweg, Tracy Heming-Littwin, John Mulherin, David Rodemann, Mohammed Saeed and Jamie Vondruska were present. Also present were Village Director of Planning and Development Staci Springer, Village Planner John Sterrett, Village Planner Kelly Purvis, Assistant Village Manager Bill Holmer, Police Chief Phil Norton, Attorney Greg Jones, Professional Engineer Daubert, Economic Development Coordinator Hannah, Village Traffic Consultant Tom Adomshick, Village Trustee Craig Pryde, Village Clerk/Fire Administrator John Chereskin 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 November 8, 2018 Plan Commission Minutes

Commissioner Mulherin moved, seconded by Commissioner Vondruska, to approve the minutes of the November 8, 2018 Plan Commission minutes. The motion carried unanimously by voice vote.

Chairperson Loch explained the procedures and role of the Plan Commission. Chairperson Loch presented opening remarks about the public hearing for 400 and 418-424 N. Main Street.

Public Hearing –

On the agenda was a public hearing regarding 400 and 418-424 N. Main Street, Apex 400, Planned Unit Development

PUBLIC HEARING – 400 & 418-424 N. MAIN STREET, APEX 400, PLANNED UNIT DEVELOPMENT
PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING A PROPOSAL FOR A PLANNED UNIT DEVELOPMENT FEATURING 107 LUXURY APARTMENT UNITS WITH 8,844 SQUARE FEET OF FIRST FLOOR COMMERCIAL SPACE, TO BE CALLED APEX 400.

Commissioner Mulherin moved, seconded by Commissioner Heming-Littwin, to open the public hearing at 7:10 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Sworn in were Planning and Development Director Springer, Village Planner Purvis, Village Planner Sterrett, Professional Engineer Daubert and Village Traffic Consultant Tom Adomshick from Benes and Associates.

Village Planner Purvis showed an overview map of the property in question and stated the petitioners are Larry Debb and John Kosich of GSP Development and 400 Main LLC, owners of the former Giesche Shoe Property at 400 N. Main Street. Village Planner Purvis stated the subject properties are located at the northwest corner of Main Street and Hillside Avenue, and the total site is comprised of 1.55 acres and includes a lot extending to Glenwood Avenue. Village Planner Purvis stated a majority of the property is zoned C5A Central Business District, , and the parcel extending to Glenwood Avenue currently being used for permit parking is zoned C5B Central Business District. Village Planner Purvis stated the permit parking lot would continue to be used for parking as a two-story covered parking garage is proposed for this part of the site.

Village Planner Purvis stated GSP Development has submitted a formal application for the Planned Unit Development (PUD) of the Village-owned Main Street parking lot and the Giesche Shoe property with a new mixed use building featuring 107 luxury apartment units, 8,844 square feet of first floor commercial space and two floors of parking. Village Planner Purvis stated in order to proceed with the project as proposed the petitioners will need approval of the following:

1. A Special Use Permit for a Planned Unit Development in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.
2. The following deviations from the Zoning Code:
 - a. Section 10-4-17-1(E) to permit a building height up to 65 feet at the top of the parapet in lieu of 45 feet; and
 - b. Section 10-5-8(I) to allow:
 - i. Parking spaces 18 feet in length in lieu of 19 feet; and
 - ii. Parking spaces 8.5 feet wide in lieu of 9.5 feet wide in certain locations where the aisle width is at least 24 feet wide; and

- iii. An aisle width of 21'-7 3/4" on a portion of the site and 24 feet on other parts of the site in lieu of 25 feet; and
 - c. Section 10-7-9(D) to allow 100% of the site to be covered in lieu of 65%; and
 - d. Section 10-5-9(B) to allow an off street loading space 40 feet in length in lieu of 50 feet; and
 - e. Section 10-5-13(M)2 to allow the parking garage lights to emit up to 6.2 foot candles at the public entrance to the garage on Hillside Avenue, 7.14 foot candles at the public garage entrance along Main Street, and 7.3 foot candles at the residential parking garage entrance along Hillside Avenue in lieu of 3 foot candles at the lot line; and
 - f. Any other deviations necessary to construct the development as depicted on the plans presented and available for public review.
3. The Exterior Appearance of the building (reviewed by staff, with Village Board approval).
4. The consolidation of the lots (reviewed and approved by staff).

Village Planner Purvis stated discussions related to the sale or conveyance of the Village-owned parking lot will be considered by the Village Board.

Village Planner Purvis stated notice of the Public Hearing was published in the December 20, 2018 edition of the Daily Herald and mailed to property owners within 350 feet of the subject property, and a placard was placed on the property.

Village Planner Purvis showed the original rendering of the proposed building and stated Village staff has worked with the petitioners to remove some of the contemporary elements that were originally proposed for the building. Planner Purvis showed a photograph of a building on the northwest corner of Main Street and Crescent Boulevard that was recommended by the Historic Preservation Commission Chairmen as an example of appropriate architecture for the site and stated that many elements of the proposed building were inspired by this building, showing a current rendering of the proposed project. Village Planner Purvis stated the proposed building does meet the criteria for the Village's Exterior Appearance Review Guidelines.

Village Planner Purvis provided a general overview of the project and stated the proposed first floor commercial space does meet today's commercial expectations. Planner Purvis reviewed the proposed sidewalk bumpout for additional landscaping and lighting, the shared amenity areas, the bike racks and the proposed walkway on the first floor that would go through the

first floor of the parking garage and exit on to St. Petronille's parking lot, providing pedestrian connectivity in the downtown core.

Village Planner Purvis stated the Village staff has been working with the property owners at the north-westerly portion of the site to acquire 3 feet of the 16 foot alley abutting the Glenwood Lot. Village Planner Purvis stated since negotiations on this are not finalized, the developers have included two possible site plans – one including the 3 feet of alley (Option B) and one excluding the 3 feet of alley (Option A). Village Planner Purvis stated staff is suggesting as a condition of approval that Site Plan B be substituted without an amendment to the PUD should Village staff be able to formalize an agreement with adjoining property owners for the additional 3 feet of alley.

Village Planner Purvis stated since the residential and commercial parts of this project are located in the C5A Zoning District, it is not a requirement of the Zoning Code that parking be provided as part of the development; however, at the request of the Village, the developers are providing residential parking for the apartments and replacing the existing public parking stalls. Village Planner Purvis stated a two-story parking garage is proposed with 137 public spaces on the first floor and 139 private spaces on the second floor. Village Planner Purvis stated the Village's traffic engineer has indicated that the proposed parking for the development will meet the increased development site demand. Village Planner Purvis stated public parking would be accessible from Main Street, Hillside Avenue and Glenwood Avenue. The additional access (from Hillside Avenue) to the public parking garage will allow another option for entering and exiting the site, providing better overall traffic flow. Village Planner Purvis stated flashing warning beacons will be installed at each garage entrance to warn pedestrians of exiting vehicles. Village Planner Purvis stated there are currently 122 public parking spaces on the property including 80 in the Main Street parking lot and 42 in the Glenwood permit lot, and there are also 4 on-street public spaces on Main Street. Village Planner Purvis stated a total of 137 public parking spaces are proposed for a net gain of 11 public parking spaces on the site. Planner Purvis also noted that the Village does not anticipate relocating permit parking into this lot once it is completed, opening up an additional 57 spaces for public use.

Village Planner Purvis stated in order to provide the abovementioned parking spaces, the petitioners are requesting deviations from the Village's off-street parking regulations for smaller parking aisle widths, parking stall lengths and parking stall widths. Planner Purvis showed a highlighted site plan of the areas requiring deviations. Village Planner Purvis stated the Village's traffic consultant and engineers are comfortable with the proposed dimensions. Village Planner Purvis stated as part of the project, the Village's parking lot will be reconstructed at the developers' cost but will be owned by the Village upon completion of the project.

Village Planner Purvis stated a total of 139 residential parking stalls are proposed on the second floor of the structure resulting in a parking ratio of 1.29 spaces per unit. Village Planner Purvis stated residential parking would be accessible from Hillside Avenue only and would require key entry through a garage door. Village Planner Purvis stated a stacking space of 18 feet is proposed between the garage door and the public right-of-way to allow resident vehicles to wait for the garage door to lift without obstructing traffic on Hillside Avenue. Village Planner Purvis stated the second floor parking configuration does not provide space for cars to turn around if all stalls are occupied, and for this reason, staff would recommend that as a condition of approval, parking stalls in the residential part of the garage be numbered and assigned by unit.

Village Planner Purvis stated it is likely that one loading space will be required to serve the commercial establishments on the first floor. Village Planner Purvis stated the proposed loading space is 16 feet wide by 40 feet long and requires a deviation from the off-street loading requirements of 12 feet in width by at least 50 feet in length. Village Planner Purvis stated due to the location of the loading space, staff does not see this presenting an issue.

Village Planner Purvis stated staff has no concerns with 100% of the site being covered in lieu of the 65% allowed by code for a PUD and showed a map of the downtown where the majority of the buildings are constructed to the lot lines of each parcel.

Planner Purvis reviewed the deviations that would be needed for the illumination at the parking garage exits on Hillside Avenue and Main Street, noting that footcandles would not exceed 3 beyond any of the sidewalks surrounding the site.

Village Planner Purvis stated the project will require approval of a height deviation as part of the proposed Planned Unit Development. Village Planner Purvis stated a total building height of 45 feet and 4-stories is permitted on the properties. Village Planner Purvis stated the Zoning Code requires building height to be measured from the average existing grade. Village Planner Purvis stated the site slopes upward from north to south approximately 6-1/2 feet, and the proposed height for the majority of the building is approximately 58 feet measured from the average grade. Village Planner Purvis stated the corner tower element, on the high side of the site measures at approximately 65 feet. Village Planner Purvis stated since the Zoning Code requires height to be measured to the tallest point of the structure, the height deviation request would be for 20 feet from the average grade to the top of the parapet on the north side (high side) of the site.

Village Planner Purvis stated height exhibits have been included in the petitioners' packet which compare heights of additional adjacent buildings in the general location of the development.

Village Planner Purvis stated the developers have also provided an exhibit showing several apartment developments on the periphery of the downtown core that are 5-7 stories tall.

Village Planner Purvis stated the Comprehensive Plan suggests that the Village should consider a range of factors when determining the height of new downtown buildings including: the height of nearby existing buildings, the pedestrian scale and orientation of downtown, the proximity of new buildings to residential neighborhoods, topography, the economics of downtown development, and sight lines in relation to prominent visual landmarks and historic features.

Village Planner Purvis stated the Village Board has shown interest considering the increase of building heights allowed in the downtown so the Village Board has requested that the Village's consultant for the Comprehensive Plan evaluate this issue and make a recommendation on height limits in the downtown by early 2019.

Village Planner Purvis stated the traffic counts conducted by KLOA, Inc., on Wednesday, August 29, 2018 indicate that the peak hours for traffic in the general vicinity of the subject site occur between the hours of 7:15 am to 8:15 am and from 5:00 pm to 6:00 pm. Village Planner Purvis stated the weekday morning peak traffic coincides with the drop-off activity of St. Petronille School. Village Planner Purvis stated as indicated on the site plan, a portion of Hillside Avenue from Main Street to Glenwood Avenue is proposed to be converted to a two-way street, allowing residents of the building to exit the site easterly to Main Street to minimize the development's impact on school activities, especially during peak times. Village Planner Purvis stated the traffic study conducted by KLOA and the review of the project by the Village's traffic engineer both indicate that the traffic generated by the development will be low with 38 cars entering the site and 31 cars leaving the site as a result of the development during the busiest traffic hour from 5-6 pm.

Village Planner Purvis reviewed staff's suggested conditions to be considered by the Plan Commission including the petitioners paying all developer donations prior to the issuance of the building permit, the final streetscape and public improvements match the streetscape design selected by the Village Board in 2019, relocating the bike racks and numbering and assigning the 2nd floor parking stalls to each tenant unit.

Questions from the Plan Commission

Commissioner Heming-Littwin asked that the parking being installed for the residents is not a requirement of the zoning in C5A. Village Planner Purvis stated that is correct as in C5A, any new development does not need to provide parking for residential or commercial.

Commissioner Fanella asked if the Village will maintain the 1st floor parking garage. Village Planner Purvis stated the Village will own this 1st floor parking garage, but may not necessarily maintain it. Planner Purvis stated this is part of the negotiation in the redevelopment agreement. Commissioner Fanella asked about maintenance of the 2nd floor residential parking. Village Planner Purvis stated this would be maintained by the developer. Commissioner Fanella asked about the architectural details that bring the building to 65 feet. Village Planner Purvis stated that the Village requested the cornice as an architectural element.

Petitioner's Presentation

Sworn in were Larry Debb, Developer with GSP Development at 1111 Touhy Avenue in Des Plaines, Illinois, Mike Breclaw with Fitzgerald Architects at 912 W. Lake Street in Chicago, Illinois, Luay Aboona, Principal and Traffic Consultant with KLOA, Inc. at 9575 W. Higgins Road in Rosemont, Illinois and Mike McCallum, President of McCallum Associates at 1520 N. Milwaukee Avenue in Libertyville, Illinois.

Mr. Debb stated when they look at an area, they ask themselves if this area has a need for a development such as this and is it something the municipality wants. Mr. Debb stated they reviewed Glen Ellyn's Comprehensive Plan and Downtown Strategic Plan, and they hope they will be creating what the Village wants.

Mr. Debb stated the building will have public and private parking as well as luxury rental units and retail space. Mr. Debb stated the parking garages will create an additional 15 parking spaces in the Village which is a win for the community. Mr. Debb stated the taxing bodies in the Village will receive over \$400,000 with this development, and they are required to do developer donations as well. Mr. Debb stated with the project, they will be paying the Village approximately \$500,000 in building fees and permit costs.

Mr. Debb stated the retail spaces will have high ceilings as this is what retailers are asking for now. Mr. Debb stated the 107 apartment units will be mostly 1-bedroom, studios or convertibles as they can combine for a 3-bedroom apartment if the market is there for this. Mr. Debb stated the make-up of tenants is projected to be 50% of young singles, 25% of middle age and 25% young married couples. Mr. Debb stated with this development, there could be 1 school-aged child for every 30 units so the impact on the local schools would be not great.

Mr. Debb showed a rendering of the proposed building and thanked the Village staff, the Plan Commission, St. Petronille's Church and the retail neighbors for providing great ideas that were

incorporated into this project. Mr. Debb stated the cornice would be approximately 6 ½ feet and goes all the way around the building. Mr. Debb stated the building will have a Chicago look with full brick, and the brick colors are similar to the brick on St. Petronille. Mr. Debb stated there will be some texture on some brick for a varied look. Mr. Debb stated the light-colored stone would be used for the cornice, the medallions and the top and bottom of the window sills. Mr. Debb stated the windows will have black frames and clear glass. Mr. Debb stated they want the building to have a residential feel so you cannot tell there are parking garages in the middle of it. Mr. Debb stated they feel this building will be a great addition to downtown Glen Ellyn.

Mr. Debb stated for the traffic piece, 40% of the residents would be driving with 10% of the residents working from home and 30% of the residents taking the train. Mr. Debb stated the traffic impact on St. Petronille's School will be minimal.

Mr. Debb stated the building's height would not block any single-family residence. Mr. Debb stated there was a sun shadowing study done which showed there would be approximately 35 minutes more of shadowing than a 45-foot tall building. Mr. Debb stated there are only approximately 82 days a year where the sun would cast a shadow in this part of the Country. Mr. Debb stated there are very tall trees on Main Street that already create shadowing as well.

Mr. Debb stated the safety of the students at St. Petronille's School is a priority. Mr. Debb stated the construction time on this building will be approximately 18 months. Mr. Debb stated the parking structure will be pre-cast, and the construction will start on the west side of the property and move to the east. Mr. Debb stated the crane would not be used when children are going to or leaving from school. Mr. Debb stated all deliveries will come in off Main Street.

Questions from the Plan Commission

Commissioner Mulherin asked how the developer will handle the general disruption of the commercial district during construction. Mr. Debb stated there will be disruption of some sort, but all deliveries will be made off Main Street and all equipment kept directly on the site. Mr. Debb stated there will be a fence around the site during construction to keep everything on this site.

Commissioner Saeed asked if there would be affordable housing with this development. Mr. Debb stated they have not looked at affordable housing with this complex as it will be high-end housing.

Commissioner Rodemann asked how high the ceilings will be in the retail portion as he wants to ensure there is enough height for the retail environment. Mr. Breclaw stated the ceilings will be 14 feet of clear height from the underside of the structure. Mr. Breclaw stated as the site slopes up to the south, they have taken out the 2nd floor apartment on the south part of the building so these ceilings would be 18 feet. Mr. Debb stated the apartments will have 9 foot ceilings.

Commissioner Rodemann asked about the cornice. Mr. Breclaw stated this cornice is only for aesthetics and is not screening anything. Mr. Breclaw stated the Village staff and St. Petronille's suggested the band around the building. Mr. Debb stated there will be individual condensers that will be not be seen.

Commissioner Heming-Littwin asked about the wall next to the restaurant on the northwest corner of the building. Mr. Debb stated this will only be a wall to the 2nd level and not a full 5-storied wall.

Commissioner Hartweg stated he likes that the balconies and columns break up the mass of the building. Commissioner Hartweg asked about the common space being put in front of the building. Mr. Debb stated the common space is being placed on the 3rd floor in the back on the building to help insulate the sound.

Commissioner Fanella asked if any retailers have expressed interested in the commercial space. Mr. Debb stated they have had interest from restaurants and banks, and they are trying to find amenities that help their tenants and downtown Glen Ellyn.

Commissioner Barry asked if the 6-foot cornice was deemed best. Mr. Debb stated they looked at many different options for this cornice, and the 6 ½ foot version seems to work the best.

Persons in Favor of or in Opposition to the Request

Jim Murphy, who resides at 501 Forest Avenue, stated he is the President of the Glen Astor Condominium Association which is at the northeast corner of Forest Avenue and Pennsylvania Avenue. Mr. Murphy stated the parking for their condo building is at grade, below grade and behind the building. Mr. Murphy stated of the 39 condo owners, there are 69 deeded spaces which comes to approximately 1.75 spaces per unit. Mr. Murphy stated he feels the parking for the proposed building will be under-spaced. Mr. Murphy stated he would like to know what incentives are being given to the developers, and he feels their condos may become devalued due to this building.

Matthew Jones, who resides at 463 Ridgewood, asked if there is a plan to turn the rental units into condos at any point. Mr. Jones stated he is concerned with the traffic and the safety of the school children.

Jeff Blei, who resides at 242 Forest Avenue, stated they should take a different tact with this development as the current downtown character is quaint and simple. Mr. Blei stated this building could change the entire gateway to the town, and he feels they should use some elements already in the downtown, such as Tudor architecture.

Mary Beth Nelms, who resides at 1N144 Stacy Court, stated she does not support this project in any way. Ms. Nelms stated another project could be done, and it's the Village's responsibility to the Village itself. Ms. Nelms stated parking is a major concern, and she does think the Village is ready to take responsibility for a parking garage area. Ms. Nelms stated she is concerned about the retail space as she is concerned about the people in the building with retail units on the 1st floor. Ms. Nelms stated there will be settling with this building, and the 1st floor parking garage will be a lot of responsibility. Ms. Nelms stated this will take away parking in downtown Glen Ellyn for employees who work in the downtown. Ms. Nelms stated they should seriously reconsider this project.

Robert Dieter, who resides at 612 Turner Avenue, showed a presentation of potential myths about Glen Ellyn from facts taken off the Village's website. Mr. Dieter stated the downtown's vacancy rate is low, and the Village's sales tax revenue during the recession did well. Mr. Dieter stated research shows that most millennials want historic preservation, and this project should be about the Village.

Carol White, Executive Director of the Alliance of Downtown Glen Ellyn, presented information from an email survey that was done for the 71 Alliance members. Ms. White stated 27% of those surveyed did respond. Ms. White stated when the Alliance members were asked three questions about the development: 1. The development will have an overall positive effect on Downtown Glen Ellyn; 2. The additional parking is a positive result for Downtown Glen Ellyn; An additional 8,000 sf of newly built commercial space will bring more quality businesses to Downtown Glen Ellyn and therefore, make our business community stronger. The resultant outcome of the three questions was 16 out of 19 strongly agreed, agreed or had no opinion. 15 out of 18 strongly agreed, agreed or had no opinion that greater downtown residential density will have a positive impact on all downtown businesses. She noted that there were some additional comments from business owners, which had been included in the Plan Commission packet.

Merri Beth Kudrna, who resides at 807 Snowhill Court, stated she and her husband are ready to downsize, but they would like to stay in Glen Ellyn. Ms. Kudrna stated they are having to look at other communities as there are no luxury apartments with amenities in Glen Ellyn. Ms. Kudrna stated she supports the ideas of this building and appreciates the Plan Commission listening to public comments on this proposed building. Ms. Kudrna stated the monies going to the school district would be great, and she hopes the community can come together on this.

Donna Loftus, who resides at 296 Woodstock, stated she is Chicago born and bred and is familiar with Chicago architecture. Ms. Loftus stated this is a lovely building with a lot of amenities, but Glen Ellyn is not the proper place for this building. Ms. Loftus stated she is not sure what kind of people will be the residents of this building, and the competition downtown is already tight. Ms. Loftus stated this is a lovely building, but it is not for Glen Ellyn.

Planning and Development Director Springer stated audio was lost in the overflow rooms and asked if a break could be taken to fix this. Chairperson Loch called for a break at 8:36 p.m.

Chairperson Loch reconvened the meeting at 8:44 p.m.

Tom Manak, who resides at 586 Crescent Boulevard, stated he lives in the condos at Crescent Boulevard and Park Boulevard. Mr. Manak stated his condo building is a relatively modern building, and he supports this proposed building. Mr. Manak stated there will be a demand for amenities and businesses in the downtown with additional residents in this building. Mr. Manak stated it would be good to look at the safety of the school children, and he does support this concept.

Lisa Mojica, who resides at 598 Hill Avenue, stated she is the President of the St. Petronille's Council, and she is representing the Diocese of Joliet as well. Ms. Mojica stated there was a team of leaders from St. Petronille's Parish that studied this project, and they are concerned about the safety of the children and older parishioners as well. Ms. Mojica stated she appreciates the acknowledgement that St. Petronille's will lose an exit to Main Street so a new exit will be added on Hillside. Ms. Mojica stated she is grateful to Larry Debb and his pledge to safety, and they would like to see swing gates installed to help with the safety issue. Ms. Mojica stated St. Petronille's is committed to being a good neighbor and will support the project as long as the outstanding safety concerns are addressed. Ms. Mojica asked for a show of hands from St. Petronille that support this position, and over 20 people between all 3 rooms raised their hands.

Tim Loftus, who resides at 296 Woodstock, showed a picture of building heights in the downtown and stated he agrees there needs to be some type of development here, but this building would put too much mass on Main Street. Mr. Loftus stated there will be a big height difference between this buildings and other buildings on Main Street. Mr. Loftus referred to the 2001 Glen Ellyn Comprehensive Plan and read excerpts regarding heights in the downtown. Mr. Loftus stated the Village spends a lot for these studies so they should not turn around and then do something else.

Ian Dawson, who resides at 869 Hillside Avenue, stated this is a majestic building, but it will be hulking too. Mr. Dawson stated the aerial pictures of the building show the sheer size of the building. Mr. Dawson stated Glen Ellyn is different, and it has character, but if this building happens, it would be like any town in America.

Jason Fues, who resides at 620 Prairie Avenue, stated he is a parishioner at St. Petronille's, and his children go to school at St. Petronille's. Mr. Fues stated he is a concerned parent as this development would guarantee an increase in cars near the students and the parishioners. Mr. Fues stated no one can say what the traffic impact will be on the school from this proposed building. Mr. Fues stated everything possible needs to be done out of this development to ensure the safety of the kids. Mr. Fues stated a review of the development should be done to ensure they have reduced all risks possible.

Marc Giovingo, who resides at 655 Hillside Avenue, asked if the traffic studies were done while the Taylor Avenue Underpass was closed. Professional Engineer Daubert stated the underpass closed as of August 15th, and the traffic study was done on August 29th. Mr. Giovingo stated businesses come and go in the community, and they need to ensure there will be an immediate financial impact from the businesses which will be a positive impact for the community as well.

John Svalenka, who resides at 415 Kenilworth Avenue, stated he supports the project. Mr. Svalenka stated there are buildings in the downtown that are similar to this building with similar height as well. Mr. Svalenka stated this would be a chance to gain parking in the downtown, and restaurants could be accommodated even with narrower sidewalks.

Steve Horvath, who resides at 473 Sunset Court, stated 73% of his taxes go to the schools. Mr. Horvath stated Wheaton and Lombard have lots of retail, but Glen Ellyn does not have the same retail dollars. Mr. Horvath stated preservation needs to meet progress as neighboring towns have all had similar developments which have had positive impacts on the community. Mr. Horvath stated there has been a large development boom in the past 5 years, and this development is needed to provide a living sector that Glen Ellyn does not currently have.

Kelli Christiansen, who resides at 445 Turner Avenue, stated this will be a pivotal development in the Village, and this development will be adjacent to a National Historic District. Ms. Christiansen stated the 20-foot height variation would create a canyon at the gateway to the Village and would change the character of the Village. Ms. Christiansen stated there would be increased traffic which would be a safety concern. Ms. Christiansen stated the building says nothing about Glen Ellyn, and they would lose an opportunity for the development to say something about Glen Ellyn.

Kenneth Kloss, who resides at 350 Ridgewood Avenue, stated it sounds like the safety concerns will be addressed. Mr. Kloss stated the plan being offered here is common to other towns. Mr. Kloss stated Wheaton just won an award for a building that that is 3 stories tall. Mr. Kloss stated he passed out a map that proposes a land exchange with St. Petronille's. Mr. Kloss stated 4 foot wide corridors and a single bank of elevators is not a luxury building. Mr. Kloss stated this site is too small for the proposed development, and a 4-story solution would be better. Mr. Kloss asked if underground parking was looked into for this development.

Maureen Aspell, who resides at 10360 S. Central Avenue in Oak Lawn, stated she is the principal of St. Petronille's School. Ms. Aspell stated she is responsible for the safety and well-being of the students and families at St. Petronille's School, and they move 460 students a day. Ms. Aspell stated there will be many moving pieces in a short window of time. Ms. Aspell stated when the development is completed, St. Petronille's will lose an important egress. Ms. Aspell stated she is concerned about the safety of everyone, and she is looking to the Village and the developer to help St. Petronille's address any safety issues.

Sharon Wussow, who resides at 519 Western Avenue, stated she is a former Architectural Review Commissioner. Ms. Wussow stated she likes the quality materials that the developer is proposing to use as these materials will stand the test of time. Ms. Wussow stated the development's proposal fits the needs that the Village has suggested, and she does support this development somewhat. Ms. Wussow stated she would prefer a 4-story building as the proposed mass is too great. Mr. Wussow stated they do need to improve the south façade as it is devoid of any architectural elements.

Amy Murphy, who resides at 180 N. Park Boulevard, stated she has 2 children at St. Petronille's School. Ms. Murphy stated she is concerned with the exit/entrance to the building to the parking garage. Ms. Murphy stated there needs to be solid gates installed that the parish cannot afford to install. Ms. Murphy stated she is pro-development, but this building will be too big and too massive in this location. Ms. Murphy stated they need to find a different location

for this building. Mrs. Murphy read an excerpt from the 2001 Glen Ellyn Comprehensive Plan about buildings being a minimum of 2 stories tall and a maximum of 3 stories tall. Ms. Murphy asked for a show of hands for anyone that is concerned about the building height, and over 30 hands were raised between the 3 rooms.

Bernie Botheroyd, who resides at 20 Walnut Road, stated kids leave Glen Ellyn and then they come back, and this feels like it is higher in Glen Ellyn than in other communities. Mr. Botheroyd stated people his age do not want to leave Glen Ellyn, but want housing that is on one floor and is in town which is very limited as of now. Mr. Botheroyd stated condos or apartments that are self-sufficient are a need in the Village.

James McDonnell, who resides at 871 Crescent Boulevard, stated his wife teaches at St. Petronille's, and his children attend school there as well. Mr. McDonnell stated he has built four home in Glen Ellyn, and each of these homes had to be built according to code in order to preserve the historic look of the community. Mr. McDonnell stated the zoning and height variances being requested for this building are incongruent with the Village as the taxpayers and residents have to play by the rules so the developers should too. Mr. McDonnell stated this building will be much higher than the buildings close to it, and this building will be too big and too tall. Mr. McDonnell stated the Plan Commissioners are good stewards of the Village and need to protect the integrity of the Village. Mr. McDonnell stated the development should be appropriately scaled.

Tim O'Shea, who resides at 655 Pleasant Avenue, stated he is a former Village Trustee and is for economic development. Mr. O'Shea stated this is the second time this property has come before the Plan Commission, and this building might not be perfect, but it is good. Mr. O'Shea stated the developer has put forth a good plan. Mr. O'Shea stated he loves the charm of Glen Ellyn, but the Village does need to accept. Mr. O'Shea stated the Village is losing development to other communities. Mr. O'Shea stated the Village will gain parking with this development, and he supports this development.

Eleanor Saliamonas, who resides at 626 Newton Avenue, stated she objects to the development. Ms. Saliamonas stated she agrees with the 2001 Comprehensive Plan, and a 3-story building would be attractive and inviting. Ms. Saliamonas stated she would like to see a 3-dimensional version of this development to help understand the scale. Ms. Saliamonas stated she is concerned about no affordable housing in Glen Ellyn. Ms. Saliamonas stated she is against the height variances, but does like the high-grade windows. Ms. Saliamonas asked if solar panels were considered for the building. Ms. Saliamonas stated a little more care and planning needs to go into this development as the building should be no more than 4 stories maximum.

Charlie McCluskey, who resides at 16 Newton Avenue, stated his parents are looking to downsize, and this type of housing is lacking. Mr. McCluskey stated young educators could be looking to reside in the community in this building. Mr. McCluskey stated this is a chance to revitalize the community, and a space for parents and senior citizens to stay in Glen Ellyn would be good.

James Gizzo, who resides at 521 Bryant Avenue, stated this building would serve a necessary function and be a solution. Mr. Gizzo stated he has friends and colleagues who want to live in Glen Ellyn, and a place like this would be good. Mr. Gizzo stated he supports this project.

James Steinke, who resides at 558 Revere Road, stated Glen Ellyn has charm with its narrow streets and a feeling of community. Mr. Steinke stated this building is out of scale to the downtown and Glen Ellyn in general. Mr. Steinke stated the building should only be 3 to 4 stories. Mr. Steinke stated the exterior is better, but this could be a building in any town. Mr. Steinke stated the building should mirror more of the architecture already used in Glen Ellyn.

Yavor Goranov, who resides at 730 Euclid Avenue, stated this development is totally wrong for the community as the building is generic and out of scale and character. Mr. Goranov stated this building would be like a Trojan horse with other buildings then asking for bigger and bigger variations. Mr. Goranov stated the Village should not rush this development, and it should be done right. Mr. Goranov stated they should reject this project and go back to the drawing board. Mr. Goranov stated there is a unique opportunity on this site to create a public space or square.

Mark Senak, who resides at 306 Taylor Avenue, stated he is a current Village Trustee. Attorney Jones asked if Mr. Senak was speaking as a resident or as a Trustee. Mr. Senak stated he is speaking as a resident. Commissioner Mulherin stated he thought the Trustees would not be speaking. Commissioner Heming-Littwin stated she was in a meeting with Village President McGinley where President McGinley stated the Plan Commission can decide on this topic.

Mr. Senak stated he is not at the meeting as a Trustee and apologizes if he offends anyone. Chairperson Loch asked if Mr. Senak had participated in meetings with the developer. Mr. Senak stated he has had meetings with the developer and with residents to get information on this proposed project. Mr. Senak stated projects are vetted under the Village Code and must be compliant to the Village Code. Mr. Senak stated if the developer can comply then the Special Use permit should be granted; however, if the developer cannot satisfy the requirements then the application should be denied. Mr. Senak stated he urged the Plan Commission to find the

appropriate Findings of Fact if the Village Code is satisfied and entitles the developer to variances.

Julie Mackey, who resides at 1812 Wakeman Court in Wheaton, stated she is in favor of the project as presented. Ms. Mackey stated this will be a modern, progressive downtown development which will help different population densities. Ms. Mackey stated this project would also help all the businesses thrive and help with taxes. Ms. Mackey stated people are afraid of change, but she thinks it will benefit the Village.

Kathy Cornell, who resides at 678 Forest Avenue, stated she likes positive change, but she does not see this development as positive change. Ms. Cornell stated this building will be too massive, too huge and too tall at the top of the hill. Ms. Cornell stated the variances are too big. Ms. Cornell stated she sees the quality in the building, and a 2 or 3 story development would be appropriate. Ms. Cornell stated this project in this location is not appropriate.

Marc Cella, who resides at 546 N. Grant Street in Hinsdale, stated he is a commercial developer and has known Larry Debb for 45 years. Mr. Cella stated he knows Mr. Debb builds great projects and the Village is lucky to have this development come forward.

Chris Wilson, who resides at 537 Phillips Avenue, stated she is active in historic preservation around the Village, and she feels this building will be too large and too high. Ms. Wilson stated millennials are attracted to the historic downtown, and they do not want to see a generic building, but want character. Ms. Wilson stated she supports the idea of a 3-dimensional model. Ms. Wilson stated the Village should not put something up that they will be sorry for in years to come.

Scott Shoub, who resides at 711 Duane Street, stated he is a business owner at 498 Hillside Avenue, and he has concerns for the safety of the children at St. Petronille's. Mr. Shoub stated he is also concerned about the traffic patterns in town, and he is not sure if the Village's infrastructure is equipped for an additional 107 units. Mr. Shoub stated he is in support of development and progress, but it needs to be the right development.

Renie Atchison, who resides at 66 Forest Avenue, stated they do not have enough variety in housing in Glen Ellyn. Ms. Atchison stated she is a realtor, and her clients need a place to go. Ms. Atchison stated her mom needs a place in town that is 1 level. Ms. Atchison stated her clients need and want condos. Ms. Atchison stated she wants development to happen, but the scale for this proposed building is too much. Ms. Atchison asked why exceptions are being given

to commercial developments when single family homes are not getting these. Ms. Atchison stated she would prefer a 3 story development.

Chairperson Loch thanked everyone for being at the meeting and participating.

Commissioner Mulherin moved, seconded by Commissioner Heming-Littwin, to close the public hearing at 10:09 p.m. The motion carried unanimously by voice vote.

Mr. Debb asked to address a few items that came up. Mr. Debb stated he understands the height is an issue, but this is due to the parking. Mr. Debb stated the parking lot will only be unavialble for 4 months. Mr. Debb stated he thinks this building will be a plus for the existing restaurants and businesses in town. Mr. Debb stated the variances being requested were brought up by the staff. Mr. Debb stated they are not required to have the parking, but they are doing this for the benefit of the community. Mr. Debb stated safety and the children are very important to them.

Chairperson Loch stated deviations for a PUDs are very different from residential variances and it is not uncommon for commercial developments to have this number of requests.

Comments from the Plan Commission

Commissioner Heming-Littwin thanked the developer for wanting to be a part of Glen Ellyn and for the public for coming out tonight. Commissioner Heming-Littwin stated she reviewed the entire project proposal. Commissioner Heming-Littwin stated she has seen development in town that people have been against. Commissioner Heming-Littwin stated the Village is about people and not a building. Commissioner Heming-Littwin stated this property has been looked at by multiple developers. Commissioner Heming-Littwin stated Plan Commission has to weigh if a development would be good for the Village overall.

Commissioner Heming-Littwin stated she is in favor of this as it is in line with the Comprehensive Plan and the 2009 Strategic Downtown Plan. Commissioner Heming-Littwin stated the developer does not have to provide parking, but is doing this anyways. Commissioner Heming-Littwin stated the shadowing effect will be minimal. Commissioner Heming-Littwin stated this development will increase sales tax revenue. Commissioner Heming-Littwin stated she knows change is difficult, and the downtown needs to grow and change so it can continue to be a vibrant place. Commissioner Heming-Littwin stated if they do not move forward with this development, there may not have a developer interested in this property ever again. Commissioner Heming-Littwin stated she knows that the Village staff and developer will ensure the children at St. Petronille's will remain safe.

Commissioner Hartweg stated he supports this plan and would like to see the timing and how the businesses and restaurants could be affected. Commissioner Hartweg stated the developer has done a good job on this. Commissioner Hartweg stated they will need to coordinate the timing of this construction with the Civic Center parking garage construction.

Commissioner Mulherin stated he totally supports the plan. Commissioner Mulherin stated this project will accommodate the needs of the public. Commissioner Mulherin stated people do want to see 4 stories. Commissioner Mulherin stated this property has been vacant for a long time, and the area needs revitalization. Commissioner Mulherin stated McChesney closed in 2013. Commissioner Mulherin stated this property is in the Downtown TIF District, and this project will help to spread out the tax responsibility. Commissioner Mulherin stated he would like to see more 2 bedroom units.

Commissioner Vondruska stated the big variance is the height. Commissioner Vondruska stated retail is suffering, and towns around Glen Ellyn are adapting to changes. Commissioner Vondruska stated he wants to see the charm and history preserved, but also attract people to town. Commissioner Vondruska stated the Village is more than the architecture in this town. Commissioner Vondruska stated Glen Ellyn has gotten the reputation of not being development-friendly. Commissioner Vondruska stated the height in that specific area is tough. Commissioner Vondruska stated he supports the overall project.

Commissioner Barry asked if there was an analysis done for the cost of underground parking. Mr. Debb stated there was. Village Planner Purvis stated this was looked at, and underground parking would have added approximately \$3,000,000 to the project. Village Planner Purvis stated underground parking would also have less parking spaces than are proposed currently due the ramping required to underground. Commissioner Barry stated he concurs with Commissioner Vondruska as Commissioner Barry does have some concern with the 65 feet height. Commissioner Barry stated he supports this project.

Commissioner Saeed thanked the petitioners for coming to Glen Ellyn to develop as residential such as this is a need in Glen Ellyn. Commissioner Saeed stated this building will be a wonderful and great asset. Commissioner Saeed stated he does fully support the project, but he is concerned about the height as well.

Commissioner Fanella thanked the petitioners for working with the Village and then staff for vetting this project and answering all of her questions. Commissioner Fanella stated she is in favor of this project as it will be a good fit for the Village. Commissioner Fanella stated she

concur with Mr. O'Shea's statement that we cannot let perfect get in the way of the good. Commissioner Fanella stated she would like to see Plan B substituted for Plan A and agrees with the suggestion that the parking stalls for the residents be numbered. Commissioner Fanella stated she agrees with the suggestion that the developer donations be paid at the time of permitting and that the developer will need to work closely with the Village on streetscape elements.

Commissioner Rodemann stated this project has come a long way as his concerns over coming north on Main Street have been improved. Commissioner Rodemann stated it would be good for the developer to continue to work with staff to mitigate the mass of this project. Commissioner Rodemann stated the challenge is to make this a great, big building.

Chairperson Loch stated she supports this project as it will revitalize the downtown. Chairperson Loch thanked the developer and the Village staff for working closely with St. Petronille's. Chairperson Loch stated she agrees with Ms. Wussow's suggestion of some uplift on the south side elevation.

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

1. A Special Use Permit for a Planned Unit Development in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.
2. The following deviations from the Zoning Code:
 - a. Section 10-4-17-1(E) to permit a building height up to 65 feet at the top of the parapet in lieu of 45 feet; and
 - b. Section 10-5-8(I) to allow:
 - i. Parking spaces 18 feet in length in lieu of 19 feet; and
 - ii. Parking spaces 8.5 feet wide in lieu of 9.5 feet wide in certain locations where the aisle width is at least 24 feet wide; and
 - iii. An aisle width of 21'-7 3/4" on a portion of the site and 24 feet on other parts of the site in lieu of 25 feet; and
 - c. Section 10-7-9(D) to allow 100% of the site to be covered in lieu of 65%; and
 - d. Section 10-5-9(B) to allow an off street loading space 40 feet in length in lieu of 50 feet; and
 - e. Section 10-5-13(M)2 to allow the parking garage lights to emit up to 6.2 foot candles at the public entrance to the garage on Hillside Avenue, 7.14 foot candles at the public garage entrance along Main Street, and 7.3 foot candles at

the residential parking garage entrance along Hillside Avenue in lieu of 3 foot candles at the lot line; and

- f. Any other deviations necessary to construct the development as depicted on the plans presented and available for public review.

After conducting a public hearing and deliberating on the request of John Kosich and Larry Debb, owners of the property located at 400 N. Main Street, for approval of a Special Use Permit for a Preliminary Planned Unit Development for a mixed use development including 107 apartments, 8,844 square feet of first floor commercial space and a two-story parking garage to be located at 400 & 418-424 N. Main Street on the northwest corner of Main Street and Hillside Avenue, the Plan Commission makes the following findings of fact in regard to the request:

1. The proposed use will be harmonious and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or Zoning Code, because the proposed development will develop a key site listed in the Comprehensive Plan, which currently consists of a vacant storefront and a surface parking lot with a mixed use development providing first floor commercial uses, ground level, structured public parking and residential units which are all appropriate uses for the downtown. The Comprehensive Plan suggests this block would be an ideal location for a new mixed-use retail, residential and/or parking project to anchor the south end of the downtown.
2. The planned unit development will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area because the development will be constructed of high quality materials consisting mostly of brick and stone, as called for in both the Comprehensive Plan and the Village's Design Guidelines, and the proposed use of the building, including first floor commercial and residential on the upper floors, is fitting for Main Street and the general area of the site. The property is currently under-utilized, and the development will be an improvement.
3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses of the property because the proposed use being retail and residential is appropriate for the site and the downtown area. None of the anticipated tenants will use hazardous materials or be a nuisance to the surrounding neighborhood.
4. The proposed use will be served adequately by existing public facilities and services such as highways, street, police, fire protection, drainage structure, refuse disposal, water, sewers and schools because the site is already adequately serviced by existing utilities and local services.

5. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because the development includes the construction of a public garage that the Village will own at the completion of the project which will be more valuable than the existing asphalt surface parking lot because the lot will be constructed with concrete and will be covered. The project will be beneficial to the Village's economic welfare by providing an increase in sales tax and property tax revenues, and the additional residents will patronize downtown businesses and restaurants.
6. The use will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare and odors because the proposed development traffic volume can be accommodated by the existing road network and will not produce excessive noise, smoke, fumes, glare or odors. The uses proposed on the site are compatible with existing uses in the zoning district.
7. The development will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads because the approaches will allow additional opportunities for ingress and egress on Hillside Avenue and Glenwood Avenue which can better distribute traffic to the surrounding public streets. Additionally, a stacking space of 18 feet has been provided at the entrance to the residential garage to keep traffic from queueing onto Hillside Avenue while waiting for the garage door to open. Furthermore, pedestrian warning beacons are proposed at each garage entrance to warn pedestrians of vehicles exiting from the site.
8. The development will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief since no additional impervious surface will be added to the site, and the project will be engineered to provide adequate storm water drainage from the site.
9. The development will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community since the site includes a vacant storefront and a surface parking lot, and there are not scenic or historic features of importance on the subject property.

This recommendation is subject to the following conditions:

1. Elements of the streetscape design shall match the streetscape design selected by the Village Board in 2019.
2. Trees shall be a minimum of 4 to 6 in diameter.
3. Site Plan B shall automatically be submitted if the 3 feet of alley is acquired without amendment to the PUD.
4. The bike racks on Hillside Avenue shall be moved to a new location that the Village deems to be most appropriate.
5. The 2nd floor residential parking stalls shall be numbered and assigned by unit.
6. Developer donations for taxing bodies in the amount of approximately \$169,219.00 shall be paid prior to issuance of a building permit.
7. The Village shall analyze what traffic calming devices might be most appropriate on Hillside Avenue near the Glenwood Avenue intersection.
8. Hillside Avenue shall be converted to 2-way traffic on Hillside Avenue between Main Street and Glenwood Avenue.
9. The developer shall install signage limiting turning movements from Hillside Avenue and Glenwood Avenue parking garage exits Monday through Friday from 7:45 a.m. to 8:30 a.m.

The motion carried with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Hartweg, Berry, Fanella, Mulherin, Rodemann, Saeed and Vondruska and Chairperson Loch voted "yes."

Trustee's Report

Trustee Pryde stated many of the Village's Public Works' projects have finished well. Trustee Pryde stated there was a ribbon-cutting today for the Taylor Street Underpass. Trustee Pryde stated there will be an upcoming meetings on the updates to the Comprehensive Plan and a possible new train station. Trustee Pryde stated in February, the Village Board will be looking at early information on a possible parking lot design for the proposed Civic Center garage.

Chairperson's Report

Chairperson Loch did not present a report.

Staff Report

Village Planner Sterrett stated there will be a Plan Commission Meeting on Thursday, January 10th.

Other Business

None

Adjournment

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Fanella, to adjourn the meeting at 10:50 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary

Reviewed by
Planner Kelly Purvis



Minutes
Village of Glen Ellyn
Regular Workshop Meeting
Tuesday, January 22, 2019
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

Attendee Name	Title	Status	Arrived
Diane McGinley	Village President	Present	
Bill Enright	Village Trustee	Present	
Gary Fasules	Village Trustee	Present	
John Kenwood	Village Trustee	Present	
Pete Ladesic	Village Trustee	Present	
Craig R. Pryde	Village Trustee	Present	
Mark Senak	Village Trustee	Present	
John Chereskin	Village Clerk	Present	
Mark Franz	Village Manager	Present	
Greg Mathews	Village Attorney	Present	
William Holmer	Assistant Village Manager	Present	
Christina Coyle	Finance Director	Present	
Staci Springer	Director	Present	
Phil Norton	Chief of Police	Present	
Kelly Purvis		Present	
John Sterrett	Village Planner	Present	
Rich Daubert	Senior Civil Engineer	Present	
Meredith Hannah	Economic Development Coordinator	Present	

B. Pledge of Allegiance

President McGinley led the Pledge of Allegiance.

C. Roll Call

D. Audience Participation

None

E. Apex 400 Development (Planning and Development Director Springer) (Discussion Only)

1. Planning and Development Director Springer will lead a discussion regarding the Apex 400 mixed use development, the Plan Commission public hearing on the proposal, recommended conditions of approval, financial incentives and the Redevelopment Agreement.

Planning and Development Director Springer presented background on the proposed Apex 400 mixed use development. Planning and Development Director Springer stated GSP Development is proposing a 5-story mixed use development at the northwest corner of Main Street and Hillside Avenue on the former Giesche shoe site and the Village owned parking lot at 418-424 N. Main Street. Planning and Development Director Springer stated GSP Development appeared before the

Plan Commission in May 2018 for a pre-application meeting, and the Plan Commission provided positive feedback regarding the proposal but suggested that the residential amenities proposed on the first floor be relocated to make additional space for first floor commercial uses along Main Street. Planning and Development Director Springer stated the developers did then increase the first floor commercial square footage to 8,844 square feet.

Planning and Development Director Springer stated the developers submitted their formal application for review on July 20, 2018, and staff did ask for supplemental information with this application, including a sun study, a market study justifying the unit mix for the development, height exhibits showing the height of the proposed building compared to other downtown Glen Ellyn buildings and photos of other buildings of a similar scale in other suburban communities and a survey of other suburban downtown transit-oriented-development parking ratios to justify the requested residential parking ratio.

Planning and Development Director Springer stated the staff requested many changes to the project including alterations to the parking garage, additional architectural detailing on the building and site modifications creating a more pedestrian friendly environment and safer traffic flow. Planning and Development Director Springer stated the comprehensive list of the 28 items are included in the Trustees' packets and reviewed a few of the items. Planning and Development Director Springer showed a rendering of the original proposed building elevation which had a lots of metal on it and was very contemporary looking. Planning and Development Director Springer showed a picture of the proposed building now.

Planning and Development Director Springer stated the Plan Commission held a public hearing on January 7, 2019, and 36 members of the public spoke with mixed support for the project. Planning and Development Director Springer stated the members of the public who supported the project stated the downtown needs revitalization, and there is a lot of options for this type of housing in Glen Ellyn. Planning and Development Director Springer stated those who were against the project had issues with the proposed height of the structure and that the character of the structure does not match other structures in the downtown.

Planning and Development Director Springer stated the Plan Commission did vote to recommend approval by a voice vote of 9 "yes" and 0 "no." Planning and Development Director Springer stated staff suggested and the Plan Commission recommended a number of conditions be placed upon the project if approved, including

- 1. That should the developer be able to acquire three feet of the alley located north of Lot 5, that Planned Unit Development (PUD) Alternate Plan B shall be substituted for the approved Plan A.*
- 2. That the developer install a sign at the access points from the development onto Hillside Avenue indicating "No Right Turn Monday through Thursday from 7:45 to 8:30 a.m. or Friday from 8:30 to 9:15 a.m." The location and exact wording of the signage will be subject to the approval of Village Staff.*
- 3. That the developer install a sign at the access point from the development onto Glenwood Avenue indicating "No Left Turn Monday through Thursday from 7:45 to 8:30 a.m. and Friday from 8:30 to 9:15 a.m." The location and exact wording of the signage will be subject to the approval of Village Staff.*

4. *That the developer convert the traffic flow on Hillside Avenue between Main Street and Glenwood Avenue to two-way traffic including any necessary signage, pavement markings and geometric changes to the roadway as directed by the Village Engineer.*
5. *That the Village will pursue the installation of a stop sign for westbound traffic at the Hillside Avenue/Glenwood Avenue intersection, subject to conformance with engineering standards, manuals and traffic warrants as determined by the Village Engineer and Police Chief.*
6. *The final streetscape and public improvements for the project will match the streetscape design to be selected by the Village Board in 2019.*
7. *Prior to returning for final approval of the Planned Unit Development, the landscape plan shall be revised to show street trees with a minimum diameter of 4 - 6 inches.*
8. *Prior to returning for review of the Final Planned Unit Development, the site plan shall be revised to show the bike rack moved from Hillside Avenue to a more appropriate location that will not interfere with site ingress/egress.*
9. *Prior to returning for approval of the Final Planned Unit Development, the second floor plan shall be revised to show all parking stalls numbered and assigned by unit.*
10. *Prior to issuance of a building permit, the petitioners shall pay the Village \$169,219.00 to be dispersed to the Glen Ellyn Park District, School District 41, School District 87, Fire Company and the Glen Ellyn Library.*

Planning and Development Director Springer reviewed the TIF Incentive Request and stated the Tax Increment Financing (TIF) was adopted in 2012 for the downtown. Planning and Development Director Springer stated the development investment is estimated at \$39 million, and the development is expected to generate \$7.8 million through 2035 when the TIF is set to expire. Planning and Development Director Springer stated the developer is seeking \$800,000 total over five years in TIF incentives.

Planning and Development Director Springer stated the Village and the Developer have been negotiating a Redevelopment Agreement over the past few months, and this agreement outlines the responsibilities of the developer and provides protections for the Village. Planning and Development Director Springer stated reviewed the critical business terms of this redevelopment agreement. Planning and Development Director Springer stated if the project is approved, parking for public use at this development would be available by December 31st, 2019.

Planning and Development Director Springer review the next steps for this proposed project and stated the Preliminary Planned Unit Development Plan is scheduled for Village Board consideration at the January 28th Village Board meeting. Planning and Development Director Springer stated if approved, the developer would then need to submit Final PUD Plans for the Plan Commission and Village Board consideration. Planning and Development Director Springer stated the developer would be permitted to submit building permit plans concurrent with their Final PUD approval request.

Larry Debb, Developer with GSP Development, stated they look at three things when considering a possible project including if there is a market for what they think they want to build, if there is land available and if this is something a community wants. Mr. Debb stated this development has four pieces, including the public parking, parking for the tenants of the development, over 8,800 square feet of retail space and 107 high-end luxury apartments. Mr. Debb stated they have been working on this proposed project for over a year.

Mr. Debb stated there will be 137 parking spaces available for the public when this is completed, and the parking will have new concrete, new drainage, new lighting and three means of ingress/egress.

Mr. Debb stated when the development is completed, it will produce over \$400,000 to the taxing bodies as well as they will be donating \$188,000 to the library, school and Fire Department. Mr. Debb stated the Village will also receive \$500,000 for fees and permits.

Mr. Debb stated for the retail space, they do have several restaurants interested. Mr. Debb stated there will be secured parking for the tenants coming off of Hillside Avenue. Mr. Debb stated the units will be high-end with approximately 27% of the units being two bedrooms, approximately 60% being one-bedroom units and the remaining would be studio units. Mr. Debb stated they designed this in such a way that some of the one-bedroom units can be combined into three-bedroom units. Mr. Debb stated there is usually one child for every 30 units, and he feels this development will have a limited impact on the schools in Glen Ellyn.

Mr. Debb stated they did work with the Village staff, the local business, churches and other residents to get feedback on the look of the building. Mr. Debb stated they will be using quality materials with solid full bricks including a darker red, which will closely match the brick on St. Petronille's. Mr. Debb stated there will be limestone along the cornice and at the top and bottom of the windows.

Mr. Debb thanked St. Petronille's and the Diocese of Joliet for their feedback on this project. Mr. Debb stated there are safety concerns about the children getting to and from St. Petronille's School, and none of the resident traffic on Hillside Avenue will go toward the school. Mr. Debb stated during construction, all construction of the pre-cast will stop during drop-off and pick-up times at St. Petronille's, and the crane will be on the development property. Mr. Debb stated the children's safety is paramount.

Mr. Debb stated the majority of the downtown businesses signed a petition in favor of this project. Mr. Debb stated he understands concerns about the proposed height of the building, but the proposed building will not block any residents' views. Mr. Debb stated there will be limited shadowing from the sun. Mr. Debb stated there are 7-story buildings next to single-family homes.

Mr. Debb stated the public parking will only be down 4 to 6 months, and they have arranged with the Diocese of Joliet for their team to park on St. Petronille's property during construction.

Bob Rychlicki, President of Kane, McKenna and Associates, Inc. in Chicago, Illinois, stated their firm was tasked with reviewing the proposal, including the incentive request, the overall financial feasibility of the project and the TIF request. Mr. Rychlicki stated nothing in the proforma raises eyebrows, and the proforma seems reasonable. Mr. Rychlicki stated the cost and discounted returns are due to the project itself. Mr. Rychlicki stated the TIF projections are value-added for the Village, and there will be more net return to the Village if there are more students. Mr. Rychlicki stated there are projecting a modest growth of 2% per year.

Trustee Senak asked about the estimate on the revenue. Mr. Rychlicki stated the 2% per year is based on valuation. Trustee Senak asked about the estimate on the value of the land being contributed. Village Manager Franz stated this is based on an appraisal the Village did on this property five years ago.

Trustee Enright asked how much of the tax revenue coming in would go toward the schools. Mr. Rychlicki stated approximately 65%.

Trustee Kenwood asked about the vetting of construction costs. Mr. Rychlicki stated they used two sources for this. Trustee Kenwood asked if the internal construction was looked at as well as external construction to which Mr. Rychlicki stated it was.

Trustee Ladesic stated Mr. Debb said the initial donation to the taxing bodies would be \$188,000, but the amount in the Trustees' packet was \$169,000. Planning and Development Director Springer stated \$169,000 is the actual number which was recommended by the Village Staff and the Plan Commission.

Trustee Enright thanked the Village staff for their work on this. Trustee Enright stated the proposed cornice on the building was suggested by staff and asked how tall the building would be with no cornice.

Planning and Development Director Springer stated one of the Historic Preservation Commissioners asked for the cornice so the staff asked for this to be added. Planning and Development Director Springer stated there is a cornice as well on the building at the intersection of Main Street and Crescent Boulevard. Planning and Development Director Springer stated if there is a minimal cornice, the height of the building would be 58 ½ feet. Planning and Development Director Springer stated the majority of the building along Main Street would be 58 feet high. Mike Breclaw, Architect with Fitzgerald Architects in Chicago, Illinois, stated both front corners of the building have cornices that are accentuated higher. Planning and Development Director Springer stated the popped-up corners are 65 feet in height. Mr. Debb showed an updated rendering of the building and stated they did add brick to the southern elevation.

Trustee Enright asked about the height of the tallest building across the street. Mr. Debb showed the picture in the Trustees' packet and stated the tallest building is 42 feet high. Mr. Debb stated they looked at doing a level underground, but the cost was exorbitant.

Trustee Senak stated he is not in favor of five stories, and he feels they do not need public parking in this development. Trustee Senak asked if they could go to four levels if the public parking was removed from this development. Mr. Debb stated this is a possibility and could be feasible, but the per unit cost goes up. Mr. Debb stated their financing did expire last month, but they have an extension on this.

Trustee Fasules stated if they eliminated the public parking and went down to four stories, the proposed pool could be moved of the front of the building so they could lose some bulk in the front of the building. Trustee Pryde stated they would lose the sun if the pool moved to the front of the building.

Trustee Senak asked what it would take to redesign the building to four stories. Trustee Kenwood asked if a proforma was done on a 4-story building. Mr. Debb stated there is an approximate \$3 million delta as the unit cost goes up significantly. Mr. Debb stated the managers and maintenance costs are still fixed. Trustee Kenwood stated there would be a savings on materials with no fifth story. Mr. Debb stated if they take the building to four stories, they would need additional help from the Village. Mr. Rychlicki stated they have not looked at a proforma for a 4-story building.

Trustee Enright asked how many units would be lost if they went to four stories. Mr. Debb stated they would lose 11 units, and the rents are at the top now.

President McGinley stated there is a financial impact to the Village as the cost for the Civic Center parking garage goes up as parking spots are being moved from the Apex 400 development to the proposed Civic Center garage. President McGinley stated the Civic Center parking garage would then need to be a basement and five stories above ground. President McGinley stated if the spaces are moved, the net total of new spaces would be 82.

Trustee Kenwood asked if the \$500,000 going to the Village is a net cost. Planning and Development Director Springer stated this is all the building permit fees which the Village will collect and keep. Planning and Development Director Springer stated there will be a deposit above and beyond this \$500,000.

Trustee Kenwood asked about the quality of the materials. Mr. Debb stated the Village staff was impressed with the sample materials. Trustee Kenwood asked how the Village is ensuring that high-end pieces are going in the interior of the building. Village Manager Franz stated there is an open-book piece in the Redevelopment Agreement where the developer needs to show its costs to the Village.

Trustee Kenwood stated this will be a gateway building to the Village and asked if the corner of the building could be softened. Mr. Debb stated the 1st-floor retail is already small, and if they did soften the corner, they would lose square footage in the units as well. Trustee Kenwood stated the cornice adds to the architecture of the building. Trustee Ladesic asked if Trustee Kenwood supported bumping up the corner to break up the corner. Trustee Kenwood stated the architecture fits better, and this could work.

Trustee Kenwood asked if the parking deck would be ready in six months. Mr. Debb stated the public parking deck would be ready in six months or less. Village Manager Franz stated this is in the Redevelopment Agreement.

Trustee Fasules asked if the developer knew the height restriction in the Zoning Code. Mr. Debb stated they knew this, and the Glen Ellyn Comprehensive Plan calls for mixed use developments. Mr. Debb stated they knew the number of units that would make this development financially capable. Village Manager Franz stated the parking drives the height of this building. Trustee Fasules asked if the Village's requirements are driving the height of this building to which Village Manager Franz stated it is.

Mr. Debb stated they could eliminate the public parking and go to four stories, but they would need more help from the Village. Trustee Senak stated there would be some savings with losing a floor. Mr. Debb stated there would be some savings, but also additional expenses.

Trustee Kenwood stated they need to have someone look at an updated proforma with four stories.

Trustee Ladesic stated across the country, apartment buildings are being converted into condos. Mr. Debb stated they would not do this as they have never converted an apartment building of theirs into condos. Mr. Debb stated this is why they will separately meter everything.

Trustee Kenwood asked if the developer has done similar projects to this. Mr. Debb stated they just completed a project like this in Lombard.

Trustee Senak asked if a Special Use Permit is needed as this development is not one of the uses allowed in the C5A zoning district. Planning and Development Director Springer stated all new developments in C5A and C5B zoning districts are required to be processed as Planned Unit Developments, and the mechanism to grant a Planned Unit Development is through a Special Use. Trustee Senak asked if this is one of the special uses permitted in C5A. Planning and Development Director Springer stated a Planned Unit Development is a special use. Trustee Senak asked if this is one of the special uses. Planning and Development Director Springer read from the Village Code Section 10-4-17-1, and retail on the first floor and residential above are permitted. Village Manager Franz stated this is permitted as a Planned Unit Development in C5A or C5B.

Dawn Smith, Executive Director of the Glen Ellyn Chamber of Commerce, stated they did a survey last week and reviewed the results from this survey. Ms. Smith stated 56 members of the Chamber responded to this survey which is about 1/6 of the Chamber's membership. Ms. Smith reviewed the results from this survey and stated 64% of the respondents support the Apex 400 development. Ms. Smith stated 60% of those that were against the development were due to height and size concern. Trustee Fasules asked if a similar survey was planned for the entire community. Economic Development Coordinator Hannah stated it is not.

Lisa Mojica, who resides at 598 Hill Avenue, stated she is a parishioner at St. Petronille's and the President of the Parish Council. Ms. Mojica stated the major issue is the safety of the children and elderly parishioners. Mr. Mojica stated they appreciate the work the staff and Mr. Debb are doing on the safety concerns; however, there are still some unresolved issues. Ms. Mojica stated they are looking to get a professional consultant to help with traffic flow and a new traffic plan as well as St. Petronille's would like three swing gates put in. Trustee Pryde asked if the Village has ever asked for traffic studies for any of the other churches or places that have recurring programs that generate traffic issues in the downtown area to see what the impact is. Planning and Development Director Springer stated not unless the place was proposing some sort of addition on their own or undertook this as a part of their own review of their own issues.

Maureen Harton, attorney with the Diocese of Joliet, stated the Diocese is in full support of St. Petronille's Parish and School. Ms. Harton stated it has been great to work with the Village staff, Planning and Development Director Hulseberg and Village Manager Franz on this project. Ms. Harton thanked Mr. Debb as the developer is going to pave and stripe the lot at the developer's expense. Ms. Harton stated they are not expressing anything on the height, façade or interior as they feel Mr. Debb has done a nice job. Ms. Harton stated they are concerned over getting the requested swing gates installed at the Village's expense. Ms. Harton stated St. Petronille's is uniquely situated as contiguous to this development, and it will be affected by this.

Trustee Enright asked how much the swing gates are. Ms. Harton stated the gates are approximately \$2,500 to \$4,000 a piece plus the installation cost. President McGinley stated a safety plan for students is required before the Village will issue a permit.

Karen Quam, who resides at 245 N. Main Street, stated her father was an architect, and she is delivering her father's comments on the project. Ms. Quam stated her father feels the project is out of scale with the Central Business District (CBD), and the project does not go with the existing architecture in the downtown. Ms. Quam asked about the Architectural Review Commission (ARC) to which President McGinley stated this commission was removed at the request of the ARC chairman and others. President McGinley stated the responsibilities that the ARC had did

not go away, but were moved around. Ms. Quam stated the ARC is very important for a community like this. Ms. Quam stated when you look at location and the existing building on the property, the proposed building seems mammoth and out of place.

Dan Marks, who resides at 376 Turner Avenue, stated he feels the Village is rushing into something that the residents do not want. Mr. Marks stated they should think of historic towns, and these towns do not have a 5-story building in their downtowns. Mr. Marks stated he feels the proposed building is too big, and they are not doing enough work to make the building fit with the downtown look. Mr. Marks showed a picture of a newly-constructed building in Steamboat Springs which has incorporated the living spaces into the streetscape. Mr. Marks stated if you go stand by a building north of Yorktown which is like the proposed building, you will see what the height looks like. Mr. Marks stated the downtown is on the National Register, and if you put a building in the downtown that does not fit the integrity of the town, Glen Ellyn could lose its National Historic Register designation.

Anne Gould, who resides at 609 Newton Avenue, stated in the Downtown Strategic Plan, this parking lot was identified as a possible place for a mixed use building for retail and 30 residential spaces. Ms. Gould stated a 100+ unit residential building does not fit on this site. Ms. Gould stated the sheer bulk of the building is huge, and this 5-story building will take up 75% of the block. Ms. Gould stated the Village Board needs to worry more about growing Glen Ellyn's reputation as a quaint Main-Street community.

Jason Fues, who resides at 620 Prairie Avenue, stated he is a concerned St. Petronille's parent. Mr. Fues stated he has spent a lot of time reviewing the traffic study, and he would like to see a during-construction and post-construction safety plan. Mr. Fues stated the traffic count that was done on August 29th, 2018 did not include all the people coming to the school, including the religious education class members who are there on Wednesday nights. Mr. Fues stated when you look at the last traffic study done in 2010 compared to the traffic study done in 2018, there is an 80% increase in traffic coming toward St. Petronille's.

Barb Lemme, who resides at 688 N. Park Boulevard, stated she is a business owner in the downtown. Ms. Lemme read a section of the Glen Ellyn Zoning Code aloud and stated the downtown is universally valued with historic, architectural importance. Ms. Lemme stated Glen Ellyn is special and unique, and the Village's qualities should be preserved. Ms. Lemme stated the bulk and the mass of the proposed building are prominent at a high point in the downtown. Ms. Lemme stated the Zoning Code guidelines are established through a process, and variances should only be granted in extraordinary circumstances. Ms. Lemme stated this development undermines the preservation of the Village and granting this variance will set a dangerous precedent.

Elenaor Saliamonas, who resides at 626 Newton, stated this could be a great development for the McChesney site, but not for the former Giesche site. Ms. Saliamonas referred to what downtown Naperville has done with its buildings. Ms. Saliamonas stated she would like the Village to maintain the integrity of this historic town. Ms. Saliamonas stated she would like to see a 3-dimensional mock-up of this proposed building. Ms. Saliamonas stated she understands change is inevitable.

Steve Horvath, who resides at 473 Sunset Circle, thanked the Village Board for public comment on this project. Mr. Horvath also thanked the Trustees for making tough decisions. Mr. Horvath stated he does not have a child in the Glen Ellyn School District. Mr. Horvath stated he feels this project is not just a decision for today, but for the future as well. Mr. Horvath stated he feels this project will bring a positive impact to Glen Ellyn.

Michelle Covington, who resides at 117 N. Park Boulevard, stated they need to relook at the space and consider what impact the proposed restaurants could have on deliveries downtown. Ms. Covington stated questions need to be asked regarding how to handle maximum foot traffic and parking.

Kelli Christiansen, who resides at 445 Turner, stated this corner does need to be developed as it has been empty for four years, but the benefits of this development must outweigh the costs. Ms. Christiansen stated this building will change the landscape of the Village. Ms. Christiansen stated Main Street will be in shade after 5:00 p.m. most days. Ms. Christiansen stated the parking spaces in the development will be shorter and not as wide. Ms. Christiansen stated the Village could lose 11 to 53 spaces along Main Street and Hillside Avenue. Ms. Christiansen stated they need less parking in this development with the proposed parking garage behind the Civic Center. Ms. Christiansen stated the former Giesche site had over 15,000 square feet of retail space, but this development will only have 8,000 square feet so the Village would lose over 7,000 square feet of retail space. President McGinley stated the requested parking variances are for the tenant parking spaces only.

Justin Casazza, who resides at 386 N. Main Street, stated he thinks they are the nearest home to the development. Mr. Casazza stated he feels taking this development down to four stories would make a huge impact.

Maureen Aspell, the Principal at St. Petronille's School, stated her number one concern is for the safety and well-being of the children and families. Ms. Aspell stated the school moves 460 students around on a daily basis, and over 90% of the students are dropped off and picked up by car. Ms. Aspell stated St. Petronille's will also lose a critical ingress/egress point. Ms. Aspell stated it is unrealistic that there would be no traffic impact, and they are looking to the Village and the developer to continue to address safety concerns. Ms. Aspell stated there needs to be safety plans for during construction and post-construction.

Kenneth Kloss, who resides at 350 Ridgewood Avenue, gave a picture to the Trustees to look at. Mr. Kloss stated has developed two plans: one plan is a proposed land exchange with St. Petronille's and the other plan is an additional five feet given along the commuter parking lot. Mr. Kloss stated he is proposing a plaza with is consistent with the Village's streetscape goals and would help to soften the corner too. Mr. Kloss stated he suggests the development should do more than be a luxury development. Trustee Kenwood asked how many units would be in this proposed plan. Mr. Kloss stated it is the same number of units as the proposed Apex 400 development with a penthouse added with an additional 10 units.

Barbara Munroe stated if the development is built, future generations will wonder why the developer built something of this size and character in the downtown. Ms. Munroe stated Glen Ellyn has a Historical Society for a reason, and they all feel strongly about historic preservation. Ms. Munroe stated a 5-story building would be an affront to the senses. Ms. Munroe stated there are several homes nearby with many children and 3 challenged adults.

Brian Collie, who resides at 614 Lenox, stated he is encouraged that a survey was shared from those in the CBD to those outside the CBD. Mr. Collie stated he appreciates the additional detail that has been shared. Mr. Collie stated the Village Board need to be good and trusted stewards to the community, and the Board has a responsibility to Glen Ellyn. Mr. Collie stated they need to figure out the pain point they are trying to solve with this development and why this development is being pushed forward. Mr. Collie stated Glen Ellyn is winning in the market because it is distinctive, and he feels the development will destroy economic development in Glen Ellyn. Mr. Collie stated they need a development that is smart and distinctive.

Elicia Viola, who resides at 646 Forest Avenue, stated she is a St. Petronille's parishioner, and she is not in favor of the development due to the scale and appearance. Ms. Viola stated if the Village needs growth, they need to take their time on this. Ms. Viola stated she feels this development will change the whole face of Main Street. Ms. Viola stated the Village Board needs to keep the big picture in mind, and this development needs to be something that fits with this 1920s community.

Jim Campbell, who resides at 494 Carleton Avenue, thanked the Village Board for their volunteerism and for building in Glen Ellyn. Mr. Campbell stated he lived in Santa Barbara for the past five years, but Glen Ellyn keeps pulling them back. Mr. Campbell stated branding is everything, and the brand essence of Glen Ellyn is worth a lot. Mr. Campbell stated he appreciates that the Village Board are custodians of the Village's brand. Mr. Campbell stated he does not think this is the death of Glen Ellyn, he thinks there are minor aesthetic changes that could be done.

Kathy Cornell, who resides at 678 Forest Avenue, thanked the Village Board for serving as volunteer Village Board Trustees. Ms. Cornell stated she estimates there might be 150 tenants in this development, and she does not see this number of people bringing vibrancy to the CBD. Ms. Cornell stated five stories is too much, and she would prefer only three stories. Ms. Cornell stated they could reduce the height of the building if they took away some of the luxury amenities. Ms. Cornell stated she understands development is business, but they need to consider the long-term well-being of the community. Ms. Cornell stated this could be an acceptable building in other suburbs, but she cannot see this building fitting in Glen Ellyn.

Tim Loftus, who resides at 296 Woodstock, read a portion of the Housing section from the Houseal Lavigne survey report. Mr. Loftus stated the Comprehensive Plan and the 2009 Downtown Strategic Plan both talk about 3-story mixed use buildings. Mr. Loftus stated the Village needs to stick with this plan. Mr. Loftus showed pictures of other buildings around Chicagoland and asked the Village to build something like these buildings.

Ted Mihalopoulos, who resides at 370 N. Main Street, stated this building is outside the character and the charm of Glen Ellyn. Mr. Mihalopoulos stated this development is important, but it need to be the right thing to fit Glen Ellyn. Mr. Mihalopoulos stated this building needs to go back to the drawing board.

Mike Wilson, who resides at 716 Crescent Boulevard, showed a picture of Main Street from the 1930s/1940s and stated the Village should go back to what it was with the historic character. Mr. Wilson stated he does not like to see things torn down and showed a rendering of the Giesche building being renovated with a proposed town square that everyone can use and space for retail and restaurants. Mr. Wilson stated there would be parking along the back.

Kim Eichenauer, who resides at 599 Hillside Avenue, stated she is a brand marketer by trade, and Glen Ellyn has charm and character. Ms. Eichenauer stated they need to think toward the future. Ms. Eichenauer stated she has nothing against development in the Village, but this building does not fit. Ms. Eichenauer asked how they could rethink the process and is not sure that tweaking the current plan will do what is needed.

Chris Wilson, who resides at 537 Phillips, stated she has been in preservation since 2002. Ms. Wilson stated she feels this building will destroy the character of the town. Ms. Wilson stated the Citizens for Glen Ellyn Preservation did an online petition five days ago for anyone against this development. Ms. Wilson stated 477 people responded since January 17th with 358 being Glen Ellyn residents and 119 who have previously lived in Glen Ellyn or frequent Glen Ellyn. Ms. Wilson stated 95% of the respondents have issues with the size of the building being too big, and the building would ruin the charm and the character of the Village. Ms. Wilson asked about the cost to the Village for any remediation that might be needed. Village Manager Franz stated any remediation that might need to be done at this point is unknown, but will be 100% the developer's expense. Village Manager Franz stated this is stated in the Redevelopment Agreement.

President McGinley stated the Village Board need to give direction on public parking and the cornice height.

Trustee Senak asked if the height variation is needed to maximize profitability. Mr. Debb stated they need the 5th floor to be financially profitable and to return 6%.

Trustee Ladesic stated he does not think the project is viable if you take away the public parking. Trustee Ladesic stated they need that parking for the vitality of Main Street. Trustee Ladesic stated there are 6- and 7-story buildings around town.

Trustee Fasules stated there has to be a valid reason to build a 5-story building. Trustee Fasules stated there needs to be a historic aesthetic to the community.

Trustee Senak stated he feels there is no metric that justifies public parking in this development.

President McGinley asked the Village Board's feedback on public parking in this development.

Trustees Enright, Kenwood, Ladesic and Pryde support public parking in this development. Trustee Ladesic stated public parking is an essential piece of this development. Trustee Kenwood stated there are over 900 on a waiting list to get parking so there is a metric to support parking in this development. Trustees Fasules and Senak do not support parking in this development.

President McGinley stated 312 employee parking spaces are needed for businesses along Main Street alone. President McGinley stated she supports public parking in this development. President McGinley stated public parking can remain in the presentation for the January 28th Village Board Meeting.

President McGinley asked the Village Board's feedback on the cornice. Trustee Kenwood stated they can keep the cornice as he does not view this as a height issue. Trustee Enright stated he has a problem with the height of the building altogether and would favor anything that keeps the height down. Trustee Senak stated it would be good to keep this lower, and if not, at least architecturally consistent with other buildings in the downtown. Trustee Pryde stated he is in favor of lowering the cornice, and Glen Ellyn is a patchwork of architecture.

Trustee Pryde stated the Village Code says one parking space for every three seats per restaurant. Trustee Kenwood stated there is not enough handicapped parking in the community.

Trustee Fasules stated the cornice is a moot point. Trustee Ladesic stated the corner could be massaged cost-effectively, and the cornice is not a “make-it or break-it” for him.

President McGinley stated the Village Board’s direction is a 3-foot cornice. Trustee McGinley asked for the Village Board’s feedback on the architecture of the building.

Trustee Kenwood stated the corner should be something that goes architecturally with the Village. Trustee Kenwood suggested pushing back part of the 5th floor to ease the mass of the building in front. Mr. Debb stated they would lose nine units if they pushed this floor back. Mr. Debb stated they will bring back options for a rounded corner and possible 5th-floor building pushback at the January 28th Village Board Meeting.

Trustee Enright stated he thinks the building looks nice. Trustee Enright stated pushed 5th floor back some would appease some residents a bit and help the building look a bit different. Trustee Enright stated he would like to see something done in this building for low-income families.

Trustee Senak stated they need to go back to the architecture and see what is historically consistent. Trustee Senak gave examples of buildings around Chicagoland. Trustee Senak stated he does not necessarily have a problem with the current proposed design.

Trustee Pryde stated he has no tremendous problems with the architecture. Trustee Pryde stated he would not want to see a lot of units disappear out of this building. Trustee Pryde stated they can play around with the height and volume of the building. Trustee Pryde stated he feels as they cannot set back the 5th floor as they will lose units.

Trustee Fasules stated more Trustees seem to be open to additional TIF funding for this project if the design can be changed. Trustee Fasules stated he thinks we can do better.

Trustee Ladesic stated they need to preserve history, but build for the future. Trustee Ladesic stated this is not an 1800s look, and it is the dawn of a new architecture style. Trustee Ladesic stated possible softening of the corner is not a deal-breaker for him.

President McGinley stated the Village Board has suggested softening the corners of the building, some reduction on the cornice and some possibly push back on the top floor.

President McGinley stated the Village Board is still in the question phase so they have not addressed every issue that came up tonight. President McGinley stated consultants over the years have recommended at least 400 new residential units in the downtown to stay viable. President McGinley stated businesses express interest and then leave because there is not parking and not enough foot traffic.

Planning and Development Director Springer reviewed the next steps again and stated this Preliminary Planned Unit Development will go before the Village Board for approval at the January 28th Village Board Meeting. Planning and Development Director Springer stated the Final PUD Approval will come to the Plan Commission and the Village Board.

Trustee Senak stated the Trustees benefited by seeing a 3-D model during the Civic Center parking garage discussion and asked if they could see this for the proposed building. Trustee Ladesic stated this would be nice, but it is not a requirement.

RESULT:	DISCUSSION ONLY
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F. Other Items

None

G. Adjournment

RESULT:	APPROVED [6 TO 0]
MOVER:	John Kenwood, Village Trustee
SECONDER:	Bill Enright, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Pryde, Senak
PRESENT:	McGinley

Respectfully submitted Debbie Solomon, Recording Secretary

Reviewed and approved John A. Chereskin, Village Clerk



Minutes
Village of Glen Ellyn
Regular Meeting
Monday, January 28, 2019
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

President McGinley led the Pledge of Allegiance.

C. Roll Call

Attendee Name	Title	Status	Arrived
Diane McGinley	Village President	Present	
Bill Enright	Village Trustee	Present	
Gary Fasules	Village Trustee	Present	
John Kenwood	Village Trustee	Present	
Pete Ladesic	Village Trustee	Present	
Craig R. Pryde	Village Trustee	Present	
Mark Senak	Village Trustee	Present	
John Chereskin	Village Clerk	Present	
Mark Franz	Village Manager	Present	
Greg Mathews	Village Attorney	Excused	
William Holmer	Assistant Village Manager	Present	
Christina Coyle	Finance Director	Present	
Staci Springer	Director	Present	
Phil Norton	Chief of Police	Present	
Rich Daubert	Senior Civil Engineer	Present	
John Sterrett	Village Planner	Present	
Gregory Jones	Attorney	Present	

D. Village Recognition: (Village Clerk)

1. The Village would like to thank Ed Crawford for his service to the Environmental Commission.

E. Audience Participation

President McGinley read a statement on the process of this meeting and public comment.

Trustee Fasules asked for a Point of Order if a resident makes a comment and a Trustee has a follow-up question. President McGinley stated for the Apex 400 Development, we will hear from the Village staff and then the developer. President McGinley stated it will then be open to the Village Board for questions and then it will be open to public comment. President McGinley stated after public comment, the Village Board will start their deliberations, and public comment will be closed. President McGinley stated each resident will be allowed three minutes to speak and then the Village Board can follow-up or ask questions if needed.

- F. Consent Agenda** - The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

RESULT:	APPROVED [6 TO 0]
MOVER:	John Kenwood, Village Trustee
SECONDER:	Craig R. Pryde, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Pryde, Senak
PRESENT:	McGinley

Motion to approve the following items including Payroll and Vouchers totaling \$2,223,940.45 (Trustee Kenwood):

1. Total Expenditures (Payroll and Vouchers) - \$2,223,940.45. The vouchers have been reviewed by Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.
2. Glen Ellyn Village Board - Regular Meeting - Jan 14, 2019 7:00 PM
3. Glen Ellyn Village Board - Special Workshop Meeting - Jan 14, 2019 7:30 PM
4. Approve a Change Order of the Snow Hauling Contract, Awarded to Marcott Enterprises, Inc., of Villa Park, Illinois, in an Amount of \$20,000, to be Expensed to the General Fund (Public Works Director Hansen)
5. Resolution No. 19-01, A Resolution Concerning the Determination of the Glen Ellyn Village Board that Change Order Number One - Final with Swallow Construction Corporation is required for the Roosevelt Road Water Main Improvements Project, for a revised and final contract cost of \$554,839.23, to be expensed to the Water & Sewer Fund (Public Works Director Hansen)
6. Ordinance NO. 6668 -VC, An Ordinance to Amend Section 9-2-12 (Municipal Permit Only Parking Lots) and Section 9-5-8 (Schedule H; Parking Limits) of the Glen Ellyn Village Code (Police Chief Norton)
7. Ordinance No. 6669 - VC, An Ordinance Approving a Text Amendment to the Glen Ellyn Zoning Code (Planning and Development Director Springer)
8. Resolution No. 19- 02, A Resolution Accepting Public Sidewalk Improvements, a Sidewalk Easement, a Watermain Easement, Bill of Sale Associated with the Roosevelt Glen Corporate Center 739-799 Redevelopment Roosevelt Road, and to Reimburse the Developer for Sidewalk Improvements in the amount of \$54,167.00 to be Expensed to the Roosevelt Road TIF Fund (Planning & Development Director Springer)
- G. Hillcrest Avenue Right-of-Way (Presented by Planning and Development Director Springer) (Trustee Kenwood)**
 1. Ordinance No. 6670, An Ordinance Vacating a Portion of the Hillcrest Avenue Right-of-Way to the Glen Ellyn Park District and the B.R. Ryall YMCA of Northwestern DuPage County.

Planning and Development Director Springer presented background on this proposed vacation and stated the Glen Ellyn Park District and the B.R. Ryall YMCA of Northwestern DuPage County

(YMCA) have requested that the Village vacate the entire 60-foot wide Hillcrest Avenue public right-of-way between Illinois Street and the YMCA property -approximately 400 feet in length. Planning and Development Director Springer showed an overview map of the area and stated the Park District and the YMCA have negotiated and arranged for the Park District to purchase four of the five YMCA lots and incorporate these lots into Manor Park. Planning and Development Director Springer stated this vacation will create additional open space for Manor Park and will further expand it to connect to the small portion of the park currently on the west side of the right-of-way.

Planning and Development Director Springer stated the Village staff has reviewed the request and does not believe there is any public need or purposed to retain this portion of the Hillcrest Avenue right-of-way. Planning and Development Director Springer stated since the vacation will result in additional open space for a public park and will be a public benefit, no cost for the vacated right-of-way should be incurred by either party.

Trustee Pryde asked if there would be an access easement in the right-of-way to get to the water tower. Planning and Development Director Springer stated there is access to the Newton Avenue water tower from Newton Avenue. Planning and Development Director Springer stated the Village will be retaining a utility and drainage easement over the whole right-of-way.

Trustee Kenwood asked about the piece that is still Village property to which Planning and Development Director Springer stated this will probably be addressed at some point in the future.

RESULT:	APPROVED [6 TO 0]
MOVER:	John Kenwood, Village Trustee
SECONDER:	Craig R. Pryde, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Pryde, Senak
PRESENT:	McGinley

H. Apex 400 (Presented by Planning and Development Director Springer) (Trustee Pryde)

President McGinley reviewed the process of the order of speakers and when public comment would be done. President McGinley stated the Village Board has read all the spoken and written public comments on this proposed development up to this point.

Planning and Development Director Springer provided background on the Apex 400 development and stated petitioners Larry Debb and John Kosich of GSP Development and 400 Main LLC, are requesting approval of a Special Use Permit for a Preliminary Planned Unit Development with deviations and the Exterior Appearance of a proposed mixed-used development. Planning and Development Director Springer showed an overview map of the current site and stated the subject site is located on the northwest corner of Hillside Avenue and Main Street and is comprised of 1.55 acres. Planning and Development Director Springer stated the property is commonly known as 400 N. Main Street and 418-424 N. Main Street and includes the former Giesche Shoe property and Village-owned Main Street parking lot.

Planning and Development Director Springer stated in May 2018, there was a pre-application meeting for this proposed development at a Plan Commission meeting. Planning and Development Director Springer showed a rendering of the original proposed elevation and stated the Village staff worked with the developer to remove the contemporary elements on this proposed building. Planning

and Development Director Springer stated a member of the Historic Preservation Commission suggested the developer should draw on elements of architecture that are already used in the downtown. Planning and Development Director Springer stated after these suggestions, the developer submitted a revised elevation with brick and stone materials, a cornice and cloth awnings, among other updated.

Planning and Development Director Springer stated 70% of the units will be one bedroom or smaller, but the developer can convert some units to two bedroom units if this is wanted. Planning and Development Director Springer stated the rents of these units would be approximately \$1,700 per month to \$3,300 per month.

Planning and Development Director Springer reviewed some of the alterations that have been done with the plans over the past several months. Planning and Development Director Springer stated the developer will need to match the Village's Streetscape Plan which will be decided later in 2019.

Planning and Development Director Springer stated there will be first floor public parking with 137 parking spaces proposed. Planning and Development Director Springer stated parking for the tenants would be on the second floor and only accessible from Hillside.

Planning and Development Director Springer stated at last week's Village Board Workshop, there was much discussion regarding the height and mass of the proposed building. Planning and Development Director Springer showed an updated elevation and stated after this discussion, the developer did revise the plans to eliminate approximately 1,000 square feet of rentable space on the southeast corner of the building. Planning and Development Director Springer stated the building would still have 107 units, and the building would be 43 feet high from the sidewalk. Planning and Development Director Springer stated the developer also added brick by the parking garage entrance on Hillside Avenue as well as trees to soften the appearance of the building on Hillside. Planning and Development Director Springer stated the maximum height on the newly proposed building would be 58.5 feet from average grade, and the requested height has been reduced to 61 feet as the cornice height was reduced.

Planning and Development Director Springer showed the Main Street elevation and stated staff had asked the developer to add a stone band around the building to separate the retail section from the residential section so the developer did add limestone to the second story for this. Planning and Development Director Springer stated staff had requested that brick be added to the whole rear of the building instead of the smooth pre-cast finish.

Planning and Development Director Springer showed pictures of 5- and 6-story buildings around town that are next to 1-story buildings.

Planning and Development Director Springer reviewed the TIF incentive and stated the developer is seeking a revised incentive of \$1,200,000 over five years due to the updated plans for the northeast corner of the building. Planning and Development Director Springer stated Kane McKenna has reviewed the original proforma and was comfortable with this as was the Village staff. Planning and Development Director Springer stated there will be a projected \$7,800,000 to the Village in the TIF fund through 2035.

Planning and Development Director Springer reviewed the Redevelopment Agreement and stated this agreement is to protect the Village and outline exactly what is expected of the developer. Planning and Development Director Springer reviewed the main bullet points and stated there is an

open book approach where the developer has to allow the Village access to the financials at any point during the project. Planning and Development Director Springer stated the goal is for construction to commence by November 30, 2019, and the public parking portion available by February 29, 2020.

Trustee Kenwood asked about the TIF process. Village Manager Franz stated it is performance-based, and since the taxes are in arrears so this will be taxed fully the year after the project is completed. Village Manager Franz stated from the increment, the Village will then reimburse the developer annually based on the Redevelopment Agreement.

Trustee Senak asked the Village's total cost. Planning and Development Director Springer stated this is the \$1,200,000 to the developer through the TIF. Trustee Senak asked about the other payments provided and if these payments required by code. Planning and Development Director Springer stated there is a requirement in the subdivision ordinance that is called the Land and School Donation Requirement. Planning and Development Director Springer stated this is commonly called the Developer Donations, and this is at the discretion of the Village. Planning and Development Director Springer stated this is based on formulas that have been tested in court, and this is an estimate of what the donation should be. Planning and Development Director Springer stated then both parties agree on it. Planning and Development Director Springer stated the Village's discretionary amount is \$169,000, and this will be paid at the time the developer picks up the permit.

Trustee Kenwood asked if there is a net add of trees what is currently there. Village Planner Purvis stated Public Works requested that the plants be 40 foot on center and that the trees be larger diameter trees. Village Planner Purvis stated the development will match whatever Streetscape Plan is decided on by the Village Board later in 2019.

Trustee Fasules asked if the Village could do the streetscape piece with the developer contributing the dollars to this so it would be the same throughout the Village. Planning and Development Director Springer stated this could be a possibility. Trustee Fasules asked if the downtown infrastructure can handle this development. Professional Engineer Daubert stated the Village retained RJN Group to review the infrastructure, and they feel the current water system is adequate to serve the system. Professional Engineer Daubert stated as a part of the Streetscape Project, they will be looking at all sanitary sewers, especially inflow and infiltration of stormwater. Professional Engineer Daubert stated from an infrastructure standpoint, they are confident the system can handle this development. Professional Engineer Daubert stated there is still quite a bit of capacity in the system of the Glenbard Wastewater Authority, and there is still plenty of room for growth.

Larry Debb, with GSP Development, stated they have made some major and minor changes to the plans after hearing all the comments, including lowering the southeast corner of the building. Mr. Debb stated anyone they have talked to is not against the concept of the project being a mixed use development. Mr. Debb stated this development will bring economic benefits to the Village. Mr. Debb passed around samples of the materials they are using, including the dark red and natural bricks and the stone being used for the cornice and medallions.

Trustee Enright asked about the 1,000 square foot reduction. Mr. Debb stated they were able to make some two bedroom apartments into one bedroom apartments.

Trustee Kenwood stated the developer was not asking for any funds from the Village with the original design of the building. Trustee Kenwood stated the Village has now asked the developer to

take out approximately 1,000 square feet of rentable space and add brick to the south and west sides of the building. Mr. Debb stated about 40% of the additional funds being requested from the Village are due to the loss of roughly over 1,000 square feet, and 30% is for the additional brick and the other 30% is for the full height stone on the building.

Trustee Kenwood asked about the building's architecture. Mr. Debb stated they walked up and down Main Street and took many different architectural elements from what they saw. Trustee Kenwood asked about the windows. Roimon Hepburn, Associate Architect at FitzGerald Associates Architects in Chicago, Illinois, stated the windows have to be operable as the building code requires a certain amount of ventilation, and the windows will have the hand crank. Mr. Debb stated there will be mullions in the windows.

Trustee Senak stated he favors a mixed use development, but he opposes the five stories. Trustee Senak stated he has not talked to anyone who disfavors four stories, and he made a personal request to Mr. Debb to take the building down to four stories. Mr. Debb stated going down to four stories would take the entire top floor off and lose 30 units. Mr. Debb stated if they took away the public parking floor, this would add another \$2,000,000 to the TIF incentive request. Trustee Senak stated then the TIF incentive would go from a requested \$1,200,000 to \$3,200,000. Mr. Debb stated it would be approximately \$3,000,000. Village Manager Franz stated the overall proforma and TIF increment would change with this. Mr. Debb stated the public would lose 130 spaces. President McGinley stated at last week's Village Workshop, the majority of Trustees favored keeping public parking in this development.

Trustee Fasules asked if the design is to the Village's standards for parking. Mr. Debb stated it will be a slight reduction from standard. Mr. Debb stated their building in Lombard is 90% occupied with only 30% vacant parking. Mr. Debb stated it does not work if they cut down the number of spaces and add units.

Trustee Kenwood asked about possible remediation on the site. Mr. Debb stated they will go 9 to 11 feet down to the clay barrier as the pollution is sitting on top of this clay barrier. Mr. Debb stated anything left will be enclosed in concrete. Trustee Fasules asked about underground parking if that much dirt is being taken out of the site. Mr. Debb stated they looked at possible underground parking, but it would cost millions of dollars, and the maintenance for underground parking costs more.

Trustee Enright asked about the north end of the building by Santa Fe Restaurant. Mr. Debb stated the two-story parking deck would be by Santa Fe. Trustee Enright asked about the space between the parking garage wall and Santa Fe. Mr. Hepburn stated it is approximately four to five feet.

Trustee Senak asked about adding units on an extension by Glenwood Avenue. Mr. Debb stated St. Petronille's was opposed to this, but in theory, it could be feasible. President McGinley stated at the beginning of the project, the Village Board agreed that they would stay with only the property the developer currently had in order for the project to move forward.

Trustee Kenwood asked why the Diocese of Joliet would have any say on where the units are if the developers are building on their own property. Trustee Senak stated the church may have issues with that, but he does not think they have any standing legally to enforce or resist this.

Trustee Ladesic asked about the start and completion dates. Mr. Debb stated they will go in first

for the permit for the parking structure in the next three months or so. Mr. Debb stated the whole project should take approximately 18 months, and he hopes to have the public parking done four months after the start of the project.

Jim Murphy, who resides at 501 Forest Avenue, Unit #404, stated he represents the Glen Aster Condominiums where they have 1.75 spaces per unit. Mr. Murphy stated the owners in his building are always looking for more spaces. Mr. Murphy stated the Apex 400 residents will be looking for more spaces too. Mr. Murphy stated the parking spaces are a smaller width than is required by code. Mr. Murphy stated the traffic study was done in August when it is the low traffic point of the year. Mr. Murphy stated there is a similar project on the edge of Yorktown Mall. Mr. Murphy stated he believes GSP will have a hard time renting these apartments at the price point. Mr. Murphy stated the developer has listened to comments, but there are more residents against five floors then they should do four floors.

Maureen Harton, Attorney for the Diocese of Joliet, stated she is representing St. Petronille's and the Diocese of Joliet. Ms. Harton stated Father Doherty, Principal Aspell and others at St. Petronille's support this project, and the Village would look a lot better if this property was developed. Ms. Harton stated developing this project could possibly benefit St. Petronille's as well. Ms. Harton thanked the Village staff, the Village's Planning and Development Department, Village Manager Franz, Attorney Mathews and Police Chief Norton for helping to address any issues. Ms. Harton stated their agenda is to ensure the safety of the 460 students at the school as well as their parishioners during and post-construction. Ms. Harton stated the Village is going to finance the swing gates they requested, and they are grateful for this. Ms. Harton stated they are putting no opinion forth on the other issues associated with this proposed development.

Trustee Senak asked if the church and Diocese are willing to discuss an exchange of property. Ms. Harton stated they are conceptually open to this if it benefits the parish, but they will not sell any property. Ms. Harton stated there was a similar property swap a year ago in the village of Villa Park. Ms. Harton stated they do not need approval from the Vatican if it is just a property swap. Trustee Fasules asked how long it would take to put together a property swap to which Ms. Harton stated it could be put together in two to three weeks.

Mr. Debb stated plans were laid out 8 months ago, but every proposed plan would also have to include the office building as well. Village Manager Franz stated the Village has had a work group working on this for the past five to six months, and all these issues came up, but nothing was workable. Trustee Ladesic stated there were these same issues with the OPUS development.

Claudia Schafer, who resides at 410 Melrose, Unit #302, stated there are three whys for this project: the need for parking, the need for the developer's profit margin and the need for luxury rentals. Ms. Schafer asked what data there is to support this type of rental for empty-nesters and millennials. Ms. Schafer stated Glen Ellyn need luxury with affordability. Ms. Schafer stated Trustee Senak had a list of statistics showing that there is plenty of parking in the Village and asked who is driving the claim that there is not enough parking. Ms. Schafer stated this is not the first project where the Zoning Code has needed to be thrown out. Ms. Schafer stated this should be put on the April ballot as a referendum.

Brian Kennedy, who resides at 501 Forest Avenue, Unit #606, stated in the last week and a half, there has been a petition online called Stop Apex 400 Development, and this petition has over 400 signatures on it. Mr. Kennedy stated they need to learn from the Recession of 2008. Mr. Kennedy asked why corners are being cut on the specs. Mr. Kennedy stated this is a big project that is

undiversified.

Barb Lemme, who resides at 688 N. Park Boulevard, stated the online petition has over 664 supporters who are strongly opposed to this development. Ms. Lemme stated this online petition is the only means of assessing public sentiment. Ms. Lemme stated if you estimate each of the 664 supporters as residing a minimum of 12 years in Glen Ellyn, this equals 7,728 years of involvement in and devotion to the Village. Ms. Lemme stated Mr. Debb's loyalty is to the development and his investors. Ms. Lemme stated they should be giving more weight to the residents on this, and the Trustees need to listen to them.

Mike Formento, who resides at 23W029 Harkberry Drive, stated this development will leave an indelible mark on the community. Mr. Formento stated the Trustees' vote should go toward the charm and character of the Village. Mr. Formento stated this development ignores the Zoning Code, the Village's Comprehensive Plan and the Village's Downtown Strategic Plan. Mr. Formento stated this type of housing would ruin the character of the community as well as the historic image of the downtown. Mr. Formento stated if the Trustees have said no to any of this, they should vote no as well. Mr. Formento stated the Trustees' should choose wisely on what their legacy will be.

John Van Tassel, who resides at 571 Anthony Street, stated he supports this development, and the rental properties will be beneficial. Mr. Van Tassel stated this development will help with the taxes going down, and it will be good for the downtown area.

James Vercillo, who resides at 594 Park Plaza, stated he supports this project. Mr. Vercillo stated he and his wife attend St. Petronille's, and they would like to downsize so this development would be great.

Charles McCluskey, who resides at 116 Newton Avenue, stated he has taught at Hadley Junior High for the past 13 years. Mr. McCluskey stated he would love to see this approved as his parents will be looking for a place like this, and this development would benefit them. Mr. McCluskey stated this development could also benefit many of his friends' parents as well. Mr. McCluskey stated this development would continue to support Glen Ellyn and the local businesses.

Trustee Senak asked if Mr. McCluskey is opposed to four stories. Mr. McCluskey stated he is fine with four or five stories.

Christine Collins, who resides at 614 Lenox Avenue, stated she is representing herself and her husband. Ms. Collins stated they would like to see development come to the Village, but this building is too tall. Ms. Collins stated they have not seen drawings that show what this development will do to Blackberry Market and other businesses on Main Street. Ms. Collins stated they should not rush this decision, and she thinks there are some costs and trade-offs that need to be evaluated. Ms. Collins stated during the August 29th traffic study, the majority of students were riding their bikes. Ms. Collins stated they need the right proposal for this location, and she hopes the Village Board does not vote on this tonight. Ms. Collins read the end of a letter that her husband wrote.

Patrick Finn, who resides at 363 N. Main Street, stated there is a 40% increase in traffic according to the traffic studies done in 2010 and 2018. Mr. Finn asked why they are rushing to do this as the Village is sitting on an asset that they own.

Jon Brazier, who resides at 547 Hillside Avenue, stated Glen Ellyn is natural, organic and authentic. Mr. Brazier stated he works in the development field and has worked with great architects and engineers. Mr. Brazier read a report from a friend who works in development and

reviewed this project. Mr. Brazier stated the friend says the building is too tall compared to other buildings among other items. Mr. Brazier stated he urges the Village to take more time on this, and they need bring new talent to work with the developer and members of the community to create opportunities through designs that seek to combine the site's highest value best use, compatible and with clear respect for the Village's historic fabric and charm to give this approach a chance and give the Village Board more time.

Kim Eichenauer, who resides at 599 Hillside Avenue, stated she is reading a letter from resident Brian Collie. Mr. Collie thanked the Village Board for their service. Mr. Collie said Glen Ellyn's brand is distinctive and strong, and the Village has small-town charm. Mr. Collie said they are at risk to destroy the driver of the Village's success with this development, and they will be forced to live with this. Mr. Collie said there are still many concerns that need to be addressed. Ms. Eichenauer stated this development could negatively impact the Village. Ms. Eichenauer stated millennials think historic charm and preservation is important. Ms. Eichenauer stated the sheer size and scale is contradictory to the Village's charm, and she implores the Village to take more time with this.

Eleanor Saliamonas, who resides at 626 Newton Avenue, stated the Village Board's predecessors made the Zoning Code to fit the historical character of the town. Ms. Saliamonas stated the height variance and the Lot Coverage Ratio variance will scar the Village. Ms. Saliamonas stated the developer seems reluctant to do a 3-dimensional mock-up of this building. Ms. Saliamonas asked why this building needs a swimming pool as there are pools close-by.

Anne Gould, who resides at 609 Newton Avenue, stated this building could work at other sites, including the McChesney site. Ms. Gould stated the tall buildings in the downtown are outside this Zoning District. Ms. Gould stated they need to look at the whole building and its elements in context. Ms. Gould stated she understand the Village Board will be talking in the future about evaluating building heights. Ms. Gould stated there are best practices for this core zone. Ms. Gould stated she is not against development, but this development should be on another site. Ms. Gould stated there will be parking lost on Main Street and Hillside Avenue. Ms. Gould stated the Village Board should take more time for on this.

Ken Kloss, who resides at 350 Ridgewood Avenue, stated he had the idea of a land transfer so the development would not go three feet into the alley. Mr. Kloss showed a proposed rendering he did and stated his drawing gives the appearance of a smaller building. Mr. Kloss stated part of the Glen Ellyn Streetscape Planning is to have a place for people to meet. Mr. Kloss stated OPUS had a proposed promenade which was good.

Kelli Christiansen, who resides at 445 Turner Avenue, stated she is not opposed to development on this site and thanked the developer for the updates. Ms. Christiansen stated this property is a part of the south Main Street Downtown Historic Register District. Ms. Christiansen stated the proposed building is in violation of the Zoning Code because of the height and bulk. Ms. Christiansen stated according to the 2009 Downtown Strategic Plan, the process is the preserve and maintain the historic buildings, and the buildings should be 2-, 3- or 4-stories. Ms. Christiansen stated the developers should be advised to keep new construction compatible with existing structures.

Bernie Botheroyd, who resides at 20 Walnut Road, states he taught at Glenbard West High School. Mr. Botheroyd stated he had seen many kids return to Glen Ellyn who are looking for places to live as well as friends looking to down-size. Mr. Botheroyd stated since Glen Ellyn is short on this type of housing option, his friends have moved to Downers Grove or Lombard.

Dan Lyne, who resides at 361 N. Main Street, stated he runs one of the most successful transaction advisory teams in the country. Mr. Lyne stated he know lots of developers and people in real estate, and GSP Development is a start-up company. Mr. Lyne stated there is a conflict with the data about a mixed use development. Mr. Lyne stated empty-nesters do not want small short-term rentals. Mr. Lyne stated they do need to develop the Giesche site.

Tim Loftus, who resides at 296 Woodstock, showed a picture from the 2009 Downtown Strategic Plan of what Main Street should look like. Mr. Loftus stated there should be no 5-story buildings in C5A. Mr. Loftus stated this building would set a precedent, and this development will be the beginning of a downhill slope for the community. Mr. Loftus stated they do not need this project in its current form. Mr. Loftus asked the Village Board what side of history they want to be on.

Marc Giovingo, who resides at 655 Hillside Avenue, stated this development would provide an opportunity for young professionals to move into the community, and he supports this project.

Steve Horvath, who resides at 473 Sunset Lane, thanked the Village Board Trustees for their service. Mr. Horvath stated he is concerned about public safety with this project, and he is happy that the Village and developer have agreed to a safety plan with St. Petronille's. Mr. Horvath stated someone gives design input, 300 people will not like it, and if another person gives design input, another 300 people might not like this as well. Mr. Horvath stated this development will be an economic benefit to the Village, and he supports this project.

Scott Shoub, who resides at 711 Duane Street, stated he is the owner of the office building near this proposed development, and he is probably the one person most affected by this project. Mr. Shoub showed an overview picture of where his building is in reference to the proposed development and stated he supports development and progress in town. Mr. Shoub stated he thinks this proposed building is neat, but will be too big. Mr. Shoub stated St. Petronille's is a block away from this proposed development, and the church was sought out for their opinion; however, no one came to see him at all.

Trustee Senak asked if Mr. Shoub would be interested in a discussion on this to which Mr. Shoub stated he would be. Trustee Kenwood stated the land swap would about Mr. Shoub's building.

Julie Mackey, who resides at 1812 Wakeman Court, stated she is in favor of the project as proposed. Ms. Mackey stated they need to look at the project that is coming to them. Ms. Mackey stated the proposal is well-thought out and well-designed. Ms. Mackey stated this is the modern progressive development that the downtown needs, and this project would help the downtown businesses thrive. Ms. Mackey stated Glen Ellyn needs to get progressive and get with the times. Ms. Mackey stated she considers this project great with older people downsizing and young professionals moving to the Village. Ms. Mackey stated this project would benefit the community.

Margaret Sahyer, who resides at 780 N. Main Street, stated she has a small business in town, and she supports the project. Ms. Sahyer stated this gives people the option of renting a small apartment home. Ms. Sahyer stated her sister tried to move to Glen Ellyn two years ago, but her sister could not find anything like this development. Ms. Sahyer stated the aesthetics of the project will be subjective, and she thinks the project is great. Ms. Sahyer stated there needs to be an openness to change and flexibility. Ms. Sahyer thanked the Village Board to collaborating with the community.

Kathy Cornell, who resides at 678 Forest Ave, stated the 5- and 6-story buildings in town do not sit on the top of a hill at the entrance to the town. Ms. Cornell asked who benefits from the luxury

amenities, and she feels people could live without the amenities so the building can be restructures to a smaller size. Ms. Cornell stated she is concerned about remediation. Ms. Cornell stated she is not afraid of change but is afraid of spoiling the downtown with an unsuitable project.

Robert Mitchell, who resides at 210 Regent Street, stated other projects have been done in town that are a benefit to the community, and not a detraction. Mr. Mitchell stated more parking is needed, and the developer has done a decent job to address concerns of many residents. Mr. Mitchell stated this is the best project the Village has seen for this site, and it seems economically viable. Mr. Mitchell stated they need more tax revenue, and he supports this project.

James McDonnell, who resides at 871 Crescent Boulevard, stated his wife teaches at St. Petronille's School, and his kids attend school at St. Petronille's as well. Mr. McDonnell stated he is against the scale of this building and the number of variances for zoning and height. Mr. McDonnell stated the proposed building is modestly attractive, but it is too tall. Mr. McDonnell stated a smaller scale building would bring smaller scale profits. Mr. McDonnell stated Glen Ellyn has historic character, and he has not met anyone who is opposed to a 3- or 4-story development on this site. Mr. McDonnell stated this proposed building does not fit in Glen Ellyn, and he thinks the project should go up for a referendum.

Elicia Viola, who resides at 646 Forest Avenue, stated the rents do not fit with the needs of her husband and her wanting to downsize, or their kids coming back to Glen Ellyn. Ms. Viola stated the developer and staff got a lot done in the past six days so imagine what else could be done in two months. Ms. Viola stated she does not want this to be a rushed building as they are making a decision on a building that will be in the Village for 200 years. Ms. Viola stated there has not been a 3-dimensional model of the building, and they need to get this right.

Trustee Kenwood asked about a scale model versus a 3-dimensional model. Planning and Development Director Springer stated a 3-dimensional view was provided in the packet, and the 3-dimensional model is a variety of new technology. Ms. Viola stated something like this would be good. Trustee Fasules stated some of the Trustees have requested this.

Jamie Simoneit, who resides at 864 Woodland, stated he has a building near this and was approached by the OPUS developer to sell his building which he would still do for the same price. Mr. Simoneit stated the Glen Ellyn Bible Church gave the Village an offer on this property several years ago. Mr. Simoneit stated he would be happy to help consult on this, and the project meets the client's needs, but not the community's needs. Mr. Simoneit stated he has been forced to come in for variations on very minor things. Mr. Simoneit stated sunny streets are streets that thrive. Mr. Simoneit stated other tall buildings are not on Main Street. Mr. Simoneit stated he is pro-development and pro-mixed use.

President McGinley called for a break at 10:08 p.m.

President McGinley called the meeting back to order at 10:14 p.m. President McGinley read a news brief that said extreme cold is coming in the next few days, and the Glen Ellyn Police Station and the Glen Ellyn Public Library are being used as warming centers.

Mr. Debb stated they analyzed, designed and drawn plans for this project for over a year. Mr. Debb stated he is not inexperienced in construction as he has done well over \$1 billion in construction and 6,000,000 square feet of space in the Chicago market alone. Mr. Debb stated they have a 200-unit building in Lombard with these rents that have former Glen Ellyn residents living in them. Mr.

Debb stated there are currently trees that shadow Main Street now. Mr. Debb stated he feels they brought an amazing project to the table which will be a benefit to the community. Mr. Debb stated they did everything that was asked of them as well.

Trustee Kenwood asked if the Diocese was open to the land-swap proposal. Mr. Debb stated the Diocese would be swapping more land the Village would be so there would be some selling involved as it is not an equal swap. Mr. Debb stated this would then take the proposed development right up against Mr. Shoub's building. Mr. Debb stated it would take at least six months to draw up new designs.

Trustee Kenwood asked if Mr. Debb would be open to a little more time and possibly get some other talent in on this proposed project. Mr. Debb stated FitzGerald has done a great job on this building. Mr. Debb stated the big issue is the height on the building, and they have investigated all angles on this. Trustee Kenwood asked if getting rid of the pool would solve the problem to which Mr. Debb stated it would not.

Trustee Ladesic stated they are not losing the downtown, but building for the future to keep Glen Ellyn on the map. Trustee Ladesic stated the Village needs a development like this, and this development fills a number of needs, including parking, residential and retail. Trustee Ladesic stated he did an Internet search, and Glen Ellyn is really not on the map. Trustee Ladesic stated this is not an ideal development, and he felt OPUS was ideal, but it was not right for everyone. Trustee Ladesic stated there are talented designers in town. Trustee Ladesic stated if you ask 10 different people about architectural style, you would get 10 different answers. Trustee Ladesic stated there are other 5-, 6- and 7-story buildings that have melded into the Village's streetscape. Trustee Ladesic stated when you come into town from the north, west and east, there are five-story or higher buildings. Trustee Ladesic stated there is not enough convenient parking. Trustee Ladesic stated this is the 5th time there has been interest in this property. Trustee Ladesic stated any development needs to be viable, and there are always risks involved. Trustee Ladesic stated it is not true that they would lose the Historic District designation if this development is built. Trustee Ladesic stated this development is not different from any other, and people will be against things whether it affects them or not. Trustee Ladesic stated this development meets the needs and maximizes the return to the Village. Trustee Ladesic stated he is open to the bumped-in corner as presented on tonight's plans.

Trustee Fasules stated progress is a part of Glen Ellyn, but Glen Ellyn is tradition too. Trustee Fasules stated there will be a development on this site, and this development will be mixed use. Trustee Fasules stated they need to balance tradition with progress and take four to six more months on this project. Trustee Fasules stated they owe it to the community to make the plan better.

Trustee Pryde stated he thinks the process has worked well this time, and a mixed use development should be at this property. Trustee Pryde stated this development will be serving a great need that is going on throughout the country for this type of housing. Trustee Pryde stated renters are renting much longer than they did 20 years ago, and today's renters become tomorrow's buyers. Trustee Pryde stated the amount of retail and residential is appropriate, and he fully believes they need to retain public parking on this site. Trustee Pryde stated he has been involved in some way with the three most-recent residential buildings in the Village, and the traffic counts are similar to this. Trustee Pryde stated he appreciates the effort taken in working with St. Petronille's. Trustee Pryde stated he is in favor of reducing the height of the building at Main Street and Hillside with the bumped-in corner. Trustee Pryde stated he is generally in favor of the building architecture, and he is in favor of the project overall.

Trustee Senak stated he knows that a concept of a mixed use development on this site is supported by the community. Trustee Senak stated he knows a 5-story building does not conform to the Zoning Code, the Comprehensive Plan or the Downtown Strategic Plan. Trustee Senak stated many residents are against a 5-story building on this site, and his solution is to limit the height of the building to four stories by removing the public parking floor. Trustee Senak stated the 2001 Comprehensive Plan states parking is not well-distributed in the downtown, and it is his belief that the Village needs more parking in the downtown. Trustee Senak stated they should not be doing a \$3,000,000 building that goes against the Zoning Code, the Comprehensive Plan and the Downtown Strategic Plan as well as is opposed by many residents. Trustee Senak stated they should work with Mr. Debb to go down to four stories, and they need to be given more time to make this a first-class development.

Trustee Enright stated they need a mixed use development with retail and residential. Trustee Enright stated he has heard the concerns from the public on the size of the building so he suggested they move the fifth floor back so the building was not so imposing at Main Street and Hillside Avenue. Trustee Enright stated he is concerned as he is just seeing the updated plans and wonders if some residents will change their minds with this update. Trustee Enright stated the Village Board also just heard about the TIF incentive update. Trustee Enright stated the Plan Commission did approve this proposed project unanimously, and this should be taken into consideration. Trustee Enright stated it would be good to have one to two weeks to look at the updated design and updated TIF incentive request so they can hear the residents' feedback on the updates.

Trustee Kenwood stated the parking metrics do indicate they need parking as there are over 900 people on the parking permit wait list. Trustee Kenwood stated there are handicapped parking gaps as well. Trustee Kenwood stated this is a tough decision. Trustee Kenwood stated they have made progress in terms of the design of the building, but he does have concerns with the mass of the building. Trustee Kenwood stated he appreciates the southeast corner of the building coming down as shown in the updated plans. Trustee Kenwood stated they should reduce the northeast corner of the building in a similar way. Trustee Kenwood stated as the Village Board just received the updated plans and TIF incentive request, he would like to digest this. Trustee Kenwood stated he likes the balconies, but wants to ensure the balconies are kept respectable. Trustee Kenwood asked about the noise factor on the deck. President McGinley stated they will have to follow the current noise ordinances.

President McGinley asked if the developer was willing to make further changes. Mr. Debb stated they had looked at the south corner of the building and felt this was more important. Mr. Debb stated they could do the same plan on the northeast corner of the building that was suggested for the southeast corner of the building. Mr. Debb stated the deal will be done if it is not voted on tonight.

Trustee Ladesic asked what is being looked at to satisfy. Trustee Ladesic stated lopping off the north corner of the building has no benefit to the developer. Mr. Debb stated these will not be party decks, but it will be accessible roof space.

Trustee Fasules asked about the tax stream over the next 100 years. Trustee Ladesic asked at what cost are they willing to spend taxpayers' dollars. Trustee Senak stated for the right modifications, the Village is actually willing to contribute more money to make the project economically viable.

President McGinley stated she supports this development as they are putting Glen Ellyn first. President McGinley stated this development will be for the good of the Village. President McGinley

stated they continued to improve the project, and the Village staff does not allow any project to come before the Village Board that is not the best for Glen Ellyn and could be upheld in a court of law. President McGinley stated they are being disingenuous to the developer, and the developer has met the suggestions that were given last week. President McGinley stated the Village needs additional foot traffic in the downtown, and many suggestions have been vetted.

Trustee Senak stated the discussion should be extended because the Village Board need to know what it would take from a cost standpoint from the Village to take this building to four stories. Mr. Debb stated it would be approximately \$4,500,000 to take the top floor off. President McGinley stated the developer has a right to due process.

Trustee Kenwood stated they should do the bump-in on the north corner of the building as well as there would be less impact coming over the tracks. Mr. Debb stated he cannot do four stories, and he cannot lose the amenities.

Village Manager Franz stated there were conversations about eliminating the fifth floor, but this proved a non-starter as it would not be a viable revenue stream moving forward.

Trustee Senak asked about having conversations about additional land. Mr. Debb stated they made plans for this possibility, but St. Petronille's was not fine with this.

Trustee Enright asked if the Village Board could have one more week on this. Mr. Debb stated his financing expired at the end of 2018, but was extended to this night.

A motion was made by Trustee Fasules to do a Two-Part Reading.

Attorney Jones stated there will be a vote on the design improvements, a vote on the Redevelopment Agreement

Attorney Jones stated there is a redevelopment ordinance and a zoning ordinance, but because the redevelopment ordinance is changing based on tonight's discussion, they will do a motion on this piece separately.

Trustee Fasules stated he is asking for a Two-Part Reading which is an informal vote now with an official vote at the next Village Board Meeting. Attorney Jones stated there is no First Reading Ordinance in Glen Ellyn's Code. Attorney Jones stated the ordinances as presented tonight can be voted on tonight. There was discussion regarding the different votes and what was included in each vote.

Motion to Table Vote to Approve Redevelopment Agreement between the Village of Glen Ellyn and GSP Development LLC

A motion was made by Trustee Senak and seconded by Trustee Fasules to table the vote on this proposed development until a time when the Trustees' concerns on the project are addressed.

Trustees Enright, Fasules and Senak voted "aye." President McGinley and Trustees Kenwood, Ladesic and Pryde voted "nay." The motion failed to carry.

RESULT:	DENIED [3 TO 4]
MOVER:	Mark Senak, Village Trustee
SECONDER:	Gary Fasules, Village Trustee
AYES:	Enright, Fasules, Senak
NAYS:	McGinley, Kenwood, Ladesic, Pryde

Motion to Table Vote for One Week to Approve Redevelopment Agreement between the Village of Glen Ellyn and GSP Development LLC

A motion was made by Trustee Senak and seconded by Trustee Fasules to table the vote on this proposed development for seven (7) days.

Trustees Enright, Fasules and Senak voted "aye." President McGinley and Trustees Kenwood, Ladesic and Pryde voted "nay." The motion failed to carry.

RESULT:	DENIED [3 TO 4]
MOVER:	Mark Senak, Village Trustee
SECONDER:	Gary Fasules, Village Trustee
AYES:	Enright, Fasules, Senak
NAYS:	McGinley, Kenwood, Ladesic, Pryde

1. Ordinance No. 6671, An Ordinance Approving a Redevelopment Agreement Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418-424 N. Main Street.

A motion was made by Trustee Pryde and seconded by Trustee Ladesic to approve Ordinance No. 6671, an Ordinance Approving a Redevelopment Agreement Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418-424 N. Main Street, modifying the agreement to allow the lowering the northeast tower to match the southeast corner of the design presented in the plans presented tonight and increase the TIF Incentive from \$1,200,000 to \$1,360,000, subject to attorney review.

President McGinley and Trustees Enright, Kenwood, Ladesic and Pryde voted "aye." Trustees Fasules and Senak voted "nay." Motion carried.

RESULT:	APPROVED AS AMENDED [5 TO 2]
MOVER:	Craig R. Pryde, Village Trustee
SECONDER:	Pete Ladesic, Village Trustee
AYES:	McGinley, Enright, Kenwood, Ladesic, Pryde
NAYS:	Fasules, Senak

2. Ordinance No. 6672, An Ordinance Granting Approval of a Special Use Permit for a Preliminary Planned Unit Development and the Exterior Appearance of a Mixed Use Development to be Known as Apex 400 and Proposed at the Northwest Corner of Main Street and Hillside Avenue and Commonly Known as 400 & 418-424 N. Main Street

A motion was made by Trustee Pryde and seconded by Trustee Ladesic to approve Ordinance No. 6672, an Ordinance Granting Approval of a Special Use Permit for a Preliminary Planned Unit

Development and the Exterior Appearance of a Mixed Use Development to be Known as Apex 400 and Proposed at the Northwest Corner of Main Street and Hillside Avenue and Commonly Known as 400 & 418-424 N. Main Street, with the recommendations as put forth by the staff.

Trustee Kenwood stated they are asking for a week, but Mr. Debb has said his financing will fall through after tonight. Mr. Debb stated PNC Bank gave him a proposal for 60% which ended on December 31, 2018. Mr. Debb stated the other 40% will come from himself and Mr. Kosich. Mr. Debb stated PNC Bank agreed to hold the financing until this meeting to keep the interest rate down. Mr. Debb stated he is respectfully asking for a vote tonight.

During the vote, Trustee Senak stated he is profoundly disappointed and discussed his feelings on this. President McGinley stated the Trustees are done with deliberation. Trustee Senak stated he is resigning from his remaining term as Trustee and left the meeting at 11:35 p.m.

Attorney Jones stated in order for a Trustee to resign, this has to be submitted in writing and notarized.

President McGinley and Trustees Kenwood, Ladesic and Pryde voted "aye." Trustees Enright and Fasules voted "nay." Trustee Senak was an official abstention vote per Attorney Jones. Motion carried.

RESULT:	APPROVED AS AMENDED [4 TO 2]
MOVER:	Craig R. Pryde, Village Trustee
SECONDER:	Pete Ladesic, Village Trustee
AYES:	McGinley, Kenwood, Ladesic, Pryde
NAYS:	Enright, Fasules
ABSTAIN:	Senak

I. Reminders

1. A Village Board Meeting is scheduled for Monday, February 11, 2019 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.
2. A Village Board Workshop is scheduled for Tuesday, February 19, 2019 at 7:00PM in Room 301 of the Glen Ellyn Civic Center.

J. Other Business

Trustee Fasules asked Mr. Formento if a Two-Part reading was ever dismissed. Mr. Formento stated it never was to his knowledge.

K. Adjournment

RESULT:	APPROVED [5 TO 0]
MOVER:	Bill Enright, Village Trustee
SECONDER:	John Kenwood, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Pryde
ABSENT:	Senak
PRESENT:	McGinley

Reviewed and approved John A. Chereskin, Village Clerk



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Tx:40023203

FRED BUCHOLZ, RECORDER
DUPAGE COUNTY ILLINOIS
03/22/2019 11:32 AM



DOCUMENT # R2019-020929

Village of Glen Ellyn

Ordinance No. 6671

An Ordinance Approving a Redevelopment Agreement Between the
Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418-
424 N. Main Street *Glen Ellyn, IL 60137*

Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This 28 Day of January, 2019.

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County, Illinois,
this 28 day of January, 2019.

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No. 6671

**An Ordinance Approving a Redevelopment Agreement Between the
Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418-
424 N. Main Street**

Whereas, the Village of Glen Ellyn ("Village") is an Illinois municipal corporation with a population of more than 25,000 people, and is therefore a home rule unit of local government pursuant to the State of Illinois Constitution of 1970 ("Constitution") and the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*) ("Code"); and

Whereas, GSP Development, LLC ("GSP") is an Illinois limited liability company with offices located at 55 E. Monroe Street, Suite 3950, Chicago, Illinois; and

Whereas, the Constitution (Art. VII, Sec. 6(a)) provides that a home rule municipality may exercise any power and perform any function pertaining to its government affairs, including, without limitation, the power to regulate for the protection of the public health, safety, morals, and welfare, the power to license, the power to tax, and the power to incur debt; and

Whereas, the Constitution (Art. VII, Sec. 10; Art VIII) authorizes the Village to enter agreements with individuals and use public funds for public purposes; and

Whereas, the Code (65 ILCS 5/8-1-2.5) authorizes the Village to appropriate and expend funds for economic development purposes, including, without limitation, making grants necessary to promote economic development in the Village; and

Whereas, the Code (65 5/11-74.4-1) authorizes the Village to finance redevelopment projects in accordance with and pursuant to the Tax Increment Allocation Redevelopment Act; and

Whereas, the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-4(b), (c)) authorizes the Village to make and enter into all contracts necessary or incidental to implement and further the Village's

redevelopment plan and project for the Glen Ellyn Central Business District Tax Increment Redevelopment Project Area; and

Whereas, on February 13, 2012, the Village approved Ordinance Numbers 6002, 6003, and 6004 approving a redevelopment plan and project for the Glen Ellyn Central Business District Tax Increment Redevelopment Project Area, designating the Glen Ellyn Central Business District Tax Increment Redevelopment Project Area, and adopting tax increment allocation financing for the Glen Ellyn Central Business District Tax Increment Redevelopment Project Area, respectively (collectively, "TIF Ordinances"); and

Whereas, GSP subsequently proposed to redevelop a Village owned-property commonly known as 418 – 424 N. Main Street ("Village Property") and an adjacent property owned by GSP, 400 N. Main Street (the "Giesche Property") (collectively, the Giesche Property and the Village Property are the "Subject Property"), with a mixed use development; and

Whereas, the Subject Property is legally described on Exhibit 1; and

Whereas, on November 12, 2018, the Village passed Ordinance No. 6640 approving a purchase and sale agreement with GSP concerning the Village Property; and

Whereas, on December 26, 2018, the Village published an invitation in the Daily Herald seeking proposals offering redevelopment terms more favorable to the Village than those contained in the Redevelopment Agreement attached hereto as Exhibit 2 ("Redevelopment Agreement"); and

Whereas, the deadline for proposals to be submitted was January 14, 2019, and the Village received no proposals by that date; and

Whereas, the Village has complied with all procedural and substantive requirements imposed by the Tax Increment Allocation Redevelopment Act, the Code, and the Constitution; and

Whereas, the Village President and Trustees have exercised their legislative judgment and determined that the Redevelopment Agreement is consistent with the goals and objectives contained in the

TIF Ordinances, the Code, and the Constitution, that the Redevelopment Agreement serves a valid public purpose, and that approving the Redevelopment Agreement will promote the public health, safety, and welfare; and

Whereas, the Village wishes to assist GSP with redevelopment of the Subject Property in accordance with and pursuant to the Redevelopment Agreement;

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

Section One: Recitals. The foregoing recitals are incorporated as though fully set forth herein.

Section Two: Agreement Approved. The Village's Corporate Authorities approve the Redevelopment Agreement attached as Exhibit 2, and the President and Village Clerk are authorized and directed to execute the Redevelopment Agreement on the Village's behalf.

Section Three: Recording and Authority. The Village Clerk is authorized and directed to record this Ordinance and the Redevelopment Agreement against the Subject Property with the DuPage County Recorder, and the Village Manager is: a) authorized and directed to take all steps necessary to implement the Redevelopment Agreement's terms; and b) authorized to make minor, non-substantive revisions to the Redevelopment Agreement.

Section Four: Superseder. In the event a conflict exists between the terms of this Ordinance and any other ordinance of the Village, the terms of this Ordinance shall govern.

Section Five: Severability. If any part, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the remaining sections, subsections, and clauses shall not be affected thereby.

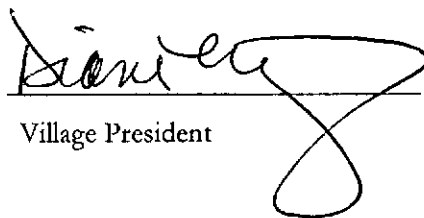
Section 6: Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, in accordance with law.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois this 28 day of

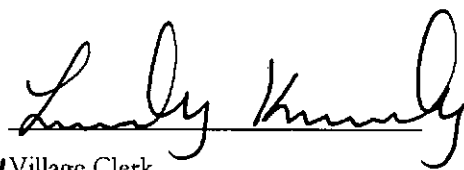
January, 2019.

Ayes	☒	Diane McGinley	☒	Pete Ladesic	Mark Senak
	☒	Craig Pryde	☒	Bill Enright	Gary Fasules
	☒	John Kenwood			
Nayes		Diane McGinley		Pete Ladesic	☒ Mark Senak
		Craig Pryde		Bill Enright	☒ Gary Fasules
		John Kenwood			
Absent		Diane McGinley		Pete Ladesic	Mark Senak
		Craig Pryde		Bill Enright	Gary Fasules
		John Kenwood			

Approved by the Village President of the Village of Glen Ellyn, Illinois this 28 day of
January, 2019.


Village President

Attest:


Deputy Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the 11 day of February, 2019.)

LEGAL DESCRIPTIONS

MAIN STREET PARKING LOT
418-424 N. MAIN STREET

PARCEL 1

THE EAST 175 FEET OF LOT 1 IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-11-327-026; and

PARCEL 2

LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-11-327-005; and

PARCEL 3

LOT 6 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-327-016

400 N. MAIN STREET

LOT 2 AND LOT 3 (EXCEPT THE WEST 40.00 FEET THEREOF) IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST ¼ SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 5, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-327-023

Exhibit 2

**RETURN AFTER
RECORDING:**

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

**THIS DOCUMENT
PREPARED BY:**

Gregory W. Jones, Esq.
Ancel Glink, P.C.
140 S. Dearborn Street
Sixth Floor
Chicago, IL 60603

Above Space for Recorder's Use Only

REDEVELOPMENT AGREEMENT

BETWEEN

VILLAGE OF GLEN ELLYN

AND

GSP DEVELOPMENT, LLC

(APEX 400 – 400, 410, 418, AND 424 N. MAIN STREET)

REDEVELOPMENT AGREEMENT

BETWEEN

THE VILLAGE OF GLEN ELLYN

AND

GSP DEVELOPMENT, LLC

(APEX 400 – 400, 410, 418, AND 424 N. MAIN STREET)

THIS REDEVELOPMENT AGREEMENT ("*Agreement*") is dated as of the 4th day of March, 2019 ("*Effective Date*"), and is by and between the **VILLAGE OF GLEN ELLYN**, an Illinois municipal corporation and home rule unit of local government with offices at 535 Duane Street, Glen Ellyn, Illinois ("*Village*"), and **GSP DEVELOPMENT, LLC**, an Illinois limited liability company with offices located at 55 E. Monroe Street, Suite 3950, Chicago, Illinois ("*Developer*") (collectively, with the Village, the "*Parties*").

IN CONSIDERATION OF the recitals and the mutual covenants and agreements set forth in this Agreement, the parties agree as follows:

Section 1. Recitals.

A. The Village has the authority, pursuant to the laws of the State of Illinois and its home rule authority, to promote the health, safety, and welfare of the Village and its residents, to prevent the spread of conditions detrimental to healthy economic development, to encourage private development in order to enhance the local tax base, to increase employment, and to enter into contractual agreements with developers and redevelopers for the purpose of achieving such objectives.

B. The Village is authorized under the provisions of Art. VII, Section 10 of the State of Illinois Constitution to contract and otherwise associate with individuals, associations, and corporations in any manner not prohibited by law.

C. The Village is authorized under the provisions of Art. VIII of the State of Illinois Constitution to use public funds for public purposes.

D. The Village is authorized under the provisions of the Tax Increment Allocation Redevelopment Act, as amended, 65 ILCS 5/11-74.4-1, *et seq.* ("*Act*"), to finance redevelopment projects in accordance with and pursuant to the Act.

E. The Village is authorized under the provisions of the Illinois Municipal Code to make grants to commercial enterprises that are deemed necessary or desirable for the promotion of economic development within the Village, 65 ILCS 5/8-1-2.5 ("*Code*").

F. On February 13, 2012, the Corporate Authorities, pursuant to and in accordance with the Act, adopted Ordinance Numbers 6002, 6003, and 6004, which: (i) approved a Tax Increment Redevelopment Plan and a Tax Increment Redevelopment Project (collectively, the "**TIF Plan and Project**"), (ii) designated a Tax Increment Redevelopment Project Area, and (iii) adopted Tax Increment Allocation Financing (collectively, "**TIF Ordinances**"), establishing the Glen Ellyn Central Business District Tax Increment Redevelopment Project Area (the "**TIF District**").

G. The Developer's affiliate owns the property commonly known as 400 N. Main Street, all in Glen Ellyn, Illinois, as depicted and legally described in **Exhibits A and B** (collectively, the "**Developer Property**").

H. The Village owns the properties commonly known as 410, 418, and 424 N. Main Street, all in Glen Ellyn, Illinois, as depicted and legally described in **Exhibits C and D** (collectively, the "**Village Property**").

I. The Developer wishes to redevelop the Developer Property and Village Property (collectively, the Developer Property and the Village Property are known as the "**Subject Property**") with a mixed use development containing residential, commercial, and parking components, including five (5) stories, at least 8,840 square feet of ground floor commercial space, no more than 107 dwelling units, at least 272 vehicle parking spaces, no less than 136 ground level spaces which will be owned and controlled by the Village, and accessory facilities and amenities, all as depicted in the Development Plans attached as **Exhibit E** (the "**Development**").

J. On or about November 12, 2018, the Village's Corporate Authorities passed an ordinance finding that it is no longer in the Village's best interests to continue to use and maintain the Village Property as a municipal parking lot in its current condition and configuration and, by approving Ordinance Number 6640, entered into a Purchase and Sale Agreement establishing the terms and conditions of the Village's conveyance of the Village Property to the Developer, or its nominee, subject to certain conditions and contingencies.

K. The Village and the Developer desire that the Subject Property be developed and used in compliance with this Agreement, and the Village desires to financially assist the Developer, pursuant to and in accordance with this Agreement, the Code, and the Act, to facilitate the Development on the Subject Property.

L. The Village desires to see the Subject Property developed in accordance with this Agreement to clear the blight and conservation factors and characteristics of the TIF District, to promote the health, safety, and welfare of the Village and its residents, to prevent the spread of those conservation conditions and characteristics in the TIF District, encourage further private investment and development and promote economic development within the Village, enhance the Village's tax base, increase employment opportunities for Village residents, and enhance the future tax revenues for those overlying taxing bodies who levy against the Subject Property, and within the TIF District.

M. The Development is essential to meet the overall objectives of the TIF District, thereby implementing and advancing the TIF Plan and Project.

N. The Developer has represented to the Village that without financial assistance from the Village as detailed herein, the Development is not economically feasible and that Developer would not undertake the Development.

O. On December 26, 2018, the Village published notice in the Daily Herald, a newspaper of general circulation, inviting proposals to develop the Village Property to be submitted by January 14, 2019 ("**Response Deadline**") and informing the public that copies of this Agreement are on file at the Village Clerk's Office and available for review. The Village received no proposals by the Response Deadline.

P. The Corporate Authorities, after due and careful consideration, have concluded that the zoning, subdivision, redevelopment, and use of the Subject Property pursuant to and in accordance with this Agreement would further enable the Village to control the development of the area, facilitate redevelopment of the Village's downtown, and would serve the best interests of the Village.

Q. The Corporate Authorities have exercised their legislative judgment and determined, based on studies, analysis, and information available, including, without limitation the Village's 2013 Streetscape Plan and Parking Study, the 2009 Downtown Strategic Plan, and the 2001 Comprehensive Plan, as amended (collectively, the "**Comprehensive Plan**"), that the Development provides public benefits, including, without limitation, tax revenue, additional downtown housing, parking, and commercial options, modern stormwater management facilities, pedestrian-scale improvements, and improvements intended to help the Village achieve the vision contained in the Village's Comprehensive Plan.

R. The Corporate Authorities have reviewed and considered the proposed Development of the Subject Property, and the zoning and subdivision approvals requested to allow for its implementation, and have found them to be consistent with the Village's goals and objectives set forth in the TIF Plan and Project, the TIF District, and the TIF Ordinances.

S. The foregoing Recitals are incorporated herein and made a part of this Agreement.

Section 2. Definitions; Rules of Construction.

A. **Definitions.** Whenever used in this Agreement, the following terms shall have the following meanings unless a different meaning is required by the context:

"Building:" The five (5) story structure containing at least 8,840 square feet of ground floor commercial space, no more than 107 dwelling units, and at least 272 structured vehicle parking spaces, including at least 136 ground level structured public parking spaces owned and controlled by the Village, to be constructed on the Subject Property, including, without limitation, indoor and outdoor improvements, amenities, and infrastructure all as depicted on the Development Plans.

“Building Code:” Title 4, entitled “Building Regulations,” of the Village Code of the Village of Glen Ellyn, including all local amendments, as amended.

“Corporate Authorities:” The Village President and Board of Trustees of the Village of Glen Ellyn.

“Development Plans:” Those certain development plans for the Subject Property consisting of the following documents:

“Floor Plans:” First Floor Plan, Option A; Second Floor Plan, Option A; Fourth Floor Plan; and Fifth Floor Plan, consisting of a total of 4 pages, all of which were prepared by Fitzgerald and Associates and last revised on February 8, 2019; and Third Floor Plan, consisting of a total of 1 page, prepared by Fitzgerald and Associates, and last revised on November 19, 2018;

“Site Plan:” Site Plan, Option A; and Site Plan, Option B, consisting of a total of 2 pages, all of which were prepared by Fitzgerald and Associates, and last revised on February 8, 2019;

“Elevations:” South and East Exterior Elevation; North and West Exterior Elevation; and Rendering and Street Elevation, consisting of a total of 3 pages, all of which were prepared by Fitzgerald and Associates, and last revised on February 8, 2019;

“Preliminary Landscaping Plan:” Landscape Plan for Ground Floor; and Landscape Plan for Third Floor, consisting of a total of 2 pages, all of which were prepared by David R. McCallum Associates, Inc., and last revised on November 19, 2018;

“Preliminary Engineering Plan:” Preliminary Grading Plan; and Preliminary Utilities Plan, consisting of a total of 2 pages, all of which were prepared by Manhard Consulting, Ltd., and last revised on November 19, 2018; and

“Preliminary Plat of Subdivision:” Plat of Consolidation, consisting of a total of 2 pages, all of which were prepared by Manhard Consulting, Ltd., and last revised on September 26, 2018.

copies of which are attached respectively as **Exhibits E1 through E6** to this Agreement.

“Developer Property:” The property depicted and legally described in **Exhibits A and B**.

“Escrow Agent:” Chicago Title Insurance Company.

“Force Majeure:” Strikes, lockouts, acts of God, damage due to fire or other casualty, or other factors beyond a party’s reasonable control and reasonable ability to remedy; provided, however, that Force Majeure shall not include delays caused by weather conditions, unless those conditions are unusually severe or abnormal considering the time of year and the particular

location of the Subject Property. In no event shall increased costs or other financial considerations be considered a force majeure event.

"Person:" Any corporation, partnership, individual, joint venture, trust, estate, association, business, enterprise, proprietorship, or other legal entity of any kind, either public or private, and any legal successor, agent, representative, or authorized assign of the above.

"Public Improvements:" All of the public improvements, infrastructure, and facilities necessary or proposed to serve the Subject Property including, without limitation, all of the right-of-way improvements on Main Street, Hillside Avenue, and Glenwood Avenue adjacent to the Subject Property, the Public Parking Area, and all of the water, sanitary and storm sewer improvements depicted on the Preliminary/Final Engineering Plans. The Public Improvements are more specifically set forth on the list attached to this Agreement as **Exhibit F**.

"Public Parking Area:" All parking spaces, drive aisles, and accessways to and from the parking spaces and rights of way adjacent to the Subject Property located on the Building's ground floor, containing at least 136 parking spaces intended for use by the general public.

"Purchase and Sale Agreement:" That certain purchase and sale agreement by and between the Developer and the Village for the purchase and conveyance of title to the Village Property from the Village to the Developer, dated November 12, 2018, and approved by the Corporate Authorities pursuant to Ordinance Number 6640, and all subsequent amendments thereto.

"Reports:" Those certain documents analyzing environmental conditions present on the Village Property consisting of the following documents: 1) Report prepared by Testing Service Corporation for the Village dated March 23, 1994; 2) Phase 1 Environmental Site Assessment, Project Number 00026-00, prepared by Deuchler Environmental, Inc. for the Village and dated June 28, 2000; 3) Soil Assessment, Project Number 00026-00, prepared by Deuchler Environmental, Inc. for the Village and dated November 6, 2001; and 4) Limited Subsurface Assessment, Project Number 00026-00, prepared by Deuchler Environmental, Inc. for the Village and dated January 28, 2002.

"Requirements of Law:" All applicable federal, state, and local laws, statutes, codes, ordinances, resolutions, orders, rules, and regulations, as amended.

"Subdivision Code:" Title 11, entitled "Subdivision Regulations Code," of the Village Code of the Village of Glen Ellyn, as amended.

"Subject Property:" The real property legally described and depicted on **Exhibits A, B, C, and D**.

"Substantial Completion" or "Substantially Complete:" Refers to the point that (1) the Developer's construction of the Development has received all final inspections, (2) the Developer has obtained all final approvals for the public and private improvements (subject to any maintenance guaranty obligations), and (3) the Developer is able to apply for and obtain valid, binding, and full certificates of occupancy, or otherwise close-out of the Developer's building-permit.

"SSA Law:" The Special Service Area Tax Law, 35 ILCS 200/27, *et seq.*

"Village Attorney:" The Village Attorney of the Village of Glen Ellyn.

"Village Code:" The Village of Glen Ellyn Village Code, as amended.

"Village Manager:" The Village Manager of the Village of Glen Ellyn.

"Village Property:" The property depicted and legally described in **Exhibits C and D**.

"Zoning Administrator:" The Planning and Development Director of the Village of Glen Ellyn.

"Zoning Code:" Title 10, entitled "Zoning Code," of the Village of Glen Ellyn Village Code, as amended.

B. Rules of Construction.

1. Grammatical Usage and Construction. In construing this Agreement, pronouns include all genders, and the plural includes the singular and vice versa.
2. Headings. The headings, titles, and captions in this Agreement have been inserted only for convenience and in no way define, limit, extend, or describe the scope or intent of this Agreement.
3. Calendar Days. Unless otherwise provided in this Agreement, any reference in this Agreement to "day" or "days" shall mean calendar days and not business days. If the date for giving of any notice required to be given, or the performance of any obligation, under this Agreement falls on a Saturday, Sunday, or federal holiday, then the notice or obligation may be given or performed on the next business day after that Saturday, Sunday, or federal holiday.

Section 3. Acquisition of Village-Owned Property.

A. Village Property. The Village agrees to convey title to the Village Property to the Developer, or its nominee, and Developer agrees to take title from the Village, within thirty (30) days after the occurrence of all of the following:

1. The Parties' satisfaction of closing conditions in the Purchase and Sale Agreement;
2. Developer providing the Village proof of financing sufficient to Substantially Complete the Development in accordance with this Agreement Section 8;

3. The Developer has applied for and the Village has approved ordinances granting all zoning approvals necessary to construct the Development, including, without limitation, ordinances approving the "Final Development Plans," as that term is defined in this Agreement Section 4, but excluding the final engineering plan, which Developer shall obtain Village approval of before the Village issues a building permit for the Development;
4. The Developer has provided the Village with the Performance Security as set forth in this Agreement Section 10; and
5. The deed conveying title to the Village Property shall contain the Right of Reverter in favor of the Village, as set forth in this Agreement Section 14(B).

If the above conditions are not satisfied within 120 days after the Effective Date and is not the result of any fault or delay caused by the Village, and such unsatisfied conditions are not satisfied thereafter within thirty (30) days after written notice from the Village to the Developer, the Village, in its sole discretion, shall have authority to terminate this Agreement and the Purchase and Sale Agreement, and all of the Parties' rights and obligations thereunder. Notwithstanding the foregoing, it shall be the Developer's obligation to satisfy the conditions of Section 3(A)(3) in accordance with this Section's timeframe, and the Developer's failure to do so shall in no case constitute fault by or delay caused by the Village. This Agreement, the Purchase and Sale Agreement, and all of the Parties' rights and obligations thereunder shall terminate, regardless of fault, delay, or other excuse, 180 days after the Effective Date if the conditions of this Section 3(A) are not satisfied.

B. Alley Property. The Village is currently evaluating the extent of its ownership interest, if any, in an alley located north of the Subject Property, as depicted on **Exhibit G** (the "**Alley**"). Within thirty (30) days of the Village determining that it believes it has free and clear title to the Alley, or securing the same from the owners of the 3 properties adjoining the Alley (the "**Adjoining Owners**"), the Village shall notify the Developer of the same, and the Village agrees to convey any title that the Village possesses in the southern 3 feet of the Alley to the Developer in exchange for ten (\$10.00) dollars. Upon receiving the Village's notice sent pursuant to this Section, the Developer shall prepare and submit to the Village a completed application to vacate the Alley's southern 3 feet and all accompanying documents deemed necessary by the Zoning Administrator. The Developer shall be solely responsible for complying with all Requirements of Law associated with its Alley vacation request. The Village may, in its sole discretion, reserve any easement rights in the portion of the Alley being vacated that the Village determines are necessary to serve the Village's interests. If the Village conveys title to the Alley in accordance with this Section 3(B), the Developer agrees, as part of and concurrent with Developer's construction of the Development, to pave the Alley in accordance with the Village Code and pursuant to plans approved by the Zoning Administrator. Developer's Alley paving shall constitute a Public Improvement and shall be subject to the same inspection, approval, acceptance, and other requirements imposed by this Agreement. Should the Village determine that it does not possess free and clear title to the Alley and deliver notice to the

Developer stating the same, the Village shall have no duty or obligations to the Developer or any other Person under this Section 3(B).

Section 4. Zoning and Entitlements Approvals.

A. Zoning and Entitlements Ordinance. Immediately after approval of the ordinance approving this Agreement, the Corporate Authorities will adopt ordinances, in substantially the same form as **Exhibit H**, in accordance with the requirements of Village Code that grant: 1) a special use permit for a planned unit development on the Subject Property, including a preliminary planned unit development plat; and 2) all variances or Zoning Code deviations requested by the Developer and necessary to construct the Development on the Subject Property.

B. Final Development Plans. Developer shall use its best efforts to obtain the Village's approval of the final planned unit development plat, final engineering plan, final landscape plan, final building elevations, and all other final plans reasonably deemed necessary by the Village to Substantially Complete and operate the Development, in its entirety (collectively the "**Final Development Plans**") by no later than 120 days after the Effective Date. Upon Developer reasonably determining that Village approval of the Final Development Plans, excluding the final engineering plan, may not be obtained within the timeframe set forth in this Section, the Developer shall promptly provide written notice to the Village detailing all reasons for any such delay, the steps the Developer is taking to cure the delay, and the anticipated duration of the delay. The Developer shall obtain the Village's approval of the final engineering plan before the Village issues a building permit for the Development. The Developer shall be responsible for submitting all applications for approval of the Final Development Plans on Village forms, and providing all information and plans deemed necessary by the Zoning Administrator. The Final Development Plans shall substantially conform to the Development Plans.

C. Permitted and Prohibited Uses; Individual Use Special Use. Any use that requires approval of a special use permit shall be responsible for obtaining approval of such special use in accordance with the Zoning Code. The following uses shall be prohibited on the Subject Property: drycleaners, interior decorating establishments, printing establishments, shoe repair establishments, tobacco shops / vape stores, day care facilities, and adult day care facilities.

D. Recordation of Zoning Ordinances. Upon approval of this Agreement and Developer satisfying the conditions set forth in Agreement Section 3, the Village will promptly cause the ordinances to be recorded against the Subject Property with the DuPage County Recorder of Deeds.

Section 5. Development of the Subject Property.

A. General Restrictions. Subject to the particular terms for development set forth in Section 5(D) of this Agreement, Developer's development of the Subject Property, except for minor alterations approved by the Village Manager, shall be pursuant to and in accordance with the following:

1. This Agreement.

2. The Final Development Plans.
3. The Zoning Code.
4. The Subdivision Code.
5. The Building Code.
6. The other Requirements of Law.

Unless otherwise provided in this Agreement, in the event of a conflict between or among any of the above plans or documents, the plan or document that provides the greatest control and protection for the Village, as determined by the Village Manager, shall control. All of the above plans and documents shall be interpreted so that the duties and requirements imposed by any one of them are cumulative among all of them, unless otherwise provided in this Agreement.

B. Public Utility and Storm Water Easements. The Developer will grant utility easements to the Village and other governmental bodies and utility services over, on, and across the Subject Property for the purposes of making repairs, maintaining, installing and servicing utilities, and providing public and emergency services.

C. Utility Location and Relocation. The Developer will, at its sole cost and subject to the Village's approval, relocate all existing utilities through and around the Subject Property as needed to accommodate the Development. Any utilities relocated or constructed by the Developer or otherwise associated with the Development shall be located underground. When proposing utility relocation, the Developer will exercise its best efforts to coordinate with the Village and all other governmental bodies and utility services providing utility service to or through the Subject Property.

D. Particular Terms for Development. Notwithstanding any use or development right that may be applicable or available to the Subject Property pursuant to the Zoning Code or any other Requirement of Law, the Subject Property shall be used and developed, subject to the provisions in this Subsection 5(D), as follows:

1. The Development shall contain no more than 107 multi-family dwelling units, all featuring granite countertops and high end name brand appliances, and all accessible by elevator service.
2. The Development shall contain at least 272 vehicle parking spaces located in a parking deck structure, including at least 136 public ground level parking spaces owned and controlled by the Village.
3. The Development shall contain at least 8,840 square feet of ground floor commercial space.
4. The Development will include a ground floor bicycle storage area of sufficient size to accommodate bicycles from the Development's residents, a pet washing and grooming area, a pool, a fitness facility, and

comparable amenities traditionally found in luxury multi-family developments located in municipalities in the Chicago Metropolitan Statistical Area that have a comparable or greater household income as compared to the Village.

5. The Development will be staffed and managed by a full time professional management company with experience managing multi-family and mixed use developments that command comparable or higher rents and are located in the Chicago Metropolitan Statistical Area.
6. The Building shall be constructed as depicted in the approved Final Development Plans, and the Developer shall be solely responsible for ensuring that Development complies with all Requirements of Law.
7. The Building's exterior façade shall be constructed of the materials set forth in the approved Final Development Plans.
8. The Development shall include new, modern streetscape along the Main Street, Hillside Avenue, and Glenwood Avenue public rights of way adjacent to the Subject Property. All streetscape improvements, including, without limitation, pavers, light standards, benches, and materials, shall substantially conform to the Village's Streetscape Improvement Design, which the Village anticipates adopting in 2019, and Developer shall be solely responsible for the cost of installing and constructing such streetscape improvements.

E. Damage to Public Property. The provisions of this Section 5(E) shall apply during development of the Subject Property and construction of the Development. The Developer will maintain all streets, sidewalks, and other public property adjacent to the Subject Property in a good and clean condition. Further, the Developer will promptly, but in no event less than once daily, clean all mud, dirt, or debris deposited on any street, sidewalk, or other public property in or adjacent to the Subject Property by the Developer or any agent of or contractor hired by, or on behalf of, the Developer, and will repair any damage to public property that may be caused by the activities of the Developer or any agent of or contractor hired by, or on behalf of, the Developer. In the event the Developer fails to maintain all streets, sidewalks, and other public property in accordance with this Section, and the Village provides the Developer notice of the same, the Developer shall clean all mud, dirt, or debris deposited on any street, sidewalk, or other public property in or adjacent to the Subject Property deposited by the Developer or any agent of or contractor hired by, or on behalf of, the Developer, within twelve (12) hours of receiving the Village's notice. If the Developer neglects to clean, or undertake with due diligence to clean, the affected public property, then the Village will be entitled to clean, either with its own forces or with contract forces, the affected public property and to recover from the Developer costs or charges reasonably incurred by the Village to perform the cleaning.

F. Changes to the Planned Unit Development (PUD), including the Development Plans. All changes to the Development Plans and the Final Development Plans shall be processed in accordance with Zoning Code.

G. Demolition. Developer shall be responsible, at its own cost, for demolishing and removing all improvements, structures, buildings, and appurtenances located above or below grade on the Subject Property, subject to all Requirements of Law and Village-issued permits.

H. Construction Type. The Buildings shall be constructed pursuant to and in accordance with the Building Code.

I. Issuance of Building Permits. The Developer may seek issuance of multiple building permits with respect to the construction of the Development. If requested by Developer, the Village shall, subject to applicable Village Code provisions, grant a building permit for the construction of a Building foundation to facilitate timely commencement of construction, subject to the terms of this Agreement. The Village will not unreasonably withhold issuance of any complete and properly filed application for a building permit, provided all permit review comments have been addressed to the Zoning Administrator's satisfaction.

J. Issuance of Occupancy Permits. Upon the Developer's request, the Zoning Administrator may issue a temporary occupancy permit, as may be appropriate, for the Building upon Substantial Completion of an entire floor of residential units, commercial units, or parking spaces.

K. Public Parking Area.

1. Construction and Division. The Developer will install and construct not less than 136 public parking spaces on the Building's ground floor, as depicted on the Final Development Plans (the "**Public Parking Area**"), which, as of the date of Substantial Completion, will have been improved at a cost of approximately \$3.143 million dollars based upon the Final Development Plans. The Parties' acknowledge that the Public Parking Area is a Public Improvement that is intended to serve the general public. Upon Substantial Completion of the Development, Developer will, at its sole cost, transfer to the Village's ownership and control the Public Parking Area at a cost of ten (\$10.00) in accordance with Section 5(K)(3). The Public Parking Area will also be subject a declaration of covenants, conditions, and restrictions agreement, reciprocal operating and easement agreement, or comparable agreement(s) (collectively, the "**OEA Agreement**") governing the inter-related operation, maintenance and use of the Public Parking Area and the Development, and all of which shall be in form and substance acceptable to the Developer, Village and Village Attorney. At a minimum, the OEA Agreement shall contain the following provisions:

- a) Developer shall maintain, operate, repair, remove and replace, at Developer's sole cost, all walls, ceilings, joists, building systems, pillars, drains, utilities, infrastructure, and support structures (collectively "Building Structures, Supports and Systems") located in, around, above, and below the Public Parking Area, and all such activities conducted involving the Building Structures, Supports and

Systems pursuant to the OEA Agreement shall be in accordance with the Village Code and other Requirements of Law.

- b) Developer shall not engage in any action or inaction, or allow or permit any of the same to occur, that unreasonably interferes with the Village's rights, use, and enjoyment of the Public Parking Area or the surrounding roadways including, without limitation, installing gates or other access-restricting features, limiting access to the Public Parking Area by the public or emergency services, or interfering with the Village's operation of the Public Parking Area.
- c) Developer shall allow the Village to install, at the Village's cost, reasonable signage and related appurtenances concerning or related to the Public Parking Area, including, without limitation, signs detailing the number of available parking space and vehicle access restriction measures.
- d) Developer shall comply with all ordinances, rules, and regulations adopted by the Village governing, relating to, or applicable to the Public Parking Area, including, without limitation, its use.
- e) Developer shall cooperate and assist Village in complying with all Freedom of Information Act requests associated with the Public Parking Area.
- f) Developer shall carry insurance in form and substance acceptable to the Village Attorney.
- g) Developer shall indemnify and hold the Village harmless for activities arising out of or related to the Developer's portion of the Building and Village shall indemnify and hold the Developer harmless for activities arising out of or related to the Public Parking Area.
- h) The OEA Agreement shall include the right of the Village and Developer, as the case may be, to engage in self-help in the event of a material breach of the OEA Agreement that either the Developer, or Village, has not remedied after receiving reasonable notice from the other party that such a breach exists, and the breaching party shall be liable for all costs the non-breaching party reasonably incurs while engaged in self-help.
- i) The OEA Agreement shall be recorded against the Subject Property, run with the land, and be binding on the Parties' successors and assigns.

- j) The OEA Agreement shall contain such other easement rights, and interrelated operation, maintenance, use, insurance and indemnity obligations relating to the Subject Property and the Developer's use of the Building and Village's use of the Public Parking Area as mutually acceptable to the Village and Developer.
2. Village Use. Upon the Village's issuance of a temporary certificate of occupancy for the Public Parking Area, or any portion thereof, the Village shall have the right, free of charge, to utilize the Public Parking Area for Village purposes, including, without limitation, public parking, regardless of whether the Developer has conveyed ownership of the Public Parking Area to the Village in accordance with Section 5 (K)(1). By no later than February 29, 2020, the Developer shall deliver the Public Parking Area in a condition sufficient to receive a temporary certificate of occupancy in accordance with the Village Code.
 3. Conveyance. Upon Substantial Completion of the Development, or in the event of Developer uncured event of default, the Developer shall, subject to and in accordance with the provisions of Agreement Sections 6(D) and 6(E), convey to the Village ownership and title to the Public Parking Area and appurtenances in exchange for ten (\$10.00) dollars. Before conveying ownership of the Public Parking Area to the Village, the Developer shall ensure and demonstrate in writing, to the Village's satisfaction, that title to the Public Parking Area is free and clear of all liens, encumbrances, or any other form of indebtedness. The deed conveying ownership and title to the Public Parking Area shall be in a form and substance approved by the Village Attorney. Developer's failure to deliver title to the Public Parking Area in accordance with this Section shall constitute a default under this Agreement. The closing shall occur at the Escrow Agent's offices. It is agreed and understood that certain portions of the Village Property contain environmental conditions as set forth in the Reports ("**Existing Conditions**"), and the Developer has received and reviewed copies of the Reports. The Developer has agreed to encapsulate the Village Property in accordance with the Development Plans to remediate the Existing Conditions. Upon Developer's conveyance to the Village of ownership and title to the Public Parking Area and appurtenances in accordance with this Agreement, the Developer shall have no liability in connection with the Existing Conditions on the Village Property.
 4. Future Conversion. In the event that i) the Developer desires to convert residential dwelling units in the Building to owner occupied condominium units, or ii) the Developer desires to convert commercial units in the Building to owner occupied condominium units, the Developer will promptly prepare and record a declaration of covenants ("**Declaration**") in the Office of the DuPage County Recorder, in form and substance reasonably acceptable to the Village Attorney, against the Subject

Property. In the event that the Developer designates "common elements" on the Subject Property, as that term is defined in the Condominium Property Act, 765 ILCS 605/1, *et seq.*, the Developer will issue a new plat of subdivision designating the common elements and/or common areas, which plat of subdivision will be submitted for review and approval in accordance with the Subdivision Code. The Declaration must be approved by the Corporate Authorities prior to becoming effective and prior to recording. The Declaration must contain the following provisions:

- a) The membership in the owners' association will be mandatory for each and every owner, and successive owner on the Subject Property.
- b) The owners' association will own, and will be responsible for the continuity, care, conservation, maintenance and operation, in a first-rate condition, and in accordance with predetermined standards, of the common elements and common areas, including without limitation all equipment, appurtenances, and perimeter fencing located on or within the common elements and common areas and the cost of power required for the affected equipment and appurtenances (collectively "*Common Areas*").
- c) The owners' association will be responsible for casualty and liability insurance for the Common Areas, and the Village shall be named as an additional insured on all policies of liability insurance obtained by the owners' association.
- d) The owner of each unit located on the Subject Property or the owners' association, as applicable, will be responsible for real estate taxes for the common elements and common areas, however, the Village shall not be responsible for paying any real estate taxes attributable to the Common Areas.
- e) The owner of each unit located on the Subject Property will pay their pro rata share of all costs and expenses incurred by the owners' association by means of an assessment to be levied by the owners' association that meets the requirements for becoming a lien on the Subject Property in accordance with the statutes of the State of Illinois.
- f) The owners' association will have the right to adjust the assessment to meet changed needs except any assessment imposed by the Village. The membership vote required to authorize an adjustment shall not be fixed at more than 51% of the members voting on the issue.
- g) The owners' association will be created and established prior to the sale of any portion of the Subject Property, excluding the Developer's conveyance of the Public Parking Area to the Village.

- h) The Village, as well as the owners of any unit located on the Subject Property, will have the right to enforce the Declaration.
- i) The Village will have the right, but not the obligation, after thirty (30) days written notice to the owners' association, (i) to perform any maintenance or repair work that, in the reasonable opinion of the Village, the owners' association has neglected to perform on the Common Areas affecting the Public Parking Area ("***Village Repair Work***"), (ii) to assess the membership for their pro rata share of the Village Repair Work, (iii) to file a lien against the Subject Property of the owners' association or the property of any member failing to pay the pro rata share of the Village Repair Work and (iv) and to enforce the lien in the manner provided by law for mortgage foreclosure proceedings.
- j) The Declaration will run with and bind any and all portions of the Subject Property, and shall be binding on the Developer, and its successors in interest, to all portions of the Subject Property; provided, however, that the Declaration may provide for its amendment, modification, or termination at any time upon obtaining the prior consent of the Village to said amendment, modification, or termination.

Section 6. Public Improvements.

A. Developer Duty to Construct Public Improvements. The Developer will construct and install all of Public Improvements identified on **Exhibit F** (collectively, the "***Public Improvements***"), including, without limitation, the Public Parking Area, streetscape improvements compliant with the Village's approved Streetscape Improvement Design, and located in the Main Street, Hillside Avenue, and Glenwood Avenue rights of way adjacent to the Subject Property, including, without limitation, parkway trees, sidewalk paving, decorative pavers, seating areas, and street lighting, as depicted in the Final Development Plans.

B. Standards Applicable to Public Improvements.

1. General Standards. The Developer will construct all Public Improvements pursuant to, and in accordance with, the Final Development Plans and the Subdivision Code, and to the reasonable satisfaction of the Zoning Administrator. All work performed on the Public Improvements will be conducted in a good and workmanlike manner and in accordance with this Agreement. All materials used for construction of the Public Improvements will be new and of first-rate quality.
2. Contract Terms; Prosecution of the Work. The Developer and all of its contractors will prosecute the work diligently, in full compliance with, and as required by or pursuant to, this Agreement, until the work is properly completed.

3. Village Inspections and Approvals. During the course of construction of the Public Improvements, Village inspectors will have the full right, permission, and authority to inspect and approve all work on the Public Improvements with reasonable notice to the Developer. Developer shall be responsible for contacting the Village to schedule all inspections required by the Village Code.
4. Other Approvals. If the construction and installation of any Public Improvement requires the consent, permission, or approval of any Person, then the Developer will take all steps required to obtain the required consent, permission, or approval. No work requiring the consent, permission, or approval of any Person will commence without that prior consent, permission, or approval.

C. Closure of Sidewalk and Right-of-Way. The Developer shall be entitled to close the Main Street, Hillside Avenue, and Glenwood Avenue sidewalks immediately adjacent to the Subject Property and use said area for Developer's purposes during the course of construction, subject to the Village's approval of a traffic control plan that provides adequate protection and direction to pedestrians and vehicles. Developer and the Village shall cooperate and schedule any sidewalk closures or partial closures as may be necessary and appropriate to complete any improvements located within the right-of-way. Developer will be responsible, at Developer's sole cost, for repairing any damage or injury to the Main Street, Hillside Avenue, and Glenwood Avenue rights of way, and any other public property or rights of way, in compliance with the Village Code.

D. Final Inspections and Approvals. When the Developer determines that a Public Improvement has been properly completed, the Developer shall request final inspection, approval, and, as appropriate, acceptance of the Public Improvement by the Village. The notice and request shall be given sufficiently in advance to allow the Village time to inspect the Public Improvement and to prepare a punch list of items requiring repair or correction and to allow the Developer time to make all required repairs and corrections prior to the scheduled completion date. The Developer shall promptly make all necessary repairs and corrections as specified on the punch list. Subject to the provisions of Subsection 6(E), the Village shall not be required to approve or accept any Public Improvement until all of the Public Improvements, including without limitation all punch list items, have been fully and properly completed.

E. Dedication and Acceptance of Specified Public Improvements. The Developer shall dedicate to the Village and the Village shall accept from the Developer the Public Improvements identified in **Exhibit F**. The Public Parking Area shall be conveyed to the Village in accordance with Section 5(K), but shall otherwise be subject to all provisions of Section 6, including, without limitation, Village inspections, approval, and confirmation that title to the Public Parking Area is free and clear of all liens, claims, and other encumbrances. Nothing whatsoever shall constitute an acceptance by the Village of any Public Improvement except express written acceptance by the Village in compliance with the requirements of the Subdivision Code. Prior to acceptance of any Public Improvement to be accepted by the Village, the Developer shall execute, or cause to be executed, a lien waiver and bill of sale to transfer ownership of the Public Improvement to, and to evidence ownership of the Public Improvement

by, the Village, free and clear of all liens, claims, encumbrances, and restrictions unless otherwise approved by the Village. The Developer shall provide all documents requested by the Village demonstrating clear title to the Public Improvements, including, without limitation, title insurance updates, invoices, financing statements, checking account statements, sworn contractors' statements, construction contracts, lien waivers, and such other documents requested by the Village demonstrating the actual costs incurred in connection with the Public Improvements. The documents transferring ownership of any Public Improvement to, and to evidence ownership of the Public Improvement by, the Village shall be reasonably acceptable in form and substance to the Village Attorney. Notwithstanding the foregoing, said documentation shall not impose any warranty or other burden on Developer associated with the dedication of the Public Improvement except as expressly set forth in this Agreement or the Subdivision Code. Developer shall, simultaneously, grant, or cause to be granted, to the Village all insured easements or other property rights as the Village may require to install, operate, maintain, service, repair, and replace the Public Improvements that have not previously been granted to the Village, free and clear of all liens, claims, encumbrances, and restrictions, unless otherwise approved by the Village.

F. Developer's Guaranty and Maintenance of Public Improvements. The Developer hereby guarantees the prompt and satisfactory correction of all defects and deficiencies in the Public Improvements that occur or become evident within one (1) year after approval and any required acceptance of the Public Improvements by the Village pursuant to this Agreement. If any defect or deficiency occurs or becomes evident during the one-year period, then the Developer shall, after twenty (20) days' prior written notice from the Village, diligently commence to correct it or cause it to be corrected. In the event any Public Improvement is repaired or replaced pursuant to the demand of the Village, the Guaranty provided by this Section 6(F) shall be extended, as to the repair or replacement, for one (1) full year from the date of completion of the repair or replacement.

G. Commencement and Completion of Construction. Developer shall commence work on the Development not later than November 30, 2019 ("**Commencement Date**"). Construction of the Development shall begin, proceed, be Substantially Completed, and made ready for inspection, approval, and any required acceptance by the Village, in accordance with the schedule attached to this Agreement as **Exhibit I ("Construction Schedule")**. Developer will pursue diligently, continuously, and in full compliance with this Agreement, Substantial Completion of all construction, as required in, or permitted by, Sections 5 and 6 of this Agreement.

H. Village Remedy for Failure to Complete Construction. If the Developer fails to comply with the Construction Schedule, or any portion thereof, the Developer will, subject to any right to cure granted to Developer and Developer's Lender in Subsection 6(I) of this Agreement, upon written request by the Village, promptly remove any partially constructed or partially completed buildings, structures, or improvements from the Village Property. If the Developer fails or refuses to remove the partially constructed or partially completed buildings, structures, or improvements from the Village Property, the Village will have, and is hereby granted, in addition to all other rights and remedies afforded to the Village in this Agreement and by law, the right, at its option, to complete the Development, in whole or in part, or demolish and remove any of the partially constructed or partially completed buildings, structures, or

improvements from the Village Property, and the Village will have the right to charge the Developer an amount sufficient to defray the entire cost of such completion, in whole or in part, demolition and removal, including without limitation legal and administrative costs.

I. Developer and Lender Notice and Right to Cure for Failure to Complete Construction. In the event Developer fails to materially comply with the Construction Schedule, or any portion thereof, but excluding delays attributable to Force Majeure, the Village will provide written default notice to Developer and to Developer's Lender, as that term is defined in Section 8(A). The default notice will specify the basis of the default. Developer and Developer's Lender will have a period of sixty (60) days from the date of the default notice to cure the default so that Substantial Completion of the Development can occur in accordance with the Construction Schedule. The Developer or the Developer's Lender may request a hearing before the Corporate Authorities to request additional time to Substantially Complete the Development. In the event Developer or Developer's Lender requests a hearing, the Corporate Authorities will reasonably consider, in light of prior investment in the Subject Property and the current financial ability of the Developer or Developer's Lender, a proposal from Developer or Developer's Lender that sets forth a reasonable revised schedule for Substantial Completion of the Development. The Village will reasonably cooperate with the Developer or the Developer's Lender to ensure that Substantial Completion of construction may be achieved within any schedule agreed to by the Village and the Developer and/or Developer's Lender.

J. Survival of Public Improvements Obligation. The Public Improvement obligations set forth in this Section 6 shall survive the expiration of this Agreement; provided, however, upon completion of the Public Improvements, acceptance thereof by the Village, and conclusion of any guaranty period under Agreement Subsection 6(F), Developer's obligations under this Section 6 shall be satisfied.

Section 7. Construction Traffic and Parking; Streets; Construction Trailer.

A. Construction Traffic and Parking; Streets.

1. Designated Traffic Routes. The Village may, from time to time, designate routes of access to the Subject Property for construction traffic to protect pedestrians, including, without limitation, traffic associated with the schools located in the Subject Property's vicinity, and to minimize disruption of traffic and damage to paved street surfaces; provided, however, that the designated routes shall not unduly hinder or obstruct efficient access to the Subject Property for construction traffic. The Developer shall keep all routes used for construction traffic free and clear of mud, dirt, debris, obstructions, and hazards and shall repair all damage caused by the construction traffic.
2. Parking. All construction vehicles, including, without limitation, passenger vehicles and construction equipment, shall be parked within the Subject Property or in areas approved by the Village.

B. Construction Trailer. The Village shall permit the Developer to use the Subject Property or other property as approved by the Zoning Administrator for the purpose of siting one (1) construction trailer. Trailer shall be in a location approved by the Zoning Administrator and subject to any conditions deemed reasonably necessary by the Zoning Administrator, including, without limitation, conditions governing site security, fencing, surface materials, restoration, and operations. No trailer shall be sited on the Subject Property prior to the Developer acquiring title to the Village Property in accordance with Section 3, and no trailer may be located on the Subject Property after the date of issuance of any temporary occupancy permit for the Subject Property.

Section 8. Development Financing and Monitoring

A. Developer Financing. Within ninety (90) days of the Effective Date, the Developer shall secure a binding financing commitment necessary to Substantially Complete the Development, including, without limitation, a loan commitment from a lender. The Developer's financing commitments shall be sufficient to cover the equity and debt financing in the amounts set forth in **Exhibit J**. As a pre-condition of the Village issuing any permit for the Development, the Developer shall provide evidence of project financing acceptable to the Village, in the Village's reasonable discretion, and provide the Village with the contact name, mailing address, phone number, and e-mail address for the Developer's lender or lenders (collectively, "**Developer's Lender**"). The Village may unilaterally terminate this Agreement and all of the Parties' obligations hereunder if the Developer fails to provide evidence of Development financing and assurances that are acceptable to the Village within the timeframes set forth in this Section.

B. Village Incentives. Based upon the Developer's representation of the need for assistance, and provided the Developer fulfills its obligations in this Agreement and under the Act, the Village will provide the following assistance to facilitate the Development:

1. \$1,844,990.00 (the "**TIF Parking Incentive**"), which the Village shall provide by reducing the purchase price of the Village Property from \$1,845,000.00 to \$10.00.
2. \$1,360,000.00 (the "**Additional TIF Incentive**"), which the Village shall pay only from incremental property tax revenue generated by the Subject Property during this Agreement's term ("**IPT Revenue**"). The following terms shall govern the Additional TIF Incentive:
 - a) Developer may apply to receive no more than \$240,000.00 of Additional TIF Incentive in any single calendar year.
 - b) Developer shall submit with each request for Additional TIF Incentive a Certificate of Reimbursable Project Costs, in a form substantially consistent with **Exhibit K**, certifying that costs incurred by the Developer in connection with the Development have been incurred and are reimbursable under the Act ("**Reimbursable Project Costs**"). Each Certificate of Reimbursable Project Costs shall be accompanied

by documentation supporting the requested reimbursement, including, without limitation, sworn statements, title insurance updates, lien waivers, invoices, financing statements, receipts, checking account statements, canceled checks, payroll records, project expenditure summaries, and all other documentation reasonably deemed necessary by the Village Manager.

- c) Developer may only be reimbursed for costs eligible for reimbursement under the Act and this Agreement and supported by a Certificate of Reimbursable Project Costs, including all supporting documentation reasonably deemed necessary by the Village Manager to verify compliance with the Act and this Agreement. Any material inaccuracy, false statement, misrepresentation, or false representation made by the Developer within a Certificate of Reimbursable Project Costs or within documentation accompanying a Certificate of TIF Reimbursable Project Costs shall constitute a breach of this Agreement.
- d) The Village shall pay Additional TIF Incentive within forty five (45) days of the following: i) the Village's annual receipt of the second installment of property taxes from DuPage County; ii) the Village's approval of the Developer's Certificate of Reimbursable Project Costs; and iii) the Village confirming that sufficient IPT Revenue exists to pay the Developer's Additional TIF Incentive request.
- e) The Additional TIF Incentive will be payable only from the IPT Revenue and from no other source. There will be no recourse against the Village's general fund or other Village revenues and no effect on the Village's ability to issue debt in the future. Upon this Agreement's voluntary or involuntary termination, any unpaid amount due to Developer from Village shall be forgiven in full.

C. TIF Parking Incentive and TIF Additional Incentive Clawback; Lien.

- 1. If the Subject Property or Development is abandoned for any consecutive ninety (90) day period, the Developer will pay back in full, upon fifteen (15) business days' written demand from the Village, the TIF Parking Incentive and any TIF Additional Incentive previously paid by the Village.
- 2. If the Developer fails for any reason whatsoever to Substantially Complete the Development in accordance with this Agreement, the Developer will pay back in full, upon fifteen (15) business days' written demand from the Village, the TIF Parking Incentive and any TIF Additional Incentive previously paid by the Village.

Notwithstanding the foregoing, in the event of the occurrence of a Developer default as set forth in Section (8)(C)(1) or (2) above, Developer shall have the option to re-convey the Village Property and any portion of the Alley to which the Developer holds title back to the Village, free and clear of any liens or encumbrances, in lieu of the obligation to repay the TIF Parking Incentive. However, after Developer default as set forth in Section (8)(C)(1) or (2), the Developer shall pay back any Additional TIF Incentive previously paid by the Village, regardless of Developer's election to either pay back the TIF Parking Incentive or re-convey property back to the Village.

D. Open Book Development. Attached hereto as **Exhibit L** is the Developer's good faith estimate of the overall costs of the Development (the "**Budget**"). The Developer acknowledges that the amount of the TIF Incentive is based upon the Budget. The Development shall be an "open book" project, and the Developer will provide the Village full access, upon the Village providing reasonable notice, to all portions of the Development. During business hours and at the office of the Developer, the Developer shall make available for review by the Village and its agents the books and records relating to the Developer's costs with respect to the Development to enable the Village to verify the Development's costs, including, but not limited to, the Developer's, general contractor's, and contractor's sworn statements, general contracts, subcontracts, purchase orders, waivers of lien, paid receipts, invoices, and all other information reasonably requested by the Village. These records shall be available for inspection, audit and examination. The Village agrees to keep all financial information of the Developer confidential, except to the extent required for compliance with any applicable law, rule or regulation. The foregoing Village review and audit rights shall terminate upon the voluntary or involuntary termination of this Agreement.

Within ten (10) days of Village's written request, the Developer shall provide the Village with written assurances that the Development is proceeding in accordance with the Construction Schedule and the Budget, including, without limitation, copies of all lien notices, adequate assurance of Developer's good faith attempts to resolve any dispute implicating the Construction Schedule or Budget, and proof of any security instruments that have been posted. In addition, at all relevant times hereto, the Village retains during normal business hours the right to inspect the Subject Property for the purposes of determining Developer's progress.

E. Progress Meetings. Developer shall at all times have an individual designated as the Village's primary point of contact for matters pertaining to this Agreement. Upon written request of the Village, Developer shall meet on a monthly basis with the Village Manager, or his designee, and other Village staff as appropriate, to provide a comprehensive progress report on the Development. Appropriate Development team personnel shall attend the meeting on behalf of Developer and the Village, and the Developer shall provide information regarding the status of construction and occupancy, pending permit requests, and other logistical information deemed necessary by the Village.

F. Property Taxes and Valuation. Developer shall timely pay when due all property taxes associated with or relating to the Subject Property. Developer shall not petition to reduce the assessed value of the Subject Property, appeal the applicable property tax rate, seek any real estate tax exemption, or otherwise pursue a reduction in any real property tax owed during this Agreement's term. The Developer's failure to comply with this Section shall constitute a

default under this Agreement and cause Developer to forfeit any TIF Incentive, in addition to all other rights and remedies available to the Village under this Agreement, at law, or in equity.

G. Payments to Taxing Districts. The Developer shall be solely responsible for paying any and all costs and fees owed to or claimed by any taxing district pursuant to Act Sections 74.4-3(q)(7.5) or (7.7). The Village shall provide the Developer with notice of any payment due pursuant to this Section, and Developer shall tender full payment to the Village within 15 days of receiving the Village's notice. Upon receiving Developer's payment pursuant to this Section, the Village shall deliver such payment to the appropriate taxing district. Developer's failure to comply with the terms of this Section shall constitute a default under this Agreement.

Section 9. Fees, Dedications, Donations, and Contributions.

A. Review Fees. In addition to all other costs, payments, fees, charges, contributions, or dedications required by this Agreement or by the Requirements of Law, the Developer shall pay to the Village, after presentation of a written demand or demands for payment, all reasonable legal, engineering, and landscape architect fees, costs, and expenses incurred or accrued in connection with the review and processing of plans for the development of the Subject Property, including, without limitation, all reasonable legal fees incurred by the Adjoining Owners associated with the Village securing free and clear title to the Alley, but only to the extent that the Village obtains free and clear title to the Alley. Payment of all fees, costs, and expenses for which demand has been made, but payment has not been received, by the Village prior to execution of this Agreement, shall be made by a certified or cashier's check contemporaneous with the execution of this Agreement by the Village. Further, the Developer agrees that it will continue to be liable for and to pay, immediately after presentation of a written demand or demands for payment, the fees, costs and expenses, as required pursuant to the Village Code, this Agreement, or the Village's Reimbursement of Fees Agreement for the Development, and incurred in connection with any applications, documents, or proposals, whether formal or informal, of whatever kind submitted by the Developer during the term of this Agreement in connection with the use and development of the Subject Property. Further, the Developer agrees that it shall be liable for and will pay after demand all fees, costs, and expenses incurred by the Village for publications and recordings required in connection with the above matters.

B. Fees to the Village and Others. In addition to all other costs, payments, fees, charges, contributions, or dedications required by this Agreement, the Developer will pay to the Village or other entity from whom an invoice is received, all application, inspection, and permit fees, all water and sewer general and special connection fees, tap-on fees, charges, contributions, impact fees, and all other fees, charges, and contributions pursuant to the Requirements of Law, including, without limitation, all DuPage County fees and Village impact fees.

C. Dedications, Donations, and Contributions to Others. As required by the Village Code, the Developer will make Developer donations to the school district, park district, library, and any other authority with jurisdiction over the Subject Property, which amount shall not exceed \$180,000.00. The Village may withhold issuing a certificate of occupancy for the Development until the Developer has made all payments required by this Section 9(C).

Section 10. Performance Security.

A. **Performance Security.** As security to the Village for the performance by the Developer of the Developer's obligations (1) to construct and Substantially Complete the Development, including, without the limitation, the Public Improvements, pursuant to and in accordance with this Agreement, (2) to pay all Village costs, fees, and charges due from the Developer pursuant to this Agreement, (3) to maintain and repair streets, sidewalks, and other public property pursuant to this Agreement, and (4) to otherwise faithfully perform its undertakings pursuant to this Agreement and the Requirements of Law, the Developer shall, within thirty (30) days of the Effective Date and prior to the issuance of any building permit for the Subject Property, deposit with the Village Manager a cash deposit or letter of credit ("***Performance Security***"), in a form approved by the Village Attorney, and in an amount equal to 125% of the Zoning Administrator's Approved Cost Estimate for the Public Improvements portion of the Development, including Public Parking Area costs. In lieu of including Public Parking Area costs in the Performance Security, Developer may provide a security instrument in a form approved by the Village Attorney, which security instrument shall be in an amount equal to 125% of the cost of the Public Parking Area, as set forth in the Zoning Administrator's Approved Cost Estimate for the Public Improvements portion of the Development ("***Alternate Performance Security***"). For the purposes of this Agreement, any Alternate Performance Security approved by the Village Attorney shall be considered to be part of the Performance Security, and all provisions of this Agreement addressing, referencing, relating to, or pertaining to the Performance Security shall also apply to the Alternate Performance Security. In the event the Village Attorney does not approve the Alternate Performance Security, Developer agrees to deposit with the Village Manager a cash deposit or letter of credit, in a form approved by the Village Attorney, and in an amount equal to 125% of the cost of constructing the Public Parking Area, as set forth on the Zoning Administrator's Approved Cost Estimate for Public Improvements. Any such cash deposit or letter of credit shall be considered to be part of the Performance Security for this Agreement's purposes. The Performance Security shall be maintained and renewed by the Developer, and shall be held in escrow by the Village. The Developer may apply to the Village to reduce the Performance Security in accordance with the Subdivision Code.

B. **Guaranty Security.** Immediately prior to any required acceptance by the Village of the Public Improvements pursuant to this Agreement, the Developer shall post a new cash deposit or letter of credit, in a form approved by the Village Attorney, and in the amount of 10% percent of the actual total cost of the Public Improvements, as security for the performance of the Developer's obligations under this Agreement ("***Guaranty Security***"). The Guaranty Security shall be held by the Village in escrow until the last to occur of (i) the date that is the end of the one-year guaranty period set forth in this Agreement or (ii) the date that is one (1) year after the proper correction of any defect or deficiency in the Public Improvements pursuant to this Agreement and payment of the cost of correction. If the Village is required to draw on the Guaranty Security by reason of the Developer's failure to fulfill its obligations under this Agreement, then the Developer shall within ten (10) days thereafter cause the Guaranty Security to be increased to its full original amount.

C. **Costs.** The Developer shall bear the full cost of securing and maintaining the Performance Security and the Guaranty Security.

D. Form of Security Instruments.

The Performance Security and the Guaranty Security shall be in the form attached as **Exhibit M**, as approved by the Village Attorney. All security instruments and each shall be from an institution (i) acceptable to the Village, (ii) licensed in the State of Illinois, and either (iii) having capital resources of at least Fifty Million Dollars (\$50,000,000) or (iv) having an AM Best rating of at least A-. No reduction for payment of Public Improvement work satisfactorily completed shall be allowed except after presentation by the Developer of proper contractors' sworn statements, partial or final waivers of lien, as may be appropriate, and any additional documentation that the Village may reasonably request to demonstrate satisfactory completion of the Public Improvement in question and full payment of all contractors, subcontractors, and material suppliers. The Guaranty Security shall not be reduced by reason of any cost incurred by the Developer to satisfy its obligations under this Agreement.

E. Replenishment of Security. If at any time the Village reasonably determines that i) the funds remaining in the Performance Security are not, or may not be, sufficient to pay in full the remaining unpaid cost of all Public Improvements, or ii) the funds remaining in the Guaranty Security are not, or may not be, sufficient to pay all unpaid costs of correcting any and all defects and deficiencies in the Public Improvements, then, within ten (10) days after a demand by the Village, the Developer shall increase the amount of the cash deposit or security instrument to an amount reasonably determined by the Village Manager to be sufficient to pay the unpaid costs of correcting defects and deficiencies.

F. Replacement of Security. If at any time the Village reasonably determines that the institution issuing the Performance Security or the Guaranty Security is unable to meet any federal or state requirement for reserves, is insolvent, is in danger of becoming any of the foregoing, or is otherwise in danger of being unable to honor the appropriate letter of credit at any time during its term, or if the Village otherwise reasonably deems itself to be insecure, then the Village shall have the right to demand that the Developer provide replacement security instruments from a financial institution or surety satisfactory to the Village. The replacement security instrument shall be deposited with the Village not later than ten (10) days after the demand. After deposit of the replacement security instrument, the Village shall surrender the original security instrument to the Developer.

G. Use of Funds in the Event of Breach of Agreement. If the Developer fails or refuses to complete the Development in accordance with this Agreement, or fails or refuses to correct any defect or deficiency in the Public Improvements as required by Section 6 of this Agreement, or fails or refuses to restore property in accordance with a demand made pursuant to Section 6 of this Agreement, or in any other manner fails or refuses to meet fully any of its obligations under this Agreement, and such default is not cured within thirty (30) days after written notice to the Developer, then the Village may, in its sole and absolute discretion, draw on any cash deposit or letter of credit according to the specific terms set forth in the security instrument and use the funds according to the terms of the surety.

H. Village Lien Rights. If any money or other consideration due from the Developer to the Village pursuant to this Agreement is not either recovered from the cash deposit or letter of credit required in this Section 10 or paid or conveyed to the Village by the Developer within

ten (10) days after a demand for payment or conveyance, then the money, together with interest at the rate of 9% per annum, and costs of collection, including reasonable legal fees and administrative expenses, shall become a lien on the Subject Property, and the Village shall have the right to collect the amount or value, with applicable interest and costs, including reasonable legal fees and administrative expenses, and the right to enforce the lien in the manner provided by law for mortgage foreclosure proceedings. The lien shall be subordinate to the lien of any first mortgage now or hereafter placed on the Subject Property; provided, however, that the lien subordination shall apply only to charges that have become due and payable prior to a sale or transfer of the Subject Property pursuant to a decree of foreclosure, or any other proceeding in lieu of foreclosure, but the sale or transfer shall not relieve the Subject Property from liability for any charges thereafter becoming due, nor from the lien of any subsequent charge.

I. Developer's Assistance in the Event of Breach of Agreement. In the event the Village exercises its rights under the Performance Security or the Guaranty Security, then the Developer will cooperate with the Village's efforts to collect funds under the either such security instrument for completion of the improvements according to the terms of this Agreement.

J. Survival of Performance Security and Guaranty Security Obligations. The Performance Security and Guaranty Security obligations set forth in this Section 10 shall survive the expiration of this Agreement; provided, however, upon completion of the Public Improvements, acceptance thereof by the Village and conclusion of any guaranty period under Subsection 6(F) of this Agreement, Developer's Guaranty Security obligations under this Section 10 shall be satisfied.

Section 11. Liability, Indemnity of Village, and Insurance.

A. Village Review. The Developer acknowledges and agrees that the Village is not, and shall not be, in any way liable for any damages or injuries to Developer that may be sustained as the result of the Village's review and approval of any plans for the Development, the Subject Property, or the Public Improvements, or the issuance of any approvals, permits, certificates, or acceptances for the Development or use of the Subject Property or the Public Improvements, and that the Village's review and approval of those plans and the Public Improvements and issuance of those approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure the Developer, or any of its heirs, successors, assigns, tenants, and licensees, or any other Person, against damage or injury of any kind at any time.

B. Village Procedure. The Developer acknowledges and agrees that notices, meetings, and hearings have been properly given and held by the Village with respect to the approval of this Agreement and agrees not to challenge the Village's approval of this Agreement on the grounds of any procedural infirmity or of any denial of any procedural right.

C. Indemnity. The Developer agrees to hold harmless and indemnify the Village, the Corporate Authorities, the Village Plan Commission, the Village Zoning Board of Appeals, and all Village elected or appointed officials, officers, employees, agents, representatives, engineers, and attorneys, from any and all claims that may be asserted at any time against any of them in connection with (i) the Village's review and approval of any plans for the Subject Property, the

Development, or the Public Improvements; (ii) the issuance of any approval, permit, or certificate; (iii) the Developer's Construction of the Development; or (iv) this Agreement.

D. Defense Expense. The Village shall provide the Developer written notice of any claim for which the Village may seek indemnification or to be held harmless within ten (10) days of obtaining notice of a claim. The Developer shall have the right to hire counsel of its choosing, with consent of the Village, and to control defense of any claim or to settle any claim provided that the Village shall have the right to participate in the defense and settlement of the claim. The Village shall provide Developer timely notice of any defense to a claim so as to avoid prejudice. Failure of the Village to tender timely notice or defense of a claim shall waive any obligation of Developer to indemnify, defend, and hold harmless the Village. In the event that the Village retains defense of any claim the Developer shall, and does hereby agree to, pay all expenses, including without limitation all reasonable legal fees, incurred by the Village in defending itself with regard to any and all of the claims referenced in Section 11(C) of this Agreement, provided that Developer shall have the right to participate in said defense and approval of any settlement of a claim.

E. Insurance.

1. Liability Insurance Prior to Completion. Prior to issuance of a building permit, Developer shall procure and deliver evidence of such policies to the Village, at Developer's cost and expense, and shall maintain in full force and effect through completion of construction of the Development, a policy or policies naming the Village of Glen Ellyn, together with its officers, agents, employees, contractors, attorneys, and engineers as additional primary, non-contributory named insureds. All such policies shall be in such form and issued by such companies as shall be reasonably acceptable to the Village, and any insurance carried by the Village for like risks shall be secondary and in excess of the insurance required hereby. All policies shall be written on a "per occurrence" basis. The Developer shall procure and maintain insurance for protection from claims under worker's compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any Person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting therefrom, alleged to arise from the Developer's negligence in the performance of services under this Agreement. Developer's certificate of insurance shall contain a provision that the coverage afforded under the policy(s) will not be canceled or reduced without thirty (30) days prior written notice (hand delivered or registered mail) to the Village. Developer shall promptly forward new certificate(s) of insurance evidencing the coverage(s) required herein upon annual renewal of the subject policies. Failure of the Developer to supply a valid certificate of insurance, or if a previously valid certificate of insurance has expired and is not replaced, is grounds for issuance of a stop work order, in addition to all other remedies available at law or in equity, until such time as a valid certificate of insurance is provided. Failure of the Village to collect or demand a certificate of insurance shall not be deemed a

waiver of the requirement to provide one. The limits of liability for the insurance required by this Subsection shall not be less than the following:

Workmen's Compensation Insurance:

All Liability imposed by Workmen's Compensation statute

Employer's Liability Insurance \$1,000,000

Contractual Liability Insurance \$1,000,000

Completed Operations Insurance \$ 500,000

Owned, Hired, and Non-Ownership Vehicle, Bodily Injury and Property Damage to the following Limits:

Commercial General Liability \$2,000,000 (each occurrence)

Bodily Injury \$2,000,000 (each person)

\$2,000,000 (each accident)

Property Damage \$2,000,000 (each accident)

Automobile Liability \$1,000,000 combined single limit
(each accident)

Umbrella Liability \$7,500,000 (each occurrence)

\$7,500,000 (aggregate)

2. Developer's Risk Prior to Completion. Prior to Substantial Completion of the Development, Developer shall keep in force at all times builders risk insurance on a completed value basis, in non-reporting form, against all risks of physical loss, including collapse, covering the total value of work performed and equipment, supplies and materials furnished for the Development (including on-site stored materials), all as to work by Developer. Such insurance policies shall be issued by companies satisfactory to the Village. Such policies shall contain a provision that the same will not be canceled or materially amended without prior written notice to the Village.
3. Developer's Ongoing Obligations. Throughout this Agreement's term, the Developer shall maintain in full force and effect insurance, in a form and amount approved by the Village Attorney, sufficient to cover the replacement cost of the Development in the event the Development is destroyed in whole or in part. The Developer shall be obligated to use the insurance proceeds to reconstruct the Public Parking Area and make it habitable again, consistent with the Final Development Plans.

Section 12. Nature, Survival, and Transfer of Obligations. All obligations assumed by the Developer under this Agreement shall be binding on the Developer individually, on any and all of the Developer's successors, and assigns, and on any and all of the respective successor legal or beneficial owners of all or any portion of the Subject Property, excluding the Village's ownership or control of the Public Parking Area. To assure that the Developer's successors, and

assigns, and successor owners of all or any portion of the Subject Property have notice of this Agreement and the obligations created by it, the Developer shall:

- A. Deposit with the Village Clerk, contemporaneously with the Village's approval of this Agreement, any consents or other documents necessary to authorize the Village to record this Agreement in the office of the Recorder of DuPage County; and
- B. Notify the Village in writing at least thirty (30) days prior to any date after which the Developer transfers a legal or beneficial interest in any portion of the Subject Property to any Person not a party to this Agreement; and
- C. Incorporate, by reference, this Agreement into any and property sales contracts entered into for the sale of all or any portion of the Subject Property to a Person not a party to this Agreement; and
- D. Require, prior to the transfer of all or any portion of the Subject Property, or any legal or equitable interest in the Subject Property to any Person not a party to this Agreement, the transferee to execute an enforceable written agreement, in substantially the form attached to this Agreement as **Exhibit N**, agreeing to be bound by this Agreement ("**Transferee Assumption Agreement**"), and to provide the Village, after request, with reasonable assurance of the financial ability of the transferee to meet those obligations as the Village may require;

Provided, however, that the requirements stated in the four preceding clauses shall not apply to any lease for a portion of the Subject Property irrespective of the status of Substantial Completion. The Village agrees that after a successor becoming bound to the personal obligation created in the manner provided in this Agreement and providing the financial assurances required in this Section 12, the individual liability of the Developer shall be released to the extent of the transferee's assumption of liability. The failure of the Developer to provide the Village with a fully executed copy of a Transferee Assumption Agreement with the transferee's proposed assurances of financial capability before completing the transfer shall result in the Developer remaining fully liable for all of the Developer's obligations under this Agreement but shall not relieve the transferee of its liability for those obligations as a successor to the Developer.

Section 13. Term. Except as stated in this Section 13, this Agreement shall run with and bind the Subject Property until January 1, 2037, unless such term is extended by mutual agreement of the Parties, and shall inure to the benefit of and be enforceable by the Developer and the Village, and any of their respective legal representatives, heirs, successors, and assigns. Sections 4(C), 5(K)(4), and 11 (C) and (D) will survive the term set forth in this Section 13 and shall run and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the Developer and the Village, and any of their respective legal representatives, heirs, successors, and assigns. If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or

common law rules imposing time limits, then the affected privilege or right shall continue only until 21 years after the death of the last survivor of the now living lawful descendants, known or unknown, of the current President of the United States, or for any shorter period that may be required to sustain the validity of the affected privilege or right.

Section 14. Enforcement.

A. Remedies. Each Party to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement. Developer agrees that it will not seek, and does not have the right to seek, to recover a judgment for monetary damages against the Village, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement; except to the extent that the Village has committed fraud, exhibited willful or wanton disregard to the right of Developer or the terms of this Agreement, or otherwise acted in bad-faith or in a manner to intentionally prevent Developer from performing under the terms of this Agreement. In addition to every other remedy permitted by law or in equity for the enforcement of the terms of this Agreement, the Village will be entitled to withhold the issuance of building permits, certificates of occupancy for any and buildings and structures within the Subject Property, and/or any TIF Incentive or other monies authorized by this Agreement at any time the Developer has failed or refused to meet fully any of its obligations under this Agreement. In the event of a judicial proceeding brought by one party to this Agreement against the other party to this Agreement pursuant to this Section 14, the prevailing party shall be entitled to reimbursement from the unsuccessful party of all costs and expenses, including without limitation reasonable attorneys' fees, incurred in connection with the judicial proceeding.

B. Failure to Remedy After Notice – Reconveyance. Subject to the provisions of subsection 6(H) and 6(I), in the event Developer fails to cure or obtain the Village's approval of a revised Construction Schedule within the time set forth therein and neither the Surety nor Developer's Lender commence reasonable remedial measures that are satisfactory to and approved by the Village Manager in writing within forty-five (45) days after receiving written notice from the Village demanding reconveyance of the Village Property, the Village may, in its sole discretion and without further notice to Developer or Developer's Lender, direct the Escrow Agent to record a warranty deed conveying title to the Village Property and any portion of the Alley to which the Developer then holds to the Village, and Village may immediately thereafter take title and possession of the Village Property and any improvements located thereon, and the Developer shall immediately surrender the Village Property and all improvements located thereon to the Village. The Village's rights under this Section 14(B) are in addition to all other rights and remedies available to the Village at law, in equity, or in contract.

Section 15. General Provisions.

A. Notice. Any notice or communication required or permitted to be given under this Agreement shall be in writing and shall be delivered (i) personally, (ii) by a reputable overnight courier, (iii) by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid, (iv) by facsimile, or (v) by electronic internet mail ("*e-mail*"). Facsimile notices shall be deemed valid only to the extent that they are (a) actually received by the individual to

whom addressed and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. E-mail notices shall be deemed valid only to the extent that they are (a) opened by the recipient on a business day at the address set forth below, and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. Unless otherwise provided in this Agreement, notices shall be deemed received after the first to occur of (a) the date of actual receipt; or (b) the date that is one (1) business day after deposit with an overnight courier as evidenced by a receipt of deposit; or (c) the date that is three (3) business days after deposit in the U.S. mail, as evidenced by a return receipt. By notice complying with the requirements of this Section 15(A), each party to this Agreement shall have the right to change the address or the addressee, or both, for all future notices and communications to them, but no notice of a change of addressee or address shall be effective until actually received.

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

Village of Glen Ellyn
ATTN: Village Manager
535 Duane Street
Glen Ellyn, IL 60137
Fax: 630.469.8849
Email: mfranz@glenellyn.org

With a copy to:

Village of Glen Ellyn
ATTN: Village Attorney
535 Duane Street
Glen Ellyn, IL 60137
Fax: 630.469.8849
Email: gjones@ancelglink.com

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

GSP Development, LLC
ATTN: Lawrence Debb
55 E. Monroe Street, Suite 3950,
Chicago, Illinois 60603
Fax: _____
Email: ldebb@gspdevelopment.com

With a copy to:

Brown & Brown, P.C.
ATTN: Kenneth H. Brown
600 Central Avenue, Suite 325
Highland Park, Illinois 60035
Fax: 847-433-6735
Email: khh@brownbrownlaw.com

B. Time of the Essence. Time is of the essence in the performance of this Agreement.

C. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.

D. Non-Waiver. The Parties shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of a Party to exercise at any time any right granted to the Party shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the Party's right to enforce that right or any other right, except as otherwise set forth herein.

E. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.

F. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois. Venue for disputes arising from or related to this Agreement, the Development, or the Subject Property shall be in the Illinois Circuit Court for the Eighteenth Judicial Circuit, DuPage County, Illinois.

G. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.

H. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties relating to the subject matter of this Agreement.

I. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

J. Exhibits. Exhibits A through N attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict between an exhibit and the text of this Agreement, the text of this Agreement shall control.

K. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all Requirements of Law.

L. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.

M. Compliance with Laws. Developer agrees to comply with all Requirements of Law when performing any task associated with this Agreement or the Development, including, without limitation, the Illinois Prevailing Wage Act, 820 ILCS 130/0.01, *et seq.* (the "*Wage Act*"). To the extent that the Wage Act applies, the Developer agrees to pay and require every contractor and subcontractor to pay prevailing wages as established by the Illinois Department of Labor for each craft or type of work needed to execute the contract in accordance with the Act. The Developer shall prominently post the current schedule of prevailing wages at the Subject Property and shall notify immediately in writing all of its contractors and subcontractors, of all changes in the schedule of prevailing wages. Any increases in costs to the Developer due to changes in the prevailing rate of wage during the terms of any contract shall be at the expense of the Developer and not at the expense of the Village. The Developer agrees to indemnify and hold harmless the Village from any and all claims, damages, fines, fees and penalties arising out of non-compliance with the Requirements of Law, including, without limitation, the Wage Act, by the Developer and its agents, contractors, employees, successors, and assigns.

N. Disclosures. Upon the Village's request, Developer will provide a list of all entities owning a greater than one percent (1%) interest in Developer. Developer will update this information at the request of the Village. Based in part on the information provided by Developer and in part on information from the Village's independent investigation, the Village will affirm that its Corporate Authorities, and all appropriate Village elected and appointed officials, officers, employees, agents and representatives of the Village have or will comply with the disclosure and conflict-of-interest provisions of the Public Officer Prohibited Activities Act (50 ILCS 105/3), the Act, and the Illinois Governmental Ethics Act (5 ILCS 420).

O. Authority to Execute. The Village hereby warrants and represents to the Developer that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Developer hereby warrants and represents to the Village that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Subject Property as set forth in this Agreement, that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and that neither the execution of this Agreement nor the performance of the obligations assumed by the Developer will (a) result in a breach or default under any agreement to which the Developer is a party or to which it or the Subject Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Developer or the Subject Property are subject.

P. Standard of Performance. Developer's performance pursuant to this Agreement shall exhibit the same level of care, competence, judgment, and diligence that is reasonably expected of a real estate development firm in the Chicago Metropolitan Statistical Area that has

experience which developments that are equally and more complex than the Development. The Development shall be constructed in a good and workmanlike manner and in compliance with (a) all Village ordinances, rules, and regulations; and (b) this Agreement. All improvements associated with the Development or the Subject Property shall be new and of the best grade of their respective kinds for their intended purpose.

Q. No Third Party Beneficiaries. Nothing herein, express or implied, is intended to or shall confer upon any other person, entity, company, or organization, any legal or equitable right, benefit or remedy of any nature whatsoever under or by reason of this Agreement.

R. Recording. After the Developer has paid to the Village the amounts due pursuant to Section 9 of this Agreement and the Developer has paid to the Village an amount sufficient to cover the cost of recording this Agreement, all necessary ordinances, plats, and other instruments, the Village shall promptly cause this Agreement to be recorded in the office of the Recorder of DuPage County.

S. Counterparts. This Agreement may be executed in counterpart, each of which shall constitute an original document, which together shall constitute one and the same instrument.

T. Freedom of Information Act. Developer agrees to maintain, without charge, all records and documents concerning or relating to this Agreement, the Subject Property, the Development, and the Village in accordance with the Freedom of Information Act ("**FOIA**") 5 ILCS 140/1, *et seq.* Upon the Village's request, the Developer shall produce all records requested by the Village within the timeframe requested by the Village, and if additional time is needed to compile the requested records, the Developer shall promptly notify the Village. In the event that either party is found to have not complied with FOIA due to the other party's failure to produce documents or otherwise appropriately respond to a request under the Act, then the party failing to produce and/or respond shall indemnify and hold harmless the other party, and pay all amounts determined to be due, including, but not limited to, fines, costs, attorneys' fees and penalties

U. Force Majeure. Whenever any performance that is required hereunder shall be delayed at any time by Force Majeure, then the party excused from performance shall be excused from performance: 1) only after delivery of notice to the other party, which notice shall identify the nature of the Force Majeure event and the anticipated duration of the delay due to the Force Majeure event; 2) only during the duration of the Force Majeure event; and 3) only so long as the party whose performance is impaired continues to take reasonable steps to mitigate the effect of the Force Majeure Event and to substantially perform despite the occurrence of the Force Majeure Event.

V. Default Cure Period. Notwithstanding any other provision to the contrary, Developer shall have the right to cure: (i) any monetary default within ten (10) days after written notice and (ii) any other covenant, condition or obligation under this Agreement ("non-monetary default") within thirty (30) days after written notice, or such longer period of time as the Parties mutually agree is reasonably necessary to cure the non-monetary default, if Developer has

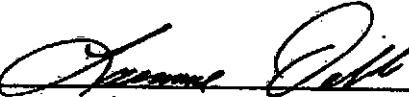
commenced the cure within such thirty (30) days and is diligently pursuing the same to completion.

[Signature Pages Follow]

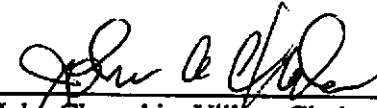
EXECUTION COPY

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on the date first above written.

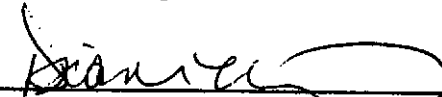
GSP DEVELOPMENT, LLC, an Illinois
limited liability company

By: 
Its: MANAGER

ATTEST:


John Chereskin, Village Clerk

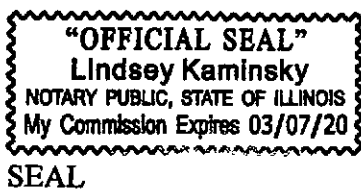
VILLAGE OF GLEN ELLYN, an Illinois
municipal corporation


Diane McGinley, Village President

ACKNOWLEDGEMENT

STATE OF ILLINOIS)
) SS.
 COUNTY OF DUPAGE)

This instrument was acknowledged before me on MARCH 4, 2019, by **DIANE MCGINLEY**, the President of the **VILLAGE OF GLEN ELLYN**, an Illinois municipal corporation, and by **JOHN CHERESKIN**, the Village Clerk of said municipal corporation.



Lindsey Kaminsky
 Signature of Notary

My Commission expires:

03/07/2020

STATE OF ILLINOIS)
) SS.
 COUNTY OF LAKE)

The foregoing instrument was acknowledged before me on 2/26 2019, by Lawrence Debb the manager of **GSP DEVELOPMENT, LLC**, an Illinois limited liability company, as his free and voluntary act in his capacities as manager of said company for the uses and purposes herein.



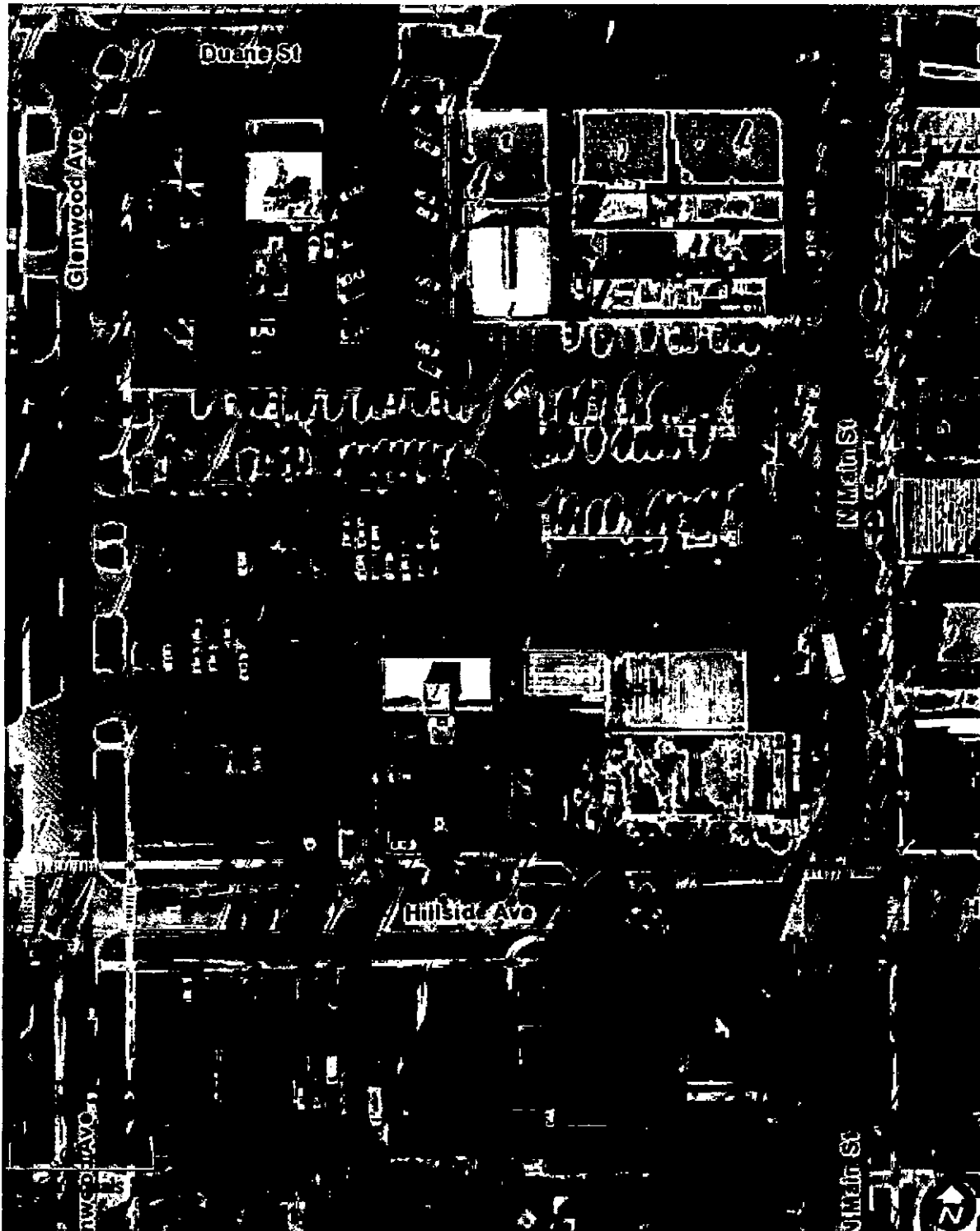
Kenneth H. Brown
 Signature of Notary

My Commission expires:

Exhibit List

- A. Developer Property depiction
- B. Developer Property legal description
- C. Village Property depiction
- D. Village Property legal description
- E1 – E6. Development Plans
- F. Public Improvements
- G. Alley depiction
- H. Zoning Ordinance
- I. Construction Schedule
- J. Financing exhibit
- K. Certificate of Reimbursable Project Costs
- L. Budget
- M. Irrevocable Standby Letter of Credit
- N. Transferee assumption agreement

4852-6070-8736, v. 1



Map created on December 3, 2018.

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

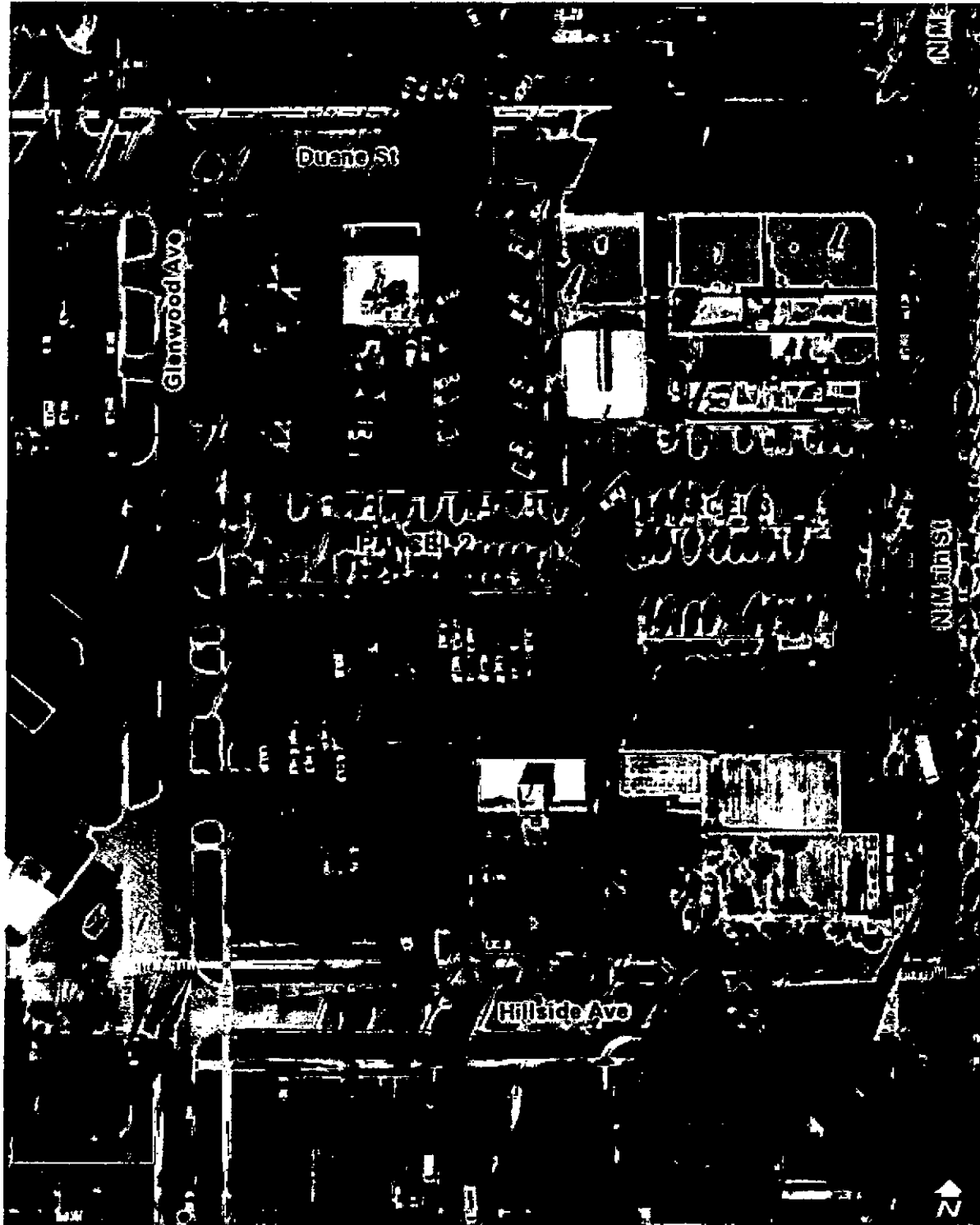
LEGAL DESCRIPTION
400 N. MAIN STREET

LOT 2 AND LOT 3 (EXCEPT THE WEST 40.00 FEET THEREOF) IN BLOCK 13 IN
COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST ¼ SECTION
11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN,
ACCORDING TO THE PLAT THEREOF RECORDED JULY 5, 1906 AS DOCUMENT
88055, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-327-023



Village Main Street Parking Lot



Map created on December 3, 2018.

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

LEGAL DESCRIPTION
MAIN STREET PARKING LOT
418-424 N. MAIN STREET

PARCEL 1

THE EAST 175 FEET OF LOT 1 IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-11-327-026; and

PARCEL 2

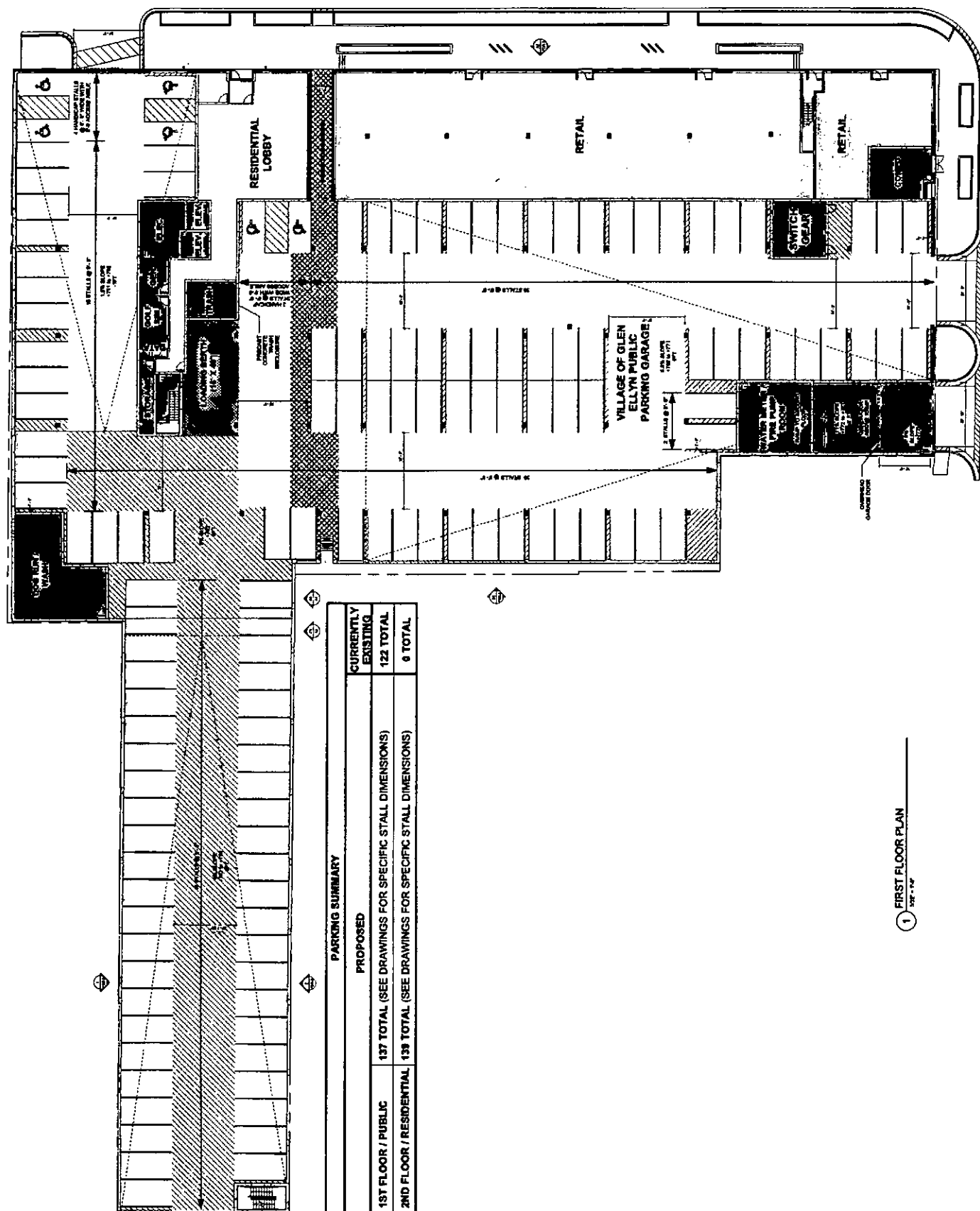
LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-11-327-005; and

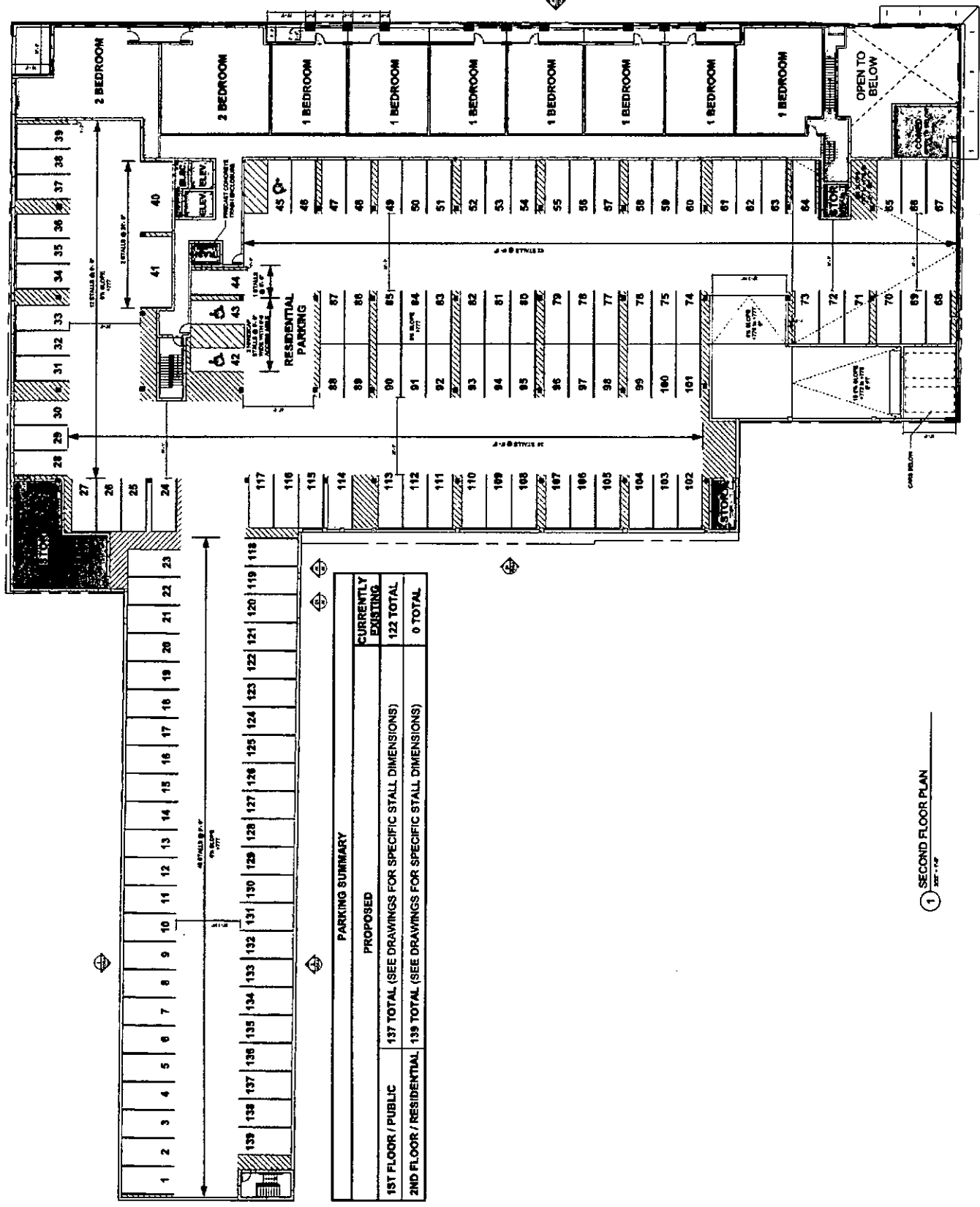
PARCEL 3

LOT 6 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

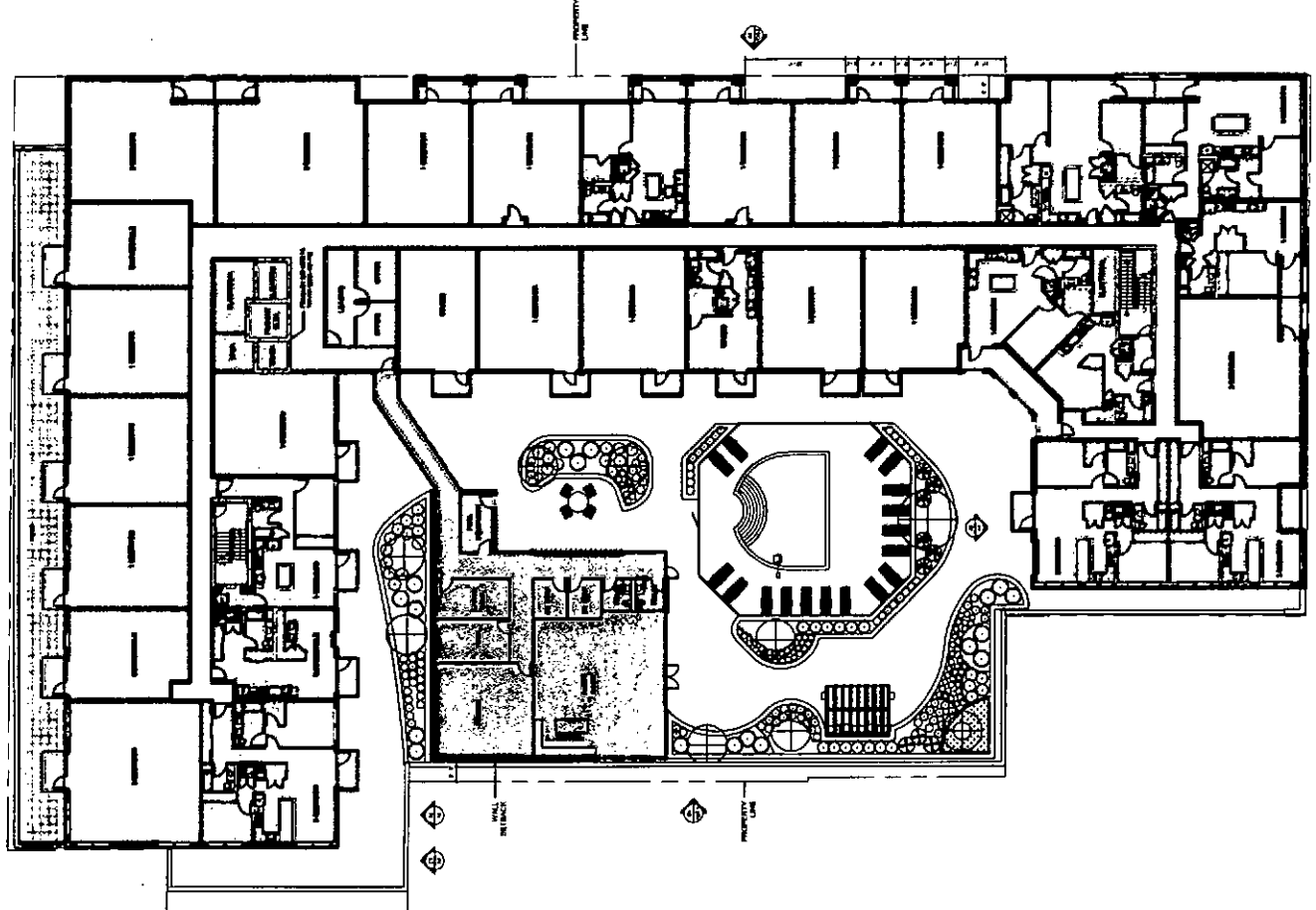
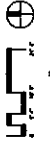
P.I.N.: 05-11-327-016



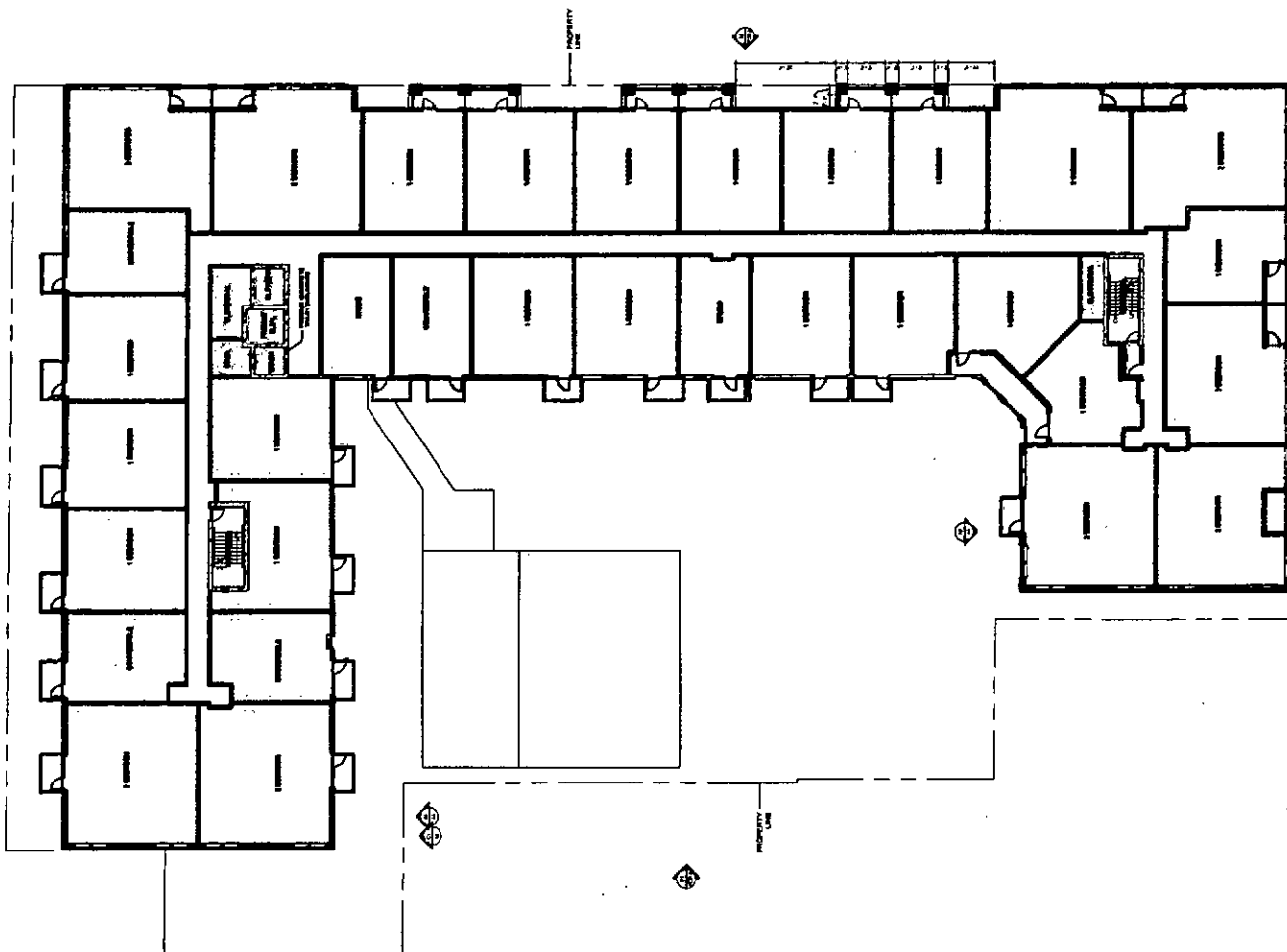
1 FIRST FLOOR PLAN
3/28 - 9/4

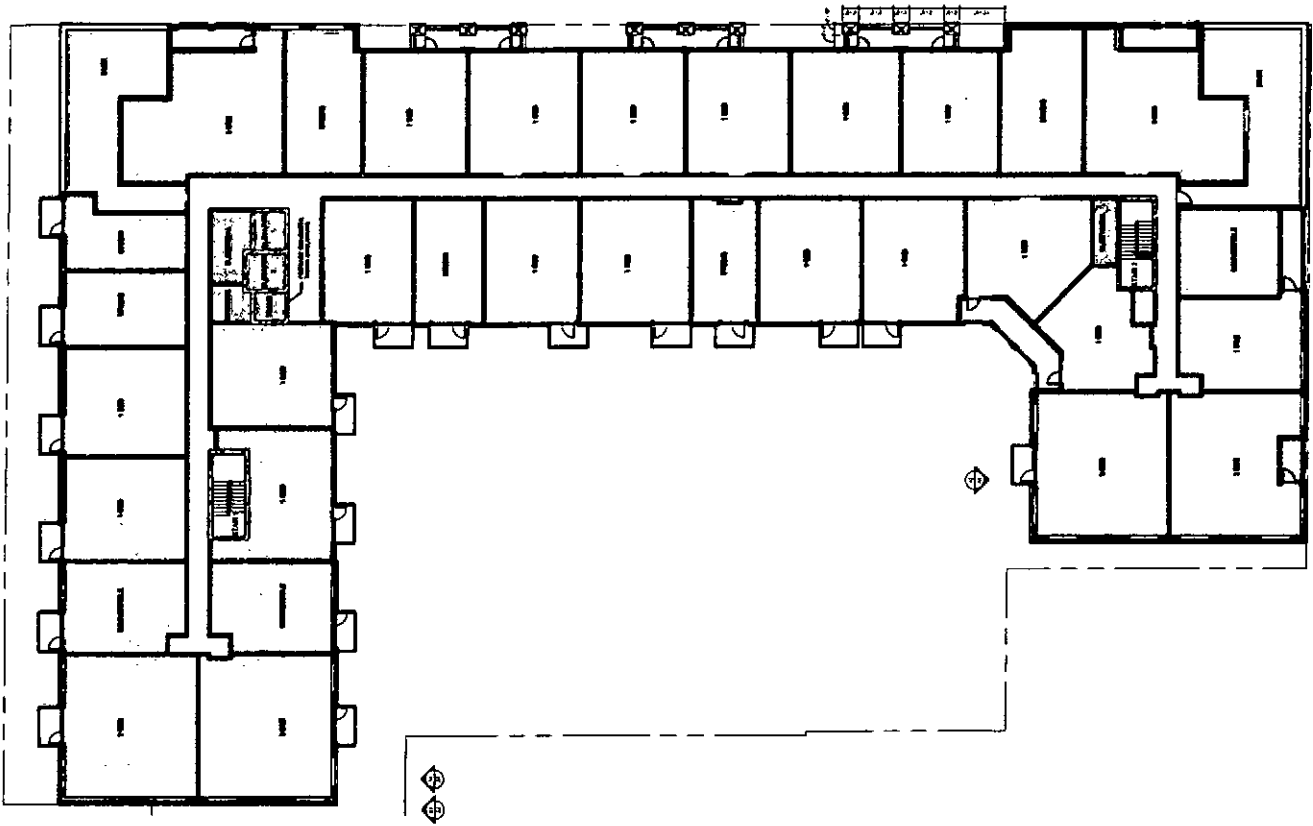


1 SECOND FLOOR PLAN
SEE 1-10



① THIRD FLOOR PLAN
NOT TO SCALE



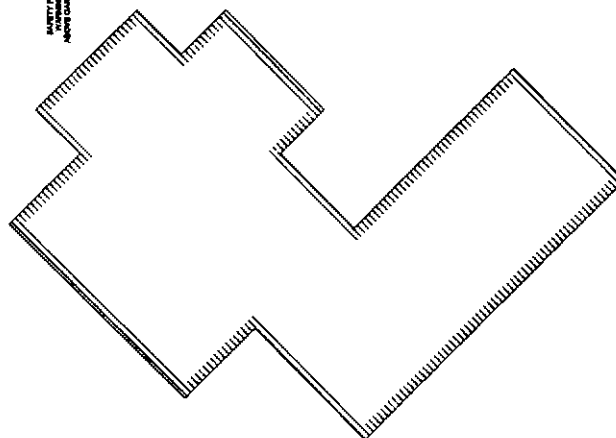


① FIFTH FLOOR PLAN
REV. 1-14

HILLSIDE AVENUE
ONE-WAY TRAVEL
(TO BE CONVERTED TO TWO-WAY)
58 FT R/W



FEDERAL BUDGETARY			PROGRAM		CONCURRENT EXPENSE	
TYPE FLOOR / PUBLIC	EST TOTAL COST DEDUCTIONS FOR IMPROVING TOTAL DEDUCTIONS		EST TOTAL COST DEDUCTIONS FOR IMPROVING TOTAL DEDUCTIONS		EST TOTAL	
TYPE FLOOR / NONPUBLIC	EST TOTAL COST DEDUCTIONS FOR IMPROVING TOTAL DEDUCTIONS		EST TOTAL COST DEDUCTIONS FOR IMPROVING TOTAL DEDUCTIONS		EST TOTAL	



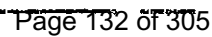


Exhibit E3

FitzGerald
Architects
1111 North Main Street
Suite 200
St. Louis, MO 63102
Phone: (314) 436-1111
Fax: (314) 436-1112
www.fitzgeraldarchitects.com

08/04/2014

10024
APEX 400
Apartments
400 Main Street
St. Louis, MO 63102
Client: **Debb Koshik**
Management
1111 North Main Street
Suite 200
St. Louis, MO 63102
Architect: **MISSNER GROUP**
1111 North Main Street
Suite 200
St. Louis, MO 63102

Project Name: APEX 400
Project Number: 10024
Project Location: 400 Main Street
St. Louis, MO 63102
Project Status: PDR-8

EXTERIOR
ELEVATIONS

PDR-8

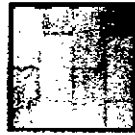
MATERIAL LEGEND



FACE BRICK (YELLOW T)
1/2" x 3 1/2" x 7 1/2"
MORTAR: 1/2" x 3 1/2" x 7 1/2"
MORTAR: 1/2" x 3 1/2" x 7 1/2"



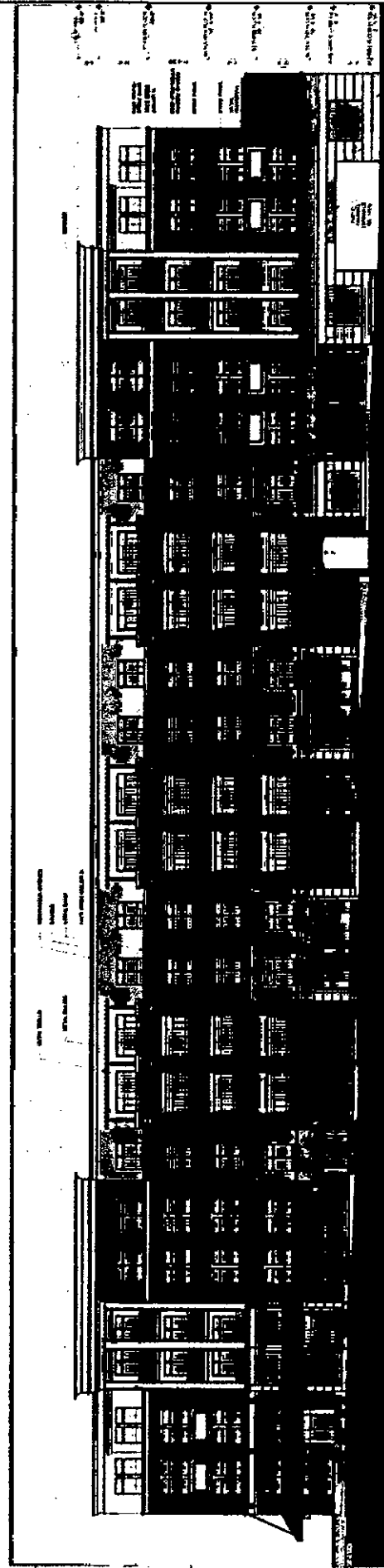
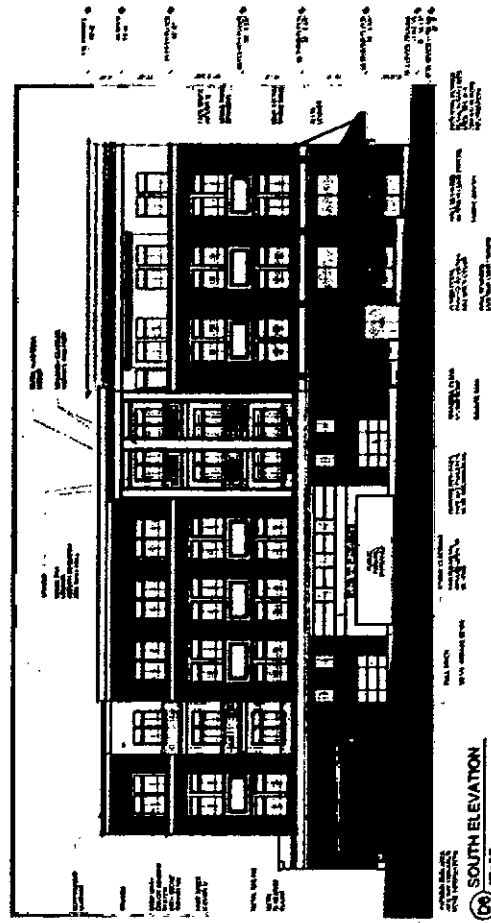
FACE BRICK (COLOR T)
1/2" x 3 1/2" x 7 1/2"
MORTAR: 1/2" x 3 1/2" x 7 1/2"
MORTAR: 1/2" x 3 1/2" x 7 1/2"



FACE BRICK (COLOR T)
1/2" x 3 1/2" x 7 1/2"
MORTAR: 1/2" x 3 1/2" x 7 1/2"
MORTAR: 1/2" x 3 1/2" x 7 1/2"



FACE BRICK (COLOR T)
1/2" x 3 1/2" x 7 1/2"
MORTAR: 1/2" x 3 1/2" x 7 1/2"
MORTAR: 1/2" x 3 1/2" x 7 1/2"

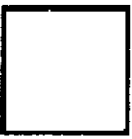


EXTERIOR
ELEVATIONS

MATERIAL LEGEND



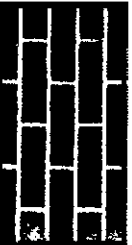
BRICK
CLAY
REDACTED



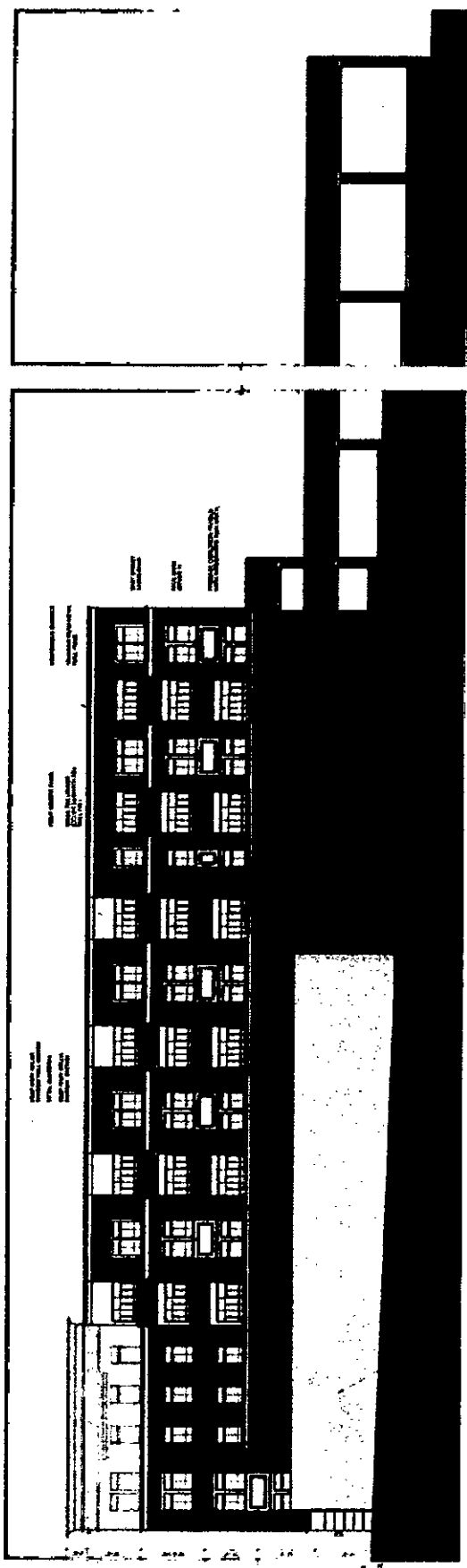
SMOOTH
CONCRETE
REDACTED



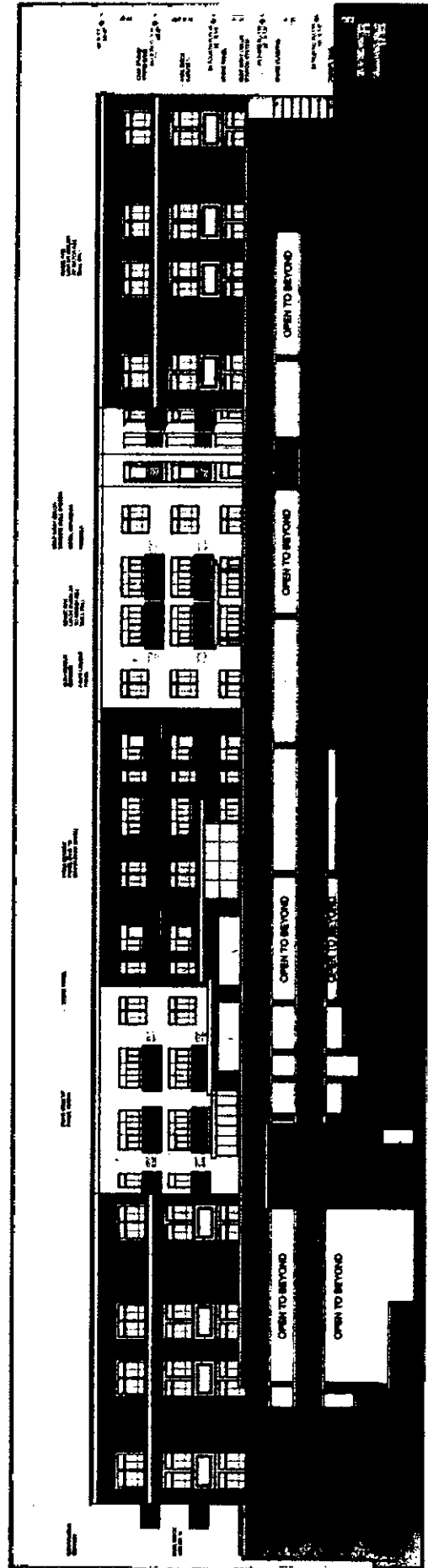
BRICK
CLAY
REDACTED



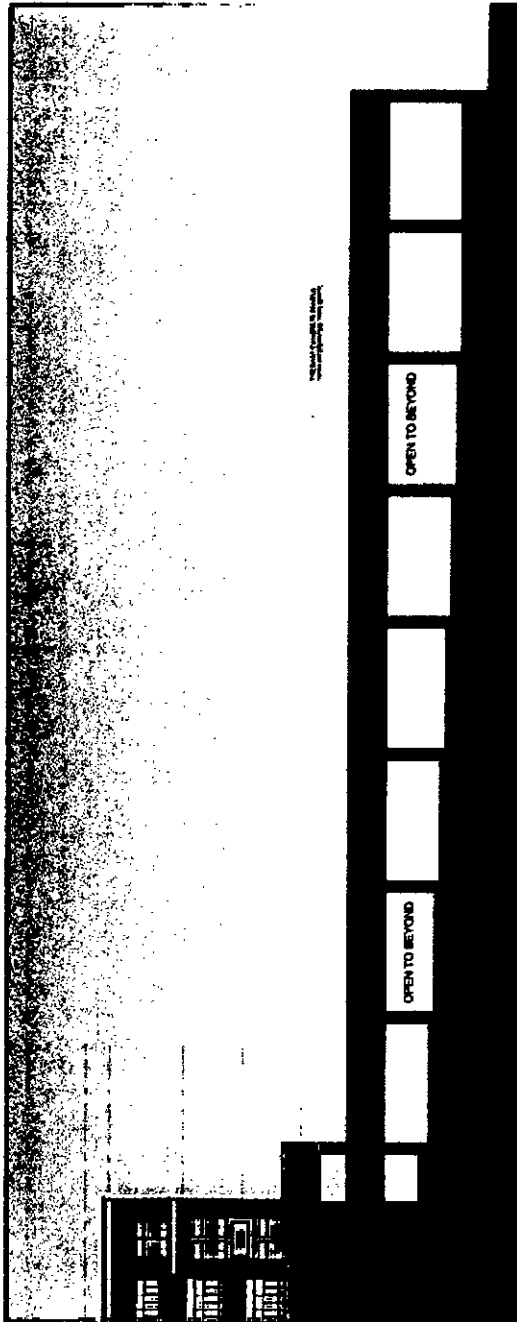
BRICK
CLAY
REDACTED



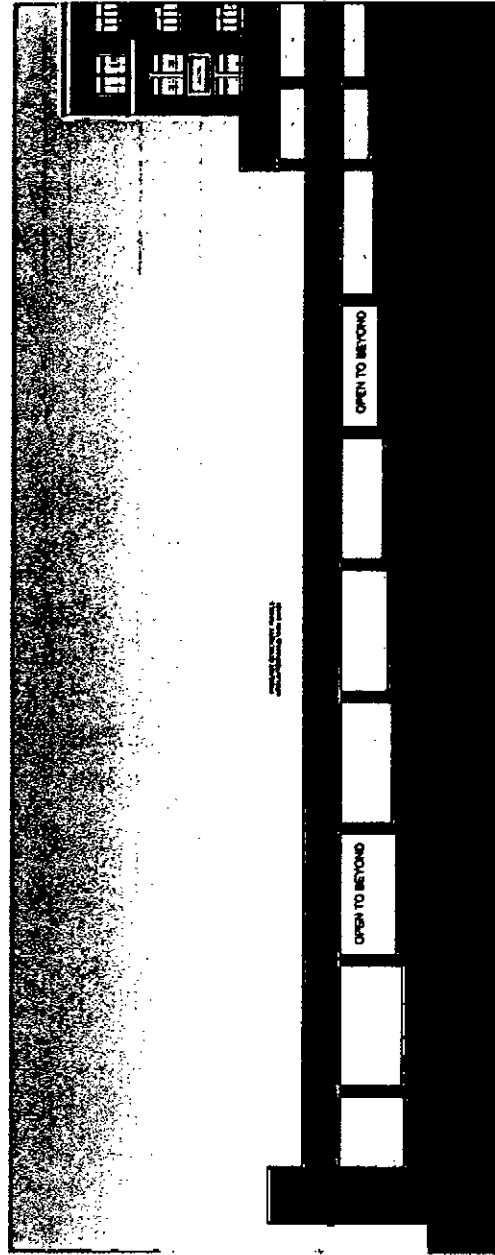
(A4) NORTH ELEVATION
100' x 100'



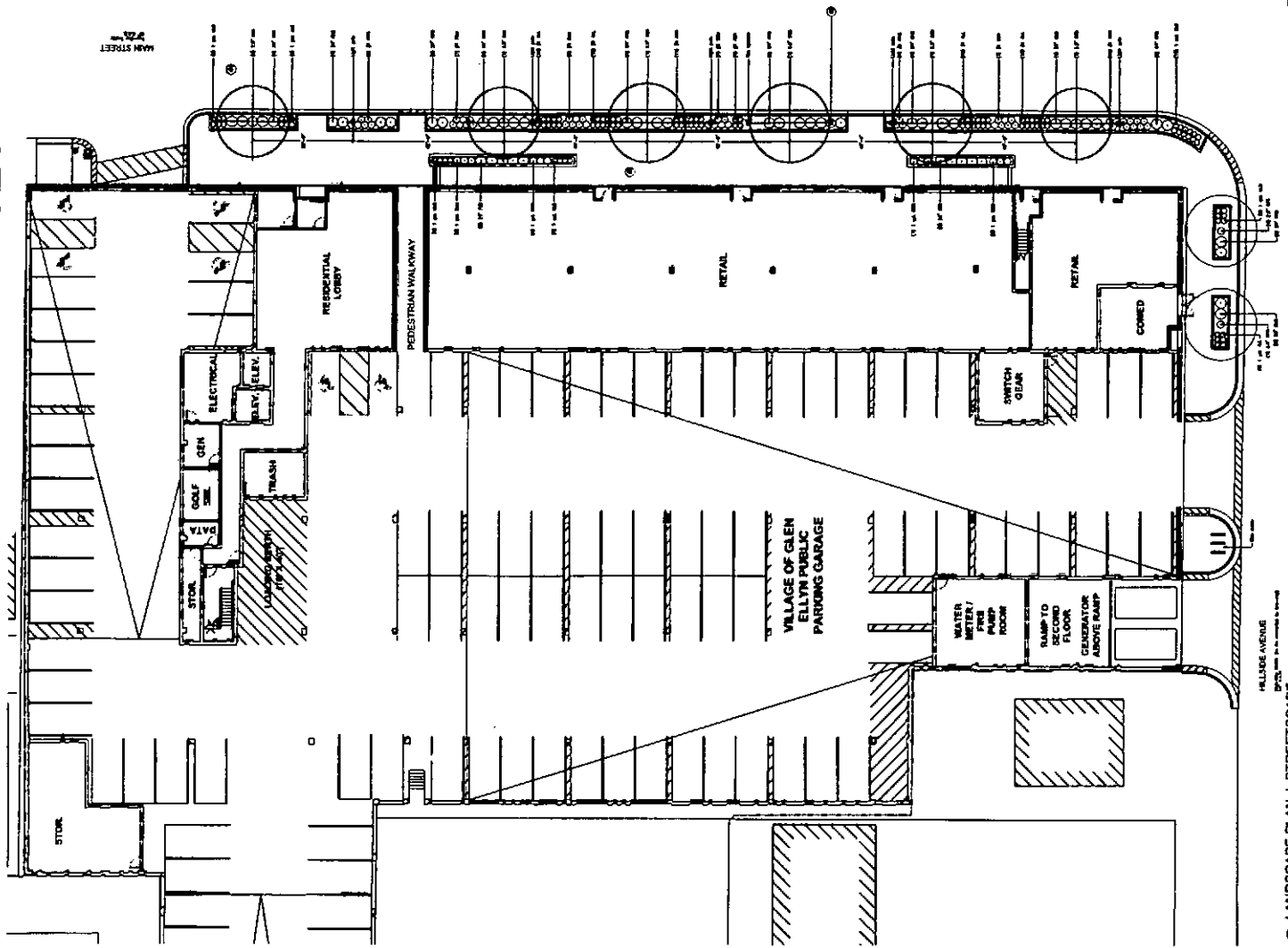
(D1) WEST ELEVATION
100' x 100'



2 NORTH ELEVATION - LOT 5



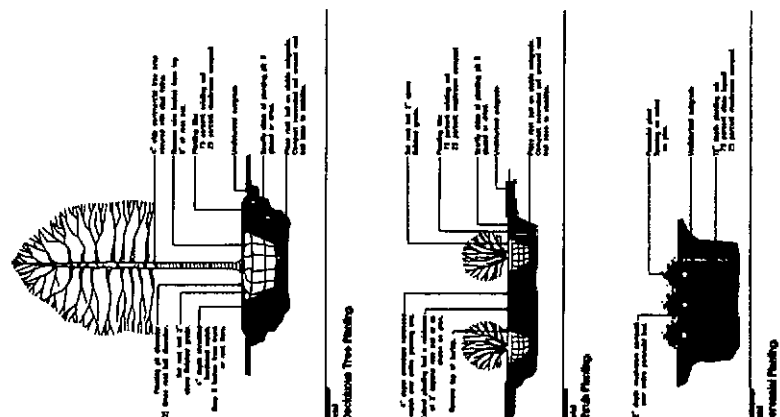
1 SOUTH ELEVATION - LOT 5



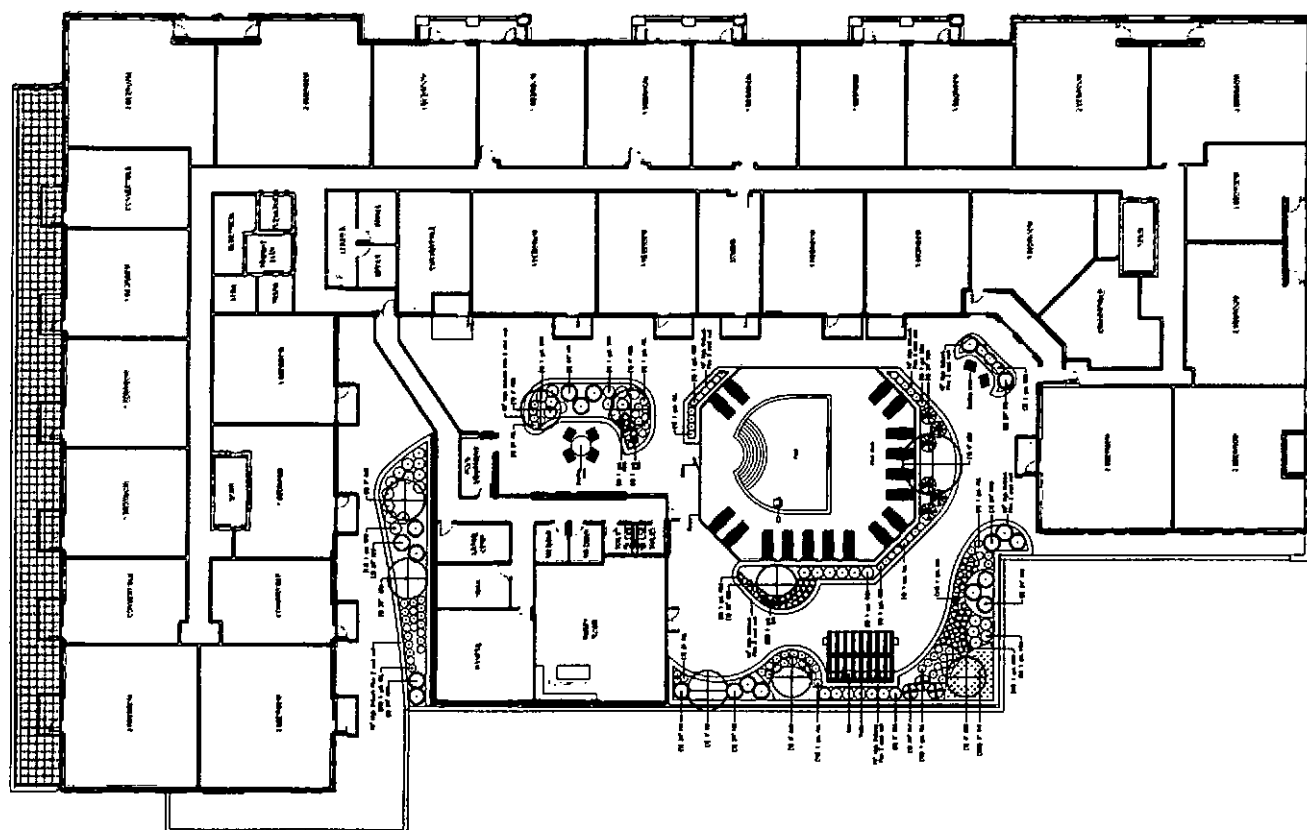
1 LANDSCAPE PLAN | STREETSCAPE

[illegible]

PLANT LIST | STREETSCAPE



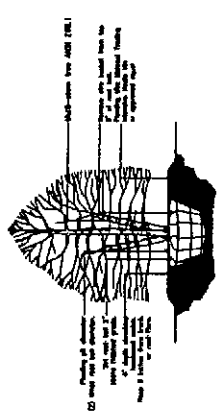
DETAILS | STREETSCAPE



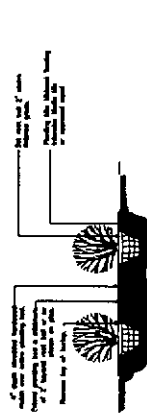
LANDSCAPE PLAN | AMENITY AREA

[illegible]

3 PLANT LIST | AMENITY AREA



Over
Cardiac Commercial Tree Products

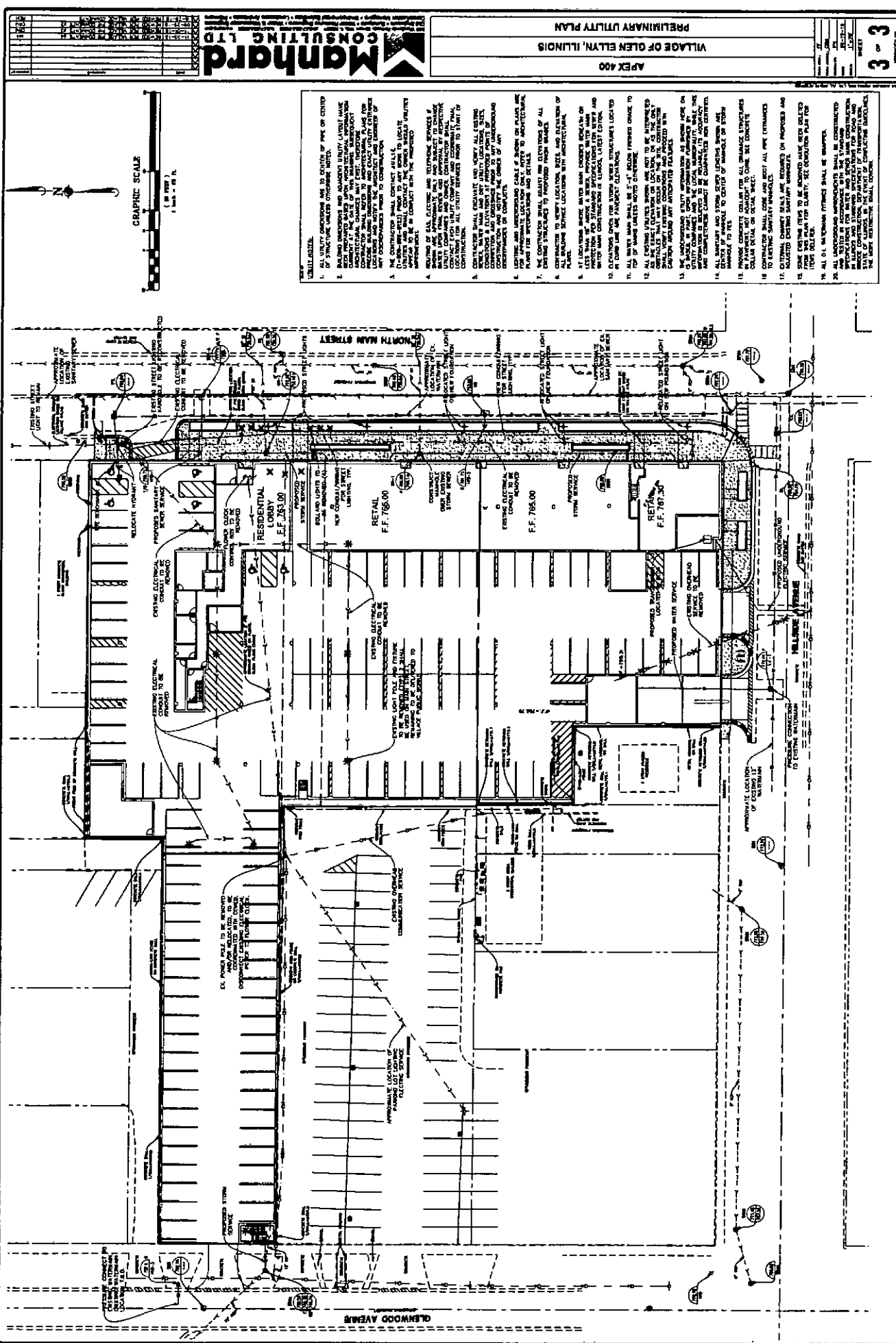


11



Contractor's Name: _____

2 DETAILS | AMENITY AREA

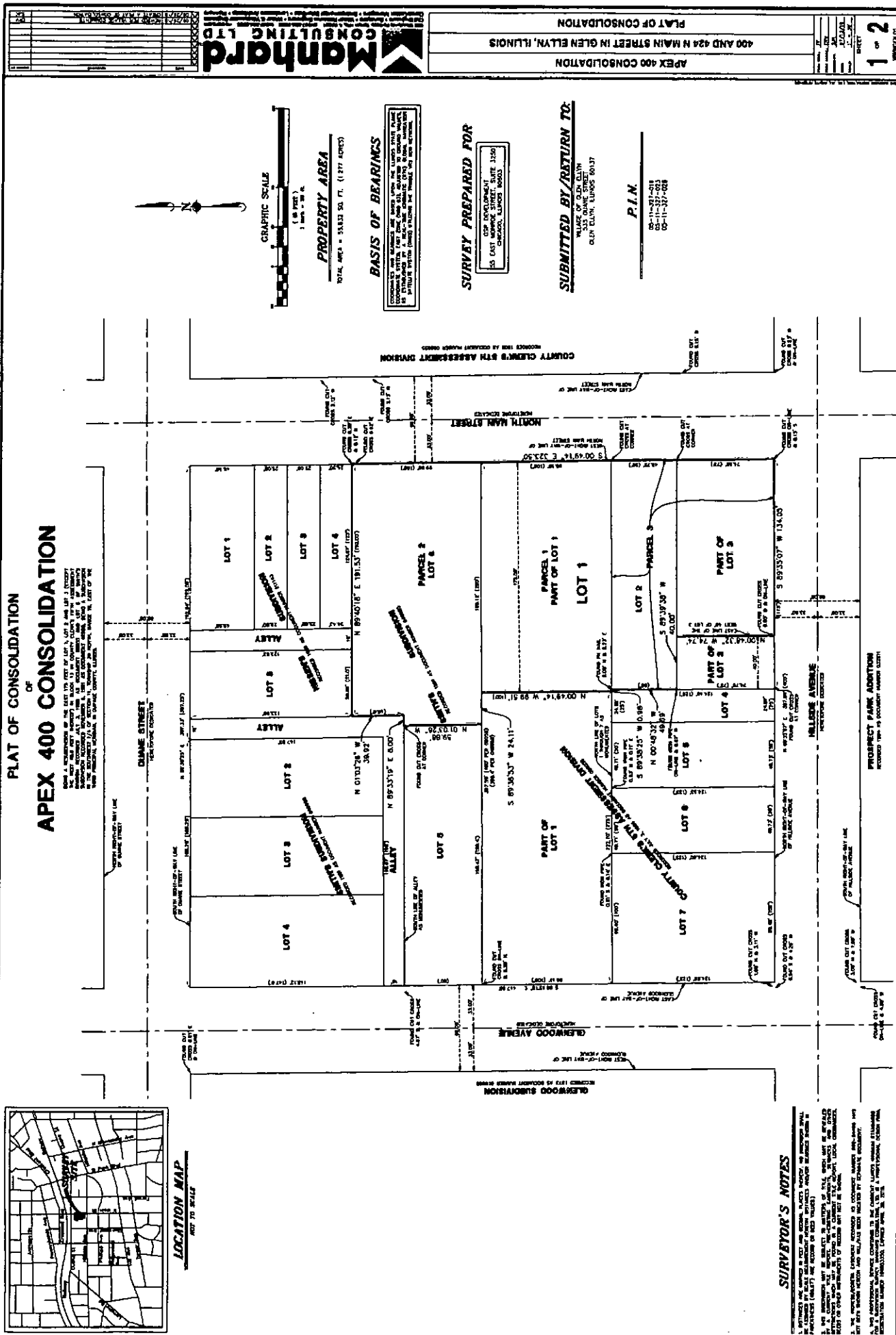


Manhard
CONSULTING LTD

PRELIMINARY UTILITY PLAN
VILLAGE OF GLEN ELLYN, ILLINOIS
APEX 400

3-3
SHEET

1. ALL UTILITIES SHOWN ARE TO CENTER OF PIPE OR CENTER OF STRUCTURE UNLESS OTHERWISE NOTED.
2. ALL UTILITIES SHOWN ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ILLINOIS STATE ENGINEERING CODES AND THE ILLINOIS STATE BOARD OF ENGINEERING REGULATION.
3. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. ALL UTILITIES SHALL BE PROTECTED AND NOTED ON THE CONSTRUCTION PLAN.
4. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. ALL UTILITIES SHALL BE PROTECTED AND NOTED ON THE CONSTRUCTION PLAN.
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19. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. ALL UTILITIES SHALL BE PROTECTED AND NOTED ON THE CONSTRUCTION PLAN.
20. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. ALL UTILITIES SHALL BE PROTECTED AND NOTED ON THE CONSTRUCTION PLAN.





Civil Engineering
 Surveying
 Water Resource Management
 Construction Management
 Landscape Architecture
 Land Planning

November 30, 2018

Mr. Lawrence A. Debb
 GSP Development
 55 East Monroe Street, Suite 3250
 Chicago, Illinois 60603

RE: PROPOSED APEX 400 DEVELOPMENT
400 N. MAIN STREET
GLEN ELLYN, ILLINOIS

Dear Larry:

Based on the current preliminary plan, the following summarizes the anticipated costs associated with public improvements for the proposed development:

Public Parking (137 spaces X \$14,850 per space)	\$2,034,450.00
Soil Excavation and removal offsite	\$350,000.00
Streetscape Improvements (Main St and Hillside Ave rights-of-way)	\$300,000.00
Public Parking Lot Lighting	\$220,000.00
Underground Utility Improvements	<u>\$260,000.00</u>
TOTAL	\$3,164,450.00

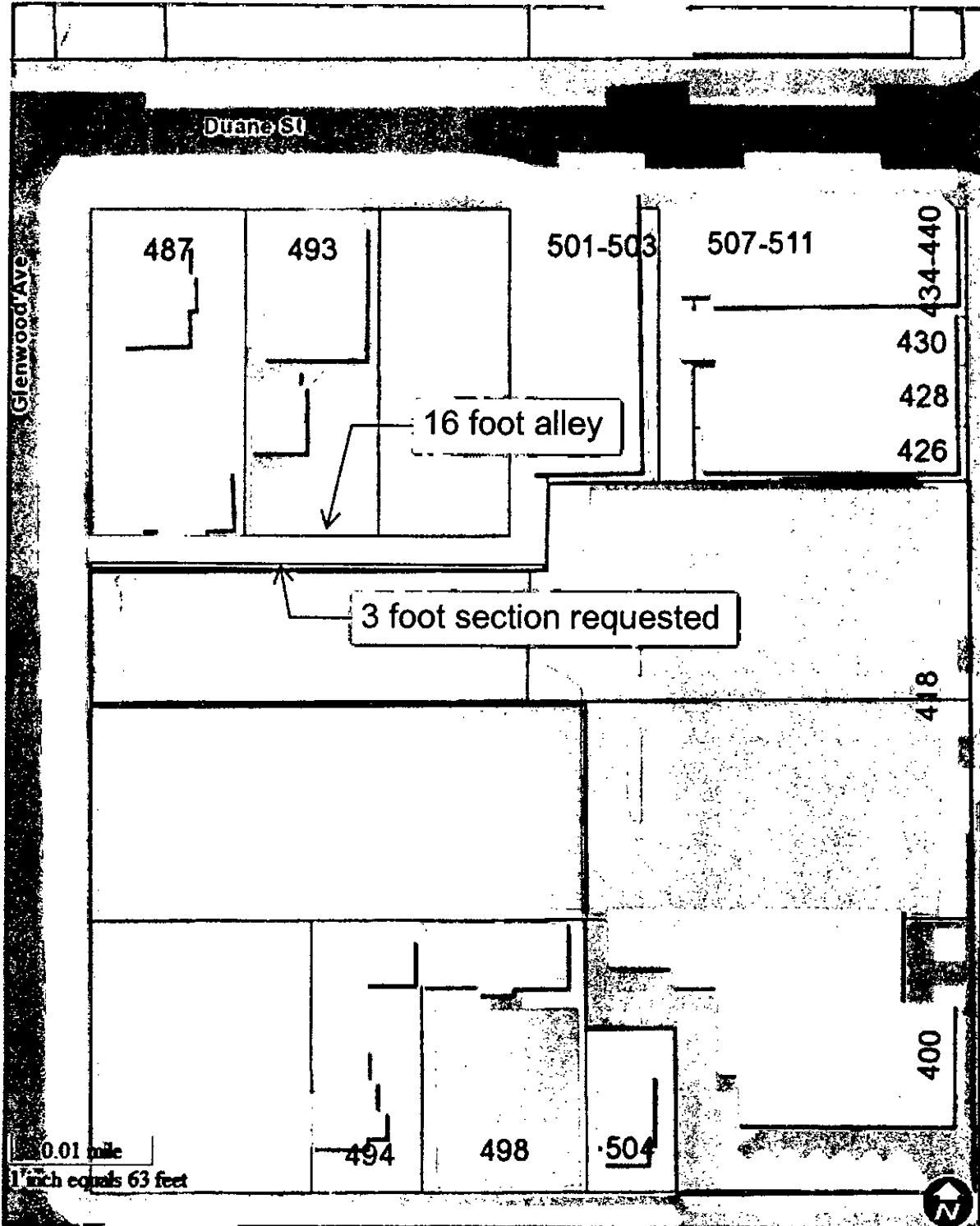
If you should have any questions or comments, please contact me.

Yours truly,
 MANHARD CONSULTING, LTD.


 Fran Fazio, P.E.
 Vice President



Alley Exhibit



Map created on November 30, 2018.

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The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law.

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



Village of Glen Ellyn

Ordinance No. 6672

An Ordinance Granting Approval of a
Special Use Permit for a Preliminary Planned Unit Development
and the Exterior Appearance of a
Mixed Use Development to be Known as Apex 400
and Proposed at the
Northwest Corner of Main Street and Hillside Avenue
and Commonly Known as 400 & 418-424 N. Main Street

Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This _____ Day of _____, 20__.

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County, Illinois,
this _____ day of _____, 20__.

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No. 6672

**An Ordinance Granting Approval of a
Special Use Permit for a Preliminary Planned Unit Development
and the Exterior Appearance of a
Mixed Use Development to be Known as Apex 400
and Proposed at the
Northwest Corner of Main Street and Hillside Avenue
and Commonly Known as 400 & 418-424 N. Main Street**

Whereas, Larry Debb and John Kosich of GSP Development, LLC, and 400 Main, LLC,
have purchased the former Giesche Shoe property located at 400 N. Main Street; and

Whereas, the Village and GSP Development, LLC, entered into a Purchase and Sale Agreement
for the Village-owned parking lot located at 418 – 424 N. Main Street, north of the former Giesche
Shoe property in accordance with the approval of Ordinance No. 6640; and

Whereas, the Purchase and Sale Agreement is contingent upon the Village Board approval of a
Redevelopment Agreement and zoning entitlements for the subject properties, among other conditions;
and

Whereas, GSP Development, LLC, has petitioned the President and Board of Trustees of the
Village of Glen Ellyn for approval of the following:

- A. A Special Use Permit for a Preliminary Planned Unit Development in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code and the following deviations to the Glen Ellyn Zoning Code:
 - 1. A deviation from Section 10-4-17-1(E) to permit a building height up to 61 feet at the top of the parapet, with a majority of the building at 58 feet, in lieu of 45 feet permitted by Code.
 - 2. Deviations from Section 10-5-8(I) to allow:
 - a) Parking spaces 18 feet in length in lieu of 19 feet;

- b) Parking spaces 8.5 feet wide in lieu of 9.5 feet wide in certain locations where the aisle width is at least 24 feet wide;
 - c) An aisle width of 21'-7 3/4" on a portion of the site and 24 feet on other parts of the site in lieu of 25 feet.
 - 3. A deviation from Section 10-7-9(D) to allow 100% of the site to be covered in lieu of 65%.
 - 4. A deviation from Section 10-5-9(B) to allow an off street loading space 40 feet in length in lieu of 50 feet.
 - 5. A deviation from Section 10-5-13(M)2 to allow the parking garage lights to emit up to 6.2 foot candles at the public entrance to the garage on Hillside Avenue, 7.14 foot candles at the public garage entrance along Main Street, and 7.3 foot candles at the residential parking garage entrance along Hillside Avenue in lieu of 3 foot candles at the lot line.
- B. Exterior Appearance approval in accordance with the Glen Ellyn Appearance Review Guidelines, Ordinance No. 5508.

all to allow the construction of a mixed-use building with 8,844 square feet of first floor commercial space, up to 107 apartment units and a two-story parking garage; and

Whereas, the subject property is located at 400 N. Main Street and 418 - 424 N. Main Street, on the northwest corner of Hillside Avenue and Main Street in the C5A & C5B Central Business Districts and legally described as follows:

400 N. MAIN STREET

LOT 2 AND LOT 3 (EXCEPT THE WEST 40.0 FEET THEREOF) IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST ¼ OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 5, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY ILLINOIS.

P.I.N.: 05-11-327-023; and

418 - 424 N. MAIN STREET

PARCEL 1

THE EAST 175 FEET OF LOT 1 IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY,

ILLINOIS

P.I.N.: 05-11-327-026; and

PARCEL 2

LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-11-327-005; and

PARCEL 3

LOT 6 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-327-016

ALLEY

THE SOUTH 3 FEET OF THAT PART OF THE PRIVATE ALLEY LYING NORTH OF AND ADJOINING LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950 AND THE SOUTH 3 FEET OF THE EAST 8 FEET OF THE PRIVATE ALLEY LYING WEST OF AND ADJOINING LOT 6 OF SMITH'S SUBDIVISION AFORESAID. ALL IN DUPAGE COUNTY, ILLINOIS.

Whereas, following due and proper publication of notice in The Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 250 feet, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on January 7, 2019 at which hearing the petitioners presented evidence and testimony in support of the request for approval of a Special Use Permit for a Preliminary Planned Unit Development with zoning deviations, at which hearing, seventeen (17) people spoke against the development and raised concerns about the height of the building, traffic generated from the development, the mass of the building and the proposed exterior appearance of the building; and at which hearing, twelve (12) people

spoke in favor of the development and raised concerns about rising taxes, the lack of development in the Village and the lack of housing options to accommodate downsizing residents; and at which hearing, seven (7) people spoke neither in favor or against the development; and

Whereas, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings and recommendations and by a vote of nine (9) “yes” and zero (0) “no”, the Plan Commission recommended approval of the requests with conditions as set forth in the January 7, 2019 minutes of the Plan Commission, a copy of which is attached hereto as Exhibit “A”; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the public hearing of the Plan Commission and have considered the findings and recommendations of the Plan Commission; and

Whereas, staff has performed the review of the application for Exterior Appearance and has determined the proposed Exterior Appearance is in substantial conformance with the Village’s Appearance Review Guidelines and recommends approval of the proposed Exterior Appearance; and

Whereas, the President and Board of Trustees have determined that granting a Special Use Permit for a Preliminary Planned Unit Development is consistent with the goals of the Glen Ellyn Zoning Code and approving the Exterior Appearance of the proposed development is consistent with the recommendations of the Appearance Review Guidelines and in the best interests of the Village of Glen Ellyn.

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

Section One: The Plan Commission meeting minutes, dated January 7, 2019 Exhibit “A” attached hereto, and the findings and recommendations set forth therein and in the preambles above are

hereby adopted as the findings of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the public hearing of the Plan Commission.

Section Two: Based upon the findings and recommendations of the Plan Commission for the Special Use for a Preliminary Planned Unit Development with deviations from the Zoning Code and the staff recommendation for the Exterior Appearance approval, as adopted herein, and the findings and conclusions set forth in the preambles above, the Village President and Board of Trustees hereby grant approval of the Special Use for a Preliminary Planned Unit Development with deviations from the Zoning Code and the Exterior Appearance to allow the mixed-use development of a five-story building to be called Apex 400, including first floor commercial, above ground floor apartment units, and a two-story parking garage on the properties commonly known as 400 N. Main Street and 418 - 424 N. Main Street.

Section Three: This grant of approval of a Special Use Permit for a Preliminary Planned Unit Development and Exterior Appearance approval is subject to the following conditions:

A. Construction of the subject development shall be in substantial conformance with the testimony presented at the January 7, 2019 public hearing before the Plan Commission and as amended by the Village Board of Trustees on January 28, 2019, including the following plans and documents referenced below, all of which are incorporated into this Ordinance as though they were attached hereto:

1. Petitioner's Application Packet, including the following materials:
 - a. Preliminary PUD Application dated November 1, 2018
 - b. Exterior Appearance Application dated November 1, 2018
 - c. Narrative Statement from Larry Debb, dated November 21, 2018
 - d. Proof of Ownership
 - e. Disclosure of Interest form, dated July 17, 2018 and December 12, 2018
 - f. Reimbursement of Fees Agreement, dated July 17, 2018

- g. Site Statistics Summary
- h. List of Deviations
- i. Alta Surveys prepared by Manhard Consulting, Ltd., dated June 26, 2018
- j. Existing Conditions Plan prepared by Manhard Consulting, Ltd., dated June 19, 2018
- k. On-street Parking Demolition Plan (PDR 0) prepared by FitzGerald Associates, last revised November 19, 2018
- l. Site Plan Option A (PDR 1) prepared by FitzGerald Associates, last revised November 19, 2018, attached hereto as Exhibit "B"
- m. Site Plan Option B (PDR 1) prepared by FitzGerald Associates, last revised November 19, 2018, attached hereto as Exhibit "C"
- n. Floor Plan - Floor 1, Plan Option A (PDR 2) prepared by FitzGerald Associates, last revised November 19, 2018, attached hereto as Exhibit "D"
- o. Floor Plan - Floor 2, Plan Option A (PDR 3) prepared by FitzGerald Associates, last revised November 19, 2018, attached hereto as Exhibit "E"
- p. Floor Plan - Floor 3 (PDR 4) prepared by FitzGerald Associates, last revised November 19, 2018, attached hereto as Exhibit "F"
- q. Floor Plan - Floor 4 (PDR 5) prepared by FitzGerald Associates, last revised February 8, 2019, attached hereto as Exhibit "G"
- r. Floor Plan - Floor 5 (PDR 6) prepared by FitzGerald Associates, last revised February 8, 2019, attached hereto as Exhibit "H"
- s. Building Elevations (PDR 8 - PDR 10) prepared by FitzGerald Associates, last revised February 8, 2019, attached hereto as Group Exhibit "I"
- t. Sign Plan (PDR 11) prepared by FitzGerald Associates, last revised February 8, 2019, attached hereto as Exhibit "J"
- u. Renderings (PDR 19 - PDR 21) prepared by FitzGerald Associates, last revised February 8, 2019, attached hereto as Group Exhibit "K"
- v. Landscape Plans, prepared by David R. McCallum Associates, Inc., last revised November 19, 2018, attached hereto as Group Exhibit "L"
- w. Right-of-Way Cross Section prepared by Manhard Consulting Ltd., dated June 19, 2018
- x. Grading Plan prepared by Manhard Consulting Ltd., dated June 19, 2018, attached hereto as Exhibit "M"
- y. Utility Plan prepared by Manhard Consulting, Ltd., dated June 19, 2018, attached hereto as Exhibit "N"

- z. Photometric Plan prepared by Eco Lighting Solutions, dated November 19, 2018, attached hereto as Exhibit "O"
- aa. Light Fixture Cut Sheets from Ligman Lighting USA

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Planning and Development Department.

- B. That should the developer be able to acquire three feet of the alley located north of Lot 5, that PUD Alternate Plan B, attached hereto as Exhibit "C", shall be substituted for the approved Plan A, and that such substitution shall not require further Village Board approval.
- C. That the final streetscape and public improvements for the project will match the streetscape design selected by the Village Board in 2019.
- D. Prior to returning for final approval of the Planned Unit Development, the landscape plan shall be revised to show trees with a minimum diameter of 4 inches.
- E. That the developer install a sign at the access points from the development onto Hillside Avenue indicating "No right Turn Monday through Friday from 7:45 to 8:30 am". The location and exact wording of the signage will be subject to the approval of Village Staff.
- F. That the developer install a sign at the access point from the development onto Glenwood Avenue indicating "No Left Turn Monday through Friday from 7:45 - 8:30 am". The location and exact wording of the signage will be subject to the approval of Village Staff.
- G. That the developers convert the traffic flow on Hillside Avenue between Main Street and Glenwood Avenue including any necessary signage, pavement markings, and geometric changes to the roadway as directed by the Village Engineer.
- H. That the Village pursue the installation of a stop sign for west bound traffic at the Hillside Avenue/Glenwood Avenue intersection, subject to conformance with engineering standards, manuals, and traffic warrants as determined by the Village Engineer and Police Chief.
- I. Prior to returning for review of the Final Planned Unit Development, the site plan shall be revised to show the bike rack moved from Hillside Avenue to a more appropriate location that will not interfere with site ingress/egress.
- J. Prior to returning for approval of the Final Planned Unit Development, the second floor plan shall be revised to show all parking stalls numbered and assigned by unit.
- K. Prior to returning for approval of the Final Planned Unit Development, all elevations shall be revised to show brick facing on the precast concrete proposed on the west elevation of the building.

- L. Prior to returning for approval of the Final Planned Unit Development, all elevations, renderings and floor plans shall be revised to reflect the updated elevations and renderings prepared by Fitzgerald Associates last revised February 8, 2019.
- M. Prior to issuance of a building permit, the petitioner shall pay the Village \$169,219.00 to be dispersed to Village taxing bodies in the following amounts:
 - 1. Glen Ellyn Park District - \$50,000.00
 - 2. School District 41 - \$21,947.00
 - 3. School District 87 - \$7,272.00
 - 4. Fire Company - \$45,000.00
 - 5. Glen Ellyn Library - \$45,000.00
- N. That if any roof top units are visible from adjacent streets after the development is constructed, the developers will screen the units from public view.
- O. The subject development shall be constructed, operated, and maintained in compliance with the Redevelopment Agreement between the Village of Glen Ellyn and GSP Development, LLC, dated March 4, 2019, a form of which is attached hereto as Exhibit "P" and which is subject to the review and approval of the Village Attorney.

Section Four: The petitioner shall file an application for approval of a Final Planned Unit Development Plan with the Director of the Department of Planning and Development within six (6) months after the passage and approval of this Ordinance, or this Ordinance shall become null and void provided, however, that the Village Board may, by motion, grant an extension of this provision. Further, the Village Board may, for good cause shown, waive or modify any conditions set forth in this Ordinance without requiring that the matter return for public hearing.

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

Section Six: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 10-10-18(A) and (B) of the Village of Glen Ellyn Zoning Code.

Section Seven: The Village Clerk is hereby authorized to record this Ordinance with the DuPage County Recorder.

Section Eight: The privileges, obligations, and provisions of each and every section of this Ordinance shall be binding on GSP Development, LLC ("GSP"), on any and all of GSP's successors and assigns, and on any and all of the respective successor legal or beneficial owners of all or any portion of the property commonly known as 400 and 418-424 N. Main Street, Glen Ellyn, Illinois.

Section Nine: The foregoing recitals are incorporated as though fully set forth in this Section Nine.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois this _____ day of _____.

Ayes		Diane McGinley		Pete Ladesic		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		John Kenwood				
Nayes		Diane McGinley		Pete Ladesic		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		John Kenwood				
Absent		Diane McGinley		Pete Ladesic		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		John Kenwood				

Approved by the Village President of the Village of Glen Ellyn, Illinois this _____ day of _____.

Village President

Attest:

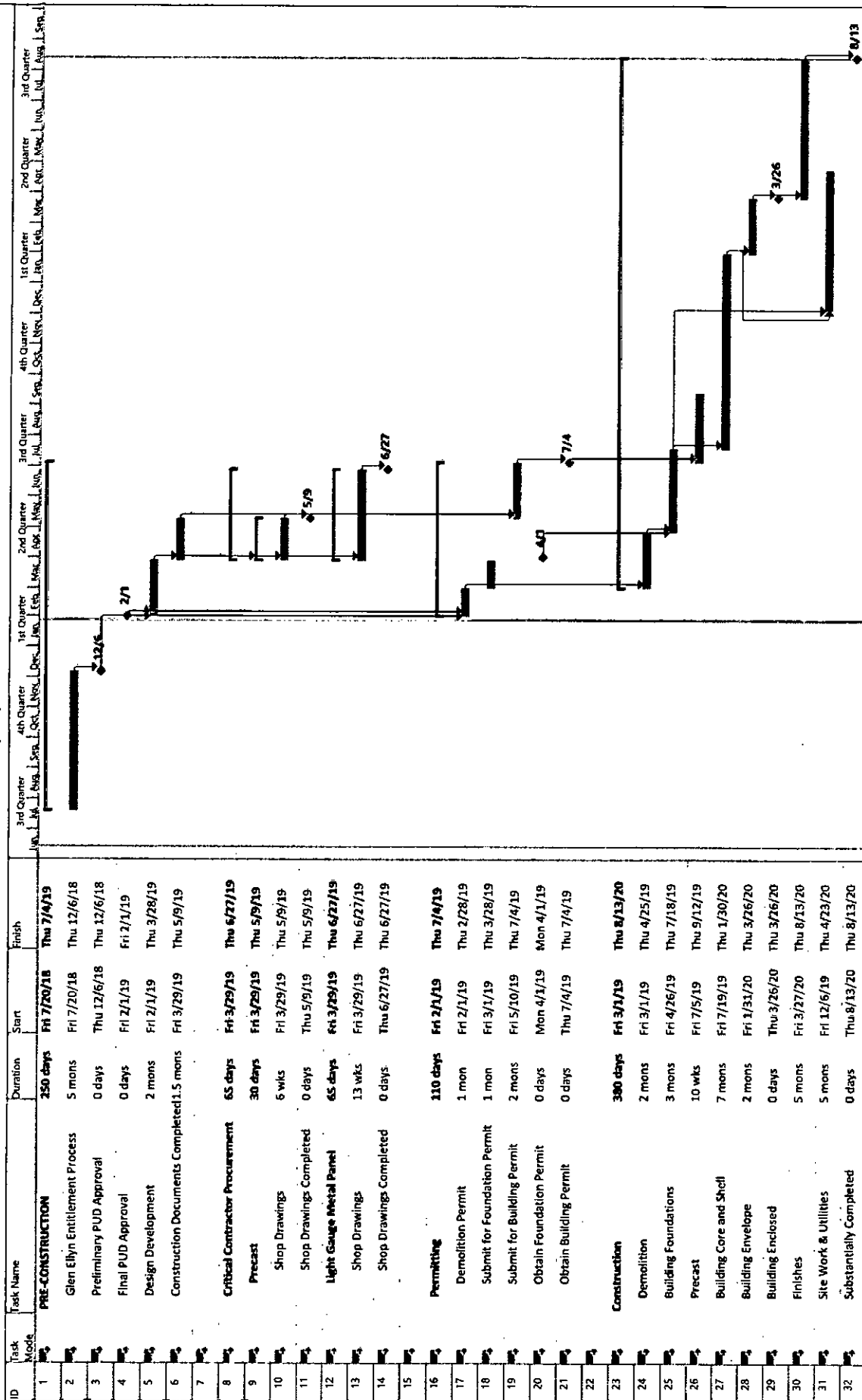
Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____, 20____.)

APEX 400 PRELIMINARY SCHEDULE - REV 4 1/28/2019

Debb Kosich Management, LLC
The Missner Group



Project: Glen Elyn - Apex 400 Mon 1/28/19	Task	Project Summary	Manual Task	Start-only	Deadline
	Split	Inactive Task	Duration-only	Finish-only	Progress
	Milestone	Inactive Milestone	Manual Summary Rollup	External Tests	Manual Progress
	Summary	Inactive Summary	Manual Summary	External Milestone	

Page 1

GSP Development

Lawrence A. Debb, Principal

December 3, 2018

Mark Franz
Village Manager
Village of Glen Ellyn
535 Duane St.
Glen Ellyn IL 60137

Re: Apex 400 Project
400 N. Main, Glen Ellyn, IL

Dear Mark:

Please use this letter as confirmation regarding financing for the above referenced project. The majority of equity will be provided by Larry Debb and John Kosich. Friends and family will provide additional equity, if required. The total equity will be approximately \$14,000,000 or 35%.

Our preferred lender is PNC Bank, and we believe they will provide between 60%-70% of all construction costs including all hard and soft costs. The total loan will be approximately \$25,000,000.

Sincerely,


Lawrence Debb

GSP Development
55 East Monroe Street
Suite 3950
Chicago, Illinois 60603

m: 312.953.2493
d: 312.424.3997
e: ldebb@gspdevelopment.com
www.gspdevelopment.com

EXHIBIT K

CERTIFICATE OF REIMBURSABLE PROJECT COSTS¹

The undersigned _____, being first duly sworn, on oath states as follows:

1. I am _____ [title] of GSP Development, LLC (“*Developer*”) and I am authorized by the Developer to make the following representations on behalf of the Developer to the Village of Glen Ellyn (the “*Village*”) for the purpose of inducing the Village to make certain payments to Developer, as hereafter set forth.

2. I hereby certify that the costs set forth on Schedule A hereto have been incurred by Developer in connection with Developer’s performance of its obligations under the Redevelopment Agreement Between the Village and the Developer concerning 400, 410, 418, and 424 N. Main Street, Glen Ellyn, Illinois, commonly known as Apex 400, dated _____, 20____ (the “*RDA*”), and that such costs are eligible for payment from the Village’s Special Tax Allocation Fund in connection with the redevelopment project described in the RDA.

3. I hereby certify that: i) the Developer has reviewed all costs for which payment is sought; ii) the Developer has reviewed the Illinois Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1, *et seq.*) (the “*Act*”) and understands what costs are eligible for

¹ This form may be revised by the Village at its sole discretion. The Village may request additional information from the Developer for the purpose of evaluating the completeness, accuracy, and eligibility of any reimbursement request.

reimbursement; iii) the Developer has determined, with the assistance of its counsel, that all costs for which payment is sought are eligible for reimbursement under the Act and the RDA.

4. I hereby certify the Developer has neither previously requested nor received payment from the Village for any of the costs Developer now seeks reimbursement for.

5. I hereby certify that all representations made by the Developer within the RDA are accurate and correct, and hereby restate all of the same as of the date of this Certificate of Reimbursable Project Cost.

6. I hereby certify that the Developer is in full compliance with the RDA, including, without limitation, the Construction Schedule attached as Exhibit I to the RDA.

7. I hereby certify that the information provided in and accompanying this Certificate is complete and accurate.

Dated _____, 20__

GSP DEVELOPMENT, LLC, an Illinois limited liability company

By: _____

Its: _____

Subscribed and sworn to before me

this _____ day of _____, 20__

Notary Public

Schedule A

- Itemized expenditures
- Identification of relationship of each expenditure to development project
- Evidence of payment
- Lien waivers
- Amount of this payment request
- Total payments received to date

4850-5746-1323, v. 1

Exhibit L

Development Model 107 unit Apartment Building Glen Ellyn Pro Forma - Project Cost Budget March 2018

Project Size in GSF:	235,203
Number of Units	107
Total Leaseable SF	104,299
Total Development Cost:	\$ 41,949,174
Total Dev. Cost/GSF	\$ 179.35
Total Dev. Cost/NSF	\$ 402.20

Apartment SF	95,455
Retail SF	8,844
Apartment SF rent	\$ 2.80
Retail SF rent	\$ 30.00
Public Parking Spaces	139
Apartment Parking	144

Total Cost	\$	41,949,174
Equity	35%	\$ 14,682,211
Construction Loan	65%	\$ 27,266,963

ITEM	QUANTITY	UNIT COST	EXTENDED COST	COST Per RSF	% of BUDGET	Per Unit	COMMENTS
LAND COST							
Land	107	\$ 16,822.43	\$ 1,800,000	\$ 17.28	4.29%	\$ 16,822	Fixed
HARD COSTS							
Demo/Environmental Cleanup			\$ 250,000	\$ 2.40	0.60%	\$ 2,336	Preliminary Estimate
Base Building	235,203	\$ 122.00	\$ 28,694,766	\$ 275.12	68.40%	\$ 268,175	Preliminary Estimate
Parking	139	\$ 22.612	\$ 3,143,068	\$ 30.14	7.49%	\$ 29,374	Preliminary Estimate
Pool/Amenity Deck			\$ 700,000	\$ 6.71	1.67%	\$ 6,542	Preliminary Estimate
Brick on Garage Precast			\$ 160,000	\$ 1.53	0.38%	\$ 1,495	Preliminary Estimate
Fifth Floor Corners			\$ 225,000	\$ 2.16	0.54%	\$ 2,103	Preliminary Estimate
Streetscape			\$ 110,000	\$ 1.05	0.26%	\$ 1,028	Preliminary Estimate
Utilities			\$ 300,000	\$ 2.88	0.72%	\$ 2,804	Preliminary Estimate
Sub-Total Hard Costs:			\$ 33,582,834	\$ 321.99	80.06%	\$ 313,855	Preliminary Estimate
SOFT COSTS							
Retail Tenant Work	8,844	40	\$ 353,760	\$ 3.39	0.84%	\$ 3,306	Preliminary Estimate
Retail Leasing Comm	8,844	20	\$ 176,880	\$ 1.70	0.42%	\$ 1,653	Preliminary Estimate
Preconstruction costs			\$ 150,000	\$ 1.44	0.36%	\$ 1,402	Preliminary Estimate
FF&E			\$ 250,000	\$ 2.40	0.60%	\$ 2,336	Preliminary Estimate
Management/Marketing	107	\$ 3,000.00	\$ 321,000	\$ 3.08	0.77%	\$ 3,000	Preliminary Estimate
Architect/Engineer	104,299	\$ 6.50	\$ 700,000	\$ 6.71	1.67%	\$ 6,542	Preliminary Estimate
Property Tax Carry			\$ 200,000	\$ 1.92	0.48%	\$ 1,869	Preliminary Estimate
Permit/Map on fees	104,299	\$ 5.00	\$ 521,495	\$ 5.00	1.24%	\$ 4,874	Preliminary Estimate
Builders Risk Insurance		\$ 50,000	\$ 50,000	\$ 0.48	0.12%	\$ 467	Preliminary Estimate
Legal/Village constants	104,299	\$ 2.00	\$ 208,598	\$ 2.00	0.50%	\$ 1,950	Preliminary Estimate
Leasing Commissions:	107	\$ 2,000.00	\$ 214,000	\$ 2.05	0.51%	\$ 2,000	Preliminary Estimate
Financing Points:			\$ 300,000	\$ 2.88	0.72%	\$ 2,804	Preliminary Estimate
Project Carry Cost			\$ 1,500,000	\$ 14.38	3.58%	\$ 14,019	Preliminary Estimate
Soft Cost Contingency			\$ 250,000	\$ 2.40	0.60%	\$ 2,336	Preliminary Estimate
Sub-Total Soft Costs:			\$ 6,124,733	\$ 54.43	13.61%	\$ 49,660	
TOTAL HARD & SOFT COSTS:			\$ 40,578,567	\$ 425.11	0.41%	\$ 379,238	Preliminary Estimate
Contingency	\$ 38,778,567	3.00%	\$ 1,163,357	\$ 4.95	1.23%	\$ 10,872	Preliminary Estimate
Developers Fee	\$ 38,778,567	2.50%	\$ 969,464	\$ 4.12	1.02%	\$ 9,060	Preliminary Estimate
Construction Mgmt	\$ 38,778,567	1.00%	\$ 387,786	\$ 1.65	0.41%	\$ 3,624	Preliminary Estimate
PV TIF \$1,360,000			\$ (1,150,000)	\$ (4.89)	-1.22%	\$ (10,748)	Preliminary Estimate
TOTAL DEVELOPMENT BUDGET			\$ 41,949,174	\$ 402.20	100.00%	\$ 392,048	

RENT LEVEL ANALYSIS

INCOME	Net Rent yr 3	Sq. Ft.	Potential Net Rent
Apartment	\$ 2.80	95,455	\$ 3,207,288
Retail	\$ 32.00	8,844	\$ 283,008
Parking Income	\$ 100	100	\$ 120,000
Misc Income	\$ 107	1,000	\$ 107,000
Total Potential Income			\$ 3,717,296
Vacancy	5%	\$ 3,717,296	\$ (185,865)
Concessions Bad Debt	2%	\$ 3,717,296	\$ (74,346)
Effective Gross Income			\$ 3,457,085

EXPENSES

EXPENSES	per home
Payroll	1900
Marketing	400
Administration	375
Repairs/ Maintenance	300
Turn Over	225
Contract Services	350
Common Area Utilities	75
Management Fee	900
Insurance	300
Capital Reserves	200
RE Taxes	4000
Misc. Expenses	250
Total Expenses	9275

NET OPERATING INCOME \$ 2,464,660 \$ 23,034

SALE ANALYSIS

Projected Cap. Rate	Projected Sales Price	Projected Profit	Sales Price Per RSF	Sale Price Per Unit	Yearly Return	Profit Per Unit
5.00%	\$ 49,293,206	\$ 7,344,032	\$ 516.40	\$ 460,684	17%	\$ 68,636
5.25%	\$ 46,945,910	\$ 4,996,736	\$ 491.81	\$ 438,747	11%	\$ 46,698
5.50%	\$ 44,612,005	\$ 2,862,831	\$ 469.46	\$ 418,804	6%	\$ 26,755
5.75%	\$ 42,863,657	\$ 914,483	\$ 448.05	\$ 400,595	2%	\$ 8,547
6.00%	\$ 41,077,671	\$ (871,503)	\$ 430.34	\$ 383,903	-2%	\$ (8,145)
6.25%	\$ 39,434,684	\$ (2,514,609)	\$ 413.12	\$ 368,547	-6%	\$ (23,501)
6.50%	\$ 37,817,850	\$ (4,031,323)	\$ 397.23	\$ 354,372	-9%	\$ (37,676)

RETURNS

5.5 cap rate equity \$ 14,682,211 3 year hold return 19% per year return 6% IRR 4.55%

HOLD year three refin.

Value 5.5 cap rate	Loan Amount	Debt	1.20 DSC	Equity	Net Income	Cash Flow	cash on cash
	\$ 30,204,170	\$ 2,053,884		\$ 11,745,004	\$ 2,464,660	\$ 410,777	3.50%

"BANK LETTERHEAD"

IRREVOCABLE STANDBY LETTER OF CREDIT NO. _____ DATE: _____

BENEFICIARY

VILLAGE OF GLEN ELLYN

Attention: Planning and Development Director

535 Duane Street

Glen Ellyn, IL 60137

APPLICANT / DEVELOPER_____

AMOUNT OF CREDIT: \$ _____

EXPIRY DATE: (2 Years After Issuance)

Ladies and Gentlemen:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in the favor of the Village of Glen Ellyn, Illinois, an Illinois municipal corporation ("Village"), in the amount of (125% of the Developer's Engineer's Estimate of Construction Costs as approved by the Village Engineer).

This Irrevocable Standby Letter of Credit will be used to secure the construction of certain improvements ("Improvements"), including but not limited to (List improvements such as water distribution system, sanitary sewer system improvements, storm water collection system improvements, erosion control, roadway improvements, sidewalk improvements, street trees, and miscellaneous site improvements).

This Irrevocable Letter of Credit secures the payment by Developer of costs to construct the on and off-site improvements. If the Improvements have not been approved by the Village Engineer, and/or paid in full, then the Village is hereby granted authority to draw the then remaining balance of this Irrevocable Letter of Credit for the purpose of paying, or holding for payment the cost to complete the Improvements, the unpaid cost of completed portions of the improvements and/or to itself complete the Improvements.

This Irrevocable Letter of Credit shall remain in effect for the period of two (2) years from the date hereof, without regard to any default in payment of money owed to us by the Applicant / Developer and without regard to other claims which we may have against the Applicant/Developer.

We hereby engage with Beneficiary, Village of Glen Ellyn, that we shall honor all drafts drawn on (Name of Bank), at sight, under Irrevocable Standby Letter of Credit No. _____, signed by the Village Manager, or his designee, of the Village of Glen Ellyn, bearing the clause "Drawn under (Name of Bank) Irrevocable Letter of Credit No. _____ effective (Date)" accompanied by the following documents:

1. This original Irrevocable Letter of Credit and all amendment(s) thereto (if any).

2. A statement signed by the Village Manager, Village of Glen Ellyn, reading as follows:
"(Name of Applicant) has failed to comply with any one or more of the following as such relates to the (Name of Project):"

1. Ordinance _____ approved by the Village of Glen Ellyn approving (Name of Project) and any terms, plans, or conditions referenced therein; and/or
2. Any other applicable Agreement entered into by and between the Village of Glen Ellyn and (Name of Applicant / Developer); and/or
3. The Village of Glen Ellyn Subdivision Regulations, Zoning Ordinance, Engineering Regulations, or any other Codes and Ordinances of the Village.
4. Without regard to specific ordinance requirements, the Improvements have not been satisfactorily completed or carried out in accordance with the schedule approved by the Village, or if no schedule is approved, or even if none is set out, in accordance with a pace necessary to provide needed improvements for the installation of the development undertaken to service completed structures or to serve occupants.
5. No new Letter of Credit or an amendment of the Letter of Credit, containing equivalent terms, has been submitted within sixty (60) days of any event which causes the expiration of this Letter of Credit.

The funds claimed under this Irrevocable Letter of Credit are for the payment of the cost of construction of improvements according to the engineering plans prepared by (Name of Engineering Firm) and dated (Date of Plans), together with any amendments thereto approved by the Village and/or reimbursement to the Village of expenses or other costs."

The amount of this Irrevocable Letter of Credit may be reduced from time to time upon receipt of the Beneficiary's request purportedly signed by the Village Manager or his designee, stating the reduction amount and listing the improvements installed and completed. Reductions are not to occur more than once a month.

Upon receipt of written notice from the Applicant's / Developer's Engineer that all of the Improvements have been completed, accompanied by a written certificate of the Village of Glen Ellyn, Illinois, stating that the Ordinances of the Village of Glen Ellyn and any Plans and Specifications and Agreements have been complied with, the balance then outstanding under this Irrevocable Letter of Credit shall be fully and completely reduced and released, provided, however, that ten percent (10%) of the face amount shall remain in effect for a period of one (1) year

following said notice of completion to secure the Applicant's / Developer's guarantee of the Improvements, which ten percent (10%) amount may be drawn upon by the Village in the manner recited above. In the event Applicant / Developer, or Developer's contractors, deposit substitute security with the Village of Glen Ellyn to secure all or a portion of said one (1) year guarantee, and provided the Village accepts such substitute security, the remaining balance of this Irrevocable shall be reduced by the amount of such substitute security as designated by the Village. Any amount remaining hereunder at the end of said one (1) year guarantee period for which the Village of Glen Ellyn has not drawn upon in the manner recited above, shall be released and this Irrevocable Letter of Credit thereby terminated. In the event that portions of the public improvements are completed and accepted by the Village of Glen Ellyn at different times resulting in differing one (1) year guarantee periods, this Irrevocable Letter of Credit shall be reduced on a pro-rata basis in accordance with the improvements accepted pursuant to the terms herein provided.

It is a condition of this Irrevocable Letter of Credit that it shall be automatically extended, without amendment, for additional periods of one year from the present and each future expiration date, unless we notify you in writing via Certified Mail, Return Receipt Requested, at least sixty (60) days prior to any given expiry date that we have elected not to renew this Irrevocable Letter of Credit for such additional period of time. If we fail to notify you by Certified Mail, Return Receipt Requested, this Irrevocable Letter of Credit shall automatically be extended for an additional period of one year. We will honor such additional one-year extensions as may be requested by the Village, until the project is completed in accordance with the applicable Ordinances, Codes, and Approved Plans.

Except as otherwise expressly stated herein, this credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision) International Chamber of Commerce, Publication 500.

Very truly yours,

Authorized Signature & Name of Bank

L:\My Documents\Glenelly\Form Letter of Credit 9-25-09.doc

S:\Building\Letters of Credit\Form Letter of Credit 9-25-09.doc

EXHIBIT N

TRANSFeree ASSUMPTION AGREEMENT

THIS AGREEMENT, made as of this ____ day of _____, 20__, by, between and among GSP Development, LLC, an Illinois limited liability company ("**Owner**"); _____, a _____ ("**Transferee**"); and the Village of Glen Ellyn, an Illinois municipal corporation ("**Village**"),

WITNESSETH:

WHEREAS, pursuant to that certain real estate sale contract dated _____, 20__, the Transferee agreed to purchase from the Owner certain real property situated in DuPage County, Illinois and legally described in Exhibit A attached hereto and by this reference incorporated herein and made a part hereof ("**Property**"); and

WHEREAS, following the conveyance of the Property by the Owner, the Transferee will be the legal owner of the Property; and

WHEREAS, as a condition to the conveyance of the Property by the Owner, the Owner and the Village require that the Transferee agree to comply with all the terms, requirements and obligations set forth in that certain Redevelopment Agreement, dated as of _____, 20__, and recorded in the Office of the DuPage County Recorder on _____, 20__, as Document No. _____, by and between the Village and Owner, as amended from time to time ("**Redevelopment Agreement**");

NOW, THEREFORE, in consideration of the agreement of the Owner to convey the Property to the Transferee and of the Village to accept the transfer of obligations as provided herein and to grant the releases granted herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed by, between and among the Village, the Owner, and the Transferee as follows:

1. **Recitals**. The foregoing recitals are by this reference incorporated herein and made a part hereof as substantive provisions of this Agreement.

2. **Assumption of Obligations**. The Transferee, on its behalf and on behalf of its successors, assigns, heirs, executors and administrators, hereby agrees, at its sole cost and expense, to comply with all of the terms, requirements and obligations of the Redevelopment Agreement, including all exhibits and attachments thereto, regardless of whether such terms, requirements and obligations are to be performed and provided by, or are imposed upon, the Owner or the developer of the Property.

3. **Assurances of Financial Ability**. Contemporaneously with the Transferee's execution of this Agreement, the Transferee shall, upon the request of the Village, provide the Village with reasonable assurances of financial ability to meet the obligations assumed hereunder as the Village may require.

4. **Acknowledgement and Release of Transferor.** The Village hereby acknowledges its agreement to the Transferee's assumption of the obligation to comply with the terms, requirements and obligations of the Redevelopment Agreement, including all exhibits and attachments thereto, and the Village hereby releases the Owner from any and all liability for failure to comply with the terms, requirements and obligations of the Redevelopment Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first written above.

ATTEST:

GSP DEVELOPMENT, LLC, an Illinois
limited liability company

By: _____
Its: _____

By: _____
Its: _____

ATTEST:

VILLAGE OF GLEN ELLYN, an Illinois
municipal corporation

By: _____
Its: _____

By: _____
Its: _____

ATTEST:

TRANSFeree
Name:
A:

By: _____
Its: _____

By: _____
Its: _____

ACKNOWLEDGEMENT

STATE OF ILLINOIS)
) SS.
COUNTY OF DuPAGE)

 This instrument was acknowledged before me on _____,
20____, by _____, the President of the **VILLAGE OF GLEN ELLYN**, an
Illinois municipal corporation, and by _____, the Village Clerk of said
municipal corporation.

Signature of Notary

SEAL

My Commission expires:

STATE OF ILLINOIS)
) SS.
COUNTY OF _____)

 The foregoing instrument was acknowledged before me on
_____ 20____, by _____ the _____ and
_____ the _____ of **GSP DEVELOPMENT, LLC**, an Illinois limited
liability company, as their free and voluntary act in their capacities as officers of said company
for the uses and purposes herein.

Signature of Notary

SEAL

My Commission expires:

STATE OF ILLINOIS)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me on
_____ 20____, by _____ the _____ and
_____ the _____ of _____, a _____, as
their free and voluntary act in their capacities as officers of said company for the uses and
purposes herein.

Signature of Notary

SEAL

My Commission expires:

EXHIBIT A
PROPERTY'S LEGAL DESCRIPTION

(Attached)

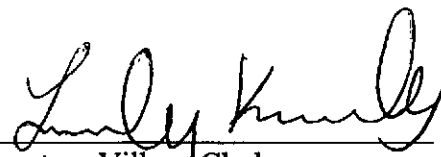
4810-7851-7581, v. 1

CERTIFICATION

I, Lindsey Kaminsky, duly elected Deputy Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is a true and correct copy of Ordinance No. 6671, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Meeting of said Board held on the 28 day of January, 2019, and that the same was signed and approved by the President of said Village on the 28 day of January, 2019.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Glen Ellyn, Illinois, this 28 day of January, 2019.


Deputy Village Clerk

CORPORATE SEAL



8 0 0 4 0 4 8 4
Tx:40023203

FRED BUCHOLZ, RECORDER
DUPAGE COUNTY ILLINOIS
03/22/2019 11:32 AM

DOCUMENT # R2019-020930



Village of Glen Ellyn

Ordinance No. 6672

An Ordinance Granting Approval of a
Special Use Permit for a Preliminary Planned Unit Development
and the Exterior Appearance of a
Mixed Use Development to be Known as Apex 400
and Proposed at the
Northwest Corner of Main Street and Hillside Avenue
and Commonly Known as 400 & 418-424 N. Main Street *GLEN ELLYN IL 60137*

Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This 28 Day of January, 2019.

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County, Illinois,
this 28 day of January, 2019.

PREPARED BY AND MAIL TO:

VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No. 6672

**An Ordinance Granting Approval of a
Special Use Permit for a Preliminary Planned Unit Development
and the Exterior Appearance of a
Mixed Use Development to be Known as Apex 400
and Proposed at the
Northwest Corner of Main Street and Hillside Avenue
and Commonly Known as 400 & 418-424 N. Main Street**

Whereas, Larry Debb and John Kosich of GSP Development, LLC, and 400 Main, LLC,
have purchased the former Giesche Shoe property located at 400 N. Main Street; and

Whereas, the Village and GSP Development, LLC, entered into a Purchase and Sale Agreement
for the Village-owned parking lot located at 418 – 424 N. Main Street, north of the former Giesche
Shoe property in accordance with the approval of Ordinance No. 6640; and

Whereas, the Purchase and Sale Agreement is contingent upon the Village Board approval of a
Redevelopment Agreement and zoning entitlements for the subject properties, among other conditions;
and

Whereas, GSP Development, LLC, has petitioned the President and Board of Trustees of the
Village of Glen Ellyn for approval of the following:

- A. A Special Use Permit for a Preliminary Planned Unit Development in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code and the following deviations to the Glen Ellyn Zoning Code:
 - 1. A deviation from Section 10-4-17-1(E) to permit a building height up to 61 feet at the top of the parapet, with a majority of the building at 58 feet, in lieu of 45 feet permitted by Code.
 - 2. Deviations from Section 10-5-8(I) to allow:
 - a) Parking spaces 18 feet in length in lieu of 19 feet;

- b) Parking spaces 8.5 feet wide in lieu of 9.5 feet wide in certain locations where the aisle width is at least 24 feet wide;
 - c) An aisle width of 21'-7 3/4" on a portion of the site and 24 feet on other parts of the site in lieu of 25 feet.
- 3. A deviation from Section 10-7-9(D) to allow 100% of the site to be covered in lieu of 65%.
 - 4. A deviation from Section 10-5-9(B) to allow an off street loading space 40 feet in length in lieu of 50 feet.
 - 5. A deviation from Section 10-5-13(M)2 to allow the parking garage lights to emit up to 6.2 foot candles at the public entrance to the garage on Hillside Avenue, 7.14 foot candles at the public garage entrance along Main Street, and 7.3 foot candles at the residential parking garage entrance along Hillside Avenue in lieu of 3 foot candles at the lot line.
- B. Exterior Appearance approval in accordance with the Glen Ellyn Appearance Review Guidelines, Ordinance No. 5508.

all to allow the construction of a mixed-use building with 8,844 square feet of first floor commercial space, up to 107 apartment units and a two-story parking garage; and

Whereas, the subject property is located at 400 N. Main Street and 418 - 424 N. Main Street, on the northwest corner of Hillside Avenue and Main Street in the C5A & C5B Central Business Districts and legally described as follows:

400 N. MAIN STREET

LOT 2 AND LOT 3 (EXCEPT THE WEST 40.0 FEET THEREOF) IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST ¼ OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 5, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY ILLINOIS.

P.I.N.: 05-11-327-023; and

418 - 424 N. MAIN STREET

PARCEL 1

THE EAST 175 FEET OF LOT 1 IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY,

ILLINOIS

P.I.N.: 05-11-327-026; and

PARCEL 2

LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-11-327-005; and

PARCEL 3

LOT 6 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-327-016

ALLEY

THE SOUTH 3 FEET OF THAT PART OF THE PRIVATE ALLEY LYING NORTH OF AND ADJOINING LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950 AND THE SOUTH 3 FEET OF THE EAST 8 FEET OF THE PRIVATE ALLEY LYING WEST OF AND ADJOINING LOT 6 OF SMITH'S SUBDIVISION AFORESAID. ALL IN DUPAGE COUNTY, ILLINOIS.

Whereas, following due and proper publication of notice in The Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 250 feet, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on January 7, 2019 at which hearing the petitioners presented evidence and testimony in support of the request for approval of a Special Use Permit for a Preliminary Planned Unit Development with zoning deviations, at which hearing, seventeen (17) people spoke against the development and raised concerns about the height of the building, traffic generated from the development, the mass of the building and the proposed exterior appearance of the building; and at which hearing, twelve (12) people

spoke in favor of the development and raised concerns about rising taxes, the lack of development in the Village and the lack of housing options to accommodate downsizing residents; and at which hearing, seven (7) people spoke neither in favor or against the development; and

Whereas, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings and recommendations and by a vote of nine (9) “yes” and zero (0) “no”, the Plan Commission recommended approval of the requests with conditions as set forth in the January 7, 2019 minutes of the Plan Commission, a copy of which is attached hereto as Exhibit “A”; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the public hearing of the Plan Commission and have considered the findings and recommendations of the Plan Commission; and

Whereas, staff has performed the review of the application for Exterior Appearance and has determined the proposed Exterior Appearance is in substantial conformance with the Village’s Appearance Review Guidelines and recommends approval of the proposed Exterior Appearance; and

Whereas, the President and Board of Trustees have determined that granting a Special Use Permit for a Preliminary Planned Unit Development is consistent with the goals of the Glen Ellyn Zoning Code and approving the Exterior Appearance of the proposed development is consistent with the recommendations of the Appearance Review Guidelines and in the best interests of the Village of Glen Ellyn.

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

Section One: The Plan Commission meeting minutes, dated January 7, 2019 Exhibit “A” attached hereto, and the findings and recommendations set forth therein and in the preambles above are

hereby adopted as the findings of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the public hearing of the Plan Commission.

Section Two: Based upon the findings and recommendations of the Plan Commission for the Special Use for a Preliminary Planned Unit Development with deviations from the Zoning Code and the staff recommendation for the Exterior Appearance approval, as adopted herein, and the findings and conclusions set forth in the preambles above, the Village President and Board of Trustees hereby grant approval of the Special Use for a Preliminary Planned Unit Development with deviations from the Zoning Code and the Exterior Appearance to allow the mixed-use development of a five-story building to be called Apex 400, including first floor commercial, above ground floor apartment units, and a two-story parking garage on the properties commonly known as 400 N. Main Street and 418 - 424 N. Main Street.

Section Three: This grant of approval of a Special Use Permit for a Preliminary Planned Unit Development and Exterior Appearance approval is subject to the following conditions:

A. Construction of the subject development shall be in substantial conformance with the testimony presented at the January 7, 2019 public hearing before the Plan Commission and as amended by the Village Board of Trustees on January 28, 2019, including the following plans and documents referenced below, all of which are incorporated into this Ordinance as though they were attached hereto:

1. Petitioner's Application Packet, including the following materials:
 - a. Preliminary PUD Application dated November 1, 2018
 - b. Exterior Appearance Application dated November 1, 2018
 - c. Narrative Statement from Larry Debb, dated November 21, 2018
 - d. Proof of Ownership
 - e. Disclosure of Interest form, dated July 17, 2018 and December 12, 2018
 - f. Reimbursement of Fees Agreement, dated July 17, 2018

- g. Site Statistics Summary
- h. List of Deviations
- i. Alta Surveys prepared by Manhard Consulting, Ltd., dated June 26, 2018
- j. Existing Conditions Plan prepared by Manhard Consulting, Ltd., dated June 19, 2018
- k. On-street Parking Demolition Plan (PDR 0) prepared by FitzGerald Associates, last revised November 19, 2018
- l. Site Plan Option A (PDR 1) prepared by FitzGerald Associates, last revised November 19, 2018, attached hereto as Exhibit "B"
- m. Site Plan Option B (PDR 1) prepared by FitzGerald Associates, last revised November 19, 2018, attached hereto as Exhibit "C"
- n. Floor Plan - Floor 1, Plan Option A (PDR 2) prepared by FitzGerald Associates, last revised November 19, 2018, attached hereto as Exhibit "D"
- o. Floor Plan - Floor 2, Plan Option A (PDR 3) prepared by FitzGerald Associates, last revised November 19, 2018, attached hereto as Exhibit "E"
- p. Floor Plan - Floor 3 (PDR 4) prepared by FitzGerald Associates, last revised November 19, 2018, attached hereto as Exhibit "F"
- q. Floor Plan - Floor 4 (PDR 5) prepared by FitzGerald Associates, last revised February 8, 2019, attached hereto as Exhibit "G"
- r. Floor Plan - Floor 5 (PDR 6) prepared by FitzGerald Associates, last revised February 8, 2019, attached hereto as Exhibit "H"
- s. Building Elevations (PDR 8 - PDR 10) prepared by FitzGerald Associates, last revised February 8, 2019, attached hereto as Group Exhibit "I"
- t. Sign Plan (PDR 11) prepared by FitzGerald Associates, last revised February 8, 2019, attached hereto as Exhibit "J"
- u. Renderings (PDR 19 - PDR 21) prepared by FitzGerald Associates, last revised February 8, 2019, attached hereto as Group Exhibit "K"
- v. Landscape Plans, prepared by David R. McCallum Associates, Inc., last revised November 19, 2018, attached hereto as Group Exhibit "L"
- w. Right-of-Way Cross Section prepared by Manhard Consulting Ltd., dated June 19, 2018
- x. Grading Plan prepared by Manhard Consulting Ltd., dated June 19, 2018, attached hereto as Exhibit "M"
- y. Utility Plan prepared by Manhard Consulting, Ltd., dated June 19, 2018, attached hereto as Exhibit "N"

- z. Photometric Plan prepared by Eco Lighting Solutions, dated November 19, 2018, attached hereto as Exhibit "O"
- aa. Light Fixture Cut Sheets from Ligman Lighting USA

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Planning and Development Department.

- B. That should the developer be able to acquire three feet of the alley located north of Lot 5, that PUD Alternate Plan B, attached hereto as Exhibit "C", shall be substituted for the approved Plan A, and that such substitution shall not require further Village Board approval.
- C. That the final streetscape and public improvements for the project will match the streetscape design selected by the Village Board in 2019.
- D. Prior to returning for final approval of the Planned Unit Development, the landscape plan shall be revised to show trees with a minimum diameter of 4 inches.
- E. That the developer install a sign at the access points from the development onto Hillside Avenue indicating "No right Turn Monday through Friday from 7:45 to 8:30 am". The location and exact wording of the signage will be subject to the approval of Village Staff.
- F. That the developer install a sign at the access point from the development onto Glenwood Avenue indicating "No Left Turn Monday through Friday from 7:45 - 8:30 am". The location and exact wording of the signage will be subject to the approval of Village Staff.
- G. That the developers convert the traffic flow on Hillside Avenue between Main Street and Glenwood Avenue including any necessary signage, pavement markings, and geometric changes to the roadway as directed by the Village Engineer.
- H. That the Village pursue the installation of a stop sign for west bound traffic at the Hillside Avenue/Glenwood Avenue intersection, subject to conformance with engineering standards, manuals, and traffic warrants as determined by the Village Engineer and Police Chief.
- I. Prior to returning for review of the Final Planned Unit Development, the site plan shall be revised to show the bike rack moved from Hillside Avenue to a more appropriate location that will not interfere with site ingress/egress.
- J. Prior to returning for approval of the Final Planned Unit Development, the second floor plan shall be revised to show all parking stalls numbered and assigned by unit.
- K. Prior to returning for approval of the Final Planned Unit Development, all elevations shall be revised to show brick facing on the precast concrete proposed on the west elevation of the building.

- L. Prior to returning for approval of the Final Planned Unit Development, all elevations, renderings and floor plans shall be revised to reflect the updated elevations and renderings prepared by Fitzgerald Associates last revised February 8, 2019.
- M. Prior to issuance of a building permit, the petitioner shall pay the Village \$169,219.00 to be dispersed to Village taxing bodies in the following amounts:
 - 1. Glen Ellyn Park District - \$50,000.00
 - 2. School District 41 - \$21,947.00
 - 3. School District 87 - \$7,272.00
 - 4. Fire Company - \$45,000.00
 - 5. Glen Ellyn Library - \$45,000.00
- N. That if any roof top units are visible from adjacent streets after the development is constructed, the developers will screen the units from public view.
- O. The subject development shall be constructed, operated, and maintained in compliance with the Redevelopment Agreement between the Village of Glen Ellyn and GSP Development, LLC, dated March 4, 2019, a form of which is attached hereto as Exhibit "P" and which is subject to the review and approval of the Village Attorney.

Section Four: The petitioner shall file an application for approval of a Final Planned Unit Development Plan with the Director of the Department of Planning and Development within six (6) months after the passage and approval of this Ordinance, or this Ordinance shall become null and void provided, however, that the Village Board may, by motion, grant an extension of this provision. Further, the Village Board may, for good cause shown, waive or modify any conditions set forth in this Ordinance without requiring that the matter return for public hearing.

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

Section Six: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 10-10-18(A) and (B) of the Village of Glen Ellyn Zoning Code.

Section Seven: The Village Clerk is hereby authorized to record this Ordinance with the DuPage County Recorder.

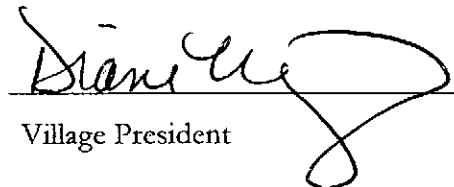
Section Eight: The privileges, obligations, and provisions of each and every section of this Ordinance shall be binding on GSP Development, LLC ("GSP"), on any and all of GSP's successors and assigns, and on any and all of the respective successor legal or beneficial owners of all or any portion of the property commonly known as 400 and 418-424 N. Main Street, Glen Ellyn, Illinois.

Section Nine: The foregoing recitals are incorporated as though fully set forth in this Section Nine.

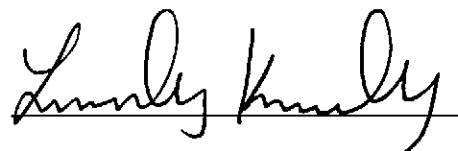
Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois this 28 day of January, 2019.

Ayes	☒	Diane McGinley	☒	Pete Ladesic		Mark Senak
	☒	Craig Pryde		Bill Enright		Gary Fasules
	☒	John Kenwood				
Nayes		Diane McGinley		Pete Ladesic		Mark Senak
		Craig Pryde	☒	Bill Enright	☒	Gary Fasules
		John Kenwood				
Absent		Diane McGinley		Pete Ladesic	☒	Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		John Kenwood				

Approved by the Village President of the Village of Glen Ellyn, Illinois this 28 day of January, 2019.


Village President

Attest:



Deputy Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the 11 day of February, 2019.)

DRAFT MINUTES
REGULAR PLAN COMMISSION MEETING
MARCH 28, 2019

Call to Order

The regular meeting of the Plan Commission was called to order by Chairperson Mary Loch at 7:00 p.m. Plan Commissioners Lloyd Berry, Phillip Hartweg, Tracy Heming-Littwin, John Mulherin, David Rodemann and Mohammed Saeed were present. Plan Commissioners Angela Fanella and Jamie Vondruska were excused. Also present were Community Development Director Staci Springer, Village Planner Kelly Purvis, Attorney Julie Tappendorf, Assistant Village Manager Bill Holmer, Police Chief Phil Norton, Planning Intern Evan Clements, Planning Intern Laura Kenney, Trustee Liaison Craig Pryde 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 Heming-Littwin moved, seconded by Commissioner Mulherin, to approve the minutes of the March 14, 2019 Plan Commission meeting. The motion carried unanimously by voice vote.

Chairperson Loch stated the public hearing for the Walgreen's sign variation that was on tonight's agenda will be rescheduled to another date.

Public Meeting – 400 & 418-424 N. Main Street

On the agenda was a public hearing regarding to consider the approval of the Final Planned Unit Development (PUD) for the Apex 400 Project to be located at 400 & 418-424 N. Main Street.

Chairperson Loch explained the Plan Commission's role and the process for tonight's public meeting. Chairperson Loch stated the Plan Commission is to access the conformity of the Apex 400 project to what the Village Board approved in January.

Attorney Tappendorf explained the difference of a public meeting versus public hearing and the role of the Plan Commission in a Final PUD process. Attorney Tappendorf stated a public

hearing was held regarding this project in January 2019, and tonight, the Plan Commission will review the final plans that were prepared based on the conditions the Village Board put in the ordinance to ensure the plans are consistent with what was approved by the Village Board in January. Attorney Tappendorf stated per the Open Meetings Act, there will be a Public Comment portion during this public meeting.

PUBLIC MEETING – 400 & 418-424 N. MAIN STREET – APEX 400 – FINAL PLANNED UNIT DEVELOPMENT

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF A FINAL PLANNED UNIT DEVELOPMENT FOR THE APEX 400 PROJECT TO BE LOCATED AT 400 & 418-424 N. MAIN STREET.

Staff Introduction

Village Planner Purvis stated the petitioners are Larry Debb and John Kosich of GSP Development and 400 Main LLC, owners of the former Giesche Shoe property at 400 N. Main Street. Village Planner Purvis stated GSP Development is requesting Final Planned Unit Development approval for the Village-owned Main Street parking lot (418 - 424 N. Main Street) and the former Giesche Shoe property (400 N. Main Street) with a new mixed use building featuring 107 luxury apartment units, 8,844 square feet of first floor commercial space and two floors of parking. Village Planner Purvis stated in order to proceed with the project as proposed, the petitioners will need approval of a Final Planned Unit Development plan in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.

Village Planner Purvis showed an overview map of the subject properties and stated a review of a Final PUD plan typically include consideration of the following:

1. Any aspects of the project that have changed since preliminary approval was granted;
2. Whether the Final PUD plan substantially conforms to the preliminary PUD approval;
3. Compliance with the conditions set forth in the Ordinance granting Preliminary PUD approval.

Village Planner Purvis stated there have been 4 previous meetings regarding this proposed development including the May 10, 2018, pre-application meeting at the Plan Commission, the January 7, 2019, public hearing at the Plan Commission, the January 22, 2019, Village Board

Workshop where the conditions of approval, financial incentives and the Redevelopment Agreement were discussed and the January 28, 2019, Village Board Meeting where the Village Board considered the Preliminary PUD plans, Exterior Appearance and the Redevelopment Agreement for the proposed development. Village Planner Purvis stated at the January 28th meeting, the Village Board adopted Ordinance No. 6671 to approve the Redevelopment Agreement between the Village and GSP Development by a vote of 5 “yes” and 2 “no” votes. Village Planner Purvis stated the Village Board also approved Ordinance No. 6672 granting approval of the zoning entitlements for the project, including the Preliminary Planned Unit Development with Zoning Deviations and the Exterior Appearance by a vote of 4 “yes” to 2 “no” with 1 “abstention.”

Village Planner Purvis stated that the Preliminary PUD Plans have been revised to reflect the changes requested by both the Plan Commission and the Village Board. Village Planner stated that the Plan Commissioners received the Final PUD Plans as part of the Plan Commission packet prior to the meeting. Village Planner Purvis showed a rendering of the proposed building and reviewed the changes to the plans since the public hearing at the January 7, 2019, Plan Commission Meeting. Village Planner Purvis stated the northeast and southeast corners on the top of the building were removed to change the perceived height of the structure. Village Planner Purvis stated with the removal of these corners, the northeast corner is 54 feet from the pavement, and the southeast corner is 47 feet from the pavement. Village Planner Purvis stated that the tallest part of the building was reduced to 61 feet from the previously requested height of 65 feet with the majority of the building still at 58 feet. Planner Purvis stated that while the unit mix has changed and the total leasable square footage has been reduced, the number of units proposed is still 107.

Village Planner Purvis stated the Village Board’s approval of the zoning entitlements for the project was made subject to various conditions and that all conditions that could be satisfied at this point have been.

Village Planner Purvis put up a rendering of the revised landscape plan submitted as part of the Final PUD Plans and stated that the landscape plan has been revised to show all trees with a minimum diameter of four inches.

Village Planner Purvis displayed the development site plan and stated that the bike racks between the two garage entrances on Hillside Avenue have been removed from the site plan. She stated, the location and style of bike rack will be selected along with other streetscape elements for the project to match the Village’s plans for the downtown streetscape project.

Village Planner Purvis showed the second floor plan and stated that the second floor plan has been revised to show all parking spaces numbered and assigned by unit.

Village Planner Purvis showed the west elevation of the building and stated that the elevations for the west side of the building have been revised to show precast concrete panels with integrated thin brick.

Village Planner Purvis stated that all elevations, renderings and floor plans for the project have been revised to reflect the changes discussed at the Village Board meeting on January 28, 2019. She showed images of the elevations, renderings and floor plans and stated that the following changes have been made: removal of one apartment unit on both the northeast and southeast corners of the building, the awning at the corner of Hillside Avenue and Main Street has been further extended north, the limestone treatment on the front of the building has been carried from the first to the second floor, face brick color 1 has been added around the residence parking garage entrance on Hillside Avenue, and thin brick has been added to the precast on the west elevation.

Planner Purvis stated that any remaining conditions of the Preliminary PUD approval that have not yet been satisfied will be incorporated into the Final PUD Ordinance.

Village Planner Purvis stated that the Final PUD Plans have been modified in accordance with the conditions of approval and as requested by the Plan Commission and Village Board. She stated that the only additional change to the plans was a note on the Site Plan indicating that the driveway apron from the Glenwood portion of the parking garage would be widened to allow adequate space for trucks to complete turning movements from the garage.

Village Planner Purvis stated the Plan Commission should review the plans and application submitted for the Final Planned Unit Development of the site and determine whether the plans are in substantial conformance with those that were approved by the Village Board as part of the Preliminary PUD application. Village Planner Purvis stated if the plans are in substantial conformance, it would be appropriate for the Plan Commission to recommend that the Village Board approve the Final PUD.

Questions from the Plan Commission

None

Petitioner's Presentation

Mr. Debb stated Village Planner Purvis did a great job presenting the final plans, and they have nothing more to add to this.

Persons in Favor of or in Opposition to the Request

Mary Beth Nelms, who resides at 1N144 Stacy Court, thanked the Plan Commission for the recommended denial of a gas station at Five Corners. Ms. Nelms stated she has a lot of concerns about the project, including the Village being allowed to grant a variance as the Village owns the parking lot. Ms. Nelms stated the parking stalls will not be wide enough. Ms. Nelms stated this project is way too big on Main Start at the beginning of a historic village. Ms. Nelms asked how the grade differential for the egress onto Glenwood Avenue would be remediated. Ms. Nelms stated she thinks all this construction at once will be convoluted. Ms. Nelms stated there will be no parking due to the staging for construction. Ms. Nelms stated the Streetscape Project sounds great, but she is concerned this could be in the way too. Ms. Nelms stated the Plan Commission should postpone this vote to think on this.

Claudia Schaefer, who resides at 410 Melrose Avenue, #302, stated she has been at all four meetings regarding this project, and at least 100 citizens with cogent reasons for not building this have been at these meetings. Ms. Schaefer stated the majority seem against this project, and even two Trustees have spoken on behalf of the people. Ms. Schaefer stated you can tweak a sow's ear into a silk purse, but no tweaking is going to fix this. Ms. Schaefer stated a Trustee even spoke against this housing being needed. Ms. Schaefer stated there was no referendum on this, and a clear majority of residents are against this project. Ms. Schaefer stated the residents want the Zoning Code enforced. Ms. Schaefer asked when the voice of the people who live in the town will matter more than the developer who will build and move on and when the Village will stand with the people.

Ken Kloss, who resides at 350 Ridgewood Avenue, stated the retail space and parking do influence the height of the building. Mr. Kloss stated he suggests doing a land transfer with St. Petronille's as there would then be 65 feet available. Mr. Kloss stated the design of the parking should be separate from the design of the apartments. Mr. Kloss stated 4-foot wide corridors and one elevator is not considered luxury.

Ray Campbell, who resides at 460 Raintree Court, #3K, thanked the Village Board and Plan Commission for their service to the community. Mr. Campbell stated people are speaking out, and the people do not want Glen Ellyn to be like downtown Naperville. Mr. Campbell stated a tall building will dwarf everything in the downtown, and the other tall buildings are north of the railroad tracks. Mr. Campbell stated this building is not appropriate, and he suggests the Plan Commission table the vote so the newly-seated Village Board can work on this. Mr. Campbell stated this is not right for downtown Glen Ellyn. Mr. Campbell stated he is all for responsible development, but they need to stop this now.

Karyn Campbell, who resides at 460 Raintree Court, #3K, stated she respects those who make the decisions for Glen Ellyn, but this project is not right for this property. Ms. Campbell stated this building will be over 10 feet higher than the tallest building now, and this is not a good thing. Ms. Campbell stated young people will not be able to afford these apartments. Ms. Campbell stated this vote should be tabled, and the new Village Board should make the decision on this as the new Board is the one who will have to implement it.

Karyn Phillipson, who resides at 717 Hill Avenue, stated she likes Glen Ellyn for its historic character and the look of the town. Ms. Phillipson stated this building is too tall and too modern-looking for Glen Ellyn. Ms. Phillipson stated this building on the edge of town might be appropriate, but people are unhappy about this. Ms. Phillipson stated this building will change the way Glen Ellyn looks and feels.

Julie Spiller, who owns Gather and Collect at 473 N. Main Street, stated her main concern is around parking. Ms. Spiller stated the parking in St. Petronille's lot will be lost along with additional parking spots lost due to the streetscape plan. Ms. Spiller stated nobody seems to be talking about the parking that will be lost or the potential parking garage behind the Civic Center. Ms. Spiller stated new businesses are coming, but she does not know where they will park. Ms. Spiller stated they need to listen to the shop owners as many are afraid to speak.

Eleanor Saliamonas, who resides at 626 Newton, showed an overview rendering of what Apex 400 might look like in the downtown and stated the picture says it all.

Billy Joe Mills, who resides at 611 Maiden Lane, stated they moved here a few months ago because it is a beautiful town. Mr. Mills stated he thinks Glen Ellyn can do better than this and can come up ideas better than this. Mr. Mills stated he proposed a park being built there instead which can be used as a gathering place or to have events at. Mr. Mills asked why the chorus of voices does not mean something. Mr. Mills stated the tallest building in a town represents the town, but he does not think this is what Glen Ellyn treasures. Mr. Mills stated Save Main could be organized enough to do a lawsuit.

John Wolaver, who resides at 716 Forest Avenue, stated he grew up in a nice home town, but that home town has totally changed with many tall buildings that are not right. Mr. Wolaver asked the Village to not do this.

Kathy Cornell, who resides at 678 Forest Avenue, thanked the Plan Commission for their service. Ms. Cornell stated approximately 150 people will reside in this building, but she does not see that much additional traffic for the restaurants and retail shops. Ms. Cornell stated she does not like the size of the building, but she might like it if it was not in this particular spot. Ms. Cornell stated she is not sure what can be done at this point, but she would like the Plan

Commission to reconsider the footprint and height of the building. Ms. Cornell stated she appreciates that the developer has made concessions, but the Plan Commission should hold.

Andrea Nierhoff, who resides at 568 Crescent, stated she has owned Sheer Pandemonium Salon in Glen Ellyn for 18 years. Ms. Nierhoff stated she is with building a bigger and better Glen Ellyn, but the parking is a huge problem. Ms. Nierhoff stated she is super concerned about how they will do all this development. Ms. Nierhoff stated she is north of the railroad tracks so she is not directly affected by this, but she is nervous for her business friends. Ms. Nierhoff asked where they would put temporary parking. Ms. Nierhoff asked what the businesses will be in the retail spaces.

Declan McCarthy, who resides in Glen Ellyn, stated he is a resident, business owner and property owner in Glen Ellyn. Mr. McCarthy stated he has no personal issues, but he has seen inconsistencies with this. Mr. McCarthy stated Glen Ellyn has a convenience parking problem, but not a number of spaces problem. Mr. McCarthy stated there is no requirements for parking in C5A, but feels this should be looked at as C5B has minimum requirements for parking. Mr. McCarthy asked about the Special Use Permit.

Kelli Christiansen, who resides at 445 Turner Avenue, read a page from the Plan Commission brochure found on the Plan Commission page on the Village's website. Ms. Christiansen stated nowhere in the Code does it say that the Plan Commission can recommend based on economic decisions and referenced the January 7, 2019, Plan Commission meeting minutes where a Plan Commissioner referenced something financial which should be out of their purview.

Comments from the Plan Commission

Commissioner Rodemann stated he understands the role of the Plan Commission tonight is to access what has been presented. Commissioner Rodemann stated the developer has taken positive movement on the exterior of the building, and the building has less impact due to the reduced corners and other subtle changes. Commissioner Rodemann stated he is not seeing anything going in the opposite direction, and the project has been improved. Commissioner Rodemann stated he wants to see a quality building for the Village, and he does support this.

Commissioner Mulherin stated the plans as reviewed do comply with the conditions set forth in the ordinance, and he does support this.

Commissioner Heming-Littwin stated she does agree with the other Plan Commissioners and does support this.

Commissioner Hartweg stated he agrees with the other Plan Commissioners' comments. Commissioner Hartweg stated he appreciates the public speaking tonight as they Plan Commission and the developer heard things. Commissioner Hartweg stated the Village needs to plan to get used to the building. Commissioner Hartweg stated he does support this.

Commissioner Saeed stated the Plan Commission did make suggestions the first time they saw this plan, and the developer listened to this. Commissioner Saeed stated this is a good fit in Glen Ellyn and will be a good addition. Commissioner Saeed stated he does support this.

Chairperson Loch thanked the public who spoke about this project as the comments are heard. Chairperson Loch stated the staff will continue to communicate with the public regarding what the constructions plans are, how the parking will work and the Civic Center parking garage construction. Chairperson Loch stated the Plan Commission's job this evening is to assess the plans to ensure they conform to the preliminary plans. Chairperson Loch stated there are improvements in the plans to the northeast and southeast towers and the cornices as well as brick added to the west and south sides of the building. Chairperson Loch stated she does support this.

Motion

Commissioner Heming-Littwin moved, seconded by Commissioner Hartweg to recommend approval of a Final Planned Unit Development for the Apex 400 Project to be located at 400 & 418-424 N. Main Street.

Having considered the application of GSP Development for approval of a Final Planned Unit Development for the Apex 400 project proposed on the property located at 400 & 418-424 N. Main Street, the Plan Commission hereby finds that:

1. The findings of fact for granting the approval of the Preliminary Planned Unit Development adopted by Ordinance 6672 have not changed; and
2. The proposed plans are in substantial conformance with the plans approved by Ordinance 6672; and
3. The conditions in Ordinance 6672, which were to be resolved prior to action on the final plans, have been addressed;

The Plan Commission therefore makes a recommendation to the Village Board that the Final Planned Unit Development plans for the Apex 400 project be approved.

The motion carried with seven (7) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Hartweg, Berry, Mulherin, Rodemann and Saeed and Chairperson Loch voted "yes."

Chairperson Loch stated the Plan Commission is a recommending body so this will go before the Village Board for approval at the April 8th Village Board Meeting.

Trustee's Report

Trustee Pryde stated the Village Board has been doing meetings and workshops on the Civic Center parking garage, looking at the planned development and elevations so the Village Board can establish a Guaranteed Maximum Price (GMP). Chairperson Loch asked about the timeframe on the parking garage. Trustee Pryde stated they will coordinate the timing of the construction projects as the Village Board is cognizant of the Apex 400 construction and the Streetscape Project. Trustee Pryde stated the Village will not do all the projects at once, and the Village Board and staff will come up with a timeline to ensure the parking situation is figured out as well.

Commissioner Berry asked about the construction timing for the parking garage. Trustee Pryde stated it should be approximately 8 to 10 months. Trustee Pryde stated the Village is still in negotiations with the Methodist Church as well which can be planned in. Commissioner Mulherin stated his office is in Wheaton, and Wheaton's streetscape project was not good. Commissioner Mulherin stated his concern is over good communication as it was very unfair to the merchants in Wheaton. Trustee Pryde stated the Village Board and staff and cognizant of this and will do all the projects in phases.

Chairperson's Report

Chairperson Loch thanked Assistant Village Manager Holmer, Police Chief North and Attorney Tappendorf for being at tonight's meeting.

Staff Report

Village Planner Purvis thanked the Plan Commission for being flexible and agreeing to a meeting on Thursday, April 18th. Village Planner Purvis stated there are three projects possibly on this agenda. Village Planner Purvis stated the sign variation request for Walgreen's will be moved to a meeting in May. Village Planner Purvis welcomed Planning Intern Laura Kenney. Village Planner Purvis stated Planning Intern Clements will be leaving at the end of April once he finishes his degree to move back out east, where he is from.

Commissioner Mulherin asked about the possible jurisdiction issues which were brought up during public comment. Attorney Tappendorf stated this is based on the LaSalle Factors. Attorney Tappendorf stated it is not inappropriate for a Plan Commission to look at the financial aspect of a development to consider zoning as a Plan Commission needs to ensure a benefit to the Village with a proposed development.

Other Business

None

Adjournment

Commissioner Mulherin moved, seconded by Commissioner Heming-Littwin, to adjourn the meeting at 8:17 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary

Reviewed by Planner Purvis



Minutes
Village of Glen Ellyn
Regular Meeting
Monday, April 8, 2019
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

Attendee Name	Title	Status	Arrived
Diane McGinley	Village President	Present	
Bill Enright	Village Trustee	Present	
Gary Fasules	Village Trustee	Excused	
John Kenwood	Village Trustee	Present	
Pete Ladesic	Village Trustee	Present	
Craig R. Pryde	Village Trustee	Present	
Mark Senak	Village Trustee	Present	
John Chereskin	Village Clerk	Present	
Mark Franz	Village Manager	Present	
Greg Mathews	Village Attorney	Present	
William Holmer	Assistant Village Manager	Present	
Christina Coyle	Finance Director	Present	
Staci Springer	Community Development Director	Present	
Phil Norton	Chief of Police	Present	
Meredith Hannah	Economic Development Coordinator	Present	
Kelly Purvis	Planner	Present	
Rich Daubert	Senior Civil Engineer	Present	

President McGinley thanked the public for being at tonight's meeting and read a statement about the meeting. President McGinley stated anyone who wishes to make a public comment will have 3 minutes. President McGinley stated there should be 1 spokesman per group, and there will be no ceding of time to another person.

D. Village Recognition: (Village Clerk)

1. Public Works employees John Hubsy and Bill Miller received a letter of appreciation for their excellent customer service. Their knowledge and advice helped a customer complete a project in the most efficient and cost effective way.

E. Audience Participation

1. *President McGinley stated many residents had probably heard the updated news regarding Five Corners with the proposed True North gas station development. President McGinley stated the development is no longer going forward as True North is pulling out. President McGinley stated there has been many things done on the site. President McGinley stated one of the great things about the community is the involvement of all residents as she would rather have people involved and care about the community. President McGinley stated they need to acknowledge the neighbors stopped the*

development that the Village attracted so the Village will move forward and begin again. President McGinley stated the Village does still need to close the contract with True North and repay True North the purchase price of the property minus some fees. President McGinley asked Trustee Senak to work with Attorney Mathews on making sure the contract can be closed, and the appropriate fees are repaid. President McGinley stated she is forming an ad hoc committee to take another look at this, and she has asked former Village Trustee Tim Elliott to lead this committee. President McGinley stated she has also asked Trustee Pryde to be the Village Board liaison to this committee. President McGinley stated she has also asked Economic Development Coordinator Hannah to service on this committee as well. President McGinley stated she does not have exact details on what the work of this committee will entail, but she wanted to announce this ad hoc committee tonight.

2. *Megan Clifford, who resides at 793 Forest Avenue, stated she represents Protect Glen Ellyn, Inc. of which she is the president. Ms. Clifford stated she would like to offer the time and talents of Protect Glen Ellyn, Inc. as they would like to be involved in the Comprehensive Plan efforts. Ms. Clifford stated she will be sending a formal letter to the Village offering their assistance. Ms. Clifford stated they want to help and want to be heard.*
- F. Consent Agenda - The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

RESULT:	APPROVED [5 TO 0]
MOVER:	John Kenwood, Village Trustee
SECONDER:	Bill Enright, Village Trustee
AYES:	Enright, Kenwood, Ladesic, Pryde, Senak
EXCUSED:	Fasules
PRESENT:	McGinley

Motion to approve the following items including Payroll and Vouchers totaling \$2,479,680.78 (Trustee Fasules):

1. Total Expenditures (Payroll and Vouchers) - \$2,479,680.78. The vouchers have been reviewed by Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.
2. Glen Ellyn Village Board - Special Workshop Meeting - Mar 4, 2019 7:00 PM
3. Glen Ellyn Village Board - Special Workshop Meeting - Mar 11, 2019 6:00 PM
4. Glen Ellyn Village Board - Regular Meeting - Mar 11, 2019 7:00 PM
5. Glen Ellyn Village Board - Special Meeting - Mar 18, 2019 6:00 PM
6. Glen Ellyn Village Board - Regular Workshop Meeting - Mar 18, 2019 7:00 PM

7. Approval to Purchase Office Furniture for the Civic Center from Villa Park Office Equipment, of Villa Park, Illinois, in Accordance with Section 1-10-7 of the Village Code, through the National Intergovernmental Purchasing Alliance, in an Amount not to Exceed \$142,000 to be expensed to the Facilities Maintenance Reserve Fund (Assistant Manager Holmer)
8. Authorize the Village Manager to Execute a Contract Amendment to an Existing Contract with Dewberry Architects, Inc. for a Total Contract Amount of \$287,508, to be Expensed to the Facilities Maintenance Reserve Fund (Assistant Village Manager Holmer)
9. Ordinance No. 6691, An Ordinance Approving Variations from the Driveway Width and Impervious Surface Setback Requirements of the Zoning Code to Provide Access to a New Detached Garage on the Property Located at 231 N. Park Boulevard (Community Development Director Springer)
10. Ordinance No. 6685, An Ordinance Authorizing the Second Amendment to the 2012 License Agreement With TowerCo 2013 LLC to Authorize a Sublease Between TowerCo and T-Mobile to Allow T-Mobile to Collocate on the Monopole and Install Ground Equipment at the Glenbard Wastewater Authority Plant Located at 945 Bemis Road (Community Development Director Springer)
11. Ordinance No. 6686, An Ordinance Granting TowerCo approval of a Special Use Permit to allow a Height Extension of the Existing Cellular Tower Located on a Portion of the Glenbard Wastewater Treatment Facility at 945 Bemis Road (Community Development Director Springer)
12. Authorize the Village Manager to Execute a Contract with Robert W. Baird & Co. Inc., of Naperville, Illinois, for Financial Advisory Services Associated with Issuing General Obligation Bonds in a not-to-exceed 0.25% of the Public Offering Price of the Financing, to be Expensed to the Capital Projects Fund (Finance Director Coyle)

Regarding #12, Trustee Kenwood if this relates to the bond issue that will be voted on later in the meeting. Finance Director Coyle stated it is specific to the bond issue tonight as they do need to hire a financial advisor to help with the rating process and other pieces.

13. Ordinance No. 6687 - VC, An Ordinance Amending Section 7-11-28 (Water and Sewer Rates and Charges) to Add Stormwater Improvements and Maintenance to Allowable Uses of the Sewer Repair Program and Rename the Fee a Drainage Infrastructure Fee (Finance Director Coyle)

Regarding #13, Trustee Enright asked if this is just renaming this. Finance Director Coyle stated the Village already collects this, and they are just renaming it.

14. Approve a Waiver of the Duty to Install Sidewalk for the Property Owners at 545 Emerson Avenue (Public Works Director Hansen)
15. Ordinance No. 6688, An Ordinance Approving and Accepting the Dedication of Ramblewood Drive through The Arbors of Glen Ellyn (Public Works Director Hansen)

G. Parameters Ordinance 2019 Bond Issuance (Presented by Finance Director Coyle) (Trustee Kenwood)

1. Ordinance No. 6689, An Ordinance Providing for the Issuance of not to exceed \$10,000,000 General Obligation Bonds, Series 2019, of the Village of Glen Ellyn, DuPage County, Illinois, for the Purpose of Financing Construction of a Parking Garage Facility, Glen Ellyn Civic Center Improvements, Street and Streetscape Improvements and Metra Station Improvements and Property Acquisition, Authorizing Designated Officers to Sell Said Bonds by the Execution of a Bond Order, Providing for the Levy and Collection of a Direct Annual Tax Sufficient for the Payment of the Principal of and Interest on Said Bonds and Authorizing the Sale of Said Bonds to the Purchaser Thereof.

Finance Director Coyle presented background on the parameters ordinance and stated the parameters provide the authorization to issue the bonds. Finance Director Coyle stated the main parameters of the ordinance include:

1. *The Bonds will be General Obligation Bonds.*
2. *The Bond Term will be 20 years.*
3. *The Issuance amount is not to exceed \$10,000,000.*
4. *The Final Sale must be signed off by the designated officers highlighted in the ordinance, which include the Village President and one of the Village Clerk, Village Manager or Finance Director.*
5. *The parameters ordinance specifies an interest rate not-to-exceed 6% per annum.*

Finance Director Coyle stated the estimated debt service will be approximately \$685,000 per year. Finance Director Coyle stated the rating will be done the week after April 22nd, and the pricing and sale date need to be before May 13th so it is done before the new Village Board is seated.

Trustee Enright asked if this Village Board has to approve the parameters and the Guaranteed Maximum Price (GMP). Finance Director Coyle stated this Village Board only needs to approve the GMP.

Trustee Kenwood asked if the Village would lose the opportunity to issue bonds specifically for these projects if they approve the parameters, but do not issue the bonds. Finance Director Coyle stated they would probably then need to wait until the new Village Board is seated to then approve another parameters ordinance.

Nick Vittore, of 413 N. Main Street, stated he is with Svigos Asset Management and 413 Main, LLC. Mr. Vittore stated the bond would include monies for the parking garage behind the Civic Center, but this would be putting the cart before the horse if they include the parking garage in this. Mr. Vittore stated it is premature to include a program in its fundamental phases.

A motion was made by Trustee Kenwood and seconded by Trustee Pryde to approve Ordinance No. 6689, An Ordinance Providing for the Issuance of not to exceed \$10,000,000 General Obligation Bonds, Series 2019, of the Village of Glen Ellyn, DuPage County, Illinois, for the Purpose of Financing Construction of a Parking Garage Facility, Glen Ellyn Civic Center Improvements, Street and Streetscape Improvements and Metra Station Improvements and Property Acquisition, Authorizing Designated Officers to Sell Said Bonds by the Execution of a Bond Order, Providing for the Levy and Collection of a Direct Annual Tax Sufficient for the Payment of the Principal of and

Interest on Said Bonds and Authorizing the Sale of Said Bonds to the Purchaser Thereof.

Trustee Kenwood stated they are close to tying up the loose ends regarding the parking garage, but the Village still does have the ability to not issue the bonds.

RESULT:	APPROVED [5 TO 0]
MOVER:	John Kenwood, Village Trustee
SECONDER:	Craig R. Pryde, Village Trustee
AYES:	Enright, Kenwood, Ladesic, Pryde, Senak
EXCUSED:	Fasules
PRESENT:	McGinley

H. Final Planned Unit Development for Apex 400 (Presented by Community Development Director Springer) (Trustee Pryde)

1. Ordinance No. 6690, An Ordinance Granting Approval of the Final Planned Unit Development Plans for Apex 400 to be located at the Northwest Corner of Main Street and Hillside Avenue on property Commonly Known as 400 & 418-424 N. Main Street, Glen Ellyn, IL 60137

President McGinley read a statement regarding the order and process for this agenda item and asked everyone to be courteous and respectful. President McGinley introduced Village Attorney Greg Jones.

Attorney Jones stated on January 28, 2019, the Village Board approved the Preliminary Planned Unit Development (PUD), and on March 28, 2019, the Plan Commission found the Final PUD plans to be in substantial conformance with the plans approved on January 28th. Attorney Jones stated it is the Final PUD plans that are before the Village tonight for a vote, and not the Special Use or Redevelopment Agreement. Attorney Jones stated they are following the process set forth in the Village's Code.

Trustee Senak asked if the Village Board could approve the Final PUD plans with modifications and conditions. Attorney Jones stated some conditions could be appropriate; however, if the plans then no longer substantially conform then this could put the Village on shaky ground.

President McGinley stated the Village Board has heard many arguments both for and against the project. President McGinley stated since a lawsuit has been filed, the Village Board has been advised not to comment directly during public comment. President McGinley stated the Village Board is there to listen, and the public comment time will be for the public to speak and the Village Board to listen. President McGinley stated the Village Board appreciates everyone taking the time to attend tonight's meeting and for being involved and engaged in the project.

Community Development Director Springer presented background on the Apex 400 development and stated Larry Debb and John Kosich of GSP Development and 400 Main, LLC, are the owners of the property at 400 N. Main Street and contract purchasers of the property at 418-424 N. Main Street. Community Development Director Springer stated the petitioners are requesting approval of a Final Planned Unit Development Plans (PUD) for a mixed use development consisting of 107 apartments, 8,844 square feet of commercial space and a two-story parking garage. Community Development Director Springer showed renderings of the development at ground level facing south

and from the intersection to the southwest. Community Development Director Springer stated the properties are in the C5A and C5B zoning districts.

Community Development Director Springer reviewed the public meeting process to date and stated the Village did go above and beyond the State statute and Village Code requirements to get the word out about each meeting about this proposed development. Community Development Director Springer stated this proposed development started with a pre-application meeting at the May 10, 2018 Plan Commission meeting then the development went to the Village Board on November 12, 2018 who voted to conceptually support the idea. Community Development Director Springer stated the project then went to a public hearing at a special meeting of the Plan Commission on January 7, 2019 and then to a Village Board Workshop on January 22, 2019 to discuss the recommended conditions of approval, financial incentives and the Redevelopment Agreement for the project. Community Development Director Springer stated on January 28, 2019, the Village Board considered the Special Use Permit for a PUD, Preliminary PUD Plans, Exterior Appearance and the Redevelopment Agreement for the proposed development. Community Development Director Springer stated the Village Board adopted Ordinance No. 6671 to approve the Redevelopment Agreement between the Village and GSP Development by a vote of 5 “yes” and 2 “no” votes. Community Development Director Springer stated the Village Board also approved Ordinance No. 6672 granting approval of the zoning entitlements for the project, including the Special Use Permit for a PUD, Preliminary Planned Unit Development with Zoning Deviations and the Exterior Appearance by a vote of 5 “yes” to 2 “no.”

Community Development Director Springer stated at the March 28, 2019, Plan Commission Meeting, the Plan Commission reviewed the petitioners’ request for approval of a Final PUD at a public meeting, and by a vote of 7-0, the Plan Commission unanimously recommended approval of the Final PUD Plans. Community Development Director Springer stated at tonight’s Village Board Meeting, the Village Board will review the plans and application submitted for the Final PUD of the site and determine whether the plans are in substantial conformance with those that were approved as part of the Preliminary PUD application.

Community Development Director Springer reviewed the process for the review of a Final PUD plan which includes consideration of the following:

- 1. Any aspects of the project that have materially changed since preliminary approval was granted;*
- 2. Whether the Final PUD plan substantially conforms to the Preliminary PUD approval; and*
- 3. Compliance with the conditions set for the in the Ordinance granting Preliminary PUD approval.*

Community Development Director Springer stated the only other modification to the plans is a note on the Site Plan indicating that the radius of driveway apron at Glenwood Avenue will be increased which was requested by the Village Engineers due to Code.

Community Development Director Springer reviewed some additional information regarding the grid for the parking count update, the Streetscape project with this and the conceptual plan for what would happen with the parking on Hillside Avenue. Community Development Director Springer showed a grid for parking ratios of apartments, pictures of building height exhibits, the sun study and similar development examples.

Community Development Director Springer stated the Village did receive phone calls in the past week about work being done on the site. Community Development Director Springer stated this work was asbestos removal and does not require a permit. Community Development Director Springer stated the staff researched this asbestos work which was done by a licensed asbestos abatement company, and all work was done in accordance with the National Emissions Standards for Hazardous Air Pollutants. Community Development Director Springer stated all waste was transported off site to a State of Illinois approved landfill.

Community Development Director Springer stated a Special Use for a Private or Public Parking Garage is not required as the parking garage is integrated with a larger development, and the parking is accessory to the development. Community Development Director Springer stated the Village has never required accessory parking lots to receive a Special Use Permit.

Questions from the Village Board

Trustee Senak asked if the documents submitted to the Plan Commission were the same documents that the Village Board received. Community Development Director Springer stated the Plan Commission does get more detailed documents, and the Village Board was made aware of the Plan Commissioners' packets. Trustee Senak asked why the Plan Commission got the Preliminary Construction Schedule and not the Final Construction Schedule. Community Development Director Springer stated the Preliminary Schedule was the most updated schedule. Trustee Pryde stated the Construction Schedule is the same as the one presented at the Plan Commission Meeting. Trustee Senak asked why it was titled Preliminary Construction Schedule. Trustee Pryde stated the information presented has not changed. Trustee Senak stated there is semantics in respect to the title of the document. Community Development Director Springer reviewed the Construction Schedule and stated it had not changed.

Trustee Senak asked what documents are to be submitted to the Plan Commission as the Village Board received documents that the Plan Commission did not receive. Community Development Director Springer stated the Plan Commission would not get the Redevelopment Agreement. Trustee Senak asked if the Plan Commission were provided the deed for the Main Street parking and easement vacated by St. Petronille's. Community Development Director Springer stated this was not relevant to what the Plan Commission was reviewing.

Attorney Mathews stated there are certain documents that the Plan Commission is asked to look at in the Final PUD process. Attorney Mathews stated in terms of determining whether the Final PUD plans conform to the Preliminary Plans that were submitted. Attorney Mathews stated the deeds did not change between the Preliminary PUD plans and the Final PUD plans. Attorney Mathews stated some of the things had nothing to do with these reviews.

Trustee Senak asked if there are any other documents listed in Section 10-10-15(D) that were not given to the Plan Commission. Community Development Director Springer stated there is nothing on the list that was not provided. Trustee Senak stated the only one he is interested in is Item F and read from the Code. Community Development Director Springer stated this was addressed in the Redevelopment Agreement. Community Development Director Springer stated it is the obligation of the developer to provide this at a later date. Trustee Senak asked if this was provided to the Plan Commission. Community Development Director Springer stated this is not prepared yet, and the Plan

Commission does not normally get this and would not know what to do with this.

Petitioner's Presentation

Larry Debb, owner of GSP Development, stated the plans that are being approved are identical. Mr. Debb stated they incorporated many of the ideas that were submitted by the residents and the Trustees. Mr. Debb stated they are excited to proceed with this project and thanked the Village Board, the Plan Commission and all who provided comments they heard on this project.

Questions from the Village Board

Trustee Senak asked if Mr. Debb and Mr. Kosich said they are 50% owners in GSP Development when they submitted their application. Mr. Debb stated he and Mr. Kosich are 50% owners in the property, and Mr. Debb is the 100% owner of GSP Development which is a management company. Mr. Debb stated he is the sole owner and sole principal of GSP Development. Trustee Senak stated he has a letter from Park Ridge which indicates a William Debb. Mr. Debb stated William Debb is his son, and his son would like to be part-owner of GSP Development, but is not at this time. Trustee Senak stated they did a great job accommodating the requests, but he disagrees with one.

Trustee Kenwood asked if this building would be in the Downtown Historic District. Community Development Director Springer stated the property is adjacent to the Historic District, but not in it. Mr. Debb stated they do have a Memorandum of Understanding that gives them permission to tear the Giesche building down. Trustee Kenwood asked if the setback in the front center of the building is 7 feet. Mr. Debb stated it might be 6 feet. Trustee Kenwood stated the balconies do come to the property line to which Mr. Debb stated they do. Trustee Kenwood asked about the numbered spaces in the parking garage. Community Development Director Springer stated each apartment has an assigned parking space on the second floor of the parking garage. Trustee Kenwood asked what happens if you park in someone else's space. Mr. Debb stated this is not fine, and this is then a management issue.

Public Comment

Ray Campbell, who resides at 460 Raintree Court, Unit #3K, stated he appreciates the work done by the Village Board, the staff and the developer, but he does not believe the development fits into historic downtown Glen Ellyn. Mr. Campbell stated they are not Naperville. Mr. Campbell stated this building will tower over other buildings. Mr. Campbell stated there is a high percentage of residents who are against the development, and it is not too late to correct this mistake. Mr. Campbell stated he thinks this decision should be tabled until the new Village Board is seated, and then let the new Village Board vote on this as they will have to implement this.

Claudia Schaefer, who resides at 410 Melrose Avenue, stated she has a top 10 list of why this project is totally inappropriate for this location and reviewed the list. Ms. Schaefer stated the businesses and residents will lose daylight. Ms. Schaefer stated the Village Board says downtown parking is why the Village needs Apex 400. Ms. Schaefer stated they are brushing aside safety issues, and the Village Board has set aside arguments against this development presented by the residents. Ms. Schaefer stated you could try to tweak this plan into making it work, but no amount of tweaking will fully help this. Ms. Schaefer stated one Trustee stated this type of housing is not needed in the Village. Ms. Schaefer stated a referendum was requested on this issue, but there is an absence of this.

Ms. Schaefer stated the residents want responsible growth and development. Ms. Schaefer asked when the voice of the people will mean more than a developer who will only build and move on.

Karyn Phillipson, who resides at 717 Hill Avenue, stated the Giesche building was probably beautiful years ago when it was built, but not it is dated. Ms. Phillipson stated this building will look dated in 20 years as well. Ms. Phillipson stated this building is a lot for this small space, and this building is not appropriate for this spot in the heart of the downtown. Ms. Phillipson stated this building might look fine on the edge of town.

Patrick Neary, co-owner of A Toda Madre at 499 N. Main Street, stated he encourages the Village Board to approve this as they need more residents and more parking downtown. Mr. Neary stated they all feel they want to protect and save, but they all have different views on this. Mr. Neary stated he would hate to see the Village have to start all over again.

Mike Formento, who resides at 23W029 Hackberry Drive, stated he has emails that the Save Main group received as President McGinley sent an email with only a few days' notice that she and Village Manager Franz would be willing to sit down with any of the people from the Save Main group to discuss this development. Mr. Formento stated there was a suggestion that they could all come together to agree on a project that was hastily put together. Mr. Formento stated the developer says he cannot do a small building, and the Village Board has been too quick to agree to this. Mr. Formento stated the Save Main group would be happy to do a meeting about this development in the future as the group is willing to enter into conversation that will benefit all the community.

Joe Maude, who resides at 475 Duane Street, stated he owns a design business, and he was surprised the development received variances to be 60 feet in height. Mr. Maude stated this building will be too big, and he has compassion for the neighbors and the kids around this development. Mr. Maude stated this building will set a precedent for a neighboring building across the street.

Elicia Viola, who resides at 646 Forest Avenue, provided the definition of the word "workshop" from the Webster's Dictionary. Ms. Viola stated they have had idealistic hopes that those who are in town would ensure this new focal point would be the best as it will be in the heart of the historic district. Ms. Viola stated they all want progress and development. Ms. Viola stated with this lawsuit now, this hurts the taxpayers. Ms. Viola it is wrong that the Architectural Review Commission has been taken away, and she would like to see this back. Ms. Viola stated there was even a last-minute design to drop the front corners of the building.

Kathy Cornell, who resides at 678 Forest Avenue, thanked the Village Board for their service. Ms. Cornell stated she was the Park District liaison to the construction company that was redoing the Boathouse, and the public was included often as they were working on this project. Ms. Cornell stated the additional real estate taxes from the residents in this development are only approximately \$14 per resident per year. Ms. Cornell stated at the Plan Commission meetings, she feels no one in the community was being listened to. Ms. Cornell stated these apartments will be small so there will only be approximately 150 residents in this huge development. Ms. Cornell stated she hopes the Trustees and the developer can revisit this development to make it more appropriate for Glen Ellyn.

Jacquelyn Casazza, who resides at 386 N. Main Street, stated she will be living close to the Apex building. Ms. Casazza stated she drove past the Apex 41 building in Lombard,

and this building is set back off Highland Avenue behind another strip of retail and by another apartment building. Ms. Casazza stated nothing in Glen Ellyn will look like the Apex 400 building. Ms. Casazza stated the Village Board needs to take a minute and reconsider this.

Mary Beth Nelms, who resides at 1N144 Stacy Court, stated this project has become way too busy, and some items should be revisited so everyone can be happy about this. Ms. Nelms stated there is now a lawsuit against this project as well as asbestos issues. Ms. Nelms asked who is investigating the asbestos issues and the Stop Work Order. Ms. Nelms stated the Village Board handed everything to the developer but the permits. Ms. Nelms stated this is irresponsible on the Village Board's part that was voted in. Ms. Nelms stated the Save Main group is not against the project, but they want to see it compatible with downtown Glen Ellyn. Ms. Nelms stated the Village Board needs to revisit this and be responsible about this. Ms. Nelms stated the Village Board should table this and think this over.

Bruce Simpson, who resides at 188 Forest Avenue, asked how many parking spots are for the residents of the building. Mr. Debb stated 139. Mr. Simpson asked how they figure out the parking spots. Mr. Debb stated they look at other suburban developments and make a determination.

Attorney Mathews stated this is only a public comment portion and not a public hearing for cross examination.

Mr. Simpson stated the net absorption of parking is erroneous. Mr. Simpson stated this building will be enormous. Mr. Simpson stated he is pro-development, but doing this building without the new Village Board seated would be irresponsible.

Julie Spiller, who owns Gather and Collect at 473 N. Main Street, stated she would like her questions on the record. Ms. Spiller stated retail will be on the first floor of this building, and this 8,800 square feet of retail will need parking. Ms. Spiller stated new restaurants will bring more people to town so there needs to be more parking. Ms. Spiller stated they are not considering the Streetscape project. Ms. Spiller stated there will be a loss of parking. Ms. Spiller asked what if the church does not allow the 2nd exit for the Civic Center parking garage. Ms. Spiller stated spots will be needed for Innovation DuPage as well. Ms. Spiller asked where the tenants' guests will park. Ms. Spiller stated this will be the tallest point in the business district.

Carol Zindler, who resides at 615 Riford Road, stated this is a leadership moment which are rarely easy. Ms. Zindler stated the Village Board should take the opportunity to step back and give this opportunity to the Village. Ms. Zindler stated the residents want character and beauty in the development. Ms. Zindler stated there is not much support for this project.

A motion was made by Trustee Senak to postpone the vote on this until the new Village Board is seated and further discussion be had on whether the lawsuit can be resolved. There was no second for this motion.

A motion was made by Trustee Pryde and seconded by Trustee Ladesic to approve Ordinance No. 6690, An Ordinance Granting Approval of the Final Planned Unit Development Plans for Apex 400 to be located at the Northwest Corner of Main Street and Hillside Avenue on property Commonly Known as 400 & 418-424 N. Main Street, Glen Ellyn, IL 60137.

Trustee Enright asked if the question is if the developer brought back the plans that were originally approved by the Village Board. Attorney Jones stated it is. Trustee Enright asked if the Village Board could be in a position to be sued if this is not approved. Attorney Jones stated the Village Board should vote no if the current plans do not substantially conform to the approved plans, but if the plans do substantially conform, it would become more suspect.

President McGinley stated since they are under a lawsuit, the Village Board does not need to make comments. President McGinley stated if the Village Board is silent in deliberations due to acceptance of both attorneys' description of what the Village Board is here voting on tonight, it is their duty to stay within the procedures and parameters of what the exact vote is and not stray outside of it.

Trustee Enright stated the Plan Commission reviewed the plans and recommended by a vote of 7 to 0 that the final plans substantially conform, and then the Community Development Department reviewed the plans. Trustee Enright asked if the Community Development Department determined that this is the same project to which Community Development Director Springer stated it is. Trustee Enright stated other than minor changes, there is nothing the Community Development Department would view as something that the Village Board did not approve when it was first voted on. Community Development Director Springer stated this is correct. Trustee Enright asked if the Community Development Department ever had the experience where plans were changed after the vote was approved by the Village Board. Community Development Director Springer stated what normally happens and happened in this case is that the developer submits the Final PUD plans, and staff does a review. Community Development Director Springer stated if the staff reviewed it and determined that there was a substantial change or something different was proposed, the staff would advise a developer that they would need to go back to the Plan Commission to amend preliminary approval before going for Final PUD approval. Community Development Director Springer stated she has not seen this happen. Trustee Enright asked if this is the final plan to which Community Development Director Springer stated it is.

Trustee Kenwood stated this is more of a procedural vote. Trustee Kenwood stated he understands the passion of the residents, but this is not an easy thing to do as a Village Board. Trustee Kenwood stated the Glen Ellyn community has a brand of public safety, schools, parks and the arts among other things. Trustee Kenwood stated he heard that the Giesche building was controversial when it went up too.

Trustee Senak stated he cannot speak more eloquently in opposition to this. Trustee Senak stated his purpose to try and postpone the vote was to cure the issues before the vote would be taken. Trustee Senak stated his opposition to this motion is not based on his opposition to the project, but rather because this motion does not satisfy Section 10-10-15 on the final vote for the Special Use.

Trustee Ladesic stated it is disheartening to see what the legislative process has mutated into in Glen Ellyn. Trustee Ladesic stated the Village Board is fiduciaries for 28,000 residents, and it is not a factual statement that the majority of residents are against this. Trustee Ladesic stated the Village Board does its best to represent the 28,000 residents. Trustee Ladesic stated it is disheartening to see the direction that the Village and country has taken.

President McGinley stated she will be voting on this and not because she is required to, but because she wants to.

President McGinley stated she was a Trustee for 4 years before becoming the Village President, and the Trustees do not sit on the dais always thinking they are right. President McGinley stated if the Village Board does not agree with things, it does not mean they are not listening. President McGinley stated she is willing to sit down and talk with anyone at any time. President McGinley stated she has full faith in the staff and the 3 attorneys who have represented the Village through this process. President McGinley stated she has full faith that the Village Board has met any type of procedures and requirements set forth by the ordinances.

Trustee Senak stated he has a point of order as he understands President McGinley's desire to vote, but it should be on the record that her vote is not permitted unless there is a tie. President McGinley stated she may vote if she wishes to. Attorney Mathews stated the President can choose to vote at any time. President McGinley stated she is voting, not because she has to but because she wants to.

President McGinley thanked everyone for their commitment to the Village.

RESULT:	APPROVED [5 TO 1]
MOVER:	John Kenwood, Village Trustee
SECONDER:	Craig R. Pryde, Village Trustee
AYES:	McGinley, Enright, Kenwood, Ladesic, Pryde
NAYS:	Senak
EXCUSED:	Fasules

I. Reminders

1. A Village Board Workshop is scheduled for Monday, April 15, 2019 at 7:00PM in Room 301 of the Glen Ellyn Civic Center.
2. A Village Board Meeting is scheduled for Monday, April 22, 2019 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.

J. Other Business

Trustee Ladesic reminded the residents about the Prairie Path Clean-up will be on Saturday, April 27th and encouraged everyone to volunteer.

Trustee Senak stated at the next Village Board meeting, it is his intent to move to rescind this vote at the next Village Board meeting, and he would like this on the record so it is reflected as an agenda item. Trustee Ladesic stated with all due respect, at the end of one of the last meetings, Trustee Senak stated that he would not only support the project moving forward, but Trustee Senak recommended to residents not to sue. Trustee Ladesic stated he hopes that Trustee Senak would keep his word that he stated to a public body that he would support the project and dissuade people from suing. Trustee Senak stated he does support the project, but he does not support the project as it does not comply with the Village's ordinances in zoning, Comprehensive Plan and the will of the residents. Trustee Senak stated he supports the Village Board following the law as it requires the residents to follow the law, and Mr. Debb follow the law. Trustee Senak stated this is what he supports. President McGinley stated their response is we do.

K. Adjournment

RESULT:	APPROVED [5 TO 0]
MOVER:	John Kenwood, Village Trustee
SECONDER:	Craig R. Pryde, Village Trustee
AYES:	Enright, Kenwood, Ladesic, Pryde, Senak
EXCUSED:	Fasules
PRESENT:	McGinley

Submitted by Recording Secretary Debbie Soloman

Reviewed and Approved by Village Clerk John Chereskin



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Tx:40031798



FRED BUCHOLZ, RECORDER
DUPAGE COUNTY ILLINOIS
04/30/2019 09:41 AM

DOCUMENT # R2019-032075

Village of Glen Ellyn

Ordinance No. 6690

**An Ordinance Granting Approval of the
Final Planned Unit Development Plans
for Apex 400 to be located at the
Northwest Corner of Main Street and Hillside Avenue
on property Commonly Known as 400 & 418-424 N. Main Street,
Glen Ellyn, IL 60137**

**Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This 8 Day of April, 2019**

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County, Illinois,
this 9 day of April, 2019.

PREPARED BY AND MAIL TO:
(VILLAGE OF GLEN ELLYN)
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No. 6690

**An Ordinance Granting Approval of the
Final Planned Unit Development Plans
for Apex 400 to be located at the
Northwest Corner of Main Street and Hillside Avenue
on property Commonly Known as 400 & 418-424 N. Main Street,
Glen Ellyn, IL 60137**

Whereas, Larry Debb and John Kosich of GSP Development and 400 Main LLC (collectively, the "Petitioner"), owners of the property at 400 N. Main Street and contract purchasers of the property located at 418-424 N. Main Street, a total site area of approximately 1.55 acres of land located at the northwest corner of Main Street and Hillside Avenue, have petitioned the President and Board of Trustees of the Village of Glen Ellyn for approval of the Final Planned Unit Development Plans in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code to allow the construction of a mixed-use development featuring 107 luxury apartment units, 8,844 square feet of first floor commercial development, and a two-story parking garage; and

Whereas, the subject properties, are located in the C5A Central Retail Core and C5B Central Service Subdistrict and are legally described as follows:

400 N. MAIN STREET

LOT 2 AND LOT 3 (EXCEPT THE WEST 40.0 FEET THEREOF) IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST ¼ OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 5, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY ILLINOIS.

P.I.N.: 05-11-327-023; and

418 - 424 N. MAIN STREET

PARCEL 1

THE EAST 175 FEET OF LOT 1 IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-11-327-026; and

PARCEL 2

LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-11-327-005; and

PARCEL 3

LOT 6 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-327-016; and

ALLEY

THE SOUTH 3 FEET OF THAT PART OF THE PRIVATE ALLEY LYING NORTH OF AND ADJOINING LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950 AND THE SOUTH 3 FEET OF THE EAST 8 FEET OF THE PRIVATE ALLEY LYING WEST OF AND ADJOINING LOT 6 OF SMITH'S SUBDIVISION AFORESAID. ALL IN DUPAGE COUNTY, ILLINOIS (collectively, the "Subject Property").

Whereas, on January 28, 2019 the Village Board adopted Ordinance No. 6671, which approved a Redevelopment Agreement between GSP Development, LLC and the Village of Glen Ellyn; and

Whereas, on January 28, 2019, the Village Board adopted Ordinance No. 6672, which approved a Special Use Permit for a Planned Unit Development, Preliminary Planned Unit Development Plans, including various deviations to the Glen Ellyn Zoning Code, and the Exterior Appearance of the Apex 400 mixed-use development; and

Whereas, at the March 28, 2019 Plan Commission meeting, the Plan Commission considered the Petitioner's request for approval of the Final Planned Unit Development Plans; and

Whereas, after having considered the evidence presented, including the exhibits and materials presented at the March 28, 2019 Plan Commission public meeting, the Plan Commission made its findings recommendations as set forth in the Draft Minutes of the Glen Ellyn Plan Commission, dated March 28,

2019, which is appended hereto as Exhibit "A" and by a vote of seven (7) "yes" and zero (0) "no", recommended approval of the requested Final Planned Unit Development Plans; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the March 28, 2019 public meeting of the Plan Commission and have considered the findings and recommendations of the Plan Commission; and

Whereas, the President and Board of Trustees have determined that approving the Final Planned Unit Development Plans for the Apex 400 mixed-use development is consistent with Section 10-10-15(D) of the Glen Ellyn Zoning Code and the goals of the Glen Ellyn Comprehensive Plan, and that the Final Planned Unit Development Plans substantially conform with the terms and conditions of Ordinance No. 6672;

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

Section One: The Draft Minutes of the Glen Ellyn Plan Commission, dated March 28, 2019, Exhibit "A" attached hereto, and the findings set forth therein, are hereby adopted as the findings of the President and Board of Trustees.

Section Two: Based upon the recommendation of the Plan Commission, as adopted herein, and the findings and conclusions set forth in the preambles above, the Final Planned Unit Development Plans are approved to allow the construction of the Apex 400 mixed-use development to be located at the northwest corner of Main Street and Hillside Avenue on land legally described hereinabove.

Section Three: This approval of the Final Planned Unit Development Plans for the Apex 400 mixed-use development is subject to the following conditions:

- A. Construction of the subject development shall be in substantial conformance with the testimony presented at the January 7, 2019 public hearing and March 28, 2019 public meeting before the Plan Commission and with the Petitioner's application packet for Final PUD Approval signed and stamped received March 28, 2019, including all of the plans and documents referenced below, all of which are incorporated into this Ordinance as though they were attached hereto:
 - 1. Application for Approval of a Final PUD Plan dated, July 17, 2018
 - 2. ALTA/NSPS Land Title Survey for 400 N. Main Street, dated May 31, 2018 (2 pages)
 - 3. ALTA/NSPS Land Title Survey for 424 N. Main Street, dated June 26, 2018 (2 pages)

4. Topographic Survey of Existing Conditions, dated June 19, 2018
5. PDR-0 On/Off-Street Parking Demolition Plan, dated November 19, 2018
6. PDR-1 Site Plan, Option A, dated March 18, 2019, attached hereto as Exhibit "B"
7. PDR-1 Site Plan, Option B, dated March 18, 2019, attached hereto as Exhibit "C"
8. PDR-2 First Floor Plan, Option A, dated March 18, 2019, attached hereto as Exhibit "D"
9. PDR-3 Second Floor Plan, Option A, February 8, 2019, attached hereto as Exhibit "E"
10. PDR-4, Third Floor Plan, dated November 19, 2018, attached hereto as Exhibit "F"
11. PDR-5, Fourth Floor Plan, dated February 8, 2019, attached hereto as Exhibit "G"
12. PDR-6, Fifth Floor Plan, dated February 8, 2019, attached hereto as Exhibit "H"
13. PDR-8 through PDR-10, Exterior Elevations, dated March 18, 2019, attached hereto as Group Exhibit "I"
14. PDR-11, Exterior Signage, dated February 8, 2019, attached hereto as Exhibit "J"
15. PDR 19-21, Renderings, dated February 8, 2019, attached hereto as Group Exhibit "K"
16. Photometric Plan, dated November 19, 2018, attached hereto as Exhibit "L"
17. UMV-30021 Marvik 3 Surface Downlight, Light Fixture Cut Sheets (2 pages)
18. UJE-80051 Jet 41 Cylindrical Ceiling Downlight, Light Fixture Cut Sheets (2 pages)
19. L1-L2, Landscape Plans, dated March 18, 2019, Group Exhibit "M"
20. Utility Plan, dated June 19, 2018, Exhibit "N"
21. Grading Plan, dated June 19, 2018, Exhibit "O"
22. Right-of-Way Cross Section Exhibit, dated June 19, 2018
23. Turning Exhibits (no dates) for a Rear-Load Garbage Truck, SU-30 Truck and WB-40 Truck (3 pages)

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Community Development Department.

- B. That should the Petitioner be able to acquire three feet of the alley located north of Lot 5, that PUD Alternate Plan B, attached hereto as Exhibit "C", shall be substituted for the approved Plan A, and that such substitution shall not require further Village Board approval.
- C. That the final streetscape and public improvements for the project will match the streetscape design selected by the Village Board in 2019 and the Petitioner shall be responsible to install the public streetscape improvements in that design including the selection and placement of the bike racks initially proposed on Hillside Avenue.
- D. That the Petitioner install a sign at the access points from the development onto Hillside Avenue indicating "No right Turn Monday through Friday from 7:45 to 8:30 am". The location and exact wording of the signage is subject to the approval of Village Staff.
- E. That the Petitioner install a sign at the access point from the development onto Glenwood Avenue indicating "No Left Turn Monday through Friday from 7:45 - 8:30 am". The location and exact wording of the signage is subject to the approval of Village Staff.
- F. That the Petitioner converts the traffic flow on Hillside Avenue between Main Street and Glenwood Avenue from one-way to two-way travel including any necessary signage, pavement markings, and geometric changes to the roadway as directed by the Village Engineer.

- G. That the Village pursue the installation of a stop sign for west bound traffic at the Hillside Avenue/Glenwood Avenue intersection, subject to conformance with engineering standards, manuals, and traffic warrants as determined by the Village Engineer and Police Chief.
- H. Prior to issuance of a building permit, the Petitioner shall pay the Village \$169,219.00 to be dispersed to Village taxing bodies in the following amounts:
1. Glen Ellyn Park District - \$50,000.00
 2. School District 41 - \$21,947.00
 3. School District 87 - \$7,272.00
 4. Fire Company - \$45,000.00
 5. Glen Ellyn Library - \$45,000.00
- I. That if any roof top units are visible from adjacent streets after the development is constructed, the Petitioner will screen the units from public view.
- J. The Apex 400 mixed-use development shall be constructed, operated, and maintained in compliance with the Redevelopment Agreement between the Village of Glen Ellyn and GSP Development, LLC, approved by Ordinance No. 6671.

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the Subject Property, consistent with the Special Use Permit and the Final Planned Unit Development Plans approved herein, provided that all conditions set forth hereinabove have been met and all other applicable laws and ordinances are complied with. The grant of a Special Use Permit for a Planned Unit Development shall expire and become null and void twenty-four (24) months from the date of passage of this Ordinance unless building permits to begin construction are applied for within said twenty-four (24) month time period and construction is continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, construction and completion shall take place. Further, the Village Board may, for good cause shown, waive or modify any conditions set forth in this Ordinance without requiring that the matter return for a public hearing.

Section Five: This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section Six: The privileges, obligations, and provisions of this Ordinance shall be binding on the

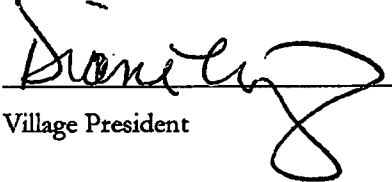
Petitioner and on any and all of the Petitioner's successors and assigns, and on any and all of the respective successor legal or beneficial owners of all or any portion of the Subject Property. Failure of the Petitioner, its successors or assigns, or any successor legal beneficial owner of all or any portion of the Subject Property to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject noncompliant party to the penalties set forth in Section 10-10-18(A) and (B) of the Village of Glen Ellyn Zoning Code, in addition to all other penalties authorized by law or in equity.

Section Seven: The Village Clerk is hereby authorized and directed to record this Ordinance against the Subject Property with the DuPage County Recorder.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois this 8 day of April 2019.

Ayes	☒	Diane McGinley	☒	Pete Ladesic		Mark Senak
	☒	Craig Pryde	☒	Bill Enright		Gary Fasules
	☒	John Kenwood				
Nayes		Diane McGinley		Pete Ladesic	☒	Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		John Kenwood				
Absent		Diane McGinley		Pete Ladesic		Mark Senak
		Craig Pryde		Bill Enright	☒	Gary Fasules
		John Kenwood				

Approved by the Village President of the Village of Glen Ellyn, Illinois this 8 day of April 2019.


Village President

Attest:


Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the 9 day of April, 2019.)

Exhibit "A"

DRAFT MINUTES REGULAR PLAN COMMISSION MEETING MARCH 28, 2019

Call to Order

The regular meeting of the Plan Commission was called to order by Chairperson Mary Loch at 7:00 p.m. Plan Commissioners Lloyd Berry, Phillip Hartweg, Tracy Heming-Littwin, John Mulherin, David Rodemann and Mohammed Saeed were present. Plan Commissioners Angela Fanella and Jamie Vondruska were excused. Also present were Community Development Director Staci Springer, Village Planner Kelly Purvis, Attorney Julie Tappendorf, Assistant Village Manager Bill Holmer, Police Chief Phil Norton, Planning Intern Evan Clements, Planning Intern Laura Kenney, Trustee Liaison Craig Pryde 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 Heming-Littwin moved, seconded by Commissioner Mulherin, to approve the minutes of the March 14, 2019 Plan Commission meeting. The motion carried unanimously by voice vote.

Chairperson Loch stated the public hearing for the Walgreen's sign variation that was on tonight's agenda will be rescheduled to another date.

Public Meeting – 400 & 418-424 N. Main Street

On the agenda was a public hearing regarding to consider the approval of the Final Planned Unit Development (PUD) for the Apex 400 Project to be located at 400 & 418-424 N. Main Street.

Chairperson Loch explained the Plan Commission's role and the process for tonight's public meeting. Chairperson Loch stated the Plan Commission is to access the conformity of the Apex 400 project to what the Village Board approved in January.

Attorney Tappendorf explained the difference of a public meeting versus public hearing and the role of the Plan Commission in a Final PUD process. Attorney Tappendorf stated a public

hearing was held regarding this project in January 2019, and tonight, the Plan Commission will review the final plans that were prepared based on the conditions the Village Board put in the ordinance to ensure the plans are consistent with what was approved by the Village Board in January. Attorney Tappendorf stated per the Open Meetings Act, there will be a Public Comment portion during this public meeting.

PUBLIC MEETING – 400 & 418-424 N. MAIN STREET – APEX 400 – FINAL PLANNED UNIT DEVELOPMENT

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF A FINAL PLANNED UNIT DEVELOPMENT FOR THE APEX 400 PROJECT TO BE LOCATED AT 400 & 418-424 N. MAIN STREET.

Staff Introduction

Village Planner Purvis stated the petitioners are Larry Debb and John Kosich of GSP Development and 400 Main LLC, owners of the former Giesche Shoe property at 400 N. Main Street. Village Planner Purvis stated GSP Development is requesting Final Planned Unit Development approval for the Village-owned Main Street parking lot (418 - 424 N. Main Street) and the former Giesche Shoe property (400 N. Main Street) with a new mixed use building featuring 107 luxury apartment units, 8,844 square feet of first floor commercial space and two floors of parking. Village Planner Purvis stated in order to proceed with the project as proposed, the petitioners will need approval of a Final Planned Unit Development plan in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.

Village Planner Purvis showed an overview map of the subject properties and stated a review of a Final PUD plan typically include consideration of the following:

1. Any aspects of the project that have changed since preliminary approval was granted;
2. Whether the Final PUD plan substantially conforms to the preliminary PUD approval;
3. Compliance with the conditions set forth in the Ordinance granting Preliminary PUD approval.

Village Planner Purvis stated there have been 4 previous meetings regarding this proposed development including the May 10, 2018, pre-application meeting at the Plan Commission, the January 7, 2019, public hearing at the Plan Commission, the January 22, 2019, Village Board

Workshop where the conditions of approval, financial incentives and the Redevelopment Agreement were discussed and the January 28, 2019, Village Board Meeting where the Village Board considered the Preliminary PUD plans, Exterior Appearance and the Redevelopment Agreement for the proposed development. Village Planner Purvis stated at the January 28th meeting, the Village Board adopted Ordinance No. 6671 to approve the Redevelopment Agreement between the Village and GSP Development by a vote of 5 "yes" and 2 "no" votes. Village Planner Purvis stated the Village Board also approved Ordinance No. 6672 granting approval of the zoning entitlements for the project, including the Preliminary Planned Unit Development with Zoning Deviations and the Exterior Appearance by a vote of 4 "yes" to 2 "no" with 1 "abstention."

Village Planner Purvis stated that the Preliminary PUD Plans have been revised to reflect the changes requested by both the Plan Commission and the Village Board. Village Planner stated that the Plan Commissioners received the Final PUD Plans as part of the Plan Commission packet prior to the meeting. Village Planner Purvis showed a rendering of the proposed building and reviewed the changes to the plans since the public hearing at the January 7, 2019, Plan Commission Meeting. Village Planner Purvis stated the northeast and southeast corners on the top of the building were removed to change the perceived height of the structure. Village Planner Purvis stated with the removal of these corners, the northeast corner is 54 feet from the pavement, and the southeast corner is 47 feet from the pavement. Village Planner Purvis stated that the tallest part of the building was reduced to 61 feet from the previously requested height of 65 feet with the majority of the building still at 58 feet. Planner Purvis stated that while the unit mix has changed and the total leasable square footage has been reduced, the number of units proposed is still 107.

Village Planner Purvis stated the Village Board's approval of the zoning entitlements for the project was made subject to various conditions and that all conditions that could be satisfied at this point have been.

Village Planner Purvis put up a rendering of the revised landscape plan submitted as part of the Final PUD Plans and stated that the landscape plan has been revised to show all trees with a minimum diameter of four inches.

Village Planner Purvis displayed the development site plan and stated that the bike racks between the two garage entrances on Hillside Avenue have been removed from the site plan. She stated, the location and style of bike rack will be selected along with other streetscape elements for the project to match the Village's plans for the downtown streetscape project.

Village Planner Purvis showed the second floor plan and stated that the second floor plan has been revised to show all parking spaces numbered and assigned by unit.

Village Planner Purvis showed the west elevation of the building and stated that the elevations for the west side of the building have been revised to show precast concrete panels with integrated thin brick.

Village Planner Purvis stated that all elevations, renderings and floor plans for the project have been revised to reflect the changes discussed at the Village Board meeting on January 28, 2019. She showed images of the elevations, renderings and floor plans and stated that the following changes have been made: removal of one apartment unit on both the northeast and southeast corners of the building, the awning at the corner of Hillside Avenue and Main Street has been further extended north, the limestone treatment on the front of the building has been carried from the first to the second floor, face brick color 1 has been added around the residence parking garage entrance on Hillside Avenue, and thin brick has been added to the precast on the west elevation.

Planner Purvis stated that any remaining conditions of the Preliminary PUD approval that have not yet been satisfied will be incorporated into the Final PUD Ordinance.

Village Planner Purvis stated that the Final PUD Plans have been modified in accordance with the conditions of approval and as requested by the Plan Commission and Village Board. She stated that the only additional change to the plans was a note on the Site Plan indicating that the driveway apron from the Glenwood portion of the parking garage would be widened to allow adequate space for trucks to complete turning movements from the garage.

Village Planner Purvis stated the Plan Commission should review the plans and application submitted for the Final Planned Unit Development of the site and determine whether the plans are in substantial conformance with those that were approved by the Village Board as part of the Preliminary PUD application. Village Planner Purvis stated if the plans are in substantial conformance, it would be appropriate for the Plan Commission to recommend that the Village Board approve the Final PUD.

Questions from the Plan Commission

None

Petitioner's Presentation

Mr. Debb stated Village Planner Purvis did a great job presenting the final plans, and they have nothing more to add to this.

Persons in Favor of or in Opposition to the Request

Mary Beth Nelms, who resides at 1N144 Stacy Court, thanked the Plan Commission for the recommended denial of a gas station at Five Corners. Ms. Nelms stated she has a lot of concerns about the project, including the Village being allowed to grant a variance as the Village owns the parking lot. Ms. Nelms stated the parking stalls will not be wide enough. Ms. Nelms stated this project is way too big on Main Start at the beginning of a historic village. Ms. Nelms asked how the grade differential for the egress onto Glenwood Avenue would be remediated. Ms. Nelms stated she thinks all this construction at once will be convoluted. Ms. Nelms stated there will be no parking due to the staging for construction. Ms. Nelms stated the Streetscape Project sounds great, but she is concerned this could be in the way too. Ms. Nelms stated the Plan Commission should postpone this vote to think on this.

Claudia Schaefer, who resides at 410 Melrose Avenue, #302, stated she has been at all four meetings regarding this project, and at least 100 citizens with cogent reasons for not building this have been at these meetings. Ms. Schaefer stated the majority seem against this project, and even two Trustees have spoken on behalf of the people. Ms. Schaefer stated you can tweak a sow's ear into a silk purse, but no tweaking is going to fix this. Ms. Schaefer stated a Trustee even spoke against this housing being needed. Ms. Schaefer stated there was no referendum on this, and a clear majority of residents are against this project. Ms. Schaefer stated the residents want the Zoning Code enforced. Ms. Schaefer asked when the voice of the people who live in the town will matter more than the developer who will build and move on and when the Village will stand with the people.

Ken Kloss, who resides at 350 Ridgewood Avenue, stated the retail space and parking do influence the height of the building. Mr. Kloss stated he suggests doing a land transfer with St. Petronille's as there would then be 65 feet available. Mr. Kloss stated the design of the parking should be separate from the design of the apartments. Mr. Kloss stated 4-foot wide corridors and one elevator is not considered luxury.

Ray Campbell, who resides at 460 Raintree Court, #3K, thanked the Village Board and Plan Commission for their service to the community. Mr. Campbell stated people are speaking out, and the people do not want Glen Ellyn to be like downtown Naperville. Mr. Campbell stated a tall building will dwarf everything in the downtown, and the other tall buildings are north of the railroad tracks. Mr. Campbell stated this building is not appropriate, and he suggests the Plan Commission table the vote so the newly-seated Village Board can work on this. Mr. Campbell stated this is not right for downtown Glen Ellyn. Mr. Campbell stated he is all for responsible development, but they need to stop this now.

Karyn Campbell, who resides at 460 Raintree Court, #3K, stated she respects those who make the decisions for Glen Ellyn, but this project is not right for this property. Ms. Campbell stated this building will be over 10 feet higher than the tallest building now, and this is not a good thing. Ms. Campbell stated young people will not be able to afford these apartments. Ms. Campbell stated this vote should be tabled, and the new Village Board should make the decision on this as the new Board is the one who will have to implement it.

Karyn Phillipson, who resides at 717 Hill Avenue, stated she likes Glen Ellyn for its historic character and the look of the town. Ms. Phillipson stated this building is too tall and too modern-looking for Glen Ellyn. Ms. Phillipson stated this building on the edge of town might be appropriate, but people are unhappy about this. Ms. Phillipson stated this building will change the way Glen Ellyn looks and feels.

Julie Spiller, who owns Gather and Collect at 473 N. Main Street, stated her main concern is around parking. Ms. Spiller stated the parking in St. Petronille's lot will be lost along with additional parking spots lost due to the streetscape plan. Ms. Spiller stated nobody seems to be talking about the parking that will be lost or the potential parking garage behind the Civic Center. Ms. Spiller stated new businesses are coming, but she does not know where they will park. Ms. Spiller stated they need to listen to the shop owners as many are afraid to speak.

Eleanor Saliamonas, who resides at 626 Newton, showed an overview rendering of what Apex 400 might look like in the downtown and stated the picture says it all.

Billy Joe Mills, who resides at 611 Maiden Lane, stated they moved here a few months ago because it is a beautiful town. Mr. Mills stated he thinks Glen Ellyn can do better than this and can come up ideas better than this. Mr. Mills stated he proposed a park being built there instead which can be used as a gathering place or to have events at. Mr. Mills asked why the chorus of voices does not mean something. Mr. Mills stated the tallest building in a town represents the town, but he does not think this is what Glen Ellyn treasures. Mr. Mills stated Save Main could be organized enough to do a lawsuit.

John Wolaver, who resides at 716 Forest Avenue, stated he grew up in a nice home town, but that home town has totally changed with many tall buildings that are not right. Mr. Wolaver asked the Village to not do this.

Kathy Cornell, who resides at 678 Forest Avenue, thanked the Plan Commission for their service. Ms. Cornell stated approximately 150 people will reside in this building, but she does not see that much additional traffic for the restaurants and retail shops. Ms. Cornell stated she does not like the size of the building, but she might like it if it was not in this particular spot. Ms. Cornell stated she is not sure what can be done at this point, but she would like the Plan

Commission to reconsider the footprint and height of the building. Ms. Cornell stated she appreciates that the developer has made concessions, but the Plan Commission should hold.

Andrea Nierhoff, who resides at 568 Crescent, stated she has owned Sheer Pandemonium Salon in Glen Ellyn for 18 years. Ms. Nierhoff stated she is with building a bigger and better Glen Ellyn, but the parking is a huge problem. Ms. Nierhoff stated she is super concerned about how they will do all this development. Ms. Nierhoff stated she is north of the railroad tracks so she is not directly affected by this, but she is nervous for her business friends. Ms. Nierhoff asked where they would put temporary parking. Ms. Nierhoff asked what the businesses will be in the retail spaces.

Declan McCarthy, who resides in Glen Ellyn, stated he is a resident, business owner and property owner in Glen Ellyn. Mr. McCarthy stated he has no personal issues, but he has seen inconsistencies with this. Mr. McCarthy stated Glen Ellyn has a convenience parking problem, but not a number of spaces problem. Mr. McCarthy stated there is no requirements for parking in C5A, but feels this should be looked at as C5B has minimum requirements for parking. Mr. McCarthy asked about the Special Use Permit.

Kelli Christiansen, who resides at 445 Turner Avenue, read a page from the Plan Commission brochure found on the Plan Commission page on the Village's website. Ms. Christiansen stated nowhere in the Code does it say that the Plan Commission can recommend based on economic decisions and referenced the January 7, 2019, Plan Commission meeting minutes where a Plan Commissioner referenced something financial which should be out of their purview.

Comments from the Plan Commission

Commissioner Rodemann stated he understands the role of the Plan Commission tonight is to access what has been presented. Commissioner Rodemann stated the developer has taken positive movement on the exterior of the building, and the building has less impact due to the reduced corners and other subtle changes. Commissioner Rodemann stated he is not seeing anything going in the opposite direction, and the project has been improved. Commissioner Rodemann stated he wants to see a quality building for the Village, and he does support this.

Commissioner Mulherin stated the plans as reviewed do comply with the conditions set forth in the ordinance, and he does support this.

Commissioner Heming-Littwin stated she does agree with the other Plan Commissioners and does support this.

Commissioner Hartweg stated he agrees with the other Plan Commissioners' comments. Commissioner Hartweg stated he appreciates the public speaking tonight as they Plan Commission and the developer heard things. Commissioner Hartweg stated the Village needs to plan to get used to the building. Commissioner Hartweg stated he does support this.

Commissioner Saeed stated the Plan Commission did make suggestions the first time they saw this plan, and the developer listened to this. Commissioner Saeed stated this is a good fit in Glen Ellyn and will be a good addition. Commissioner Saeed stated he does support this.

Chairperson Loch thanked the public who spoke about this project as the comments are heard. Chairperson Loch stated the staff will continue to communicate with the public regarding what the constructions plans are, how the parking will work and the Civic Center parking garage construction. Chairperson Loch stated the Plan Commission's job this evening is to assess the plans to ensure they conform to the preliminary plans. Chairperson Loch stated there are improvements in the plans to the northeast and southeast towers and the cornices as well as brick added to the west and south sides of the building. Chairperson Loch stated she does support this.

Motion

Commissioner Heming-Littwin moved, seconded by Commissioner Hartweg to recommend approval of a Final Planned Unit Development for the Apex 400 Project to be located at 400 & 418-424 N. Main Street.

Having considered the application of GSP Development for approval of a Final Planned Unit Development for the Apex 400 project proposed on the property located at 400 & 418-424 N. Main Street, the Plan Commission hereby finds that:

1. The findings of fact for granting the approval of the Preliminary Planned Unit Development adopted by Ordinance 6672 have not changed; and
2. The proposed plans are in substantial conformance with the plans approved by Ordinance 6672; and
3. The conditions in Ordinance 6672, which were to be resolved prior to action on the final plans, have been addressed;

The Plan Commission therefore makes a recommendation to the Village Board that the Final Planned Unit Development plans for the Apex 400 project be approved.

The motion carried with seven (7) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Hartweg, Berry, Mulherin, Rodemann and Saeed and Chairperson Loch voted "yes."

Chairperson Loch stated the Plan Commission is a recommending body so this will go before the Village Board for approval at the April 8th Village Board Meeting.

Trustee's Report

Trustee Pryde stated the Village Board has been doing meetings and workshops on the Civic Center parking garage, looking at the planned development and elevations so the Village Board can establish a Guaranteed Maximum Price (GMP). Chairperson Loch asked about the timeframe on the parking garage. Trustee Pryde stated they will coordinate the timing of the construction projects as the Village Board is cognizant of the Apex 400 construction and the Streetscape Project. Trustee Pryde stated the Village will not do all the projects at once, and the Village Board and staff will come up with a timeline to ensure the parking situation is figured out as well.

Commissioner Berry asked about the construction timing for the parking garage. Trustee Pryde stated it should be approximately 8 to 10 months. Trustee Pryde stated the Village is still in negotiations with the Methodist Church as well which can be planned in. Commissioner Mulherin stated his office is in Wheaton, and Wheaton's streetscape project was not good. Commissioner Mulherin stated his concern is over good communication as it was very unfair to the merchants in Wheaton. Trustee Pryde stated the Village Board and staff and cognizant of this and will do all the projects in phases.

Chairperson's Report

Chairperson Loch thanked Assistant Village Manager Holmer, Police Chief North and Attorney Tappendorf for being at tonight's meeting.

Staff Report

Village Planner Purvis thanked the Plan Commission for being flexible and agreeing to a meeting on Thursday, April 18th. Village Planner Purvis stated there are three projects possibly on this agenda. Village Planner Purvis stated the sign variation request for Walgreen's will be moved to a meeting in May. Village Planner Purvis welcomed Planning Intern Laura Kenney. Village Planner Purvis stated Planning Intern Clements will be leaving at the end of April once he finishes his degree to move back out east, where he is from.

Commissioner Mulherin asked about the possible jurisdiction issues which were brought up during public comment. Attorney Tappendorf stated this is based on the LaSalle Factors. Attorney Tappendorf stated it is not inappropriate for a Plan Commission to look at the financial aspect of a development to consider zoning as a Plan Commission needs to ensure a benefit to the Village with a proposed development.

Other Business

None

Adjournment

Commissioner Mulherin moved, seconded by Commissioner Heming-Littwin, to adjourn the meeting at 8:17 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary

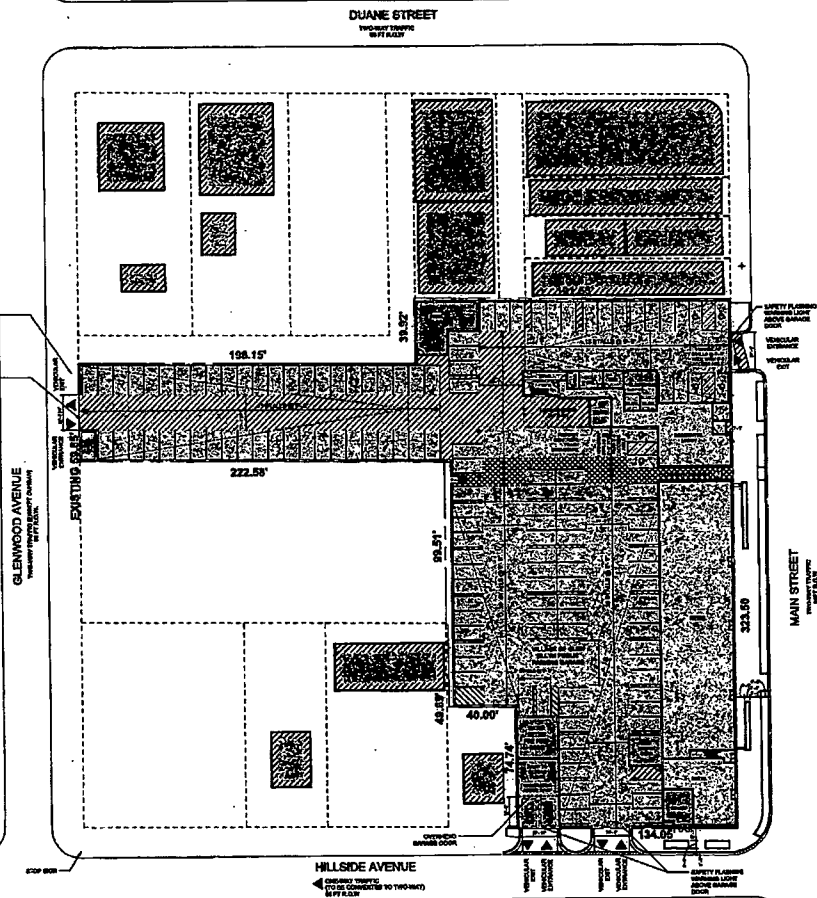
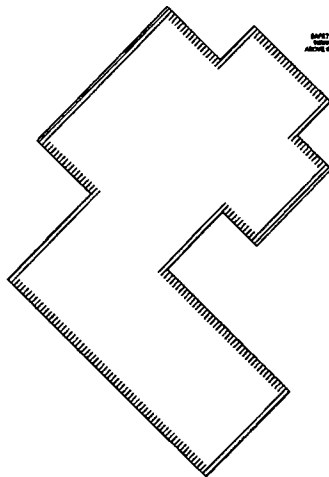
Reviewed by Planner Purvis

Exhibit "B"

BUILDING SUMMARY

[illegible]

FARMER SUMMARY		
	PROPOSED	CURRENTLY EXISTING
OFFROAD / PUBLIC	0 FT TOTAL (SEE DRAWINGS FOR SPECIFIC STALL DIMENSIONS)	0 FT TOTAL
ON ROAD / RESIDENTIAL	0 FT TOTAL (SEE DRAWINGS FOR SPECIFIC STALL DIMENSIONS)	0 FT TOTAL



① SITE PLAN

8024
APEX 400
500 Main Street
JANIC
Debb Kordich
Management
1111 East Vinland, Suite 150
Des Plaines, IL 60018
MESSNER GROUP
ONE E Higgins Rd.
Des Plaines, IL 60018

[illegible]

SITE PLAN OPTION A

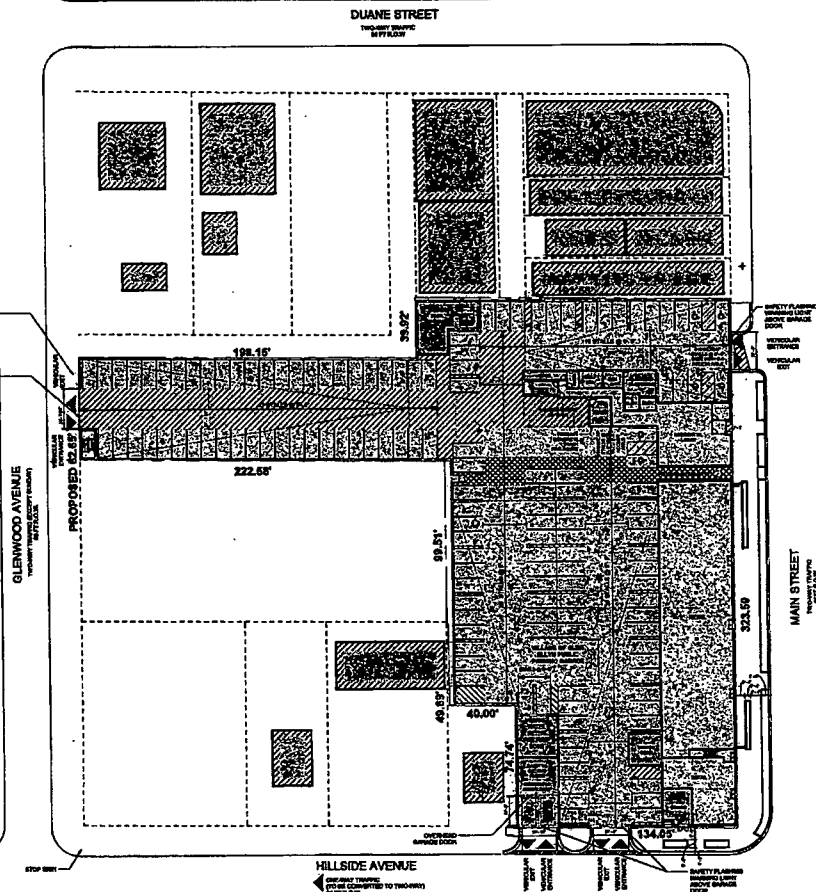
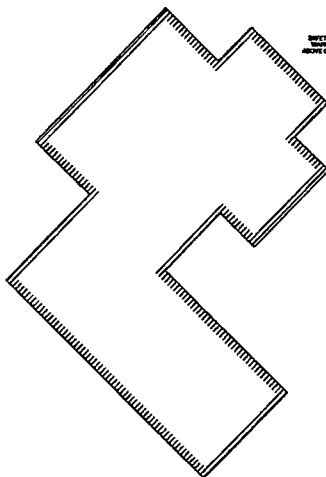
PDR-1

Exhibit "C"

BUILDING SUMMARY

[illegible]

PARKING SUMMARY		
	PURPOSE	SPECIALTY CATEGORY
1ST FLOOR/ PUBLIC	SEE PAGE, SEE CHAIRS FOR SPECIFIC STALL DIMENSIONS	SEE TYPE
2ND FLOOR/ RESIDENTIAL	SEE TYPE, SEE CHAIRS FOR SPECIFIC STALL DIMENSIONS	SEE TYPE



1 SITE PLAN
1-10-07

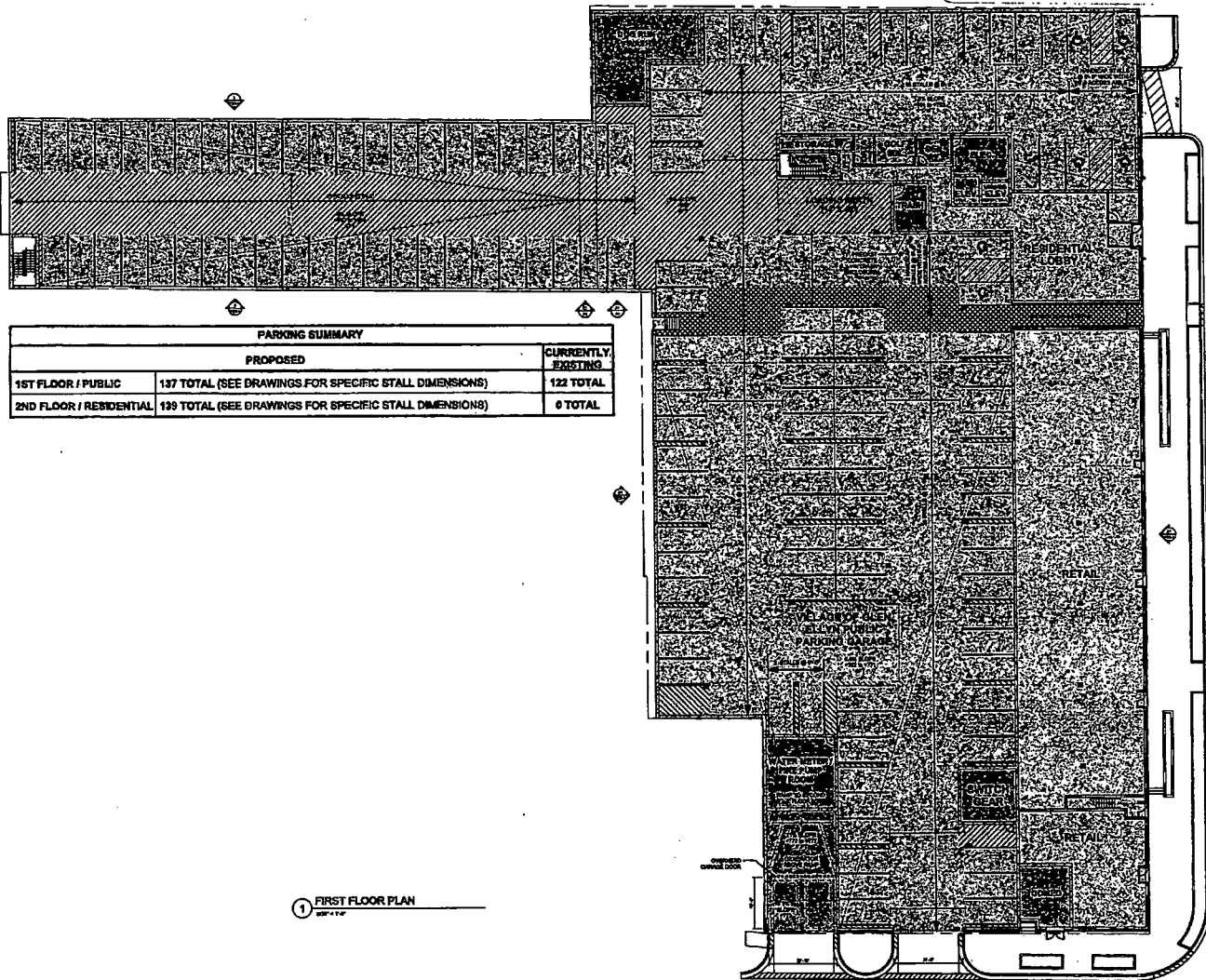
18024
APEX 400
400 Main Street
Greene
Debb Kosich
Management
1711 East Wacker, Suite 125
Chicago, IL 60601

MESSNER GROUP
1701 E. Maple Rd.
Des Plaines, IL 60018

[illegible]**SITE PLAN
OPTION B**

PDR-1

Exhibit "D"



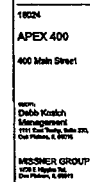
35034
APEX 400
400 Main Street
Greensboro, NC 27405
771-1111
Missner Group
1725 E. Wendover Rd.
Chapel Hill, NC 27514

Steel Deck Approval	019
Steel Deck Approval	020
Steel Deck Approval	021
Steel Deck Approval	022
Steel Deck Approval	023
Steel Deck Approval	024
Steel Deck Approval	025
Steel Deck Approval	026
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Steel Deck Approval	098
Steel Deck Approval	099
Steel Deck Approval	100

**FIRST FLOOR
PLAN - OPTION.**

PDR-2

1-800-441-2344
www.hugoboss.com



1 SECOND FLOOR PLAN

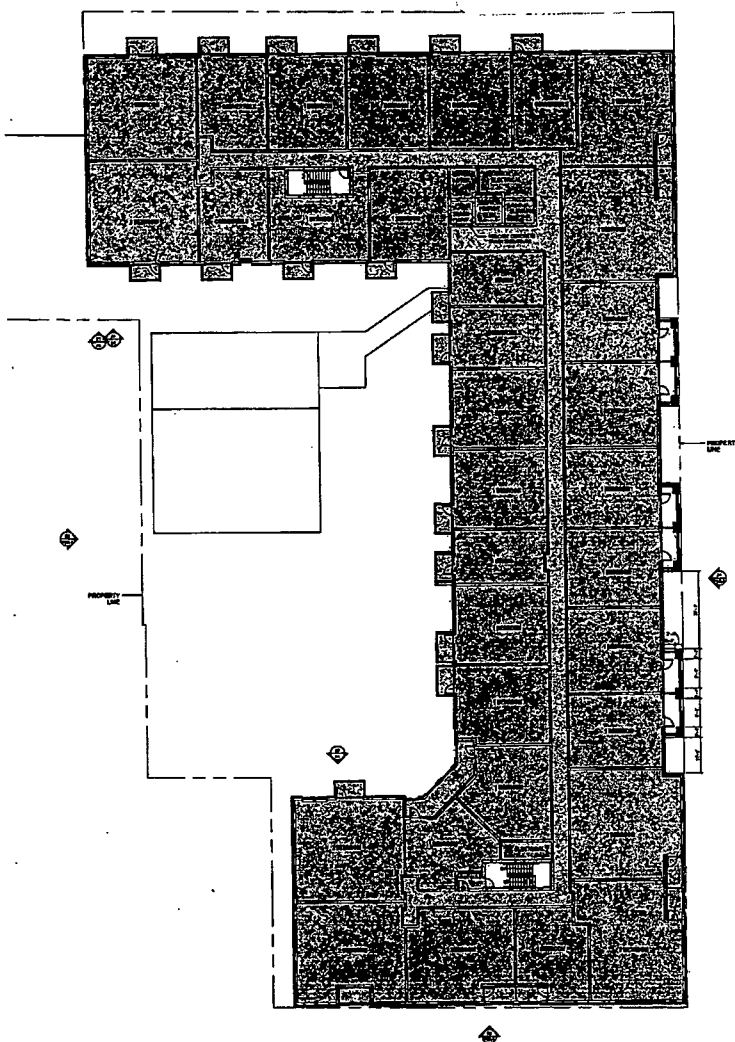
OPEN TO
BELOW

**SECOND FLOOR
PLAN - OPTION A**

PDR-3

PDR-4

Exhibit "G"



① FOURTH FLOOR PLAN
PDR-5

10024
APEX 400
400 Main Street
Date: 06/01/2004
Drawn: K. K. K. K.
Checked: K. K. K. K.
Project: 10024
Sheet: 10024

1	FOURTH FLOOR PLAN	10024
2	FOURTH FLOOR PLAN	10024
3	FOURTH FLOOR PLAN	10024
4	FOURTH FLOOR PLAN	10024
5	FOURTH FLOOR PLAN	10024
6	FOURTH FLOOR PLAN	10024
7	FOURTH FLOOR PLAN	10024
8	FOURTH FLOOR PLAN	10024
9	FOURTH FLOOR PLAN	10024
10	FOURTH FLOOR PLAN	10024

FOURTH FLOOR
PLAN

PDR-5

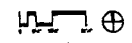
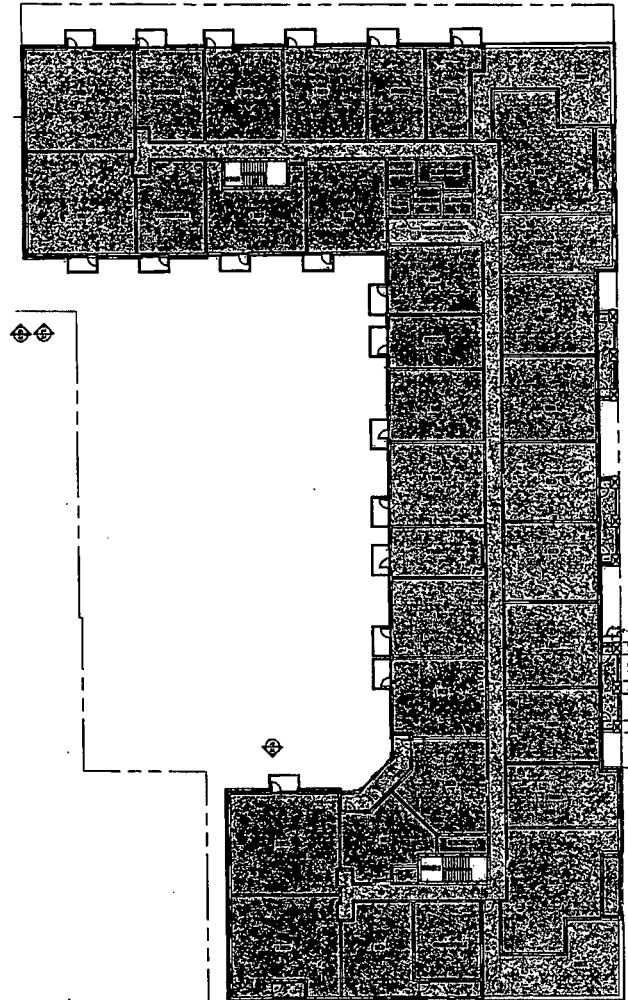


Exhibit "H"



① FIFTH FLOOR PLAN
PDR-6

15024
APEX 400
400 Main Street

Owner:
Cable Kiosk
Management
1111 Main Street, Suite 101
San Jose, CA 95128

DESIGNER: GROUND
1111 Main Street, Suite 101
San Jose, CA 95128

1. Floor Plan
2. Section
3. Elevation

FIFTH FLOOR
PLAN

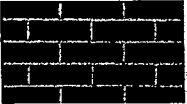
PDR-6



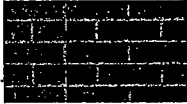
Group Exhibit "I"

MATERIAL LEGEND

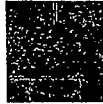
NAME OF DESIGN (BRICK, STONE, ETC.) TO BE PROVIDED DURING CONSTRUCTION DOCUMENT PHASE



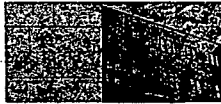
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12" x 8" x 4"
Solid Brick



BRICK (SOLID BRICK)
12" x 8" x 4"
Solid Brick



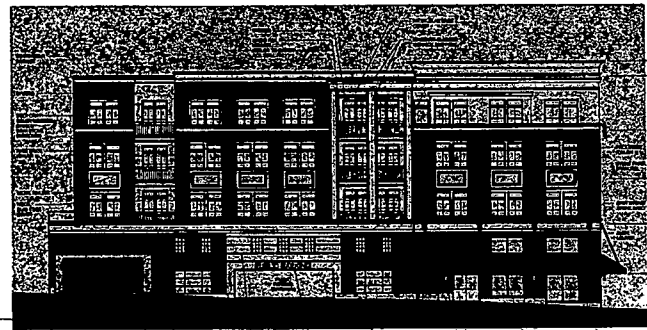
BRICK (SOLID BRICK)
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Solid Brick



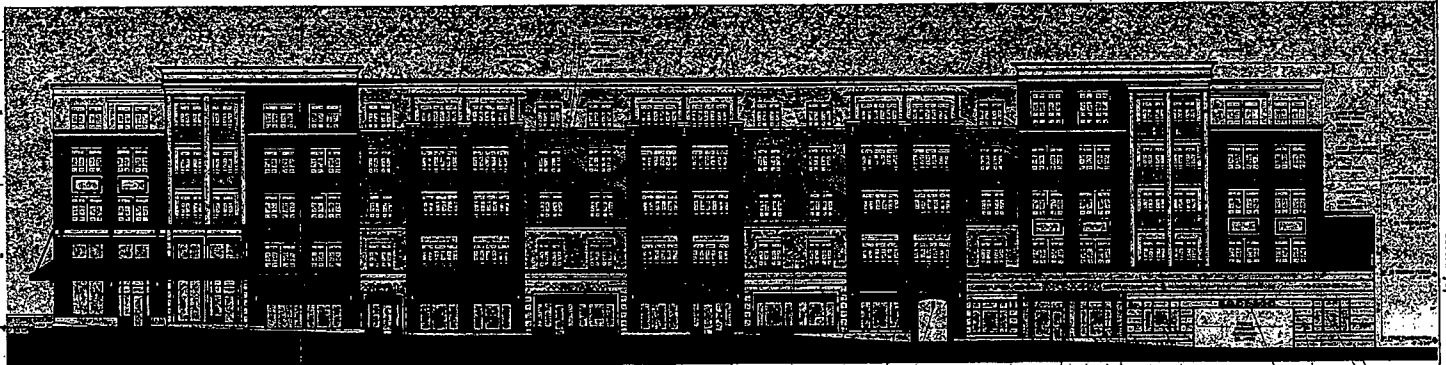
BRICK (SOLID BRICK)
12" x 8" x 4"
Solid Brick



BRICK (SOLID BRICK)
12" x 8" x 4"
Solid Brick



30 SOUTH ELEVATION
1/8" = 1'-0"



A1 EAST ELEVATION
1/8" = 1'-0"

PROJECT
APEX 400
Apartments
400 Main Street

OWNER
Caleb Kosh
Management
201 Main Street
New York, NY 10001

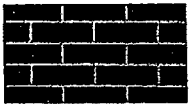
DESIGNER GROUP
New York, NY 10001
New York, NY 10001

EXTERIOR
ELEVATIONS

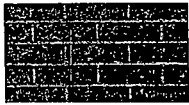
PDR-8

MATERIAL LEGEND

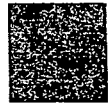
MADE OF COMMON BRICKS MATERIALS TO BE PROVIDED BY CONTRACTOR AND NOT SHOWN HEREIN



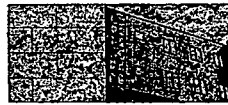
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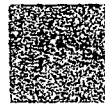
BRICK (COLOR 2)



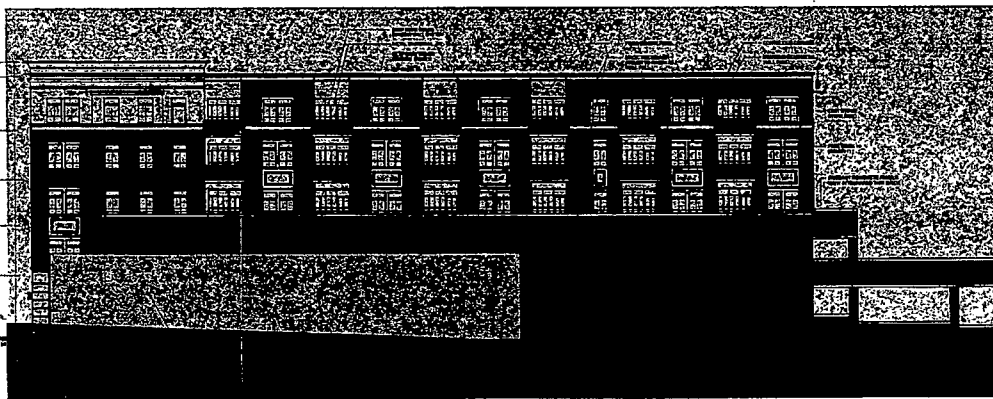
BRICK



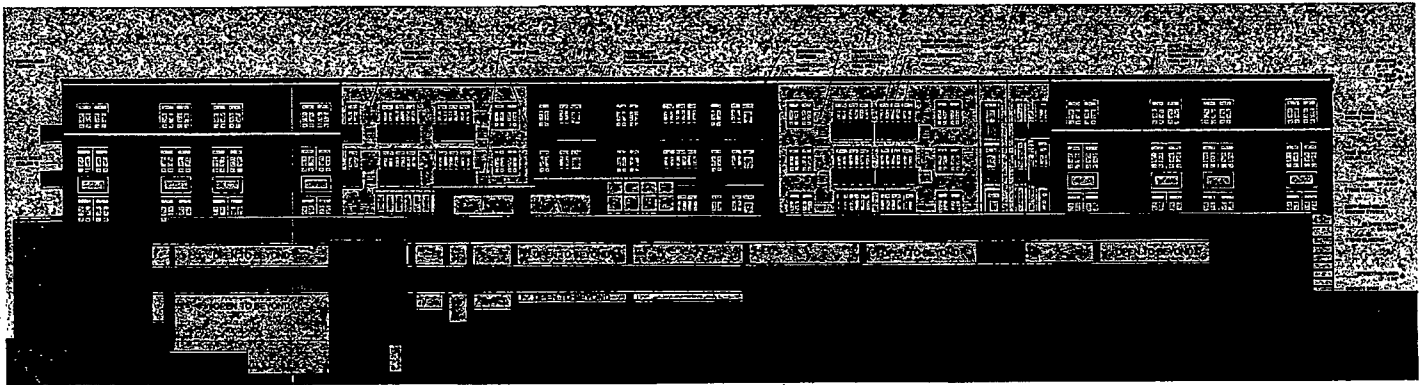
BRICK (COLOR 3)



BRICK



NORTH ELEVATION



WEST ELEVATION

FitzGerald

1000 Main Street
New York, NY 10001
Tel: 212-512-1000
Fax: 212-512-1001

1000 Main Street
New York, NY 10001
Tel: 212-512-1000
Fax: 212-512-1001

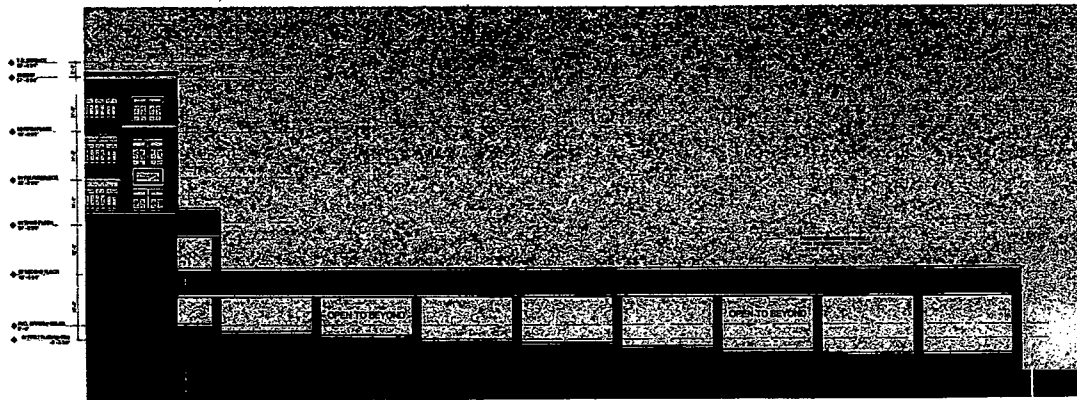
1000 Main Street
New York, NY 10001
Tel: 212-512-1000
Fax: 212-512-1001

1000 Main Street
New York, NY 10001
Tel: 212-512-1000
Fax: 212-512-1001

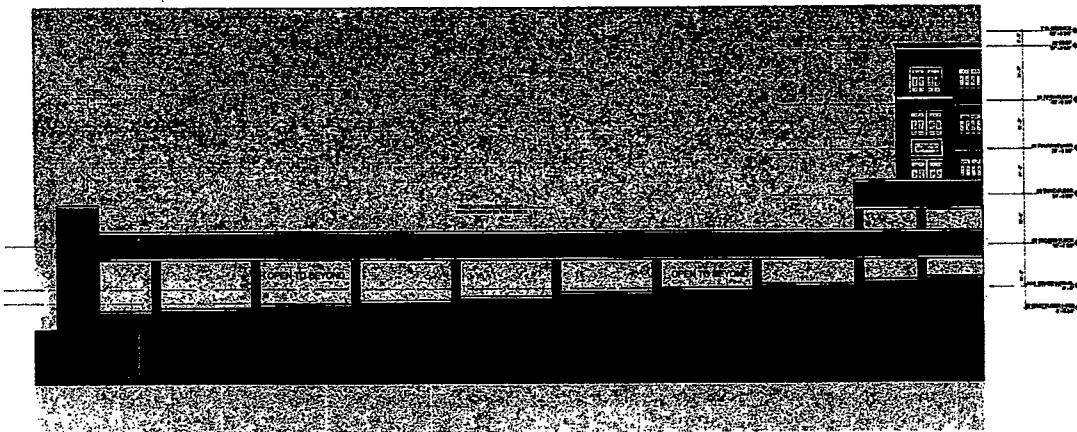
1000 Main Street
New York, NY 10001
Tel: 212-512-1000
Fax: 212-512-1001

1000 Main Street
New York, NY 10001
Tel: 212-512-1000
Fax: 212-512-1001

1000 Main Street
New York, NY 10001
Tel: 212-512-1000
Fax: 212-512-1001



② NORTH ELEVATION - LOT 5
10' x 10'



① SOUTH ELEVATION - LOT 5
10' x 10'

15



Group Exhibit "K"



PERSPECTIVE AT THE CORNER OF HILLSIDE
AVE. AND MAIN STREET

18224
APEX 400
400 Main Street

18224
APEX 400
400 Main Street

18224
APEX 400
400 Main Street

18224
APEX 400
400 Main Street

18224
APEX 400
400 Main Street

18224
APEX 400
400 Main Street

18224
APEX 400
400 Main Street



1 EYE-LEVEL PERSPECTIVE AT RESIDENTIAL
ENTRY ON MAIN STREET

FitzGerald

ARCHITECT
1000 N. 10TH ST.
SUITE 100
DENVER, CO 80202
(303) 733-1100
www.fitzgeraldarch.com

141024
APEX 400

400 Main Street

DESIGN
Dale Ketch
MANAGEMENT
1000 N. 10TH ST., SUITE 100
DENVER, CO 80202

MESSNER GROUP
2000 N. 10TH ST.
DENVER, CO 80202

1. Architectural
2. Civil Engineering
3. Mechanical
4. Electrical
5. Structural
6. Landscape
7. Interior Design
8. Construction Management

RENDERINGS

PDR-20

10001
 APEX 400
 400 Main Street

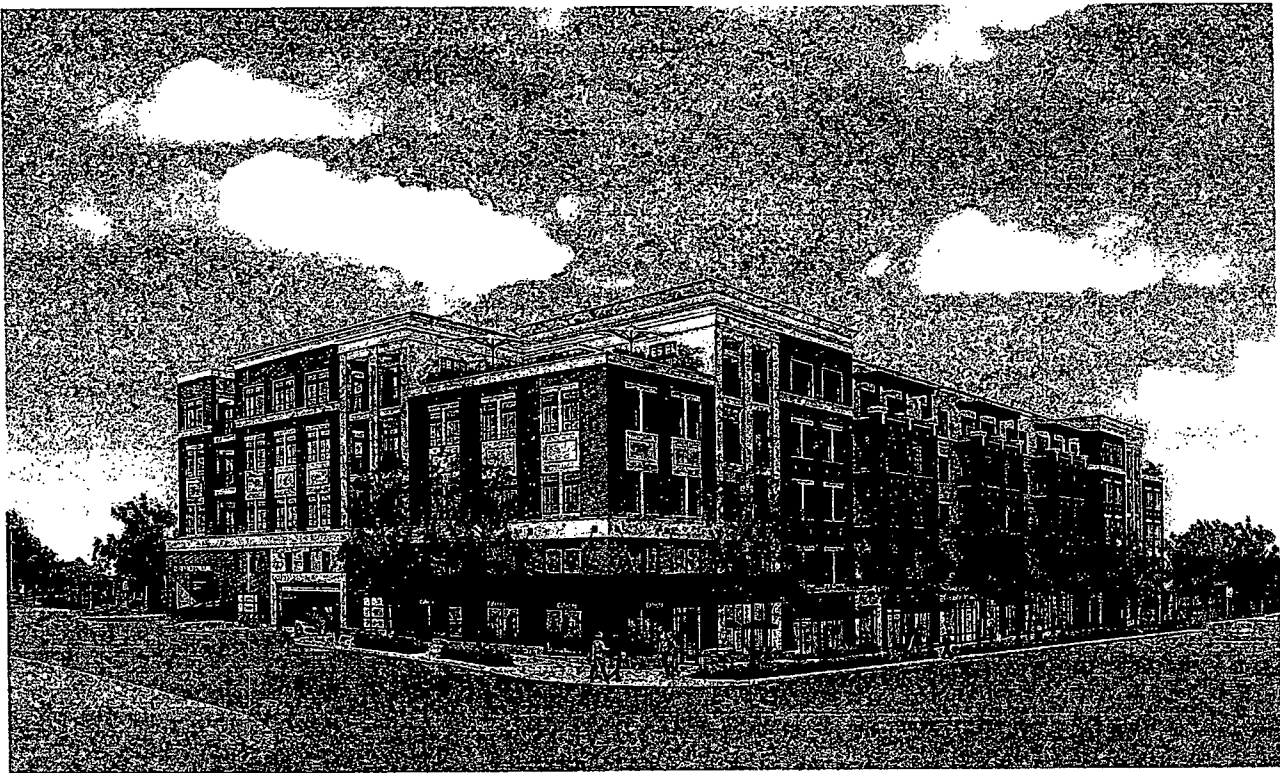
Client:
 Double Kipchik
 Management
 111 West Street, Suite 200
 New York, NY 10001

DESIGNER GROUP
 10001 Main Street
 New York, NY 10001

1. Architectural Firm
 2. Design Group
 3. Client
 4. Project No.

RENDERINGS

PDR-21



① EYE-LEVEL PERSPECTIVE AT THE CORNER OF
 HILLSIDE AVE. AND MAIN STREET



[illegible]

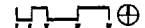
3 PLANT LIST | STREETSCAPE



Architectural floor plan of the Village of Glen Ellyn Public Parking Garage. The plan shows a multi-level structure with various rooms and parking areas. Key features include:

- Rooms and Areas:** STOR., DATA, GOLF SH., OVR., ELECTRICAL, ELEV., ELEV., TRASH, RESIDENTIAL LOBBY, PEDESTRIAN WALKWAY, RETAIL, SWITCH GEAR, COMED, WATER METER / FIRE PUMP ROOM, RAMP TO SECOND FLOOR, GENERATOR ABOVE RAMP.
- Parking Levels:** L1, L2, L3, L4, L5, L6, L7, L8, L9, L10, L11, L12, L13, L14, L15, L16, L17, L18, L19, L20, L21, L22, L23, L24, L25, L26, L27, L28, L29, L30, L31, L32, L33, L34, L35, L36, L37, L38, L39, L40, L41, L42, L43, L44, L45, L46, L47, L48, L49, L50, L51, L52, L53, L54, L55, L56, L57, L58, L59, L60, L61, L62, L63, L64, L65, L66, L67, L68, L69, L70, L71, L72, L73, L74, L75, L76, L77, L78, L79, L80, L81, L82, L83, L84, L85, L86, L87, L88, L89, L90, L91, L92, L93, L94, L95, L96, L97, L98, L99, L100.
- Structural Details:** Hatched areas indicate structural elements like walls, columns, and ramps. Stairs are shown with arrows indicating direction of travel.
- Orientation:** The plan is oriented with HILDE AVENUE at the bottom and a north arrow pointing towards the top right.
- Scale:** A scale bar is located in the bottom right corner, indicating dimensions in feet and inches.

1 LANDSCAPE PLAN | STREETSCAPE



7	Full-Speed-Forward	000011
6	Full-Speed-Port 2	000010
5	Full-Speed-Port 1	100010
4	Full-Speed-Port 0	100001
3	Full-Speed-Port 3	000010
2	Full-Speed-Port 2	000010
1	Full-Speed-Port 1	000010

a	DESCRIPTION	DATA
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L1

3 PLANT LIST | AMENITY AREA



Exhibit "N"

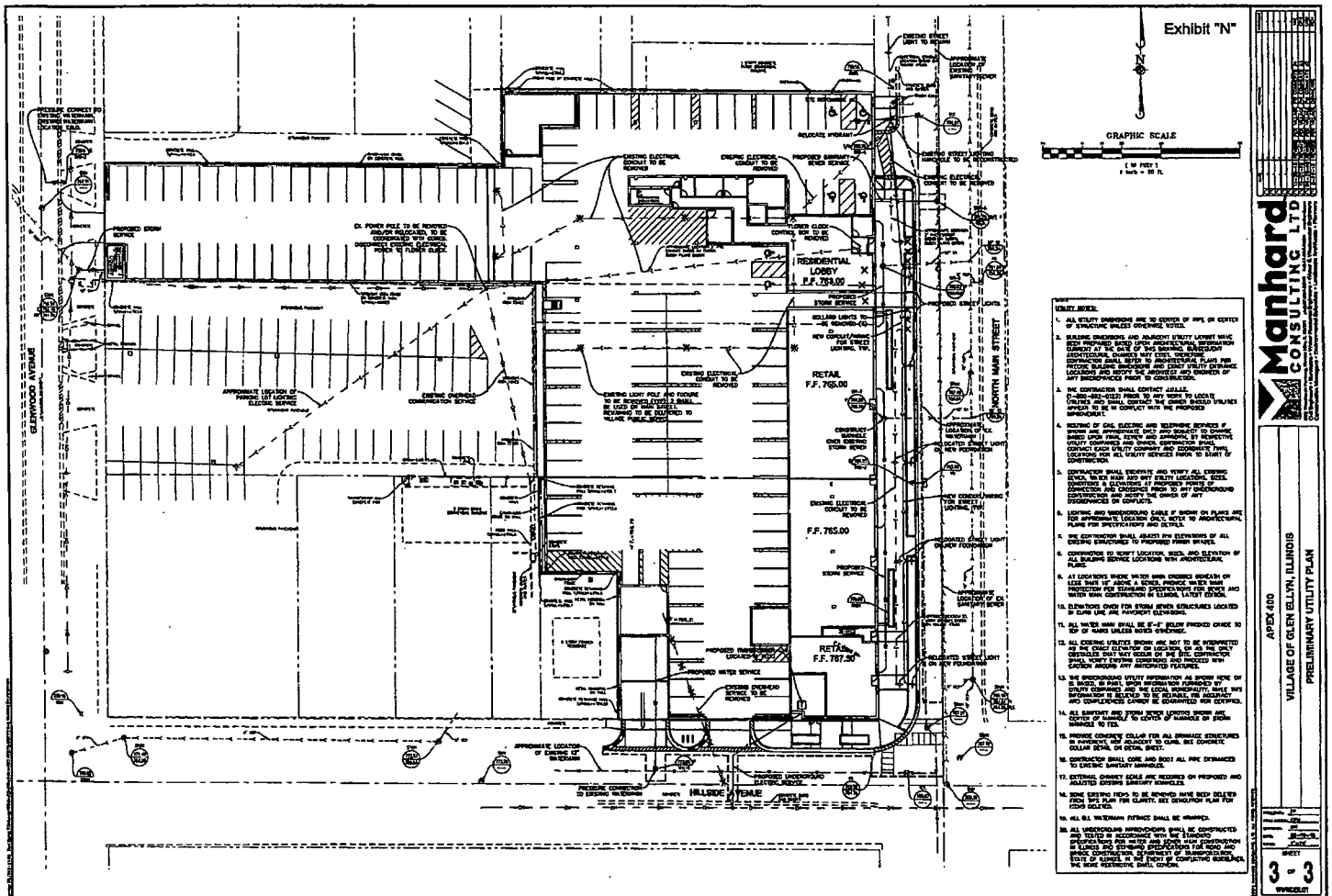


Exhibit "N"

GRAPHIC SCALE

1" = 20'

1. ALL EXISTING UTILITIES ARE TO BE REMOVED OR RELOCATED TO THE CENTER OF THE STREET OR TO THE CENTER OF THE ALLEY UNLESS OTHERWISE NOTED.
2. ALL EXISTING UTILITIES ARE TO BE REMOVED OR RELOCATED TO THE CENTER OF THE STREET OR TO THE CENTER OF THE ALLEY UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
3. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
4. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
5. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
6. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
7. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
8. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
9. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
10. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
11. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
12. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
13. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
14. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
15. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
16. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
17. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
18. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.
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20. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.

Exhibit "O"



A north arrow pointing upwards, labeled 'N' at the top. Below it is a graphic scale bar with alternating black and white segments. The text 'GRAPHIC SCALE' is centered above the bar. Below the bar, the text '(1 INCH = 100 FT)' is printed.



GRAPHIC SCALE

(ON FILE)

ALL EXISTING TREES & PLANT MATERIAL WILL BE REMOVED

[illegible]

IMPROVED FLOOR SURFACES
IMPROVED ROOF DRAINAGE
IMPROVED PAVEMENT ALONG ELEVATION
IMPROVED GRADE AT FOUNDATION
IMPROVED PAVEMENT ELEVATION
IMPROVED TOP OF CURB
IMPROVED TOP OF DRIVE
IMPROVED TOP OF WALL
WET WEATHER
IMPROVED PAVING BRIDGE ON BRIDGE
IMPROVED PAVING BRIDGE ON BRIDGE
IMPROVED DRAINAGE ON CURB
IMPROVED DIRECTION OF FLOW
OVERFLOW RELIEF VALVE
IMPROVED HOSE OFF
IMPROVED DEPTH OF PAVING
IMPROVED WALL
IMPROVED WALL FOR POINT
IMPROVED CURB SURFACE

[illegible]

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Manhard
CONSULTING LTD

APEX 400
LAGE OF GLEN ELLYN, ILLINOIS
PRELIMINARY GRADING PLAN

2 - 3

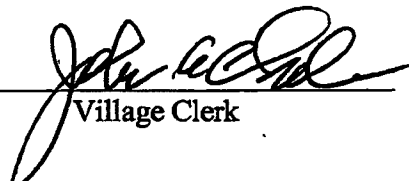
CERTIFICATION

I, John Chereskin, duly elected Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is a true and correct copy of Ordinance No. 6290, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Meeting of said Board held on the 8 day of April 2019, and that the same was signed and approved by the President of said Village on the 8 day of April 2019.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Glen Ellyn, Illinois, this 8 day of April, 2019.

CORPORATE SEAL


Village Clerk

MINUTES
REGULAR PLAN COMMISSION MEETING
January 28, 2021

Call to Order and Roll Call

The meeting was convened at 7:00 p.m. by Chairperson Mary Loch, who explained the advisory function of the Plan Commission, as well as outlined procedures for conducting the evening's meeting remotely – including public participation – due to the Covid-19 disaster declaration. She introduced meeting participants Village Board Liaison Bill Enright, Community Development Director Staci Springer, Planning Manager Kelly Purvis, Associate Planner Cole Jackson and Recording Secretary Barbara Dutton.

Roll call was taken: Chairperson Loch and Plan Commissioners Lloyd Berry, Laura Brown, Angela Fanella, Tracy Heming-Littwin, John Mulherin, David Rodemann, Mohammed Saeed and Jamie Vondruska were present.

Adoption of Emergency Allowance of Remote Participation by the Plan Commission

A motion to allow remote participation in the meeting was made by Commissioner Saeed and seconded by Commissioner Heming-Littwin. The motion carried with nine (9) yes votes and zero (0) no votes as follows: Commissioners Saeed, Heming-Littwin, Berry, Brown, Fanella, Mulherin, Rodemann and Vondruska, and Chairperson Loch voted "yes."

Public Comment Non-Agenda Items

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

Approval of Draft Plan Commission Meeting Minutes

A motion to approve the minutes of the January 7, 2021 was made and seconded by Commissioners Saeed and Heming-Littwin, respectively. The motion carried with nine (9) yes votes and zero (0) no votes as follows: Commissioners Saeed, Heming-Littwin, Berry, Brown, Fanella, Mulherin, Rodemann and Vondruska, and Chairperson Loch voted "yes."

A motion to approve the minutes of the January 14, 2021 as amended was made by Commissioner Heming-Littwin and seconded by Commissioner Brown. The motion carried with nine (9) yes votes and zero (0) no votes as follows: Commissioners Heming-Littwin, Brown, Berry, Fanella, Mulherin, Rodemann, Saeed and Vondruska, and Chairperson Loch voted "yes."

Public Hearing concerning a Special Use Permit to allow the building at 454 Duane Street to be converted from an office use to a single family residence

A motion to open the Public Hearing concerning a Special Use Permit to allow the building at 454 Duane Street to be converted from an office use to a single-family residence was made and seconded by Commissioners Heming-Littwin and Mulherin, respectively. The motion passed with nine (9) yes votes and zero (0) no votes as follows: Commissioners Heming-Littwin, Mulherin, Berry, Brown, Fanella, Rodemann, Saeed and Vondruska, and Chairperson Loch voted "yes."

Staff Introduction

Associate Planner Cole Jackson, Planning Manager Kelly Purvis and Community Development Director Staci Springer, 535 Duane Street, were sworn in. Associate Planner Jackson provided an overview of the property at 454 Duane Street, for which a Special Use Permit is sought to allow the property to be converted from an office use – recently as a financial services business – to a single-family residence in the C5B District. He stated that the property backs up to the Prairie Path on the north, and has a short setback in the front; a parking lot sits to the east, a commercial use is on the west, and residences lie to the south. Behind the building is parking, stated Associate Planner Jackson, who related that the Comprehensive Plan defines the section of town as appropriate for small offices and the like. He stated that the Plan mentions the building, which is outside the retail core, as a contributing historic structure. Associate Planner Jackson listed suggested conditions of approval, including removal of a monument sign, should the applicant opt to make the building a single-family use. In the C5B Zoning District, he stated, properties built or altered abutting residentially zoned properties are required to meet the 20 foot setback requirements. Therefore, the neighboring property were it to be redeveloped, would have to meet the 20 foot setback requirement.

Commissioner Heming-Littwin asked if the Petitioner would need approval for commercial rather than residential use, even if the latter application is approved. Planning Manager Purvis said no, as long as the business use is a permitted use in the district. Development Director Springer stated that the ordinance governing this Special Use Permit being requested carries a 24-month time limit to apply for a building permit. She cautioned that an argument could be made that the property is zoned residential due to its listing as a special use in the C5B District, so language should probably be reviewed. Commissioner Berry asked if the response to the action requested by a potential property seller is typical, to which Director Springer said this instance is different as it is pre-emptive, and that the issue is related to the use, not the applicant. Commissioner Berry asked if granting the permit would set additional restrictions on the property to the west. “Yes,” stated Director Springer, unless a text amendment is enacted. Planning Manager Purvis noted that additional restrictions to the westerly property would only come into play if that property was to be redeveloped. Commissioner Rodemann said if the Special Use is granted, and the next buyer is a commercial user, he wants to make sure any restrictions associated with a residential use don’t impact the neighboring property. Director Springer said a variation would be needed if a new commercial owner wanted to do something, such as an addition or an expansion, requiring Plan Commission approval. Plan Commissioners requested that staff bring forth a text amendment to address the setback issue. Planning Manager Purvis stated that modifications to the Code text could be brought before the Commission for consideration. She answered “No” to a question from Commissioner Heming-Littwin as whether the Special Use under consideration would allow turning the 454 Duane property into a multi-family dwelling.

Petitioner’s Presentation

Petitioners Tom and Laura Rose, 557 Carlisle Ct., Glen Ellyn, and Behrnt Aaberg, of the architecture firm Aptus, 325 W. Huron, Chicago, were sworn in. Mr. Aaberg explained that the Special Use Permit is being requested to broaden the pool of potential buyers in the real estate market. He stated that the conversion is a good choice, and that making the property more saleable will hopefully contribute to

downtown vibrancy. Mr. Rose stated that after purchasing the property some 20 years ago he converted it to an office from its original use as a single-family home.

Commissioner Questions

Commissioner Heming-Littwin asked if the interior configuration presented was yet to be created. Architect Aaberg said the drawing shown approximated the spatial layout, but that a buyer would determine a plan. No kitchen is in place at present, he stated.

Public Comment

None.

Commissioner Heming-Littwin moved to close the Public Hearing; seconded by Commissioner Mulherin, the motion passed with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Mulherin, Berry, Brown, Fanella, Rodemann, Saeed and Vondruska, and Chairperson Loch voted “yes.”

Commissioner Discussion

Commissioner Fanella said she had no problem granting the Special Use Permit, though was concerned about the impact on the neighbor to the west. Lest the Commission “put the cart before the horse,” she thought it sensible to first craft a text amendment to the code, but can’t vote in good faith for Special Use now. Chairperson Loch asked what could be done this evening relative to amending the text. Director Springer stated that the Commission could ask Staff to delay forwarding the Commission’s recommendation to the Board until after the text is amended, and continue the hearing. But, she pointed to Zoning Code timeframes in place to guarantee “swift action” for a Petitioner. Commissioner Vondruska asked if a text amendment could be created that would solve this problem clearly. Director Springer stated this would need to be examined. Chairperson Loch asked whether there could be a condition unique to these two lots. Director Springer stated there’s no condition that could be placed that would allow the neighbor to the west to not meet a setback that would be required because of a change in use. She explained that the Village regularly allows change of use, sometimes triggering legal non-conforming status. She said she understood the hesitation, and that the discussion could be continued to explore options.

Commissioner Mulherin saw the issue as a “solution in search of a problem,” and said the Village owes it to the Petitioner to move ahead and grant the permit. He said he can’t imagine a situation where, say if the neighboring building were destroyed, the Commission wouldn’t grant a variance to rebuild on this specific footprint or close to it, and added that the Commission should not worry about what may happen in the future. Commissioner Heming-Littwin observed that the direction does not seem the common way the Commission grants special uses, suggesting that the action is premature. Chairperson Loch acknowledged that typically a buyer absorbs the upfront cost, but in this case the Petitioner is absorbing some of the cost currently. Commissioner Heming-Littwin raised a point about approval upon condition of meeting substantial conformance to information presented, when in fact the subject property interior layout is not set. Chairperson Loch said that no variations are being requested, but only

the special use. Director Springer stated that the plan provided is only conceptual, and the Village usually doesn't require conformance with floor plans, anyway.

Commissioner Saeed asked if the Petitioner has only 24 months to fulfill the Special Use Permit, to which Director Springer responded that is the amount of time given to pull a building permit, and that a time period of between a year and a half and two years is generally given for completion of work.

Commissioner Berry declared that he agreed with Commissioner Fanella. Commissioner Rodemann asked if the building would not be residential use until occupied as such. Director Springer stated this is correct, and that the clock for the trigger of the two years before which a building permit needs to be submitted is the date the ordinance is signed – usually the day of the Village Board meeting or the following day.

Commissioner Vondruska asked if granting a Special Use Permit affects the neighbor the same way as if the Village changed the zoning, and whether doing so creates a problem or not. He said he didn't have a problem with converting the building to a residence, but is concerned about how the use might affect the neighbor. Director Springer said she can't imagine the Commission or the Board having a problem with the neighbor converting to single-family home, next to a single-family home, and that it's expected that the buildings might go back and forth between commercial and residential uses. A hardship might come in, she stated, in the case of an addition or a teardown to rebuild, both of which would trigger Plan Commission review. Commissioner Vondruska asked if both properties are currently legally non-conforming, to which Director Springer replied affirmatively. Planning Manager Purvis discussed distinctions between C5B commercial and residential requirements, explaining that the conversion of use yields non-conformance.

Commissioner Brown said she had no problem converting the subject property into residential, but asked if making it mixed-use of residential and office would make it a different use yet again. Planning Manager Purvis stated that this would be a significant alteration and would make it a different use than what is currently proposed. This would require the proposal come before the Plan Commission for further review. Commissioner Brown thought the plan sensible because of demand she cited for housing in Glen Ellyn.

Commissioner Heming-Littwin, seconded by Commissioner Saeed, moved for the following:

After conducting a public hearing and deliberating on the request of the petitioner, Behrnt Aaberg, on behalf of the property owner, Laura Rose, for approval of a Special Use Permit, to allow the property at 454 Duane Street to be used as a single-family residence in the C5B Central Service Subdistrict, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on January 28, 2021, which are hereby incorporated into the Motion by reference as though fully set forth herein, 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. That the building be maintained in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees;

2. That the monument sign located on the south side of the property be removed and replaced with appropriate landscaping;
3. That the parking lot striping be removed from the rear of the property, so as to appear like a residential driveway as opposed to a parking lot.

The motion passed by roll call vote, with six (6) yes votes and three (3) no votes as follows:

Commissioners Saeed, Brown, Mulherin, Rodemann and Vondruska, and Chairperson Loch voted “yes.”

Commissioners Heming-Littwin, Berry and Fanella voted “no.”

Chairperson Loch voiced the need for clarification, or a text amendment.

Public Hearing concerning Zoning Code Text Amendments, a Special Use Permit, Zoning Variations and an Exterior Appearance Application to allow a proposed Food Pantry at 41-55 N. Park Boulevard

A motion to open the Public Hearing concerning Zoning Code Text Amendments, a Special Use Permit, Zoning Variations and an Exterior Appearance Application to allow a proposed Food Pantry at 41-55 N. Park Boulevard was made by Commissioner Heming-Littwin and seconded by Commissioner Mulherin. The motion passed with nine (9) yes votes and zero (0) no votes as follows: Commissioners Heming-Littwin, Mulherin, Berry, Brown, Fanella, Rodemann, Saeed and Vondruska, and Chairperson Loch voted “yes.”

Recording Secretary Barbara Dutton, now Barbara Dutton-Thomas, disclosed that she resides in the home just to the north and adjacent to the proposed food pantry.

Staff Introduction

Associate Planner Cole Jackson, Planning Manager Kelly Purvis, Community Development Director Staci Springer, 535 Duane St., were sworn in. Associate Planner Jackson summarized the Food Pantry project activity to date, noting that the current pantry operates at 493 Forest in downtown Glen Ellyn, and that a pre-app concerning relocation was held December 12, 2019. This evening’s hearing is for approval of Zoning Code Text Amendments to allow food pantries as Special Use in the R2 Single-Family Zoning District in accordance with 10-10-13(E) of the Zoning Code. He provided an overview of the new location envisioned – a building on the property of Faith Lutheran Church – and provided an overview of the driveway accesses to the site, including one slated for demolition on the 55 N. Park Blvd. lot. Setbacks and variations are viewed, he explained, in the light of the site’s frontage, on Exmoor Ave., adding that a requested lot consolidation is factored into calculations.

Associate Planner Jackson stated that the subject property has townhomes to the west and east, single-family residential to the north, a commercial district to the south, and is near two bus routes. He stated that the Village’s storm-water engineer reviewed the project and does not have any concerns about storm-water impact on any neighboring properties. The Comprehensive Plan lists the subject property as single-family residential, he noted, but said this was mislabeled as the property was used for church functions at the time the last Comprehensive Plan was adopted. The Plan, he continued, mentions working with support organizations, as well as discusses integrating institutional uses and providing buffers between commercial and residential. He gave an overview of site operations, stating that the Pantry is staffed with nine part-time employees and more than 350 volunteers; operates by

appointment only (other than emergencies); and collaborates with grocery stores, the Northern Illinois Food bank, churches and schools, and the broader community. He stated that the proposed development – to include driveway and pavement demolition, parking updates, alterations to the existing building, and the introduction of a driveway connecting to a loading zone at the east side of the structure and to the existing church parking lot that would connect to Exmoor – would increase Pantry capacity to serve clients.

Associate Planner Jackson reviewed a proposed Zoning Code text amendment to the Glen Ellyn Zoning Code to add a definition for “food pantry;” an amendment to Section 10-4-8(B) to allow them as a special use when accessory to a church in the R2 district, and an amendment to Section 10-4-8(H) to create parking requirements for food pantries. He noted that the Petitioner is requesting approval of zoning variations as well.

A screened refuse and HVAC component, he stated, requires a variation to allow it to be 21 feet from the property line in lieu of the 37-ft. 11-in. setback for the refuse enclosure. A 5-ft. 7-in. building setback and a 2-ft. 6-in. impervious surface setback from the curb of the new driveway to the north property line are proposed, both calling for variations. Crabapple trees are specified for Park Blvd. street trees, and arborvitae and an Eastern Redbud for placement on the north lot line, according to Jackson, acting as screening. A screening variation is requested for the north property line: While an existing fence does provide some screening, stated Jackson, it does not count as screening for the project as it is on the neighboring property, and code requires a 6-7 ft. opaque screen on the Pantry property.

Associate Planner Jackson stated that no signs are proposed facing Park Blvd., but one is specified for the south façade of the building. He displayed elevation drawings showing the exterior appearance envisioned, which he said is traditional in design, and is to feature woodgrain siding and asphalt roof shingles. Two chimneys are to remain, an accessible walkway is to be constructed of concrete block, and the amount of north elevation windows, he stated, was minimized to increase privacy for the neighboring home to the north. The basement will accommodate storage, the first floor will house the warehouse and pantry use, and the second floor will have storage and office space, and a multi-purpose room envisioned to host community nutrition classes.

Associate Planner Jackson read proposed text that defines “Food Pantry” as a standalone use, as well as text amendment language to allow one as an R2 special use, and to add a parking requirement for such. He listed suggested conditions of approval, and explained that the move to the new standalone location prompted Staff to request the Petitioner go through the review process.

After seeking clarification on the proposed driveway demolition, Commissioner Heming-Littwin asked if the text amendment language concerning prepared meals applies to meals taken away or served onsite. Associate Planner Jackson said, either. Citing the north elevation, Commissioner Berry asked if the building is currently two-story, to which Associate Planner Jackson explained that this is where the garage, which is one-story, is currently located. Commissioner Berry asked if the elevation is going to be 5 ft. 7 in. from the property line; Associate Planner Jackson stated that it’s currently 5 ft. 2 in. from the property line.

Commissioner Fanella asked for confirmation that most of the variations are due to how the front lot line is being defined. Associate Planner conveyed that the way the setbacks are calculated as a percentage of the lot width, and having Exmoor as the front yard, accounts for most of the variations, including the trash enclosure. Commissioner Heming-Littwin asked if there would be an excavation, to which Planning Manager Purvis responded that since the basement is being expanded, the Petitioner will need to excavate to some extent. Relative to the driveway/loading zone depicted, Commissioner Rodemann asked if it was the intent that a commercial truck back in all the way to the structure. Associate Planner Jackson was unsure but thought so. Commissioner Rodemann expressed concern about having a running commercial vehicle to be in such a position next to the property to the north. He said that when deliveries get made and how they get scheduled can make use of other pavement and means by which to unload a truck.

He wondered, too, if the "Food Pantry" definition reference to meal preparation implied that the premises would feature a commercial kitchen. Association Planner Jackson replied, no, that the definition text was written to allow flexibility in application. Director Springer asked how the definition had been developed, to which Cole explained that it was based on definitions from other communities. Director Springer reminded the Commission that it could modify the language. Commissioner Mulherin recalled that discussion of preparing food centered on teaching activities, and indicated that restaurant/food service is beyond the scope of this application.

Commissioner Brown asked if an area had been designated for Village residents and others to park and drop off food. Associate Jackson wasn't sure, but Planning Manager Purvis pointed to a small cut-out area on the south side that she believed could serve this function. Director Springer asked if customers could load their cars from this area. Associate Planner Jackson replied affirmatively. Commissioner Rodemann asked if a ramp would serve this area, and was told one is to connect it to accessible parking.

Commissioner Berry asked what setbacks would apply if the church sold the property to a buyer who wished to replace the building with a new residential structure. Associate Planner Jackson stated that it would depend on how it was subdivided; with the current lot width it would be a large requirement, but that if the parcel was subdivided, presumably the regular R2 setback of approximately 6.6 feet. Director Springer said a subdivision would likely be needed to rebuild.

Petitioner's Presentation

Sworn in, Paula Nugent, 75 Citation Circle, Wheaton, Ill., stated that the Pantry has worked with professionals almost two years to create a facility that not only works for the Pantry but continues to maintain the character of the neighborhood. All the Pantry activities and clients will be to the side and back of the house to minimize disturbing the neighbors, she stated, adding that traffic will be contained to the church property to minimize the impact on Park. Ms. Nugent, president of the Pantry's Board of Directors, stated it was the organization's goal to create a facility that provides needed food and support to the community while being a good neighbor to the homes, the church, and the businesses nearby.

She related that two years ago the Pantry had been urged to look for a new home by the Pastor of Grace Lutheran Church, where the Pantry had operated for nearly 40 years, but faced space constraints. A team was formed to evaluate alternatives, and an initial design finalized in the summer of 2019.

Outreach was made to neighbors in the area of the subject project site, including the direct neighbor, Bruce Thomas, who Ms. Nugent said didn't see a problem with the plan. She recalled a concern voiced by his then-girlfriend, now wife, about garbage attracting raccoons; The Pantry, stated Ms. Nugent, chains its dumpsters to keep varmints out. The Pantry launched a capital campaign, said the Petitioner, but explained that it had to "retool" the fund-raising effort because of the Covid19 crisis which also caused the Pantry to alter operations. By the end of 2020, Ms. Nugent reported, \$809,000 of the Pantry's \$900,000 goal had been raised, and subsequently was awarded a challenge grant by the DuPage Foundation. The Pantry is now in the process of finalizing contractors, she said. During this year the Pantry provided food to more than 3,000 people every month, reported Ms. Nugent, who said that while some previous clients didn't visit the Pantry during Covid, in 2020 the Pantry added two to four families each day it was open. She said the Pantry had partnered with a refugee-support program and as well as with Kiwanis, and emphasized that food distribution stays local.

The Pantry has been paying \$18,000 annually in rent, said Ms. Nugent, but will be paying an additional \$500 a month to Grace, starting in February; Faith Lutheran gave the Pantry the house and will rent it the parking lot for \$55 a year. The new location, said the Petitioner, will allow the Pantry potentially to double the number of client appointments offered, as well as offer classes. She reiterated the desire to be a good neighbor, explaining that other locations considered for the Pantry move were cost-prohibitive.

Commissioner Questions

Chairperson Loch asked about delivery trucks backing up in the driveway. The Petitioner stated that currently a 20-ft. long dairy truck delivers on Tuesday, and a "giant semi" on Thursday as part of a shared delivery, but that a 22-ft or smaller, single-delivery truck has been requested of the Northern Illinois Food Bank, which then can't confirm Thursday delivery. A truck study, she stated, showed the smaller truck can back straight into the driveway. She stated that the truck will enter from Park Blvd., travel between the house and church to the east end of the parking lot, and then back into the delivery drive, and exit south behind the church, out to Park. She also outlined how groceries will be retrieved by clients, who are to park in the lot behind the church.

Commissioner Rodemann asked about garbage pick-up frequency; Petitioner Nugent guessed it will be three times a week. Expressing concern about the neighbor to the north, Commissioner Rodemann thought the weekly large-truck delivery event could be worked out, but that frequent garbage pick-up could become a nuisance and noise issue. The Commissioner asked if large events are expected to be held near that neighbor, to which Petitioner Nugent responded that such events aren't held at the Pantry. Property limitations precluded having a short driveway, she stated, citing the house's high grade, and the need to maintain refugee gardens and handicap parking spaces for the church. Commissioner Mulherin asked if the truck driver could cut the engine while unloading; Ms. Nugent responded that this is reasonable and desirable, and could certainly be requested. He asked to review the location of the air-condition units. The Petitioner said these are sited where the refuse had originally been intended, and that placement options were limited. Commissioner Fanella requested confirmation that the conversation is about only two deliveries per week; Ms. Nugent replied that the Pantry has two truck deliveries per week.

Commissioner Rodemann hoped that lighting would not be excessive, would be properly shielded, and at lower levels. Ms. Nugent stated that the parking lot is already lit and the Pantry isn't adding to this; that the house currently has six exterior lights that the Pantry is proposing to replace with five residential-style ones; and that the Pantry has no need for any other exterior lighting.

Commissioner Heming-Littwin asked what time deliveries and garbage pick-up would happen. The Petitioner stated that the Pantry is told when garbage pick-up will occur, but that it's not picked up before 7 a.m. Dairy, she reported, comes at 9 a.m., while food now is around 8. She said that with the new truck arrangement anticipated, the Pantry will be able to specify to the Food Bank a delivery timeframe, though not a precise time. Observing that Park Boulevard traffic backs up during busy times, Commissioner Heming-Littwin asked if a traffic study was done to determine the feasibility of deliveries between certain hours. Ms. Nugent thought timing is something to be worked out with the Food Bank, and that a traffic study hadn't been performed, partly, she thought, as it was determined that two trucks wasn't a huge impact to Park Blvd. Associate Planner Jackson confirmed a study wasn't requested. The Petitioner stated that the Pantry is conscious of pre-school drop-off and pick-up needs.

Public Comment

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

Joe Bochenski, 76 N. Park Blvd.: *"Dear Planning Commission*

First, I would like to thank Ms. Nugent and the Food Panty for the continuous work that they do in and for our community. Further, I would like to thank Ms. Nugent for visiting us neighbors near the proposed site, in 2019, to help explain their plans and operations.

The change in use of the subject property is a major change. This will have a significant impact on the surrounding community and should not be taken lightly. The proposed use includes a mini-grocery store and areas for classes. This use brings typical commercial operations to the subject property – which include truck deliveries, loading dock operations and an increase in the number of trips to and from the subject property. In fact, by example the petitioner's plans include demolition of the existing single story garage and the construction of a new larger two-story structure, which is definitely a strong indication that this use change is to a commercial use (loading and warehouse areas). These activities are better suited for the commercial district along Roosevelt Road, which has vacancies or the downtown commercial district,

The petitioner's plans state that this new facility will greatly increase the services that they can provide to the community. These increases in the petitioner's services will result in much higher traffic counts than they currently experience and more importantly much higher traffic counts than an R-2 property experiences. These increased traffic counts will significantly change the character of this particular Glen Ellyn neighborhood. If you have not been submitted a traffic study, I would highly recommend that you request one before you make a final decision to proceed.

Neighborhoods in Glen Ellyn are important to the residents of Glen Ellyn. The Village does an excellent job protecting these neighborhoods through its zoning codes and ordinances. Transitional uses between commercially zoned areas and residential areas tend to be uses such as churches, schools, daycare,

multi-family and parks, which all help buffer the residential neighborhood from commercial uses. These transitional uses allow the home owners to enjoy the neighborhood feeling that the zoning codes and ordinances help protect. This application proposes a use change that requires a text amendment, Special Use and variations that are counter to this important component to the Village planning process.

In our residential zone neighborhood, this application is seeking (1) a Zoning Code Text Amendment (2) a Special Use Permit and (3) no less than nine Zoning Variations. I understand if such extensive requests were being made in a Commercially Zone District but this number of requests/variations within a Residential Zone District clearly indicates that the use should not be located within a Residential Zone District.

I ask that you not allow this commercial use in a residential neighbor. There are so many better places in Glen Ellyn's commercial districts for this user, whereby they can provide such great work for our community within our community.

Should this application proceed, please strongly consider the following enhancements to the development that will assist the applicant with creating a more residential feeling to its commercial development:

- Enhanced Landscaping Screening along the Park Blvd side – including larger evergreen trees to screen the warehouse area, which will also help buffer the sound from the increased traffic;*
- Enhance the Park Blvd side elevations to have more residential character. This change will complement our residential neighborhood; and*
- Request a full traffic study to make certain that everyone understands how best to plan for the increased truck and patron traffic including restricting deliveries to certain day time hours that will not*

Bruce Thomas, 63 N Park Blvd: *"Dear Commissioners,*

My name is Bruce Thomas, I own the property at 63 N Park Blvd.

After looking at the latest revision to the plan for the Glen Ellyn Food Pantry I must make a few objections. The latest plan has moved the refuse and recycling enclosures considerably north of their proposed location that we saw December 12, 2020. I am concerned about their location as the Food Pantry will be dealing with food and must assumedly have waste that could attract vermin. Also now just east of the refuse enclosures are three a/c units which would be quite noisy.

The access drive for semi-trailer deliveries has been widened and as it approaches the back of the property at 55 N Park it widens still. This indicates that large semi-trucks would be loading and unloading foodstuffs very adjacent to me.

So if I may be specific I object to variation requests 3b (5ft 6 inch setback from north lot line), 3c (5 foot tall landscape screening as opposed to opaque screening), 3d (variation to permit loading area without screening) and 3h (variation to HVAC and refuse setback).

I am very concerned about the proximity of all buildings and services being to my property and I hope the commission will consider my opinion before making a decision.

Thank you.”

K.C. Wigle, 64 Exmoor (the property immediately, diagonally northeast of the subject property), was sworn in. Acknowledging the busyness of Park Blvd. and concerns about the traffic impacts discussed, he stated that Exmoor is a quiet street, which is why his family moved there five and a half years ago. He expressed concern over the “two large commercial truck deliveries” and the three garbage pick-ups over the course of a week – five new disturbances he said residents of a quiet neighborhood don’t expect. While he supports the Pantry in its missions, he said he shares concerns voiced by other neighbors and commissioners, and doesn’t believe the use is appropriate for the area or this is the place for it.

Sworn in, Joe Yucha, 14 Walnut Rd., a pastor with Faith Lutheran, stated that the church has been part of the Pantry for a long time, and that his congregation is enthusiastic about the move. He said the church is accessible and recently brought its building up to fire code, and that it hosts events and wants to be part of the life of Glen Ellyn. He sees the Pantry as a way of living out this call.

Sworn in, Pete Ladesic, 615 Scott Ave., stated that the Pantry represents a “great repurpose” of the building at the site and that the project impact isn’t going to be great, but a perfect fit. Lighting can be managed through regulations, he stated, and said Faith Lutheran already receives semi deliveries and has garbage pick-up. He looks forward to helping as he can. Regarding the variation for the loading area without screening it from an adjoining property, Chairperson Loch asked him if this could be fixed. Mr. Ladesic said he thinks the Pantry has a landscape plan, and that landscape screening would be the best.

Sworn in, Leonard Swanson, 116 Sunset Ave., said, as a former member of the Plan Commission, he doesn’t see any major adverse effects on neighbors, and the neighborhood isn’t purely residential. He said the Pantry does a wonderful job in trying to route traffic and that the number of deliveries is not significant, and urged Commission approval.

Sworn in, Scott Winterstein, 75 N. Park Blvd., said that while the Pantry provides a great benefit for Glen Ellyn, he has reservations concerning garbage collection, the mini-grocery store, cooking classes, loading dock activities, traffic disruption and delivery timing, which he views as commercial operations that violate zoning. He said he would “like a lot more information” about details behind activities, and if these could be agreed upon, they could be allocated into the permit, he would be more comfortable, but at this point, there is too much uncertainty.

Sworn in, Matt McHale, 69 N. Park, referencing neighbors who have given public comment, he said he echoes the sentiments of his neighbors. Expressing an appreciation for the service the Pantry provides, he voiced reservations and concerns about food waste, noise, and traffic. He would like to better understand the schedule and have input into it, so to achieve one that “makes sense,” allowing the Food Pantry to operate effectively with minimal disruption to the neighborhood.

Sworn in, Rick Scheck, 678 Oak St., said that while he does not reside in the area of the development, he finds joy in seeing those in need helped and sees value in the opportunity the Pantry provides for volunteering. He lauded Faith Lutheran’s participation in the relocation effort, congratulated the Pantry and Village staff for putting together the plan discussed, and hopes the Pantry’s contribution to the community can continue.

Sworn in, Carol Asselmeier, 454 Whittier, thanked the Commission for listening to the “plusses and minuses of what the residents have to say.” A lifetime resident of Glen Ellyn and parishioner of Grace Lutheran, and a volunteer at the Pantry and a member of its board of directors, she said that, as much as the Pantry appreciates concerns raised, it has gone through a “meticulous process” with Staff and believes the Pantry has addressed all of the concerns raised throughout the process. The Pantry, she thinks, has community appeal, and that the property will afford a smooth transition without a lot of direct effect on the neighborhood, and will increase the benefit to people experiencing food insecurity.

Sworn in, Katherine Meagher, 433 Cottage Ave., stated that she, too, is a lifelong Glen Ellyn resident and a member of the Food Pantry board, which she said has been very thoughtful about the necessity of a new home, reiterating that other options were sought. She doesn’t think the Pantry will add much activity to what, between the church and the Pickwick Place commercial space, is already occurring in the area. The Pantry as proposed, she stated, will add value with little disturbance, and that its services are in great need.

Sworn in, John Berg, 22W166 McCarron Rd., stated that truck deliveries rarely exceed 30 minutes, and that garbage trucks are “in and out in minutes,” and will likely be tied to the existing church pick-ups, with maybe a one or two more. A member of the Pantry’s Board and a long-time volunteer, he stated that other options explored for relocating it were too expensive, that it is imperative the community embrace the Pantry, due to the need for its services.

Petitioner Nugent elucidated the screening change requested, stating that the Pantry asked to be allowed to not place arborvitae between the house and the fence and the garage and the fence, as the landscape architect for the project advised that the plants would die due to the north exposure. Also, she stated smaller plants were selected as they are cheaper and said to be healthier and grow faster.

Commissioner Heming-Littwin moved to close the Public Hearing; seconded by Commissioner Vondruska, the motion passed with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Vondruska, Berry, Brown, Fanella, Mulherin, Rodemann, Saeed and Chairperson Loch voted “yes.”

Commissioner Discussion

Commissioner Heming-Littwin suggested the phrase “prepared meals at no cost” be dropped from the text of the “Food Pantry” definition, as cooking is only intended by the Pantry in the context of teaching. Commissioners Mulherin, Saeed, Brown and Rodemann concurred.

Chairperson Loch invited discussion of the Special Use Permit and the exterior appearance proposed; hearing none, she asked for input on the zoning code variations requested.

Commissioner Heming-Littwin said the screening situation needs to be addressed. Understanding the arborvitae growing issue (though it could be by the curb cut), she thought there might be an alternative buffer for visual and noise, and there should be landscaping all along the driveway between the curb and the fence. A more concrete schedule of deliveries and garbage pick-up with which the neighborhood feels comfortable is needed, she said. Chairperson Loch suggested a condition attached to approval could specify collaboration on scheduling. Commissioner Mulherin opined that too much

stress is being put on this concern, adding that he lives nearby in an area with apartments where garbage pick-up is swift, and that determination of garbage pick-up protocols is between the Village and the Food Pantry. Commissioner Vondruska figured that the church already gets garbage pick-ups, so the Pantry might only necessitate one additional weekly, and though he is sympathetic to the neighbors, he's not sure how much control can be exerted over garbage collection operators. Director Springer said a condition could call for notifying neighbors of the schedule, but the most the Commission could do is specify a number of deliveries a week or a timeframe, which the Village wouldn't enforce unless it received a complaint of violation. Chairperson Loch stated the Pantry will have a bigger problem working around the pre-school, and which they'll have to get right.

Commissioner Vondruska said he "loves the community spirit" the Pantry creates, but would like to see the driveway better screened. Commissioner Rodemann didn't think trucks would back up all the way, and if they would only go part way, further from the neighbor to the north, less noise "might naturally happen." Such limitations along with the likelihood that the Pantry and the church could share a garbage pick-up schedule, he said, can make the situation more palatable and are worth discussion to see what the Commission can do.

Commissioner Fanella conveyed that she is comfortable with the zoning variations and the changes Commissioner Heming-Littwin recommended, and issuing the Special Use Permit, but wants to see increased screening along the lot line and by the loading dock. She likes the residential appearance presented, and believes the Pantry will work out the delivery issues relative to the pre-school, and thinks the frequency of deliveries modest. Commissioner Berry said it's a "pipe dream" to think a 43-ft. trailer as depicted will make its way a winding driveway without hitting material on either side of the driveway, and hopes for a 22-foot truck. He thought trash containers will be need to be wheeled out of the enclosure and lifted, creating six noise events a week, and hence had a concern about the need for screening. Associate Planner Jackson clarified that a 21-foot truck is actually proposed.

Planner Purvis said she would strike a sentence from the "Food Pantry" definition, as per the suggestion by Commissioner Heming-Littwin, who summarized discussion of needing screening along the drive from the building to the east. Commissioner Heming-Littwin, seconded by Commissioner Mulherin, moved for the following:

After conducting a public hearing and deliberating on the requests of the petitioner, Paula Nugent on behalf of the Glen Ellyn Food Pantry, for approval of Zoning Code Text Amendments, a Special Use Permit, Zoning Variations, and Exterior Appearance, all to allow the development of a food pantry at 41-55 N. Park Blvd. in the R-2 Single Family Residential Zoning District, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on January 28, 2021, which are hereby incorporated into the Motion by reference as though fully set forth herein, 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. That the project be constructed in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees;

2. That it is the obligation of the owner of the development to install, maintain and replace all landscape materials in accordance with the approved landscape plan, and that additional screening be added along the north property line to act as a buffer between the property to the north; and
3. That if any rooftop mechanical units are visible from the public right-of-way or adjacent properties, that such mechanical equipment shall be appropriately screened from view. Screening material shall be submitted to the Community Development Department for review and approval prior to installation; and
4. That should the fence along the north property line adjacent to the Food Pantry be removed by the property owner to the north at a future date, the Food Pantry would be responsible for installation of a 6 foot-tall opaque screen or fence along the length of the property abutting the single-family residential lot.
5. That additional landscaping be added between the driveway and the north property line.
6. That the text amendment be approved as amended.

The motion carried by roll call vote, with nine (9) yes votes and zero (0) no vote as follows: Plan Commissioners Heming-Littwin, Mulherin, Berry, Brown, Fanella, Rodemann, Saeed and Vondruska, and Chairperson Loch voted “yes.”

Commissioner Brown asked if the Pantry and church could give the neighbors to the North a landscape allowance for their side of the fence. Saying that this would have needed to be part of the Commission’s recommendation, Director Springer said the body could *ask* the Petitioners, but not require it. The Commission, she said, could bring it to the Board, an idea with which Chairman Lock was “okay.”

A Public Hearing concerning an Amendment to the Special Use Permit for a Preliminary and Final Planned Unit Development Plan for the property located at 400, 418-424 N. Main Street

A motion to open the A Public Hearing concerning an Amendment to the Special Use Permit for a Preliminary and Final Planned Unit Development Plan for the property located at 400, 418-424 N. Main Street was made and seconded by Commissioners Heming-Littwin and Saeed, respectively. The motion carried with nine (9) yes votes and zero (0) no votes as follows: Commissioners Heming-Littwin, Saeed, Berry, Brown, Fanella, Mulherin, Rodemann and Vondruska, and Chairperson Loch voted “yes.”

Staff Introduction

Planning Manager Kelly Purvis and Development Director Staci Springer, 535 Duane St., were sworn in. The former stated that Sam Vlahos, together with property owner 400 Main LLC, are seeking:

1. An Amendment to the Special Use Permit for a Preliminary and Final Planned Unit Development Plan on the property located at 400, 418-424 N. Main Street in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.
2. The following additional deviation from the Glen Ellyn Zoning Code (all previous deviations granted are to remain unchanged):

- a. A deviation from 10-4-17-1(E) to allow roof top mechanical equipment and any screening that might be needed, to be installed on the building to a height up to 64 feet from the average existing grade exceeding the permitted building height of 61 feet granted by Ordinance No. 6672 and Ordinance No. 6690 and exceeding the limitation of 45 feet permitted in the C5A district.

Mr. Vlahos wants to open a restaurant on the premises, necessitating the variation, Planning Manager Purvis stated, adding that three rooftop units and two black iron exhaust pipes are proposed. She described the area of the development, which is under construction; displayed building concept images from different views, in which rooftop units were not evident; and listed conditions of approval to consider. Commissioner Rodemann asked if the black iron exhaust fans would serve the restaurant; Planning Manager Purvis said, "Yes," and that she understood a height reduction by the Board drove mechanical equipment to the garage, and that the Petitioner hopes to move some of that equipment to the roof and put restaurant HVAC in the garage.

Petitioner's Presentation

Larry Debb, 1049 Edgebrook Lane, Glencoe, Ill., and Sam Vlahos, 15436 Lewis Ave., Lombard, Ill., were sworn in. Mr. Vlahos stated that he operates restaurants in Hinsdale, Downers Grove and Wheaton, and thinks Glen Ellyn would benefit from one of his company's restaurant concepts. Mr. Debb of 400 Main LLC stated that the HVAC units will serve the apartment building hallways. Originally intended for the roof, they were moved to the parking lot area, he stated, though the Petitioner knew that to provide HVAC equipment for a restaurant or another tenant the units would have to be relocated to the roof.

Commissioner Questions

Commissioner Heming-Littwin asked for clarification that the Board's height reduction forced the Petitioner to put the HVAC into the garage. Debb stated that the HVAC equipment was still on the roof when the Petitioner went for the building permit, but disagreed with Staff's opinion that the equipment be counted as part of the roof unit prompted the Petitioner to seek a variance. Commissioner Rodemann said the building always needed make-up air units, for which roof placement would be desired. He said it seems like the Petitioner knew he'd have to come back to request this, but that he (Rodemann) is "not overly concerned" with the placement proposed, and awaits discussion.

Though she understood the model was deemed by Building and Zoning's Steve Witt as not suitable for the application (contrary to Mr. Debb's stated opinion), Planning Manager Purvis displayed a drawing of the exhaust ("mushroom") fan assembly envisioned by the Petitioner. Commissioner Berry asked if the restaurant HVAC could be on the roof and the other three units left where they were proposed, and if so whether additional first-floor retail tenant HVAC requests could be expected. Mr. Debb stated, "No," there will be room if the building units are moved to the roof, and that the two (which, he stated, were advised by Staff so the Petitioner doesn't have to return to request another at a later point) black iron ducts will cover an additional restaurant (which the Petitioner is hoping to have). Planning Manager Purvis stated that when Preliminary and Final PUD plans are submitted to the Village, Staff at that stage doesn't look at mechanical plans and such, so it didn't know what the height of those units would be, and so didn't know that when the Village Board made changes that it would impact what could be put

on the roof; and the issue wasn't realized until the Building Permit phase, the Petitioner not knowing that the rooftop equipment counted toward height (whereas in some communities it doesn't).

Public Comment

None.

Commissioner Berry moved to close the Public Hearing; seconded by Commissioner Heming-Littwin, the motion passed with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Berry, Heming-Littwin, Brown, Fanella, Mulherin, Rodemann, Saeed and Vondruska, and Chairperson Loch voted "yes."

Commissioner Discussion

Commissioner Berry thanked Staff for anticipating the potential need for the second unit and taking care of it now. He also thanked the development team designers for pushing the units back so they're not visible from the right-of-way, and indicated he is in support of the project. Commissioner Heming-Littwin agreed and said that she is excited to see another great restaurant come into town. Commissioner Saeed said he is in support of approving the amendment.

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

After conducting a public hearing and deliberating on the requests of the petitioner, Sam Vlahos, together with the property owner, 400 Main LLC, for approval of an Amendment to the Special Use Permit for a Preliminary and Final Planned Unit Development plan, as approved by Ordinance No. 6672 and Ordinance No. 6690, to allow roof top mechanical equipment to be installed, exceeding the height deviation previously granted for the development, the Plan Commission hereby recommends approval of the requests based on the findings of fact, as discussed or amended at the Plan Commission public hearing on January 28, 2021, which are hereby incorporated into the Motion by reference as though fully set forth herein, 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 of the requests with the following conditions:

1. That the project be constructed, maintained, and operated in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees;
2. That updated building permit plans for the additional mechanical equipment be submitted to the Village for review and that an amended building permit be issued prior to work on the subject mechanical equipment taking place.
3. That should any of the roof top mechanical equipment, once installed, be visible from the public right-of-way, such equipment shall be appropriately screened from view. In such case, the developer will submit cut sheets for any screening to the Community Development Department for approval prior to installation.

The motion passed by roll call vote, with nine (9) yes votes and zero (0) no votes as follows:
Commissioners Heming-Littwin, Mulherin, Berry, Brown, Fanella, Rodemann, Saeed and Vondruska, and
Chairperson Loch voted “yes.”

Trustee’s Report

Trustee Enright reported that Gary Fasules was sworn in as Acting Village President.

Chairman’s Report

Chairperson Loch had no report.

Staff Report

Planning Manager Purvis announced that the first February Plan Commission meeting is cancelled, but
the second meeting will be the third public hearing for the Draft Comprehensive Plan.

Other Business

None.

Adjournment

Chairperson Loch adjourned the meeting at 10:58 p.m.

Respectfully submitted,

Barbara Dutton-Thomas

Recording Secretary



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Regular Meeting
Monday February 22 2021
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

Upon roll call by Village Clerk Chereskin, Acting President Fasules and Trustees Christiansen, Enright, Pryde, Senak and Thompson answered "Present".

Also in attendance: Village Manager Franz, Assistant Village Manager Rodman, Village Attorney Mathews, Finance Director Coyle, Public Works Director Hansen, Community Development Director Springer, Police Chief Norton, Civil Engineer Warner, Planning Manager Purvis and Building and Zoning Official Witt.

D. Audience Participation

None.

E. Consent Agenda - The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

RESULT:	APPROVED [6 TO 0]
MOVER:	Steve Thompson, Village Trustee
SECONDER:	Kelli Christiansen, Village Trustee
AYES:	Christiansen, Enright, Fasules, Pryde Senak, Thompson

Motion to approve the following items including Payroll and Vouchers totaling \$1,710,636.40. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's Purchasing Policy (Trustee Thompson)

1. Total Expenditure (Payroll and Vouchers) - \$1,710,636.40
2. Approve the Recommendation of Acting Village President Fasules for the Appointment of Environmental Student Commissioner, Katie Hardesty, for a Term Ending May 31, 2022 and Appointment of Recreation Student Commissioner, Patrick Hohe, for a Term Ending May 31, 2022
3. Pursuant to Section 1-10-7 of the Village Code, Authorize the Village Manager to Execute a Contract with G.E. Riddiford of Arlington Heights, Illinois via the OMNIA Partners (U.S. Communities) Purchasing Cooperative for a 20-Year

Roof Restoration for the Reno Facility in an Amount Not-to-Exceed \$382,017, to be Expensed to the Facilities Maintenance Reserve Fund (Finance Director Coyle)

5. Approve the Purchase of the DJI Matrice 300 RTK Drone and Accessories from Aerial Innovations of Elburn, IL in an Amount Not-to-Exceed \$30,447, to be Expensed to the Forfeiture Fund (Police Chief Norton)
6. Approve the Purchase of Additional Camera Equipment for the Corner of Roosevelt Road and Lambert Avenue from Minuteman Security Technologies Using the 5-Year Lease Option for a Total of \$39,277.85, to be Expensed to the Forfeiture Fund (Police Chief Norton)
7. Motion to Authorize the Village Manager to Execute a Contract with J.A. Johnson Paving Company of Arlington Heights, Illinois, in the Amount of \$190,700 for the 2021 Parking Lot Resurfacing and Asphalt Roadway Patching Program to be Expensed to the Parking and Capital Projects Funds (Public Works Director Hansen)
8. Motion to Authorize the Village Manager to Execute One or More Contract Change Orders for Additional Work with J.A. Johnson Paving Company of Arlington Heights, Illinois in an Amount Not-to-Exceed \$20,000, for the 2021 Parking Lot Resurfacing and Asphalt Roadway Patching Program to be Expensed to the Parking and Capital Projects Funds (Public Works Director Hansen)

ITEMS PULLED FROM THE CONSENT AGENDA TO BE VOTED ON SEPARATELY

5. Ordinance No. 6853, An Ordinance Amending Ordinance No. 6672 and No. 6690 which Granted Approval of the Preliminary and Final Planned Unit Development Plans for the Apex 400 Mixed Use Development at 400 & 418-424 N. Main Street (Community Development Director Springer)

Community Development Director Springer gave a presentation outlining the proposed request. Community Development Director Springer noted the applicant/tenant is requesting a deviation from the Zoning Code to allow roof top mechanical equipment screening that might be needed, to be installed on the building to a height up to 64 feet from the average existing grade exceeding the permitted building height of 61 feet granted by Ordinance No. 6672 and Ordinance No. 6690 and exceeding the limitation of 45 feet permitted in the C5A district.

Trustee Senak asked if a tenant can request a variation under the redevelopment agreement. Community Development Director Springer stated a tenant can request a variation and it is done all the time. Community Development Director Springer stated the tenant/applicant has approval from the owner to submit the request.

Trustee Senak stated the tenant signed a 'no conflict of interest affidavit' and asked why the owner did not sign a similar affidavit. Planning Manager Purvis stated only the tenant is required to sign this affidavit and that it is typical to only have the petitioner sign the affidavit.

Trustee Senak was concerned that the tenant has not yet signed the lease. Trustee Senak stated he does not want to approve a variation for a business that has not yet signed the lease. Trustee Senak stated he would be comfortable approving this request if the lease is signed.

Trustee Senak stated he does not want to move the HVAC if it is not necessary.

Larry Debb, 400 Main LLC, stated the roof top units were previously relocated to the 2nd floor due to height limitation. Mr. Debb stated now he has an unsigned lease with a tenant and a request to move the units to the roof. Mr. Debb stated the tenant may not sign the lease if the variation request is not approved. Mr. Debb stated moving the units to the roof will allow for additional space on the 2nd floor and will allow a restaurant to occupy the space. Mr. Debb noted the potential tenant will be bring a great restaurant to Glen Ellyn.

Trustee Thompson asked if the units being moved are only for the retail and restaurant space. Mr. Debb confirmed this.

John Kosich, 400 Main LLC, provided details on the interest from businesses for the retail space of the Apex 400 development.

Trustee Thompson noted 400 Main LLC has a new partner, Mr. Ryan Maas. Trustee Thompson asked when he joined as a partner. Mr. Debb stated between 4 to 5 months ago.

Trustee Thompson stated the Redevelopment Agreement requires the Village Board to be notified of any substantial change in ownership. Mr. Debb stated the Village Attorney was notified.

Trustee Thompson stated the Village Board was not made aware of the substantial change in ownership.

Village Manager Franz clarified that the Redevelopment Agreement states the Village Board can request the information from the developer. Village Manager Franz stated he does not believe the Village Board has requested this information. Village Manager Franz said if the request is made, the developer will provide the requested information.

Trustee Pryde stated change of ownership is very common in projects. Trustee Pryde also noted this issue is not related to the item that is being voted on tonight.

Mr. Debb stated that he is happy to provide the Village Board the documents that they request.

Trustee Senak stated he would like to have the signed lease prior to approving this request. Mr. Debb stated he will get a copy of the signed lease to the Village Board.

Trustee Thompson moved the table this agenda item to the next Village Board Meeting scheduled for Monday, March 8, 2021. Trustee Senak seconded.

Trustee Senak stated his decision to table the agenda item is not to create a hardship. Trustee Senak stated there is information he would like to see prior to approving the request.

Acting President Fasules noted the Village Board is overall in favor of the request if everything else gets worked out.

RESULT:	TABLED [4 TO 2]
MOVER:	Steve Thompson, Village Trustee
SECONDER:	Mark Senak, Village Trustee
AYES:	Christiansen, Fasules, Senak, Thompson
NAYS:	Enright, Pryde

F. 454 Duane Street Special Use Permit (Presented by Community Development Director Springer) (Trustee Enright)

1. Ordinance No. 6854, An Ordinance Granting Approval of a Special Use Permit to allow a Single-Family Home to be Located at 454 Duane Street

Community Development Director Springer gave a presentation regarding the request for a special use permit for the property located at 454 Duane Street.

Trustee Christiansen asked if this approval would prevent any further development on the neighbor's properties. Community Development Director Springer stated this is correct as this is how the Zoning Code is currently being interpreted, which was not the intention. Community Development Director Springer stated the Zoning Code is in the process of being updated to fix this issue. Planning Manager Purvis stated this request will be considered within a few weeks as a Zoning Text Amendment.

Trustee Christiansen stated she would like to see the Zoning Text Amendment prior to voting on this agenda item.

Trustee Enright asked about the sunset clause in the lease. Community Development Director Springer stated the sunset clause makes it where a special use permit will expire if no work and no permits have been issued within two years.

Trustee Senak stated there is a reason why this area is zoned as commercial, and that there is a reason why our Zoning Code tries to prevent commercial and residential in the same area. Trustee Senak stated this conflicts with the Zoning Ordinance and is not in favor of the request.

Behrnt Aaberg, petitioner of the request, stated his clients wish to keep all options open for their property, which is why they are requesting this special use permit.

Thomas Rose, owner of 454 Duane Street, stated that he would love to sell the property for commercial use, but that is not a guarantee. Mr. Rose stated they are interested in keeping all options open for the property, which is why they are requesting to option to sell it as residential.

RESULT:	APPROVED [4 TO 2]
MOVER:	Bill Enright, Village Trustee
SECONDER:	Craig Pryde, Village Trustee
AYES:	Enright, Fasules, Pryde, Thompson
NAYS:	Christiansen, Senak

G. Glen Ellyn Food Pantry Project Zoning Amendments (Presented by Community Development Director Springer) (Trustee Enright)

1. Ordinance No. 6855, An Ordinance Granting Approval of Zoning Code Text Amendments, a Special Use Permit, Variations from the Zoning Code, and the Exterior Appearance for the Glen Ellyn Food Pantry to be Located at 41-55 N. Park Boulevard

Community Development Director Springer gave a presentation of the proposed Glen Ellyn Food Pantry.

Trustee Pryde stated he is overall in favor of the request, but does has a few questions. Trustee Pryde stated the handicapped parking is being increased from 3 to 4 spots. Trustee Pryde asked if that was a requirement. Planning Manager Purvis stated it was not a requirement.

Trustee Pryde stated he has a concern about the driveway access for deliveries. Trustee Pryde noted the delivery trucks seem to be traveling the longest route and suggested they petitioner look into changing this driveway access. Community Development Director Springer noted a different layout could work, and staff raised a similar concern early on. Community Development Director Springer stated the petitioner has noted this is the best option.

Trustee Pryde stated he has a similar concern regarding refuse pickup. Trustee Pryde asked if it was possible to move the refuse closer to the street. Community Development Director Springer stated staff raised a similar concern early on. Community Development Director Springer stated the petitioner has noted most of their volunteers are elderly, and need easy access to the refuse containers.

Trustee Pryde asked for additional information on the proposed landscaping. Planning Manager Purvis stated the landscaping was updated after the Plan Commission meeting. Planning Manager Purvis stated there is not a lot of room for landscaping, which is why the landscaping is only at 4 feet. Planner Manager Purvis did note the petitioner has reached out to their residential neighbors to assist in purchasing additional landscaping on their property, as it has more room.

Paula Nugent, petitioner of the request, provided the Village Board a brief history of the project. Ms. Nugent stated they are required to keep handicapped parking by law. Ms. Nugent stated the refuse needs to be closer to the building so the volunteers can access the refuse containers safely. Ms. Nugent stated they are adding 2 additional refuse pick up days and 2 days for food pantry deliveries. Ms. Nugent stated she has worked with the refuse company and they have agreed to a four hour pick up window no earlier than 8 a.m. Ms. Nugent stated the food trucks typically get delivered between 8 a.m. and 3 p.m. Ms. Nugent stated this is the best place for the driveway as there are concerns due to large grade changes and stormwater concerns. Ms. Nugent stated if the driveway was

moved, a very large retaining wall would have to be built. Ms. Nugent stated she is working with their residential neighbors regarding fencing and landscaping. Ms. Nugent has stated she has reached out to two neighbors regarding additional landscaping, but she has not heard back. Ms. Nugent stated she is trying her best to be a good neighbor.

Trustee Christiansen stated she is in favor of this project, but did recommend the petitioner look into energy code complaint windows to be used in the back of the home and is also interested in a double hung window, if possible. Ms. Nugent stated they will look into this.

Trustee Thompson asked how the Food Pantry would handle any neighbor concerns or complaints moving forward. Ms. Nugent stated she has been attempting to meet face to face with each neighbor. Ms. Nugent stated if a complaint was received, it would be brought to the President and Board and discussed how to resolve the issue.

Trustee Enright thanked all the workers and volunteers of the Food Pantry, especially during this time.

Public Comment

1. K.C. Wigle, Glen Ellyn resident, stated he continues to remain concerned regarding the length of the driveway and the noise it will cause. Mr. Wigle stated he is interested in additional landscaping provided by the Food Pantry.

2. Pete Ladesic, Glen Ellyn resident, stated he urges the Village Board to approve this project and stated how important the Food Pantry is to the Glen Ellyn.

RESULT:	APPROVED [6 TO 0]
MOVER:	Bill Enright, Village Trustee
SECONDER:	Mark Senak, Village Trustee
AYES:	Christiansen, Enright, Fasules, Pryde, Senak, Thompson

H. Reminders

1. A Village Board Meeting is scheduled for Monday, March 8, 2021 at 7:00 p.m.
2. A Village Board Workshop is scheduled for Monday, March 15, 2021 at 7:00 p.m.

I. Other Business

Acting President Fasules thanked staff for all their time and effort. Acting President Fasules encouraged everyone to be safe and help take care of the Village and help our neighbors.

Trustee Senak stated he has several concerns regarding the Apex 400 variation request. Acting President Fasules encouraged Trustee Senak and all Trustees to speak with Village staff regarding their concerns and questions.

J. Motion to Adjourn

RESULT:	APPROVED [6 TO 0]
MOVER:	Kelli Christinasen, Village Trustee
SECONDER:	Bill Enright, Village Trustee
AYES:	Christiansen, Enright, Fasules, Senak, Thompson

Respectfully Submitted, Lindsey Kaminsky Executive Assistant

Reviewed and approved, John A.Chereskin, Village Clerk



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Regular Meeting
Monday March 8, 2021
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

Upon roll call by Village Clerk Chereskin, Acting President Fasules and Trustees Christiansen, Enright, Pryde, Senak and Thompson answered "Present".

Also in attendance: Village Manager Franz, Assistant Village Manager Rodman, Village Attorney Mathews, Finance Director Coyle, Public Works Director Hansen, Community Development Director Springer, Police Chief Norton, Professional Engineer Daubert, Senior Civil Engineer Topor and Economic Development Coordinator Hannah.

D. Audience Participation

None.

E. Consent Agenda - The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

RESULT:	APPROVED [6 TO 0]
MOVER:	Kelli Christiansen, Village Trustee
SECONDER:	Steve Thompson, Village Trustee
AYES:	Christiansen, Enright, Fasules, Pryde Senak, Thompson

Motion to approve the following items including Payroll and Vouchers totaling \$2,885,042.96. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's Purchasing Policy (Trustee Christiansen)

1. Total Expenditure (Payroll and Vouchers) - \$2,885,042.96

Trustee Senak asked what the IL EPA Payment is for. Finance Director Coyle stated this is for the Lambert Farm EPA Loan which was used for sewer improvements.

2. February 8, 2021 Village Board Meeting Minutes

4. Resolution No. 21-02, A Resolution to Allow Service Credit for Military Leave that Interrupts Illinois Municipal Retirement Fund (IMRF) Participation (Finance Director Coyle)

5. Resolution No. 21-03, A Resolution to Allow Illinois Municipal Retirement Fund (IMRF) Service Credit for Military Service Earned Prior to Participation in IMRF (Finance Director Coyle)
6. Resolution No. 21-04, A Resolution Concerning Village of Glen Ellyn work in State Right-of-Way Effective from January 1, 2021 to December 31, 2022 (Public Works Director Hansen)
7. Authorize the Village Manager to Executive Change Order No. 1 to the Design Engineering Services Agreement with Civiltech Engineering Inc. of Itasca, Illinois, for the CBD Streetscape and Utility Improvement Project for Additional Phase II Engineering Services in the amount of \$134,082.70, Resulting in a Revised Total Fixed Price of \$1,137,256.70, to be Expensed to the Capital Projects and Water & Sewer Funds (Professional Engineer Daubert)
8. Authorize the Village Manager to Execute a Contract for 2021-2023 Landscape Maintenance Service to Beary Landscape Inc., Illinois, in a Not-to-Exceed Amount of \$253,560 (Public Works Director Hansen)
9. Authorize the Village Manager to Execute a Contract for Parkway Restoration Work for 2022-2023 to Balanced Environments in a Not-to-Exceed Amount of \$27,250, to be Expensed to the General Fund (Public Works Director Hansen)

ITEMS PULLED FROM THE CONSENT AGENDA TO BE VOTED ON SEPARATELY

3. Approve a Retail Façade Improvement Award in the Amount of \$10,000 for Trans Holding Corp at 507 Pennsylvania Avenue, to be Expensed to the Central Business District TIF Fund (Economic Development Coordinator Hannah)

Economic Development Coordinator Hannah provided an update on the award request. Economic Development Coordinator Hannah stated the property owner has updated his request due to the condition of the building. Economic Development Coordinator Hannah stated the property owner qualifies for a total of \$17,500 in award funds due to the increased cost estimate.

Trustee Christiansen moved to approve a Retail Façade Improvement Award in the Amount of \$17,500 for Trans Holding Corp at 507 Pennsylvania Avenue, to be Expensed to the Central Business District TIF Fund. Trustee Thompson seconded.

RESULT:	APPROVED [6 TO 0]
MOVER:	Kelli Christiansen, Village Trustee
SECONDER:	Steve Thompson, Village Trustee
AYES:	Christiansen, Enright, Fasules, Pryde Senak, Thompson

F. Apex 400 Deviation (Presented by Community Development Director Springer) (Trustee Enright)

1. Ordinance No. 6853, An Ordinance Amending Ordinance No. 6672 and No. 6690 which Granted Approval of the Preliminary and Final Planned Unit Development Plans for the Apex 400 Mixed Use Development at 400 & 418-424 N. Main Street

Community Development Director Springer gave a presentation outlining the proposed request. Community Development Director Springer noted the applicant/tenant is requesting a deviation from the Zoning Code to allow roof top mechanical equipment screening that might be needed, to be installed on the building to a height up to 64 feet from the average existing grade exceeding the permitted building height of 61 feet granted by Ordinance No. 6672 and Ordinance No. 6690 and exceeding the limitation of 45 feet permitted in the C5A district.

Acting President Fasules asked if the variances listed in the proposed Ordinance are already approved. Community Development Director Springer stated all the variations listed were approved previously by the Village Board. Community Development Director Springer stated the revisions are noted in the proposed Ordinance.

Village Manager Franz did note the Village has not received a signed lease from the tenant, but they did receive a draft lease.

Trustee Senak asked why this height variation was not included in the first Ordinance. Community Development Director Springer stated staff was not made aware of the height issue during the original submittal that was approved by the Village Board, and staff found the issue during permit review. Community Development Director Springer also noted Glen Ellyn's Village Code is different than other communities. Community Development Director Springer noted other communities measure the height of a building to the ceiling, which is not how the Glen Ellyn Village Code is written.

Trustee Pryde did note the height restrictions are not straight forward in the Village Code, and can understand the confusion by the developer. Trustee Pryde stated this misunderstanding needs to be fixed in the Village Code to help resolve any future issues.

Trustee Senak asked why the HVAC units are being moved. Community Development Director Springer stated when the building permit application was submitted, staff noticed the HVAC units on the roof caused the structure to be over the approved height.

Trustee Senak asked why staff did not notice this issue earlier. Community Development Director Springer stated mechanical plans are not submitted until after a project is approved by the Village Board. Community Development Director Springer stated when the detailed plans were submitted, staff noticed and addressed the issue.

Trustee Senak asked why these units are being moved to the roof now. Community Development Director Springer stated she will let the petitioner speak to that, but did note it is generally better to have these types of units on a roof.

Trustee Senak asked if the current location of the units are creating a risk to residents. Community Development Director Springer stated the current location meets the Village Code.

Trustee Senak asked why there is not a signed lease. Larry Debb, petitioner, stated the tenant will not sign the lease until the Village Board has approved the variation request. Mr. Debb stated once the variation is approved, the tenant will sign the lease.

Mr. Debb stated if these units are not moved the roof, there is significantly less space for retail or restaurants. Mr. Debb stated if the units are moved to the roof, he can offer more space and will be able to fill the space with a restaurant that will be great for the Village. Mr. Debb stated he takes full responsibility for not interrupting the Village Code correctly regarding the height issue.

Trustee Senak stated Mr. Debb said at the last Village Board Meeting he would provide a signed lease to the Village Board. Trustee Senak stated the Village Board do not have this signed lease. Trustee Senak stated he is not in favor of approval without the signed lease.

Mr. Debb stated the tenant has put a lot of time and money into this restaurant and space. Mr. Debb stated the tenant does not want to sign a lease with about the variation approve from the Village Board. Mr. Debb stated the tenant is concerned he may sign the lease and not be granted the variation.

Mr. Debb noted this variation request will be needed for any future tenant on this floor.

Trustee Christiansen stated the Village Board can't ask a tenant to sign a lease for a space that may not work from him. Trustee Christiansen stated the tenant is not sure if the Village Board will approve his request, and the Village Board should not ask the tenant to sign the lease without approval.

Trustee Senak stated he feels the developer may have done this on purpose, and suggested the developer may have not been truthful with all the information brought forward to the Village Board. Trustee Senak stated this is more than the variation request, but also about truthfulness and candor.

Trustee Christiansen stated there is no reason to hold this approval due to potential questions and issues with the developer.

Mr. Debb stated he is not trying to hide anything from the Village Board. Mr. Debb stated that if a restaurant is going to occupy this space, the units will have to be moved.

Mr. Debb noted while the restaurant is not opening soon, they need to know the decision by the Village Board soon so the foundation work can be complete correctly.

Trustee Thompson stated his primary concern is the health and safety in Glen Ellyn, and that if this is best for Glen Ellyn he is willing to approve the request. Trustee Thompson stated he still has concerns regarding the developer and the Apex project, and wants to see more cooperation on improving the construction traffic congestion moving forward.

Trustee Pryde suggested the Village Board make a motion that is subject to attorney review, to make sure the lease is signed.

Trustee Christiansen moved to approve Ordinance No. 6853, An Ordinance Amending Ordinance No. 6672 and No. 6690 which Granted Approval of the Preliminary and Final Planned Unit

Development Plans for the Apex 400 Minutes Use Development at 400 & 418-424 N. Main Street, subject to attorney review. Trustee Pryde Seconded.

Trustee Christiansen stated she knows this decision is tough and that it seems like an end run. Trustee Christiansen stated she knows we have a Village Code for a reason, but this request will only add 3 feet to the roof, which nobody will see. Trustee Christiansen stated denying this request will not stop the development from being built, and it will make it so another restaurant can't occupy that space.

Trustee Thompson stated he agrees with Trustee Christiansen. Trustee Thompson stated he is not happy about the request, but understands the approval is what is best for the project and Village.

Trustee Pryde noted there are issues that need to be fixed in the Zoning Code and Building Code as this misunderstanding may come up in future projects.

Trustee Enright stated the Plan Commission was in favor of the request and he agrees with the Plan Commission's recommendation.

Public Comment

1. Julie Spiller spoke regarding her concerns of the Apex 400 development and concerns regarding the developer. Ms. Spiller stated her concerns of this request, and noted she is concerned of the lack of transparency from the developer and Village.

2. Pete Ladesic spoke regarding the development and noted developers often run into this issue and that this request is common. Mr. Ladesic stated the Village Board is picking on issues that do not have to do with the request.

3. Joyce Hothan wrote regarding her concerns of the Apex 400 development and concerns regarding the developer. Ms. Hothan stated the developer is using "bait and switch" tactics, and this request should not be approved.

4. Christine Wilson wrote regarding her concerns of the Apex 400 development and concerns regarding the developer. Ms. Wilson asked the Village Board not approve this request.

5. Zak Wilson wrote regarding her concerns of the Apex 400 development and concerns regarding the developer. Mr. Wilson asked the Village Board not approve this request.

Acting President Fasules asked Trustee Pryde to work with Village Manager Franz and Community Development Director Springer regarding his proposed Zoning Code updates.

Trustee Senak stated this approval is just not about the height variance. Trustee Senak stated the Village board was not provided candid and forthcoming information and that he is not willing to compromise the integrity of the Village.

Trustee Thompson moved the table this agenda item to the next Village Board Meeting scheduled for Monday, March 22, 2021. Trustee Senak seconded.

Trustee Thompson stated if the Village receives a signed lease prior to the March 22, 2021 Village Board meeting, then the Village Board can call a Special Meeting to approve the request.

RESULT:	TABLED [4 TO 2]
MOVER:	Steve Thompson, Village Trustee
SECONDER:	Mark Senak, Village Trustee
AYES:	Enright, Fasules, Senak, Thompson
NAYS:	Christiansen, Pryde

G. 427-433 N. Main Street Easement (Presented by Community Development Director Springer) (Trustee Enright)

1. Motion to Approve a Permanent Easement Agreement and a Construction Easement Agreement for the Properties Located at 427-433 N. Main Street, Subject to Attorney Review

Community Development Director Springer gave a presentation on the proposed easement agreements.

Trustee Senak asked what subject to attorney review exactly means. Village Attorney Mathews stated it does not have a specific definition, but it is used when the parties are still discussing minor details of the agreement. Village Attorney Mathews stated if there is a material change, the agreement would be brought back to the Village Board for consideration.

RESULT:	APPROVED [6 TO 0]
MOVER:	Kelli Christiansen, Village Trustee
SECONDER:	Craig Pryde, Village Trustee
AYES:	Christiansen, Enright, Fasules, Pryde, Senak, Thompson

H. 2020 and 2021 Budget Amendments (Presented by Finance Director Coyle) (Trustee Christiansen)

1. Ordinance No. 6856, An Ordinance Amending the Budget of the Village of Glen Ellyn for the Fiscal Year Ended December 31, 2020

Finance Director Coyle provided a brief presentation regarding the proposed Ordinance.

RESULT:	APPROVED [6 TO 0]
MOVER:	Kelli Christiansen, Village Trustee
SECONDER:	Steve Thompson, Village Trustee
AYES:	Christiansen, Enright, Fasules, Pryde, Senak, Thompson

2. Ordinance No. 6857, An Ordinance Amending the Budget of the Village of Glen Ellyn for the Fiscal Year Ending December 31, 2021 to Provide Funds for Prior Year Projects, Encumbrances and Capital Improvements

Finance Director Coyle provided a brief presentation regarding the proposed Ordinance.

RESULT:	APPROVED [6 TO 0]
MOVER:	Kelli Christiansen, Village Trustee
SECONDER:	Bill Enright, Village Trustee
AYES:	Christiansen, Enright, Fasules, Pryde, Senak, Thompson

I. Reminders

1. A Village Board Workshop is scheduled for Monday, March 15, 2021 at 7:00 p.m.
2. A Village Board Meeting is scheduled for Monday, March 22, 2021 at 7:00 p.m.

J. Other Business

Acting President Fasules thanked staff for all their time and effort. Acting President Fasules provided updates on COVID-19 and DuPage County's vaccination efforts. Acting President Fasules reminded all residents to be safe and vigilant.

Trustee Thompson stated he would like to see changes in future redevelopment agreements regarding notice of ownership change and required disclosures. Acting President Fasules asked Trustee Thompson to work with Village Manager Franz and Village Attorney Mathews regarding his suggested changes.

K. Motion to Adjourn

RESULT:	APPROVED [6 TO 0]
MOVER:	Craig Pryde, Village Trustee
SECONDER:	Kelli Christiansen, Village Trustee
AYES:	Christiansen, Enright, Fasules, Senak, Thompson

Respectfully Submitted, Lindsey Kaminsky Executive Assistant

Reviewed and approved, John A. Chereskin, Village Clerk



VILLAGE OF GLEN ELLYN

Planned Unit Development Application Packet

*Community Development Department
535 Duane Street – Glen Ellyn, IL 60137 – Telephone 630.547.5250 – Fax 630.547.5370*

APPLICATION FOR APPROVAL OF PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN

The undersigned petitions the President and Village Board of Trustees of the Village of Glen Ellyn, Illinois, to consider this Application for approval of a Preliminary Planned Unit Development Plan (PUD), as described below.

Date Filed: **07/07/2021** Application No. _____

Type of PUD: **Commercial**
(Residential, Commercial, Other)

Name of Applicant: **Lawrence Debb**

Address of Applicant: **1111 E. Touhy, Suite 230, Des Plaines, IL 60018**

Business Phone: **847-699-2160** (Mobile): **312-953-2493**

Email: **ldebb@gspdevelopment.com** (Fax): **N/A**

Property Interest of Applicant: **Owner**
(Owner, Owner Representative, Contract Purchaser, etc.)

Name of Owner(s): **Apex 400 LLC, Larry Debb, John Kosich and Ryan Maas**

Address: **1111 E. Touhy Ave., Suite 230 Des Plaines, IL 60018**

Legal Description of Property:

Main Street Parking Lot 418-424 N. MAIN STREET PARCEL 1: THE EAST 175 FEET OF LOT 1 IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY, ILLINOIS P.L.N.: 05-11-327-026; and PARCEL 2: LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS P.L.N.: 05-11-327-005; and PARCEL 3: LOT 4 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 1111111111, IN DUPAGE COUNTY, ILLINOIS. P.L.N.: 05-11-327-016 400 N. MAIN STREET
--

Zoning Classification: **PUD** Property Size/Area: **67,483 sq. ft.**

Present Use: **5 Story Apartment and mixed use building currently being constructed.**

Requested Use/Construction:

To locate the HVAC equipment, black iron duct and fan equipment on the roof. We will construct a restaurant/bar.

Estimated Date to Start Construction: **07/07/2021**

(You may attach separate sheets of paper as needed to answer any of the following questions)

Narrative Statement evaluating the economic effects of 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, the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the requirements of paragraph (E) of Section 10-10-14 of the Zoning Code:

7We are requesting an amendment to the PUD allowing the Development to place HVAC equipment on the roof of the building and fan assembly's for the black iron duct. This equipment would be placed in the center of the roof, no less than 25 feet from any edge of the building. The amendment would allow for HVAC equipment to extend 3'6" above the parapet or 6'6" above the roof line. The equipment would not be seen from any ground location near or far from the building.

Describe How the PUD:

1. Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or this Zoning Code:

The placement of the HVAC equipment and fan assembly for the black iron duct will be harmonious with the Comprehensive Plan and or this zoning code because it will be in the middle of the roof and will not be seen from any building or ground locations near the building. It will be properly screened per industry standards and City of Glen Ellyn building codes.

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area:

The HVAC equipment and black iron duct fan assembly's will be designed, constructed, operated, and maintained so as to be harmonious with the general vicinity and that the use of the HVAC equipment on the roof will not change any of the essential character of the area around 400 Main. The equipment will be in the middle of the roof and will have screening provided.

3. Will not be hazardous or disturbing to existing or future neighborhood uses:

The HVAC equipment and black iron duct fan assembly's will placed in the middle of the roof and will not be hazardous or disturbing to existing or future neighborhood uses because it will be screened and located in the middle of the roof so as to not disturb any surrounding areas.

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services:

The HVAC equipment and black iron duct fan assembly's will not affect any public facilities or services whatsoever.

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village:

The HVAC equipment and black iron duct fan assembly's will not be detrimental to the economic welfare of the Village or a public cost as it will be providing temperature control to the restaurant and proper ventilation for cooking equipment.

6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors:

The HVAC equipment and black iron duct assembly's will not be detrimental to the general welfare of the village. There will be no excessive production of traffic, noise, smoke, fumes, glare or odors from the equipment that will be screened and not visible in the area.

7. Will have vehicular approaches to the property which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads:

The HVAC equipment and black iron duct assembly's will not create any undue interference with traffic on surrounding public streets or roads as it will be placed on the center of the roof of the building.

8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief:

The HVAC equipment and black iron duct assembly's will not create any potential for any flood damage to adjacent property or require additional public expense for flood protection, rescue or relief.

9. Will not result in destruction, loss or damage of natural, scenic or historical features of major importance to the community:

The HVAC equipment and black iron duct assembly's which will be screened will not result in destruction, loss or damage of natural, scenic or historical features in the Village.

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 the entry in or upon the premises described in this application by any authorized 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.

07/07/2021

Lawrence Debb



Date

Print Name

Signature of Applicant

Date

Print Name

Signature of Applicant

Date

Print Name

Signature of Applicant

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

**APPLICATION FOR APPROVAL OF
FINAL PLANNED UNIT DEVELOPMENT PLAN**

Date filed: **07/07/2021** Application No. _____

Common Name of PUD: **Apex 400 LLC**

Type of PUD: **Commercial**
(Residential, Commercial, Other)

Name of Applicant: **Lawrence Debb**

Address of Applicant: **1111 E. Touhy, Suite 230, Des Plaines, IL 60018**

Business Phone: **630-699-2160** (Mobile): **312-953-2493**

Email: **ldebb@gspdevelopment.com** (Fax): **N/A**

Property Interest of Applicant: **Owner**
(Owner, Owner Representative, Contract Purchaser, etc.)

Name of Owner(s): **Apex 400 LLC, Larry Debb, John Kosich and Ryan Maas**

Address: **1111 E. Touhy Ave Suite 230 Des Plaines, Il 60018**

Legal Description of Property:

Main Street Parking Lot
418-424 N. MAIN STREET:

PARCEL 1: THE EAST 175 FEET OF LOT 1 IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1996 AS DOCUMENT 88055, IN DUPAGE COUNTY, ILLINOIS
P.L.N.: 05-11-327-026; and

PARCEL 2: LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS
P.L.N.: 05-11-327-005; and

PARCEL 3: LOT 4 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID

Zoning Classification: **PUD** Property Size/Area: **67,483 sq. ft.**

Requested Use/Construction:

To locate the HVAC equipment on the roof. We will construct two restaurants and one will have a bar.

Date of Preliminary PUD Plan Approval: _____

Estimated Date to Start Construction: **07/07/2021**

07/07/2021

Date

Signature of Applicant

CH12003021 LD DG 246

This document was prepared by:

Gregory W. Jones, Esq.
Ancel Glink, P.C.
140 South Dearborn Street, Sixth Floor
Chicago, IL 60603

FRED BUCHOLZ, RECORDER
DUPAGE COUNTY ILLINOIS
08/27/2020 02:18 PM
RHSP

DOCUMENT # R2020-095705

After recording return to:

Kenneth Brown, Esq.
Strauss Malk & Feder LLP
135 Revere Drive
Northbrook, Illinois 60062

(The above space for recorder's use only)

SPECIAL WARRANTY DEED

THE GRANTOR, **Village of Glen Ellyn, an Illinois municipal corporation**, whose mailing address is 535 Duane Street, Glen Ellyn, Illinois 60137 ("Grantor"), for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, the receipt and sufficiency of which are hereby acknowledged, by these presents does GRANT, BARGAIN, SELL, REMISE, RELEASE, ALIEN, AND CONVEY to **APEX 400 LLC, a Delaware limited liability company**, whose mailing address is 1111 E. Touhy, Suite 230, Des Plaines, Illinois 60018 ("Grantee"), and to its successors and assigns FOREVER, all the following real property situated in the County of DuPage, in the State of Illinois, to wit:

See Exhibit A

Permanent Real Estate Index Numbers: 05-11-327-005; 05-11-327-016; and 05-11-327-026

Address of Real Estate: 418-424 N. Main Street, Glen Ellyn, Illinois 60137

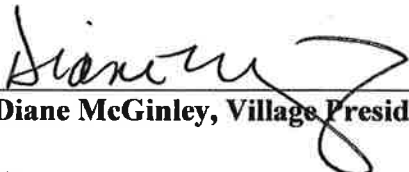
Together with all and singular the hereditaments and appurtenances thereunto belonging, or in any way appertaining, together with the improvements thereon and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, and interest, of Grantor, of, in and to the above described premises, with the hereditaments and appurtenances: TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the Grantee, its heirs, successors, and assigns forever.

And Grantor, for itself, and its successors, does covenant, promise and agree, to and with the Grantee, its successors and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and it WILL WARRANT AND DEFEND the said premises unto the Grantee, its successors and assigns, against all persons lawfully claiming, or to claim the same, by, through or under it, subject to covenants, conditions, restrictions and easements of record, if any; general real estate taxes for the year 2020 and subsequent years, and the terms and conditions of the Redevelopment Agreement recorded as Document Number

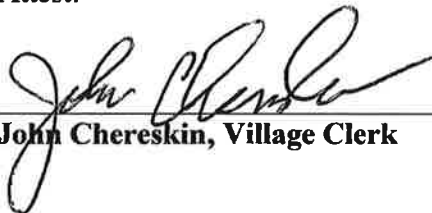
R2019-020929 ("Agreement"), including, without limitation, the Construction Schedule, as that term is defined in the Agreement, and the Grantor's right of reverter to the above described Real Estate as set forth in Agreement Section 14(B).

In Witness Whereof, said Grantor has caused this Special Warranty Deed to be executed this 19 day of August, 2020.

GRANTOR:

By: 
Diane McGinley, Village President

Attest:

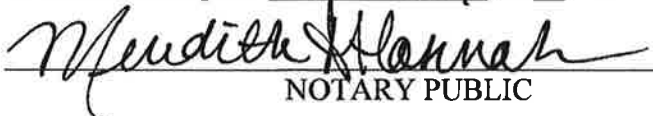

John Chereskin, Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that **Diane McGinley, President of the Village of Glen Ellyn** and **John Chereskin, Clerk of the Village of Glen Ellyn**, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as the free and voluntary act of said municipal corporation, and as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal, this 19 day of August, 2020.

Commission expires 04-24, 2023


NOTARY PUBLIC

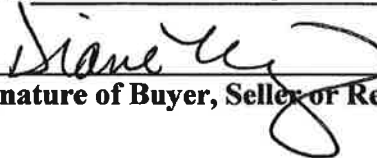
Send subsequent tax bills to:
APEX 400 LLC
Attn: Lawrence Debb
1111 E. Touhy, Suite 230
Des Plaines, Illinois 60018



DuPage County, Illinois Transfer Stamps:

**EXEMPT UNDER PROVISIONS OF 35 ILCS
200/31-45, PARAGRAPH (b), REAL ESTATE
TRANSFER ACT**

Date: 8-19-2020


Signature of Buyer, Seller or Representative

Village of Glen Ellyn, Illinois Transfer Stamps:

**EXEMPT UNDER PROVISIONS OF VILLAGE
OF GLEN ELLYN MUNICIPAL CODE SECTION
3-42-6**

Date: 8-17-20

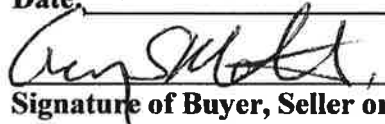
 Village Attorney
Signature of Buyer, Seller or Representative

Exhibit A

Legal Description:

Parcel 1:

The East 175 feet of Lot 1 in Block 13 in County Clerk's Fifth Assessment Division in the South West 1/4 of Section 11, township 39 north, range 10, east of the third principal Meridian, according to the Plat thereof recorded July 3, 1906 as document 88055, in DuPage County, Illinois.

Parcel 2:

Lot 5 of Smith's Subdivision of Lot 1 of Block 13 of the Assessment Division of Section 11, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat of said Smith's subdivision recorded November 6, 1891 as document 46950, in DuPage County, Illinois.

Parcel 3:

Lot 6 of Smith's Subdivision of Lot 1 of Block 13 of the Assessment Division of Section 11, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat of said Smith's subdivision recorded November 6, 1891 as document 46950, in DuPage County, Illinois.

Commonly Known As: 418-424 N. Main Street, Glen Ellyn, Illinois 60137

P.I.N.s: 05-11-327-005;
05-11-327-016; and
05-11-327-026

4840-8824-6420, v. 1

	Village of Glen Ellyn		
	Real Estate Transfer Tax		
	022934		
	Sale \$	10.00	
	Tax \$	0	
Date	8-19-20	Initials	Mu

PLAT ACT AFFIDAVIT

STATE OF ILLINOIS)

) ss.

COUNTY OF DUPAGE)

DOCUMENT NO. _____

I, **Diane McGinley**, not individually, but solely in her capacity as the President of the Village of Glen Ellyn, an Illinois municipal corporation, being duly sworn on oath, state that my office is located at 535 Duane Street, Glen Ellyn, IL, 60137, and further state that:

A. That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or

B. That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number below)

1. The division or subdivision of the land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyances of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access;
9. The sale of a single lot of less than five acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the

sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

10. The preparation of a plat for wind energy devices under Section 10-620 of the Property Tax Code.

AFFILIANT further states that this affidavit is made for the purpose of inducing the Recorder of DuPage County, Illinois to accept the attached deed for recording and that all local requirements applicable to the subdivision of land are met by the attached deed and the land described therein.

VILLAGE OF GLEN ELLYN, an Illinois Municipal Corporation

[Signature], Attorney in Fact
Name: Diane McGinley, Village President

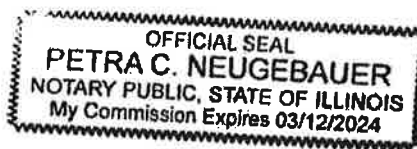
ATTEST:

[Signature], Attorney in Fact
John Chereskin, Village Clerk

Subscribed and sworn to before me this 25th day of August, 2020.

Petra C. Neugebauer
Notary Public

4810-8204-3298, v. 1



3056
CCH 2003021LD DG
SPECIAL WARRANTY DEED

FRED BUCHOLZ, RECORDER
DUPAGE COUNTY ILLINOIS
08/27/2020 02:18 PM
RHSP

This instrument prepared by
and after recording return to:
Kenneth H. Brown
Strauss Malk & Feder LLP
135 Revere Drive
Northbrook, IL 60062

DOCUMENT # R2020-095706

SPECIAL WARRANTY DEED

Grantor, 400 Main LLC, an Illinois limited liability company, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor by Grantee, APEX 400 LLC, a Delaware limited liability company ("Grantee"), and whose mailing address is 1111 E. Touhy Suite 230, Des Plaines, Illinois 60018 the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, convey, assign and deliver to Grantee that parcel of real estate legally described on the attached **Exhibit A** ("Property").

TO HAVE AND TO HOLD the herein described Property, together with all and singular the tenements, hereditaments and appurtenances thereto belonging unto Grantee, its successors and assigns and Grantor hereby agrees to warrant and forever defend all and singular the Property unto Grantee, its successors and assigns against every person whomsoever lawfully claiming the same, by, through or under Grantor, but not otherwise.

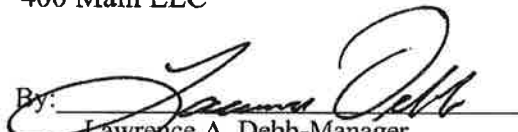
Commonly known as: 400 N. Main Street, Glen Ellyn, Illinois, 60137

Property Index Number: 05-11-327-023

IN WITNESS WHEREOF, Grantor has caused this deed to be executed as of August 11, 2020.

GRANTOR:

400 Main LLC

By: 
Lawrence A. Debb-Manager

{5303/00004/00706642.DOCX/ }

EXHIBIT A

LEGAL DESCRIPTION

LOT 2 AND LOT 3 (EXCEPT THE WEST 40.0 FEET THEREOF) IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST ¼ OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 5, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY, ILLINOIS.

	Village of Glen Ellyn Real Estate Transfer Tax 022932
Sale \$	<u>0</u>
Tax \$	<u>0</u>
Date	<u>8-19-20</u> Initials <u>TMA</u>

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Lawrence A. Debb personally known to me to be a manager of 400 Main LLC ("Company") and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such manager, he signed and delivered the said instrument pursuant to authority given to him as manager of said Company, as his free and voluntary act, and as the free and voluntary act and deed of said Company, for the uses and purposes therein set forth.

Given under my hand and official seal as of August 11, 2020.



Maria T Fitzgerald
Notary Public

My Commission Expires: 6-14-21

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS IS AN EXEMPT TRANSACTION UNDER THE PROVISION OF PARAGRAPH (e), 35 ILCS 200/31-45 OF THE REAL ESTATE TRANSFER TAX ACT.

Lawrence A. Debb
Representative

August 11, 2020
Date

Send Subsequent
Tax Bills to:

APEX 400 LLC
1111 E. Touhy, Suite 230
Des Plaines, IL 60018

OFFICE OF THE RECORDER
DuPage County, Illinois

FRED BUCHOLZ
RECORDER

421 N. COUNTY FARM ROAD
P.O. BOX 936
WHEATON, ILLINOIS 60187
(630)407-5400



PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
COUNTY OF DUPAGE) ss

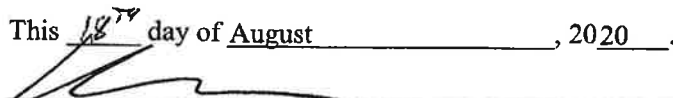
Lawrence A. Debb manager of 400 Main LLC, being duly sworn on oath, states that
affiant resides at 1111 E. Touhy, Suite 230 Des Plaines, IL 60018. And further states that:
(please check the appropriate box)

- A. ☒ That the attached deed is not in violation of 765 ILCS 205/1 (a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or
- B. ☐ That the attached deed is not in violation of 765 ILCS 205/1 (b) for one of the following reasons:
(please circle the appropriate number below)
1. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
 2. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;
 3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
 4. The conveyance or parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
 5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
 6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
 7. Conveyances made to correct descriptions in prior conveyances;
 8. The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
 9. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
 10. The preparation of a plat for wind energy devices under Section 10-620 of the Property Tax Code.

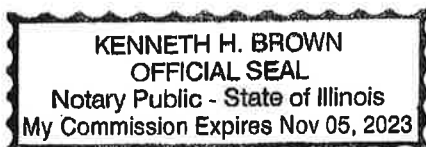
AFFIANT further states that he makes this affidavit for the purpose of inducing the County Recorder of DuPage County, Illinois to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 18th day of August, 2020.


Signature of Notary Public


Signature of Affiant



Revised 1/3/2019

OWNERSHIP BY A CORPORATION

Date: _____

Address: **400 and 424 N. Main Street, Glen Ellyn, IL**

Legal Description:

Main Street Parking Lot
418-424 N. MAIN STREET:

PARCEL 1: THE EAST 175 FEET OF LOT 1 IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1986 AS DOCUMENT 88055, IN DUPAGE COUNTY, ILLINOIS
P.L.N.: 95-11-327-026; and

PARCEL 2: LOT 5 OF SMITH'S SUBDIVISION OF LOT 1 IN BLOCK 13 OF THE ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID SMITH'S SUBDIVISION RECORDED NOVEMBER 6, 1891 AS DOCUMENT 46950, IN DUPAGE COUNTY, ILLINOIS
P.L.N.: 95-11-327-005; and

LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST OWNED IN EXCESS OF 5% STOCK)

Name: Larry Debb	Address: 1111 E. Touhy Ave., Suite 230 Des Plaines, IL 60018	% 25
Name: John Kosich	Address: 1111 E. Touhy Ave., Suite 230 Des Plaines, IL 60018	% 25
Name: Ryan Maas	Address: 101 Church Street, Suite 17, Los Gatos, CA 95030	% 50
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____

Affidavit Affirming No Conflict of Interest

CLEAR PAGE

The undersigned, being duly sworn and under oath, states as follows:

1. My name is **Ryan Maas**, and I hold the position of **Investor Rep** for **Apex 400 LLC** ("**Owner**").
2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.
3. I am authorized by the Owner to make the representations and statements in this Affidavit on the Owner's behalf in support of the application for development approval ("**Application**") the Owner filed with the Village of Glen Ellyn ("**Village**").
4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Owner, the Application, or the project proposed by the Owner.
5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Owner, the Application, or the project proposed by the Owner.
6. I will immediately notify the Village if the Owner learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: **Ryan Maas**

Title: **Investor Representative**

Signature: 

Subscribed and sworn to me this

24 day of February, 2021.


Notary Public



Affidavit Affirming No Conflict of Interest

CLEAR PAGE

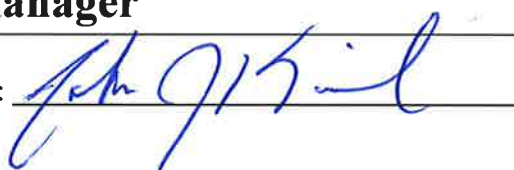
The undersigned, being duly sworn and under oath, states as follows:

1. My name is **John J. Kosich**, and I hold the position of **Principal** for **Apex 400 LLC** ("Owner").
2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.
3. I am authorized by the Owner to make the representations and statements in this Affidavit on the Owner's behalf in support of the application for development approval ("Application") the Owner filed with the Village of Glen Ellyn ("Village").
4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Owner, the Application, or the project proposed by the Owner.
5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Owner, the Application, or the project proposed by the Owner.
6. I will immediately notify the Village if the Owner learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: **John J. Kosich**

Title: **Manager**

Signature: 

Subscribed and sworn to me this

23 day of February, 2021.


Notary Public



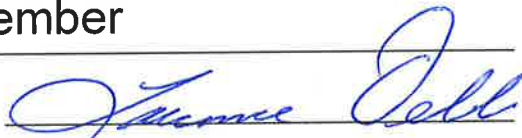
Affidavit Affirming No Conflict of Interest

CLEAR PAGE

The undersigned, being duly sworn and under oath, states as follows:

1. My name is Lawrence Debb, and I hold the position of member for Apex 400 LLC ("**Owner**").
2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.
3. I am authorized by the Owner to make the representations and statements in this Affidavit on the Owner's behalf in support of the application for development approval ("**Application**") the Owner filed with the Village of Glen Ellyn ("**Village**").
4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Owner, the Application, or the project proposed by the Owner.
5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Owner, the Application, or the project proposed by the Owner.
6. I will immediately notify the Village if the Owner learns of the material inaccuracy of any statement within this Affidavit.

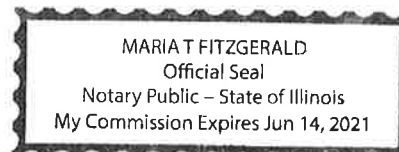
Further affiant sayeth naught.

Name: Lawrence Debb
Title: Member
Signature: 

Subscribed and sworn to me this

23 day of February, 2021.


Notary Public



GSP Development

1111 E. Touhy Ave
Suite 230
Des Plaines, IL 60018
P: 847-699-2160
www.gspdevelopment.com

July 7, 2021

Staci Springer, AICP
Director
Village of Glen Ellyn
Planning & Development Department
535 Duane Street
Glen Ellyn, IL 60137

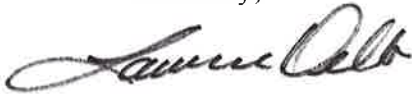
Re: Narrative Statement

Dear Staci:

Apex 400 LLC as owner, GSP Development LLC as developer, and Larry Debb as applicant are requesting an amendment to ordinance No. 6690 and the final PUD plans to allow the owner to place HVAC and black duct fans and equipment on the roof of the building. This equipment would be placed in the center of the roof, no less than 25 feet from any edge of the building. The amendment would allow for the properly screened equipment to extend 3'6" above the parapet or 6'6" above the roof line. The RTU's, exhausts and fan assembly were initially included to be on the roof, however the height was not determined at that time because we did not know what our tenant base would be on the first floor. Therefore, in order to provide proper HVAC for the specific restaurant use, we are required to install the HVAC units back to the roof location. Now that we have two restaurant tenants for a portion of the retail space, it has been determined by engineering that the exhaust fans for the black iron ducts will also require a height variance. None of this equipment will be visible from the street level.

Thank you in advance for your assistance in this matter and we look forward to completing the PUD amendment process as soon as possible.

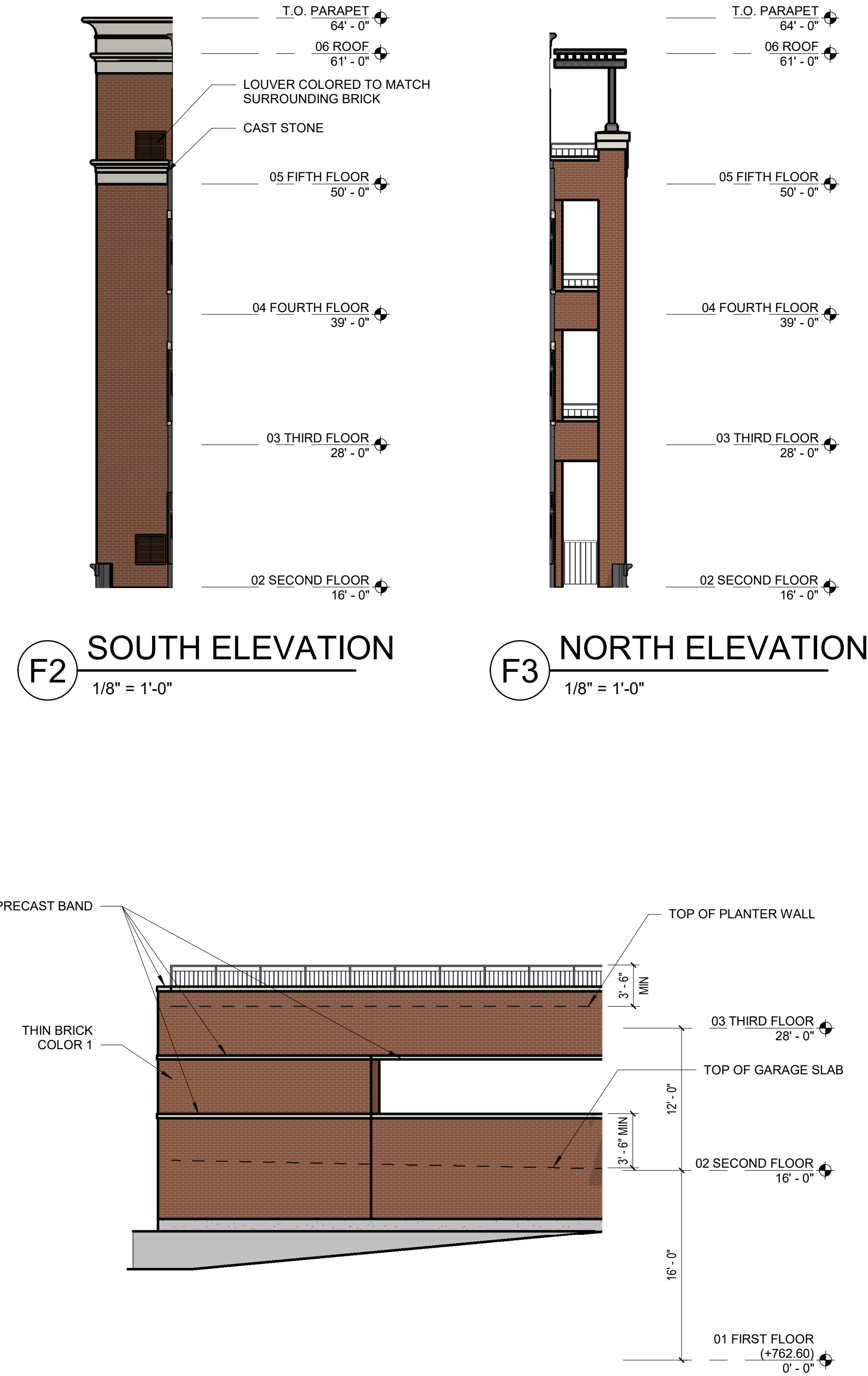
Sincerely,



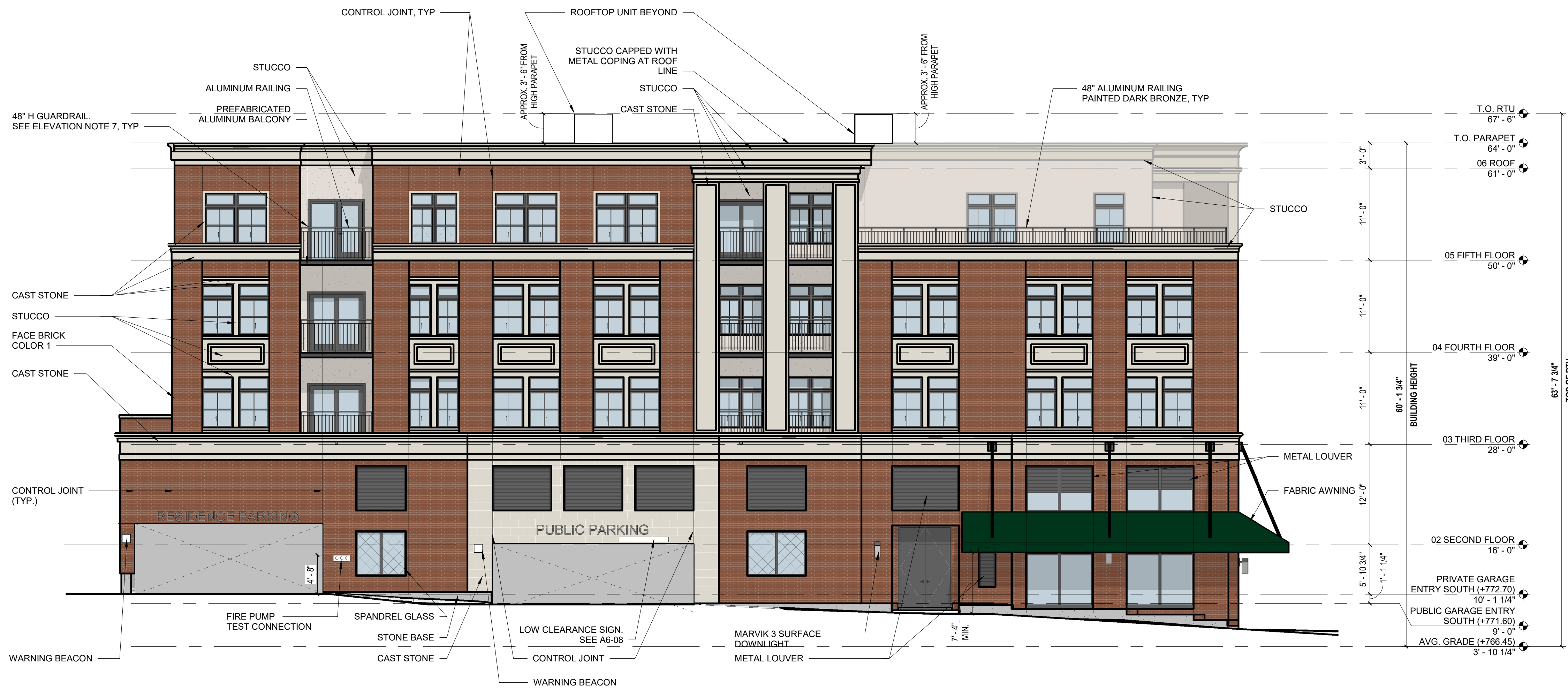
Lawrence Debb
Principal

cc: John Kosich

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C2 SOUTH ELEVATION
1/8" = 1'-0"



C4 SOUTH ELEVATION
1/8" = 1'-0"



A1 EAST ELEVATION
1/8" = 1'-0"

ELEVATION NOTES

- KEYNOTE SYMBOLS ON THIS DRAWING ARE TYPICAL FOR ALL SIMILAR CONDITIONS/ITEMS ON THIS AND OTHER BUILDING ELEVATION SHEETS IF ANY.
- REFER TO BUILDING SECTION SHEET(S) FOR INFORMATION ON WALL/FLOOR ROOF CONSTRUCTION ASSEMBLIES.
- REFER TO WALL SECTIONS FOR ADDITIONAL DIMENSIONS AND NOTES.
- REFER TO SCHEDULES FOR INFORMATION ON OPENINGS AND REQUIREMENT FOR SAFETY GLAZING.
- BRICK VENEER FLASHING: PROVIDE CONTINUOUS MEMBRANE FLASHING AT ALL DOOR AND WINDOW HEADERS AND SILLS WITH CELL VENTS AT 24" O.C. FLASHINGS SHALL BE LAPPED AND SEALED WITH DRIP EDGES AND END DAMS WITH POSITIVE PITCH TOWARD THE EXTERIOR AND FOR WATER-TIGHT CONSTRUCTION.
- PROVIDE CONTINUOUS 3/8" THICK VERTICAL CONTROL JOINT (CJ) WITH BACKER ROD AND SPECIFIED SEALANT WHERE INDICATED AND IN ACCORDANCE WITH INDUSTRY STANDARD SPACING FOR EXTERIOR WALL MATERIAL UTILIZED.
- ALUMINUM GUARDRAIL: DESIGN TO RESIST SIMULTANEOUS VERTICAL AND HORIZONTAL THRUST REQUIREMENTS PER 2009 IBC.

KEYNOTES

GLAZING TYPES

NOTE: ALL GLASS TO BE GL-1 UNLESS NOTED OTHERWISE

- GL-1 GLAZING TYPE 1
GL-2 SPANDREL GLASS TYPE 1

LEGEND

- FACE BRICK - COLOR 01**
MFR: ENDICOTT
COL: MEDIUM IRONSPOT 46
FIN: SMOOTH MODULAR
- FACE BRICK - COLOR 02**
MFR: SIOUX CITY
COL: DUNKER GRAY
FIN: SMOOTH
- THIN BRICK - COLOR 01**
MFR: ENDICOTT
COL: MEDIUM IRONSPOT 46
FIN: SMOOTH MODULAR
- FIBER CEMENT PANEL - COLOR 01**
MFR: HARDEPLANK
COL: COUNTRYLANE RED
FIN: SMOOTH
- FIBER CEMENT PANEL - COLOR 02**
MFR: HARDEPLANK
COL: COBBLE STONE
FIN: SMOOTH
- STUCCO**
MFR: STO
COL: BEIGE
FIN: LIMESTONE
- CAST STONE**
MFR: ARRICRAFT
COL: RENAISSANCE SAND BLASTED WHITE
- STONE BASE**
MFR: ARRICRAFT
COL: SEPIA MEDIUM DRESSED VEINED
- AWNING FABRIC**
MFR: SUNBRELLA
COL: FOREST GREEN

FIBER CEMENT PANEL



FitzGerald

312 W. Lake St. Chicago, Illinois 60601
1-312-563-1100
www.fitzgeraldassociates.net

CONSULTANT:

18024

APEX 400

400 Main Street

CLIENT:

Debb Kosich
Management
1111 East Touhy, Suite 230,
Des Plaines, IL 60018

HVAC PUD Amendment 12/21/20
Review
HVAC PUD Amendment 12/11/20
Review
P&D Review 11/24/20
RFP 107 11/17/20
14 Issued for Construction 10/05/20
10 Building Permit 07/23/20
Correction
9 Building Permit 06/24/20
Correction
P&D Review 04/23/20
7 Building Permit 04/20/20
Correction
6 Building Permit 03/23/20
5 Building Permit 02/28/20
Correction
4 Building Permit 01/10/20
Correction
Issued for Building Permit 11/22/19
1 Foundation Permit R1 08/14/19
Design Development 05/13/19
Foundation Permit 05/02/19

DESCRIPTION DATE



WBBP

EXTERIOR
ELEVATIONS

A2-01

1. KEYNOTE SYMBOLS ON THIS DRAWING ARE TYPICAL FOR ALL SIMILAR CONDITIONS/ITEMS ON THIS AND OTHER BUILDING ELEVATION SHEETS IF ANY.

2. REFER TO BUILDING SECTION SHEET(S) FOR INFORMATION ON WALL/FLOOR ROOF CONSTRUCTION ASSEMBLIES.

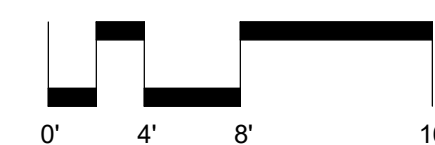
GLAZING TYPES

NOTE: ALL GLASS TO BE GL-1 UNLESS NOTED OTHERWISE

☐ GL-1 GLAZING TYPE 1

 GL-2 SPANDREL GLASS TYPE 1

	FIBER CEMENT - COLOR 01
	MFR: ENDICOTT
	COL: MEDIUM IRONSPOT 46
	FIBER CEMENT - COLOR 02
	MFR: SOUTH CITY
	COL: DUNES GRAY
	FIBER CEMENT - COLOR 01
	MFR: ENDICOTT
	COL: MEDIUM IRONSPOT 46
	FIBER CEMENT PANEL - COLOR 01
	MFR: HARDERLANK
	COL: COUNTRY/LANE RED
	FIBER CEMENT PANEL - COLOR 02
	MFR: HARDERLANK
	COL: COBBLE STONE
	STUCCO
	MFR: STO
	COL: BEIGE
	CAST STONE
	MFR: ARRISGRAFT
	COL: RENAISSANCE SAND BLASTED WHITE
	STONE BASE
	MFR: ARRISGRAFT
	COL: SEPA MEDIUM DRESSED VERNED
	AWNING FABRIC
	MFR: SUNBRELLA
	COL: FOREST GREEN



1. KEYNOTE SYMBOLS ON THIS DRAWING ARE TYPICAL FOR ALL SIMILAR CONDITIONS/ITEMS ON THIS AND OTHER BUILDING ELEVATION SHEETS IF ANY.

2. REFER TO BUILDING SECTION SHEET(S) FOR INFORMATION ON WALL/FLOOR ROOF CONSTRUCTION ASSEMBLIES.

GLAZING TYPES

NOTE: ALL GLASS TO BE GL-1 UNLESS NOTED OTHERWISE

GL-1 GLAZING TYPE 1

 GL-2 SPANDREL GLASS TYPE 1

 FACE BRICK - COLOR 01
MER: ENDICOTT

 **FACE BRICK - COLOR 02**
MFR: SIOUX CITY
DINNES GRAY
FN: SMOOTH

 **THIN BRICK - COLOR 01**
MFR: ENDICOTT
COL: MEDIUM REDSPOT 46
FN: SMOOTH MODULAR

 **FIBER CEMENT PANEL - COLOR 01**
MFR: HARDEPLANK
COL: COUNTRYLANE RED
FN: SMOOTH

 **FIBER CEMENT PANEL - COLOR 02**
MFR: HARDEPLANK
COL: CORBELLE STONE
FN: SMOOTH

 **STUCCO**
MFR: STO
COL: BEIGE
FN: LIMSTONE

 **CAST STONE**
MFR: ABRICRAFT
COL: RENAISSANCE SAND BLASTED WHITE

 **STONE BASE**
MFR: ABRICRAFT
COL: SEPA MEDIAN DRESSED VEINED

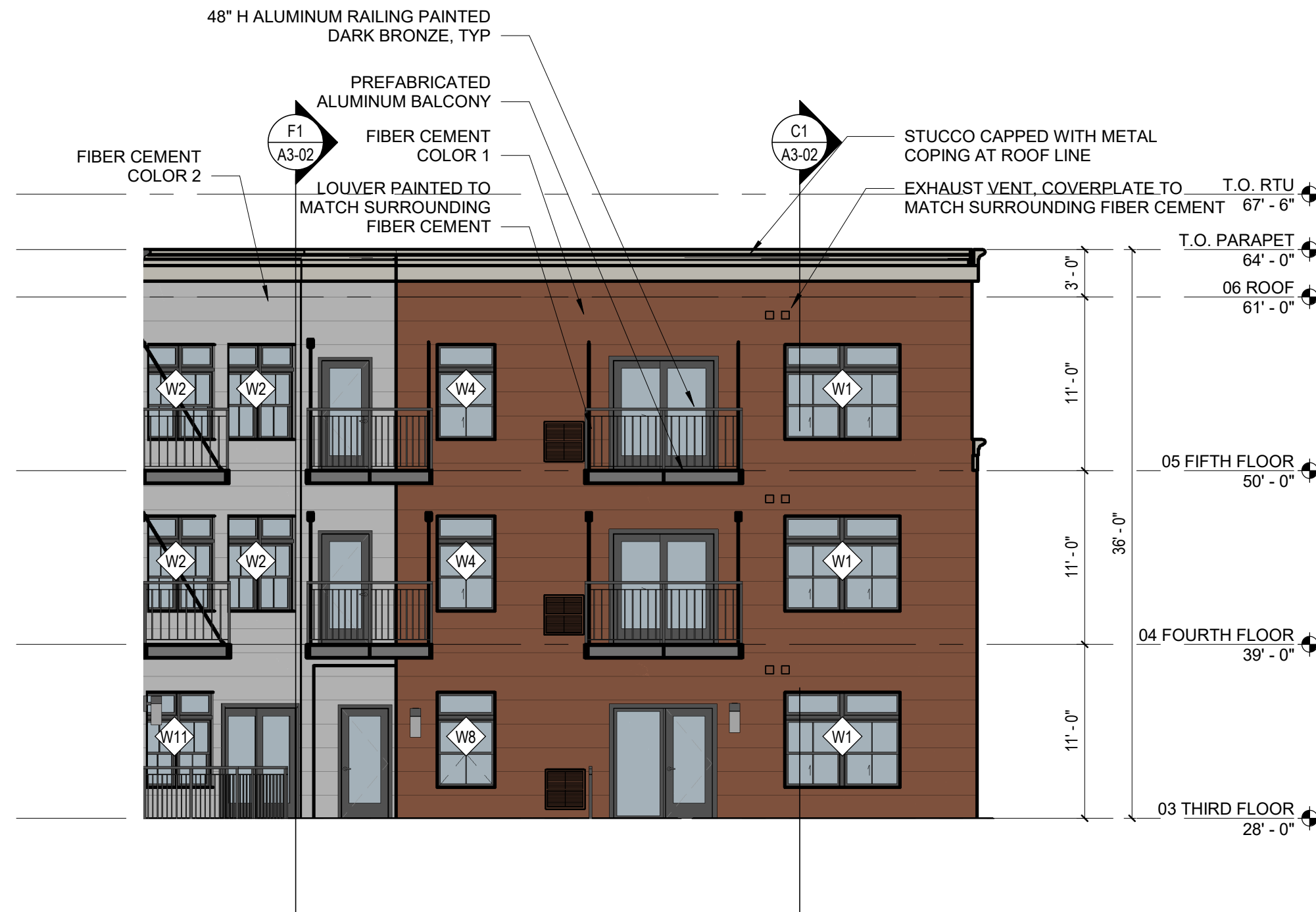
 **MOWING FABRIC**
MFR: SUNBRILLA
COL: FOREST GREEN



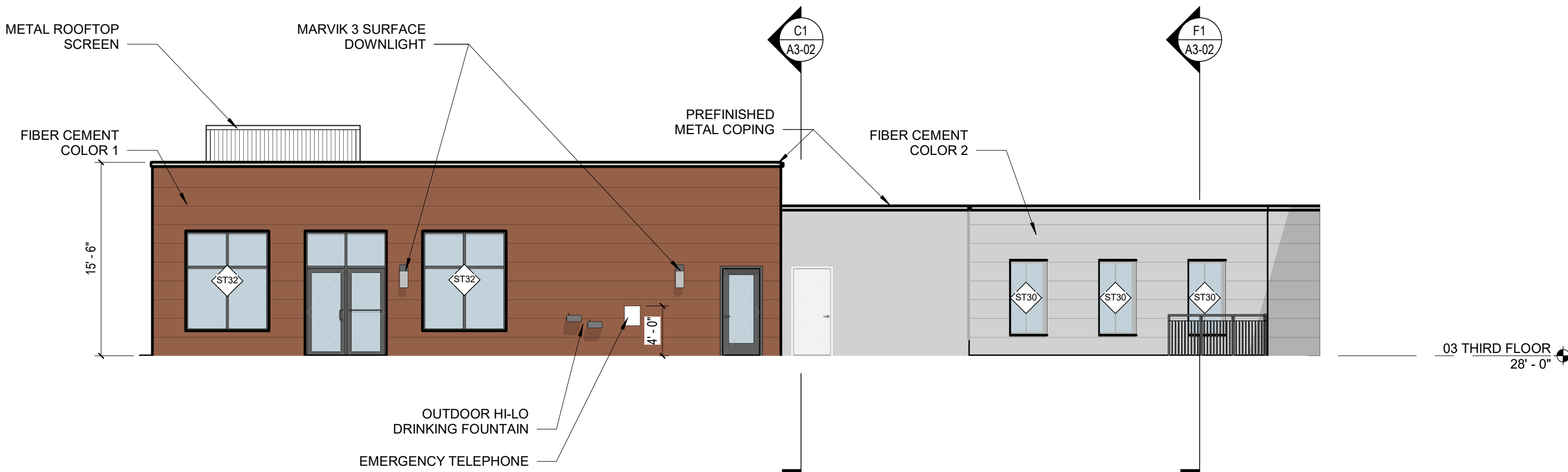
$\frac{1}{8}'' = 1'-0''$



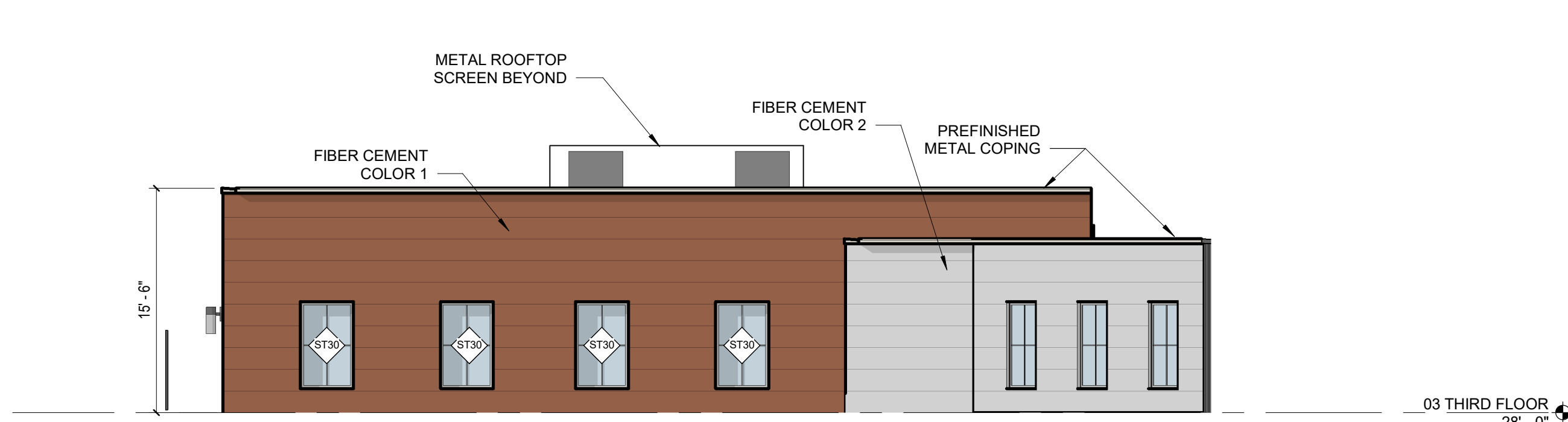
1/8" = 1'-0"



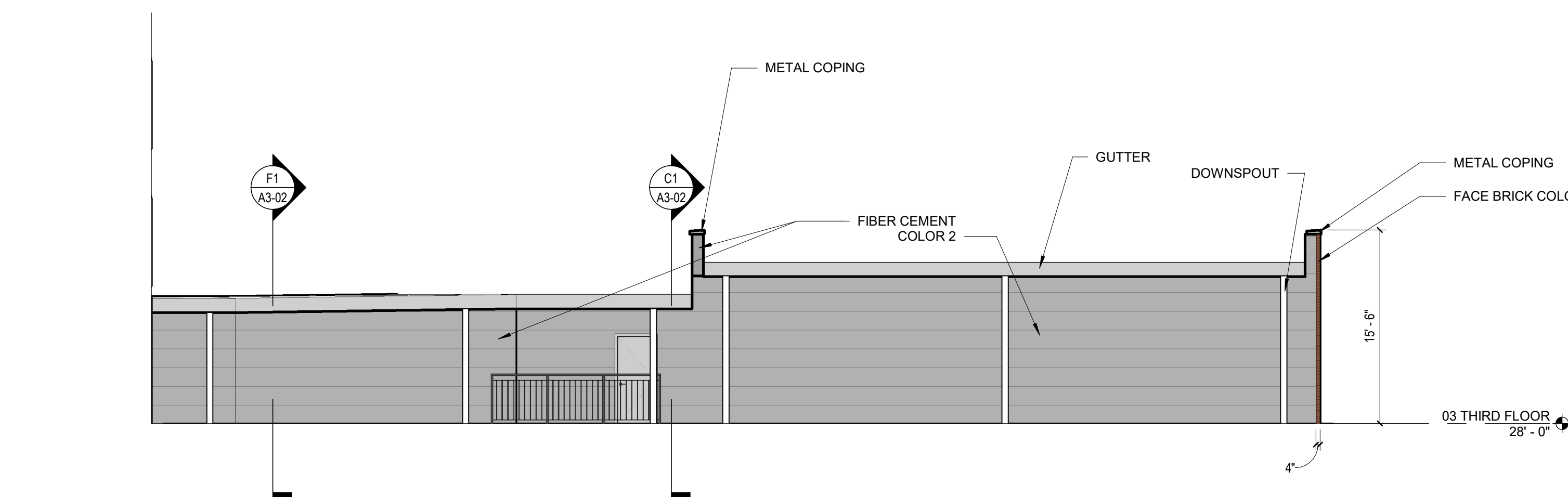
1/8" = 1'-0"



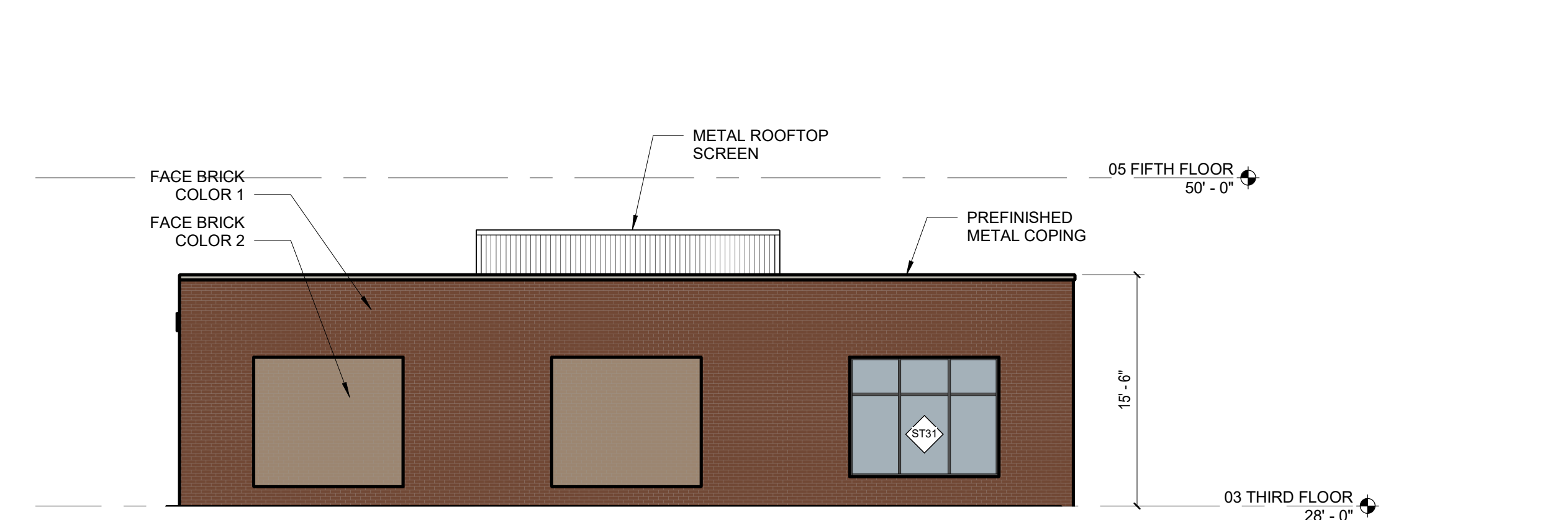
$\frac{1}{8}'' = 1'-0''$



$\frac{1}{8}'' = 1'-0''$



$\frac{1}{8}'' = 1'-0''$



$1/8'' = 1'-0''$



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ROOF NOTES

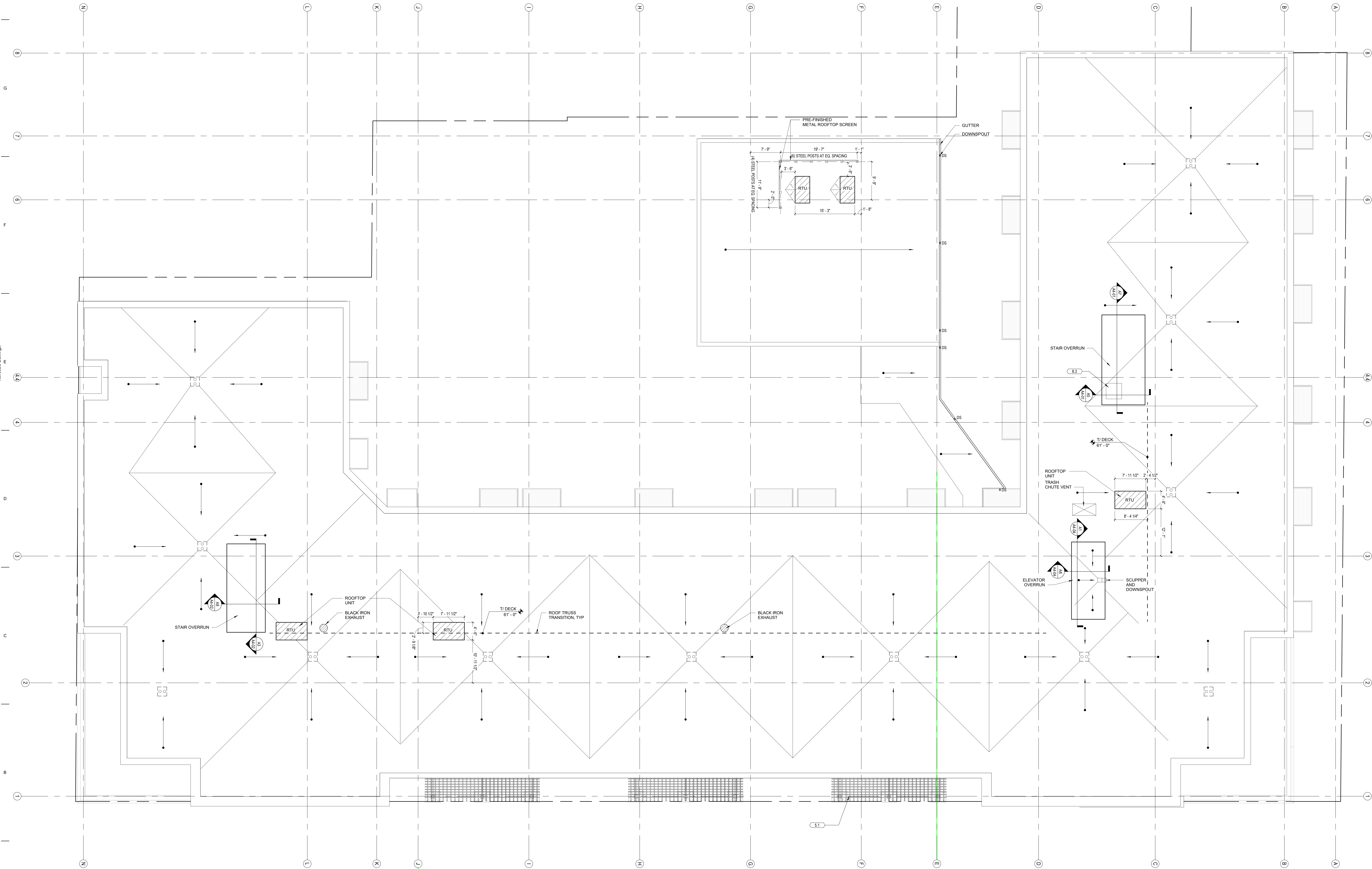
1. SEE DRAWINGS OF OTHER DISCIPLINES FOR ADDITIONAL INFORMATION ON ROOF EQUIPMENT AND ROOF PENETRATIONS.

KEYNOTES

5.1 METAL TRELLIS
8.3 ROOF HATCH

LEGEND

1/4" = 12"
ROOF SLOPE
ROOF DRAIN
ROOF DRAIN WITH OVERFLOW DRAIN



A1 ROOF PLAN
1/8" = 1'-0"



FitzGerald

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CONSULTANT:

18024

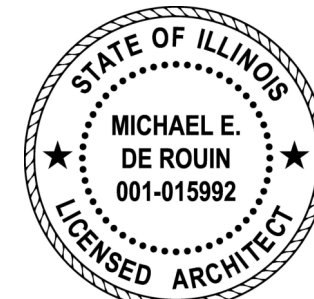
APEX 400

400 Main Street

CLIENT:
Debb Kosich
Management
1111 East Touhy, Suite 230,
Des Plaines, IL 60018

HVAC PUD Amendment	12/21/20
Review	
HVAC PUD Amendment	12/11/20
Review	
14 Issued for Construction	10/05/20
10 Building Permit	07/23/20
Correction	
9 Building Permit	06/24/20
Correction	
Issued for Construction	05/22/20
6 Building Permit	03/23/20
Correction	
4 Building Permit	01/10/20
Correction	
Issued for Building Permit	11/22/19
Design Development	05/13/19

#	DESCRIPTION	DATE
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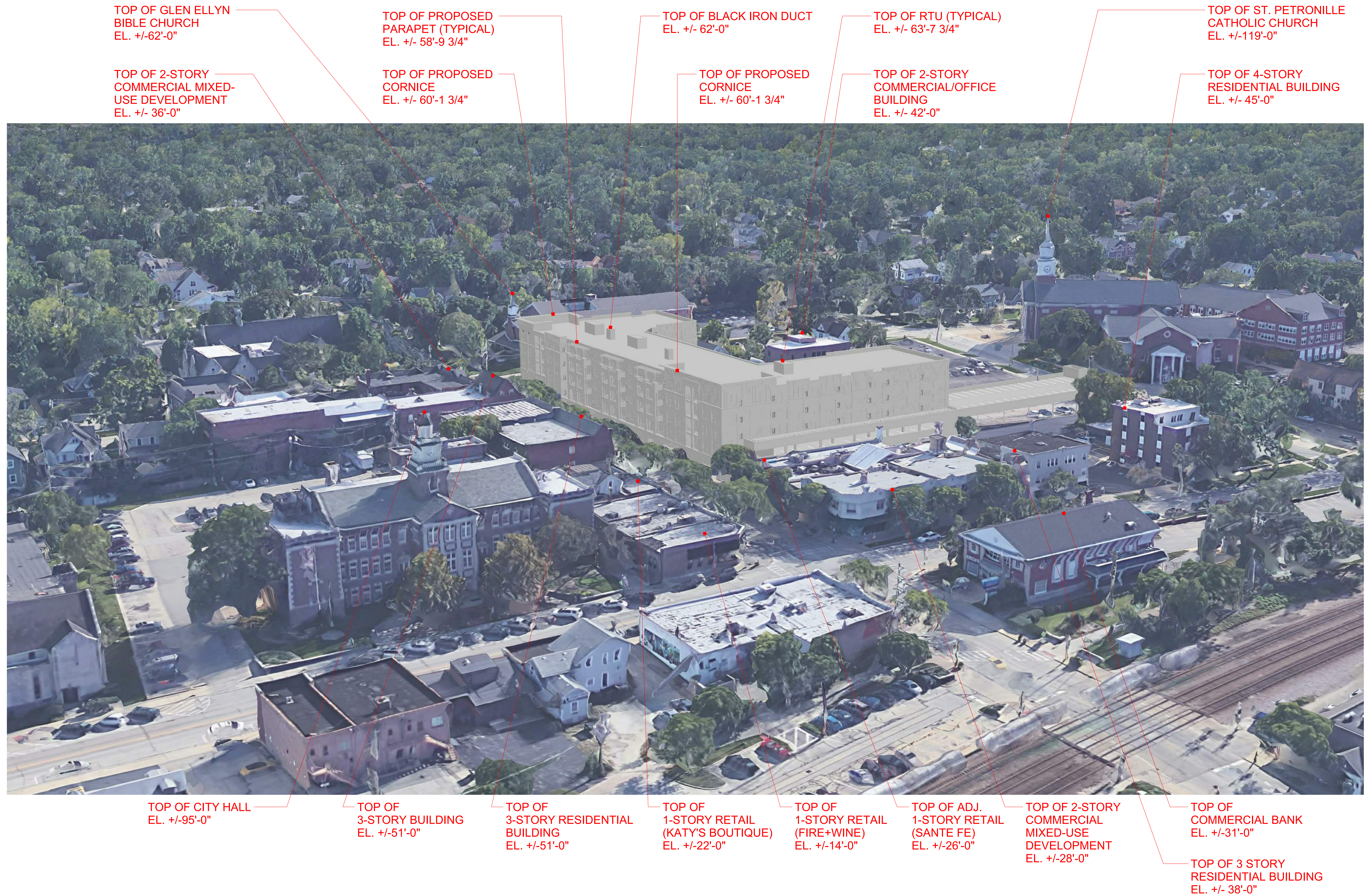


Michael E. DeRoun
Architect

ROOF PLAN

A1-06

**** NOTE: CONTEXT BUILDING HEIGHTS ARE APPROXIMATE BASED ON GOOGLE EARTH
IMAGE OF BUILDING IS NOT UP-TO-DATE. SEE BUILDING ELEVATIONS FOR APPROVED DESIGN.**

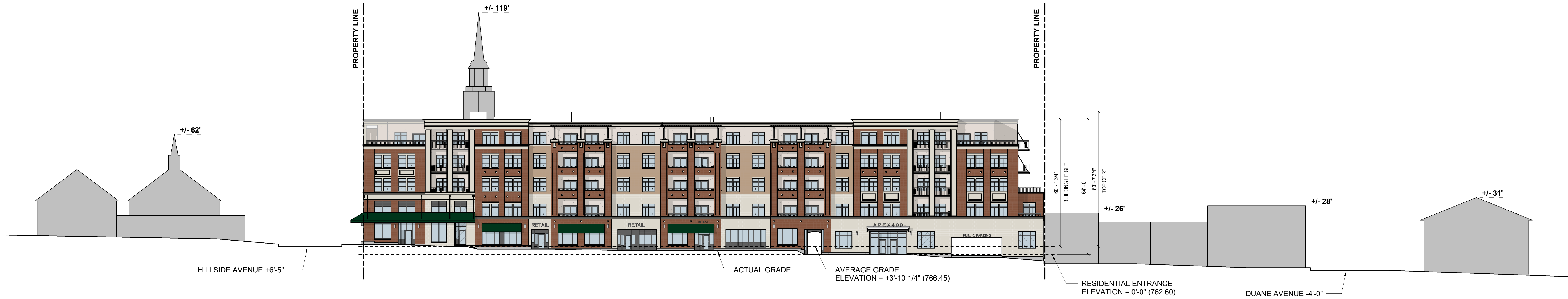


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BM 380/Gen Elyn/1804 - APEX 400 - Gen Elyn.rvt

12/21/2020 4:38:49 PM

1 STREET ELEVATION



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CONSULTANT:

18024

APEX 400

400 Main Street

CLIENT:

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Management
1111 East Touhy, Suite 230,
Des Plaines, IL 60018

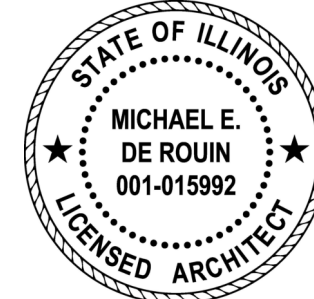
MISSNER GROUP

1700 E Higgins Rd.
Des Plaines, IL 60018

HVAC PUD
Amendment Review
12/21/20

HVAC PUD
Amendment Review
12/11/20

#	DESCRIPTION	DATE
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Michael E. De Rouin

MAIN STREET
ELEVATIONS
STUDY

PDR-17

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BM 380/Glen Elyn/1804 - APEX 400 - Glen Elyn.rvt

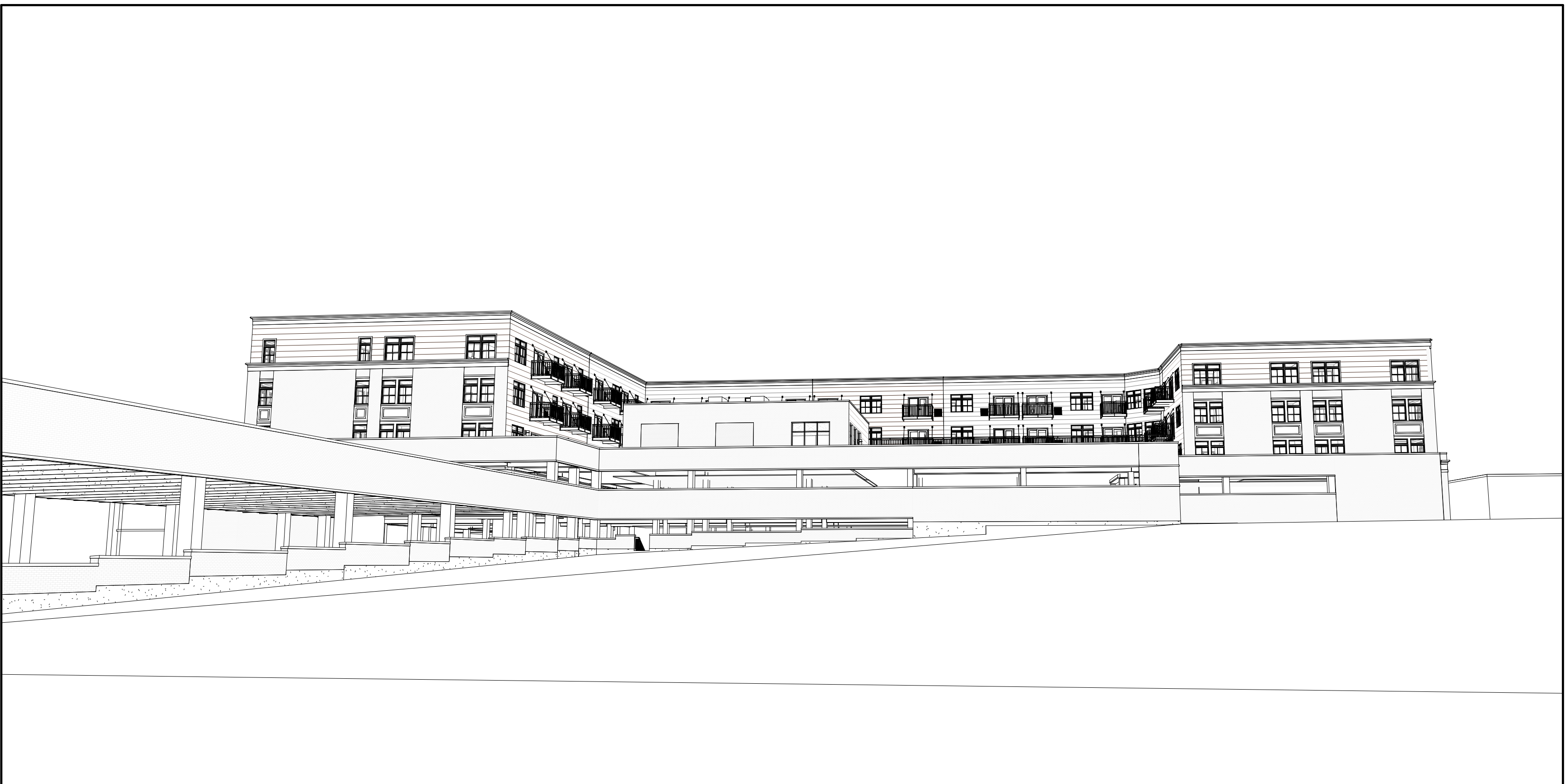
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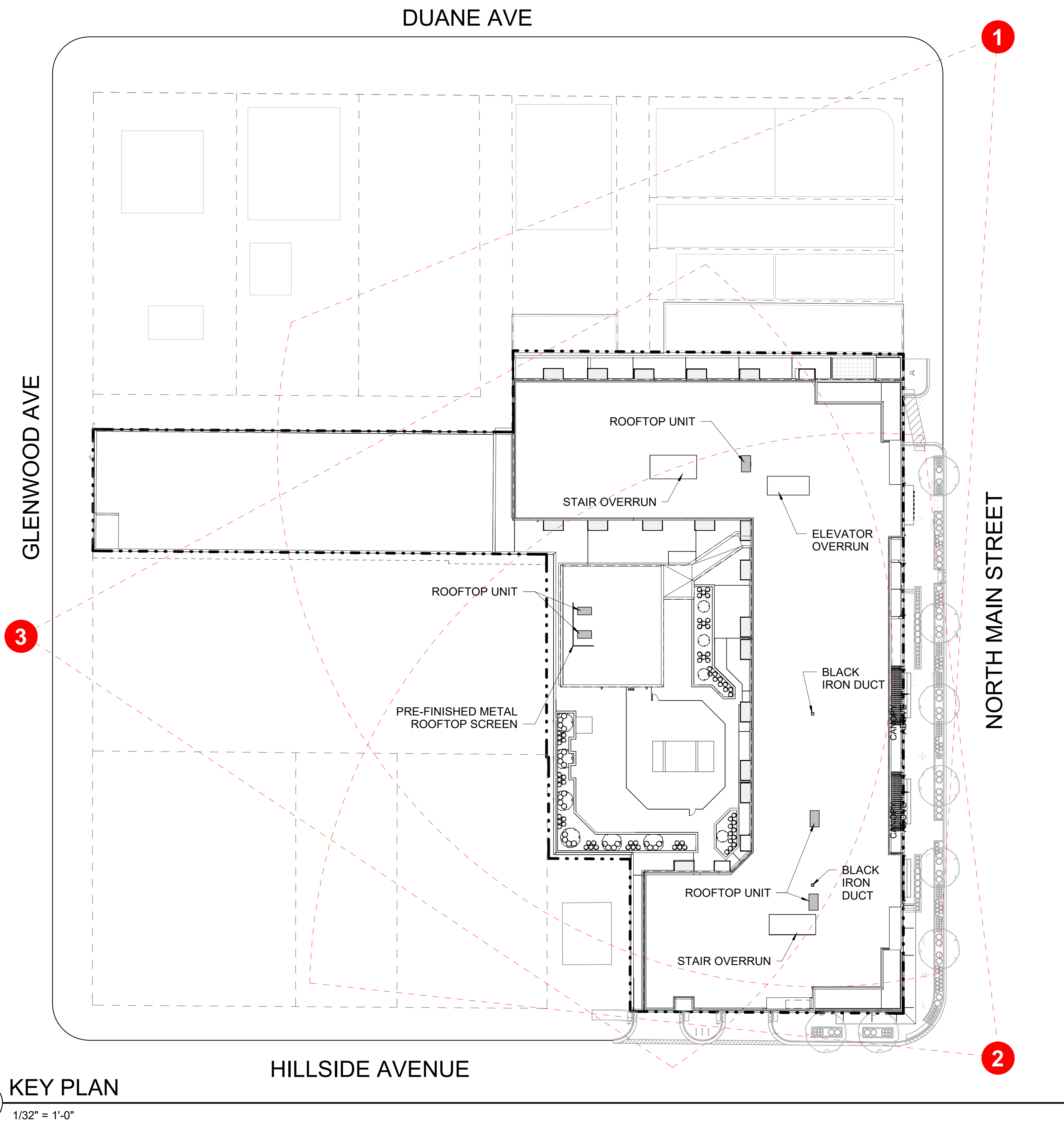
1 STREET VIEW - N MAIN ST AND DUANE ST
SEE KEY PLAN FOR LOCATION



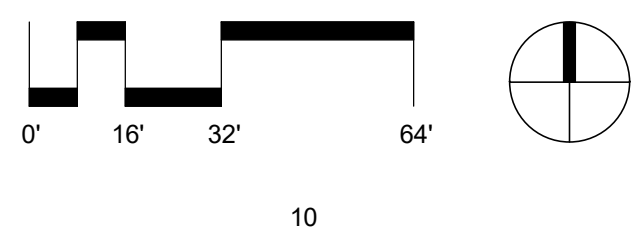
2 STREET VIEW - N MAIN ST AND HILLSIDE AVE
SEE KEY PLAN FOR LOCATION



3 STREET VIEW - GLENWOOD AVE
SEE KEY PLAN FOR LOCATION



4 KEY PLAN
1/32" = 1'-0"



FINDINGS OF FACT TO SUPPORT A MOTION TO RECOMMEND APPROVAL OF AN AMENDMENT TO THE PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT PLANS WITH DEVIATIONS, AS APPROVED BY ORDINANCE 6672 AND 6690 TO ALLOW ROOF TOP MECHANICAL EQUIPMENT TO BE INSTALLED, EXCEEDING THE HEIGHT DEVIATION PREVIOUSLY GRANTED FOR THE DEVELOPMENT AT 400, 418-424 N. MAIN STREET, GLEN ELLYN.

Related to the requests of the petitioner, Lawrence Debb, for approval of the following:

1. An Amendment to the Special Use Permit for a Preliminary and Final Planned Unit Development Plan on the property located at 400, 418-424 N. Main Street in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.
2. The following additional deviation from the Glen Ellyn Zoning Code (all previous deviations granted are to remain unchanged):
 - a. A deviation from 10-4-17-1(E) to allow roof top mechanical equipment and any screening that might be needed, to be installed on the building to a height up to 64 feet from the average existing grade exceeding the permitted building height of 61 feet granted by Ordinance No. 6672 and Ordinance No. 6690 and exceeding the limitation of 45 feet permitted in the C5A district.

...the Plan Commission hereby makes the following Findings of Fact related to the criteria set forth in Section 10-10-14(E) of the Glen Ellyn Zoning Code:

(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 proposed use will be harmonious and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or Zoning Code, because the rooftop mechanical equipment and fan assembly for the black iron duct will be installed in the middle of the roof and will not be seen from any building or ground locations near the abuilding. It will be properly screened per industry standards and Village building codes. The equipment will allow a restaurant use in the mixed-use development, which is an appropriate use for the district.
2. The project will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area because the mechanical equipment and black iron duct fan assemblies will be designed, constructed, operated and maintained so as to be harmonious with the general vicinity and that the use of the HVAC equipment on the roof will not change any of the essential character of the area around the property. The equipment will be in the middle of the roof and will have screening provided.
3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses of the property because the HVAC equipment and black iron duct fan assemblies will be

placed in the middle of the roof and they will be screened. They will not be visible and therefore do not impact the existing or future neighborhood uses.

4. The proposed use will be served adequately by existing public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water, sewers and schools because the HVAC equipment and black iron duct fan assemblies will not affect or have any impact on any of these public services or facilities.
5. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because the proposed HVAC and black iron duct fan assemblies will not create any public expense and will be providing temperature control and proper ventilation for cooking equipment for a proposed restaurant tenant, which will contribute to the economic welfare of the Village.
6. The use will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare and odors because the proposed HVAC equipment and black iron duct assemblies will not impact traffic, will not produce excessive noise, fumes or odors, and will be screened from view.
7. The development will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads because the proposed HVAC equipment and black iron duct assemblies will not impact vehicular approaches or traffic on the surrounding streets. The equipment would be located in the middle of the roof.
8. The development will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief because the proposed HVAC equipment and black iron duct assemblies will be placed on the building's roof on an existing impervious surface. The drainage design for the project will not be impacted by the proposed equipment.
9. The development will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community because the proposed HVAC and black iron duct assemblies will not be visible and will be appropriately screened.

The Plan Commission hereby makes the following findings in relation to the evaluation factors set forth in Section 10-7-7 of the Glen Ellyn Zoning Code:

(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. That the proposed HVAC equipment and black iron duct assemblies will not negatively affect the community as a whole because the will not alter the intensity of use of the building and these are common equipment included on surrounding buildings adjacent to the site. The equipment will not have any impact on traffic and will not produce excessive noise or odors.

The equipment will allow a restaurant tenant to occupy the space. Restaurant uses are encouraged in the C5A zoning district.

2. That the proposed HVAC equipment and black iron duct assemblies will not negatively affect the neighborhood because, while they do add to the overall building height, their placement will be in the center of the building. They will not be visible from the street level and will be screened from view as required by the Village. The proposed rooftop equipment has no impact on the front, side and rear yard definitions and they will have no impact on the uses at the development's periphery.
3. That the proposed HVAC equipment and black iron duct assemblies will not impact the bulk of the development, due to their placement in the center of the building and on the roof top (the units will not be visible). The proposed equipment will not have an impact on the gross areas of the development, or the area ratios or the designation of land surfaces to which they apply. The equipment will not impact the building's spacing, common open areas and/or recreational facilities, width of streets in the development, building setbacks, or parking and loading facilities. None of these things will be altered due to the proposed equipment.
4. That the proposed HVAC equipment and black iron duct assemblies will not negatively affect the development procedure because construction of the building will continue to take place and the mechanical equipment proposed will be installed on the rooftop once the majority of the building has been constructed. The proposed equipment is typical equipment installed on surrounding buildings in the area and should not have any impact on the construction schedule for a project of this size. Installation of the proposed equipment should not have any impact or effect on improvement being made by the Village including streets, lighting or parking.

“MOTION” (DRAFT) TO RECOMMEND APPROVAL OF AN AMENDMENT TO THE PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT PLANS WITH DEVIATIONS, AS APPROVED BY ORDINANCE 6672 AND 6690 TO ALLOW ROOF TOP MECHANICAL EQUIPMENT TO BE INSTALLED, EXCEEDING THE HEIGHT DEVIATION PREVIOUSLY GRANTED FOR THE DEVELOPMENT AT 400, 418-424 N. MAIN STREET, GLEN ELLYN.

After conducting a public hearing and deliberating on the requests of the petitioner, Lawrence Debb, of Apex 400 LLC, for approval of an Amendment to the Special Use Permit for a Preliminary and Final Planned Unit Development plan, as approved by Ordinance No. 6672 and Ordinance No. 6690, to allow roof top mechanical equipment to be installed, exceeding the height deviation previously granted for the development, the Plan Commission hereby recommends approval of the requests based on the findings of fact, as discussed or amended at the Plan Commission public hearing on September 9, 2021, which are hereby incorporated into the Motion by reference as though fully set forth herein, 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 of the requests with the following conditions:

1. That the project be constructed, maintained, and operated in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees;
2. That updated building permit plans for the additional mechanical equipment be submitted to the Village for review and that an amended building permit be issued prior to work on the subject mechanical equipment taking place.
3. That should any of the roof top mechanical equipment, once installed, be visible from the public right-of-way, such equipment shall be appropriately screened from view. In such case, the developer will submit cut sheets for any screening to the Community Development Department for approval prior to installation.



**Glen Ellyn Plan
Commission**
535 Duane Street
Glen Ellyn, IL 60137

Meeting 9/9/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Kelly Purvis

**AGENDA ITEM (ID
2021-1390)**

DOC ID: 2021-1390

Brookshire Subdivision - Jenna Court - The Home Owner's Association for Brookshire Subdivision is requesting a sign variation to allow a residential development sign on outlot "A" of the subdivision, which is commonly owned by the property owners.

Statement of the Issue:

The petitioners are not yet ready to present their amended application for a sign variation to the Plan Commission and are requesting a continuation to the October 14, 2021 Plan Commission meeting.

Analysis:

NA

Budget Impact:

NA

Action Requested:

Continue the public hearing to October 14, 2021

Attachments: