



Agenda
Village of Glen Ellyn
Plan Commission
Regular Meeting
Thursday, July 9, 2020
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Chairperson's Statement of Remote Meeting Procedures

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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87944809033?pwd=RUxkMVlpWTRoWnQwcnpZZ3FYUXd1QT09>

Password: 625535

Or join by telephone:

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

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 669 900 9128

or

+1 253 215 8782 or +1 346 248 7799

Webinar ID: 879 4480 9033

Password: 625535

C. Allow Remote Participation of Plan Commissioners (roll call vote)

D. Public Comment (Non Agenda Items)

E. Approval of Draft Minutes from the June 25, 2020 Plan Commission Meeting (roll call vote)

1. June 25, 2020 Plan Commission Meeting Draft Minutes

F. Public Hearing - 403-407 Duane Street - Duane Street Townhomes - Zoning Variations & Exterior Appearance Approval

1. A Public Hearing to Consider Zoning Variations & Exterior Appearance Approval for a Four-Unit Townhome Development at 403-407 Duane Street

G. Trustee's Report

H. Chairperson's Report

I. Staff Report

J. Other Business

K. Adjournment

L. Agenda Items

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

cc: Glen Ellyn Plan Commission
Bill Enright, Plan Commission Liaison Trustee
Mark Franz, Village Manager
Bill Holmer, Assistant Village Manager
Staci Springer, Community Development Director
Kelly Purvis, Planner
Katie Ashbaugh, Planner
Lori Gloude, Administrative Assistant
Lindsey Kaminsky, Executive Assistant
Brian Baltudis, Facilities Supervisor
David Harris, Glen Ellyn Park District
Melissa Kaczkowski, School District 41
Dawn Bussey, Glen Ellyn Public Library
Emily Tammaru, Community Consolidated School District 89
Chris McClain, Glenbard School District 87



Plan Commission
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 07/09/20 07:00 PM
Department: Plan Commission
Department Head: Kelly Purvis
Category: Minutes
Prepared By: Kelly Purvis

SCHEDULED

AGENDA ITEM (ID # 4538)

DOC ID: 4538

June 25, 2020 Plan Commission Meeting Draft Minutes

ATTACHMENTS:

- 6-25-20 Plan Commission Meeting Minutes-DRAFT (DOCX)

DRAFT MINUTES
REGULAR PLAN COMMISSION MEETING
June 25, 2020

Call to Order and Roll Call

The meeting was called to order at 7:02 p.m. by Chairperson Mary Loch, who described the Commission's charge, advisory in nature, and listed the various methods used to notify the public of the meeting, a public hearing procedure, and allow for feedback from the public. She also outlined the evening's meeting procedures, explaining that due to COVID-19 concerns the meeting was being conducted remotely using Zoom platform technology.

Chairperson Loch introduced the following Village Staff participating in the meeting: Community Development Director Staci Springer, Planners Katie Ashbaugh and Kelly Purvis, Associate Planner Cole Jackson, Recording Secretary Barbara Dutton, and Board liaison to the Plan Commission Village Trustee Bill Enright.

In addition to Chairperson Loch, Plan Commissioners Lloyd Berry, Laura Broman 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 carried unanimously by a roll call vote.

Public Comment Non-Agenda Items

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

Approval of May 28, 2020 Plan Commission Meeting Minutes

Commissioner Heming-Littwin moved to approve the draft minutes of the May 28, 2020 Regular Plan Commission meeting; seconded by Commissioner Berry, the motion carried with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Berry, Mulherin, Fanella, Saeed, Broman Brown, Rodemann and Vondruska, and Chairperson Loch, voted "yes." Motion carried.

Public Hearing – 599 Roosevelt Road – Jewel Osco – Special Use Permit for Outside Storage of Merchandise

A motion to open the Public Hearing concerning Special Use Permit for Outside Storage of Merchandise at Jewel Osco, 599 Roosevelt Road was made by Commissioner Fanella, and seconded by Commissioner Saeed. The motion carried with a roll call vote of nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Berry, Mulherin, Broman Brown, Rodemann, Vondruska, and Chairperson Loch, voted "yes." Motion carried.

Staff Introduction

After being sworn in, Associate Planner Jackson, 535 Duane Street, Glen Ellyn, provided an overview of the request for an amendment to the special use permit granted by Ordinance 5347 to allow outdoor

sales and storage at the Jewel Osco at 599 Roosevelt Road. Displaying photo and map imagery, Planner Jackson gave a rundown of the uses in the area of the subject property: To the south are residential; and to the east, a small office district. Site plans delineated Park and Roosevelt entries to it, current outdoor storage and display, and proposed space for seasonal outdoor displays between April and July and September to December. Items are expected to include plants, produce, firewood, and holiday decorations. Because some of the proposed spaces are in front storefront windows, staff, said Jackson, is recommending any approval be on condition that displays not exceed 3 feet in height, as per request by the Police Department for safety.

Petitioner's Presentation

Sworn in were Petitioner representatives Johanna Chacon and Spiro Piperi, both of 599 Roosevelt Road, Glen Ellyn, Ill., Jewel Osco. Petitioner representative Chacon thanked Village staff for their help, and explained that the store would like to offer customers greater variety, and so is seeking to expand product display space in front of the store. She cited watermelons, pumpkins, wreaths, charcoal displays as examples, as well as said the grocery envisions placing for shopper consideration planters in front of windows in an aesthetic manner. Petitioner Piperi restated the goal to have greater variety of product for customers, and an eye-appealing presentation of wares. Chacon said displays would remain overnight and be moved around as supplies deplete.

Commissioner Questions

Commissioner Rodemann asked if the displays in front of the windows would be on palettes that look temporary. Mr. Piperi said these displays would not be palettes, but a temporary display fixture – most likely of seasonal plants – moved when products are sold. Watermelons, he said, would be on display only for a short time. Chairperson Loch asked if the proposed display were devised as a solution to better manage lines of customers under Covid19 conditions. Ms. Chacon responded that displays were planned to allow adequate space for shoppers with carts and should not present an issue relative to Covid19 protocols.

Commissioner Saeed asked if fencing would be placed around displays for late-night hours. Ms. Chacon said no plans were in place for such. Commissioner Heming-Littwin asked how deep the proposed displays by the windows would be and about the sidewalk depth. Ms. Chacon responded 2 ½ feet and 6 ½ feet respectively, but said that columns currently in place between windows already disrupt the sidewalk space.

Public Comment

There was no public comment.

Commissioner Saeed moved to close the Public Hearing; seconded by Commissioner Heming-Littwin, the motion carried by roll call with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Saeed and Heming-Littwin, Chairperson Loch, and Commissioners Berry, Brown, Fanella, Mulherin Rodemann and Vondruska voted “yes.”

Commissioner Discussion

Commissioner Mulherin supports amending the special use permit, believing there is plenty of space for the proposed display plan at the grocery store. He added that, for the most part, drivers in the lot are considerate, and that encourage businesses to do well is in everybody's best interest.

Commissioner Heming-Littwin, who thinks it's common to have such displays and so is fine with the request, proceeded to move for the following:

After conducting a public hearing and deliberating on the request of Johanna Chacon, representing Jewel Osco for the property at 599 Roosevelt Road for approval of an amendment to a Special Use Permit to allow additional outdoor storage on the site, the Plan Commission hereby makes the following findings of fact:

1. The proposed use will be harmonious and in accordance with the general objectives, or specific objectives of the Comprehensive Plan and/or Zoning Code.
2. The proposed project is designed and shall be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses of the property.
4. The proposed use will be served adequately by existing public facilities and services.
5. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
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.
7. The project will have vehicular approaches to the property which shall be so designed as not to create an undue interference with traffic.
8. The project will not increase the potential for flood damage to adjacent property
9. The project will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.

Therefore, the Plan Commission recommends that the Village Board approve an amendment to the Special Use Permit granted by Ordinance No. 5347 in accordance with Section 10-10-14(E) of the Glen Ellyn Zoning Code to allow additional outdoor storage at 599 Roosevelt Road subject to the following conditions:

- A. That the outdoor storage/display areas substantially conform with the site plan and testimony presented at the Plan Commission public hearing on June 25, 2020; and
- B. That the outdoor storage/display areas in front of windows shall not exceed three feet in height.

Seconded by Commissioner Mulherin, the motion carried by roll call with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin and Mulherin, and Chairperson Loch and Commissioners Berry, Brown, Fanella, Rodemann, Saeed and Vondruska voted “yes.”

Public Hearing – 2S780 IL-53 & 22W151 Butterfield Road – BP Wash-N-Go & Commercial Drive-Thru – Minor Subdivision with Variations (Extraterritorial)

A motion to open the Public Hearing concerning a Minor Subdivision with Variations relative to 2S780 IL-53 & 22W151 Butterfield Road – BP Wash-N-Go & Commercial Drive-Thru, was made by Commissioner Heming-Littwin, and seconded by Commissioner Saeed. The motion carried by a roll call vote with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin and Saeed, Chairperson Loch, Commissioners Berry, Broman Brown, Fanella, Mulherin, Rodemann and Vondruska voted “yes.”

Staff Introduction

Planner Katie Ashbaugh, Village of Glen Ellyn, 535 Duane Street, Glen Ellyn, was sworn in, and introduced the subject of the hearing: a minor plat of subdivision and required variances to the Subdivision Code in relation to the redevelopment of the southwest corner of State Route 53 and Butterfield Road, more commonly known as the BP Wash-n-Go. She noted an unoccupied Chase bank facility to the west of the BP Wash-n-Go, and reviewed the means of notice of this public hearing: publication in the *Daily Herald* on June 9, 2020, mailing to property owners within 350 feet of the subject properties, and a placard placed between the subject two properties.

Planner Ashbaugh stated that the subdivision—in unincorporated DuPage County – is “extraterritorial,” being within 1 ½ miles of Glen Ellyn’s corporate boundaries, but not within the Village’s zoning jurisdiction. She continued that the State, however, has granted the Village the authority to apply subdivision regulations, if the Village elects to do so, which it has.

Planner Ashbaugh provided the development history of the project, which included that the DuPage County Board, which has final zoning authority over redevelopment of the property, approved a planned unit development with five zoning deviations, a conditional use for a new gas station, convenience store and car wash to redevelop the existing BP, and a conditional use for a drive-thru, quick-service restaurant on January 28, 2020. She continued that on May 8, 2020, the DuPage County Plat Committee also approved the plat of subdivision that the Plan Commission was now reviewing this evening. She continued that now the plat, termed a minor plat subdivision in the Glen Ellyn Subdivision Code, is before the Plan Commission and that the final determination will be made on July 27, 2020, meeting of the Village Board in addition to the hearing for the annexation agreement.

The following variances being sought by the Petitioner are as follows:

- To not install sidewalks along Butterfield Road and State Route IL 53;
- To not install a multiuse path along Butterfield Road and State Route IL 53;
- To not install parkway trees along Butterfield Road and State Route IL 53; and
- To not bury existing overhead utility lines.

Planner Ashbaugh described the surrounding conditions of the subject property, which includes a Walmart store to the south; Hidden Lake Forest Preserve across Route 53 to the east, and townhomes to the north. She continued to describe the existing conditions of the current BP site, including its four curb cuts from roadway and the adjacent Chase site has a private-access drive not directly accessible from a roadway. She also stated the site's current zoning designation in the county is B1. She described the surrounding properties' zoning designations as follows: residential zoning (R3) is to the north; the Forest Preserve to the east is R1 zoning designation in the Village of Downers Grove. She added that the development also incorporates a small 0.15 acre parcel under contract for purchase.

Planner Ashbaugh briefly described the proposed redevelopment as approved by DuPage County and the two access points, being a right-in right-out on Butterfield Road and a second right-in right-out on State Route 53.

Commissioner Rodemann inquired if a canopy, as appeared in a rendering (evidently over vacuum stations), was to be included as it wasn't noted on the site plan. Planner Ashbaugh said she'd defer to the Petitioner on a response. Commissioner Rodemann speculated that storm water management would be worked out at the County level.

Planner Ashbaugh pointed out that the landscape plan calls for installation of trees along the north and east property lines on the subject site on the private property, noting that IDOT does not permit them in either right-of-way. She stated that the Plan Commission may recommend approval, approval with conditions, or denial of the minor subdivision, and may recommend a combination of variances or none. The petitioner, she said, has provided details of hardships relative to the variances requested.

Commissioner Fanella asked for confirmation that the variance requests were because IDOT directives would not allow the petitioner to fulfill the Village's subdivision code requirements. Planner Ashbaugh stated this was correct, but pointed out that some design constraints were related to utility placement and that the sidewalk and multi-use path replacement carried a drainage concern.

Petitioner's Presentation

Sworn in and representing FMI Properties, LLC, was Petitioner Mark Gil, 2429 Old Tavern Road, Lisle; and project engineer Steve Shanholtzer, Manhard Consulting, 700 Springer Drive, Lombard, Ill. Mr. Gil, who is managing partner of FMI Properties, LLC, the developer, said he owns the BP station and has a history in and close ties to the community. He said that the planning process for the development proposed has been transparent and has invited community input, yielding substantial support.

He confirmed that since the DuPage County Board approved the site plan that IDOT has required a right-in/right-out Route 53 access, and noted that left-turns will be prevented by a curb on the road because of a median. He said the site plan delineates 10 vacuum stations, but that charging stations are being explored. Regarding storm water and impervious surfaces, Mr. Gil said the current site has 57 percent impervious, but after redevelopment will be 58 percent, going up by some 2,000SF, which is beneath County's threshold, will not require retention.

Mr. Gil continued to provide the status of the redevelopment, stating that the former Chase building is set for demolition and conversion to a quick-service restaurant with a drive-thru, in the form of a

2,200SF structure for a tenant. He said the stacking will accommodate 19 cars, so they will not back up on to Butterfield Road. He said that's about double the traffic the tenant typically sees at their restaurants in terms of stacking. He added that an outdoor seating area and bicycle racks will be featured.

Mr. Gil said the current gas station will be demolished and replaced with a convenience store-gas station facility supporting 12 fueling positions. Mr. Gil said that the approximately 3,800SF convenience store will prominently feature foodservice, and have an 800SF outdoor seating area. He continued that the carwash will have a dual-lane approach, and could conceivably contain water-reuse applications.

Mr. Gil said that the proposed right-in/right-out on Butterfield will be placed at point from the intersection to create a distance that pleases IDOT, which is requiring a deceleration lane on Butterfield Road. He touted the gas station's tradition of thoughtful landscaping, outlining the landscape plan for the new development, to feature an array of trees, shrubs, ornamental grasses, perennials and vines.

Commissioner Questions

Commissioner Mulherin asked about plans for mitigating rain runoff, and potential underground leakage from tanks, noting the site to be in a high-risk aquifer location. Mr. Gil explained that currently in the ground are single-wall steel tanks that have associated protection, though acknowledged that the technology is old. He said that new tanks will be double-walled, have sensors to alert of breaches, and that there will be a containment mechanism under fuel dispensers to capture leakage. Mr. Shanholtzer also addressed the water runoff query, stated that the site primarily drains to Route 53, and indicated that a storm sewer system will collect contact storm water on the new parking facility. He added that a manufactured storm water treatment device adjacent to the fueling area will treat storm water before it is discharged into the IDOT storm sewer, capturing the "first flush" in the event of a spill or fuel getting washed into the storm sewer.

Commissioner Heming-Littwin asked if the new facility would still accommodate signs such as those bearing birthday wishes. Mr. Gil expects that practice will remain.

Commissioner Saeed asked if the petitioner had discussed with IDOT permission to bury utility cables. Mr. Shanholtzer indicated that FMI is working with IDOT on planning improvements, and also pointed out that overhead wires lie along both roads, which he asserts, make the utility companies not inclined to want to bury a section of infrastructure. Mr. Gil said that a challenge in coordinating plans with IDOT, as road-widening plans are in the offing. The expectation of a "taking" to accommodate new left-turn lanes, he said, is the reason FMI is asking for a variance on widening. He mentioned restricted space as a factor as a barring underground lines.

Commissioner Brown asked Mr. Gil how bikes would enter the property to go to the restaurant and convenience store. Mr. Gil stated he is aware of plans for a bike path, which he hopes will reach feature a bridge over Butterfield Road. He noted a planned pathway into the nearby preserve, and hopes a way can be found to accommodate safe access to the subject site from across Route 53. He believes that at present the safest crossing is at the Butterfield Road intersection, where push-button signals will facilitate crossing from Hidden Lake.

Commissioner Rodemann asked whether sidewalks were not going to be installed due to IDOT prohibition. Mr. Gil stated that IDOT is not putting anything on his side of the street. Commissioner Rodemann asked how many employees were to be onsite at a time, noting site planned components as it relates to parking, and expressing a concern that the plan was “under parked.” Mr. Gil responded average two in the store and two at the car wash, but that it could be higher during peak season. He added that FMI was granted a five-space variance from the County on parking spaces for the restaurant, as the drive-thru is projected to make up 60 percent of traffic.

Commissioner Berry asked if the restaurant tenant is subject to approval of the various groups involved. Mr. Gil said he has a signed letter of intent, and a yet-to-be-signed lease that it is not contingent upon these proceedings.

Public Comment

Planner Ashbaugh read the following letter, received in advance of the meeting, into the record:

Kevin Stough, Land Preservation Manager, Forest Preserve District of DuPage County, 35580 Naperville Road, Wheaton, IL: *“Dear Ms. Loch, The Forest Preserve District of DuPage County recently received a Notice of Public Hearing regarding FMI Properties, LLC’s request for approval of a Minor Subdivision and multiple variances as it relates to the properties located at 25780 State Rt. 53 and 22W151 Butterfield Rd. We appreciate receiving timely notification of such requests that may have an impact on District property and thank you for the opportunity to comment.*

District Staff has reviewed the information provided and does not have any comments.”

Commissioner Heming-Littwin moved to close the Public Hearing; seconded by Commissioner Fanella, the motion carried by roll call vote with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin and Fanella, Chairperson Loch, and Plan Commissioners Berry, Brown, Mulherin, Rodemann, Saeed and Vondruska voted “yes.”

Commissioner Comments

Commissioner Fanella expressed that, based on the testimony provided and the requirements of IDOT, she approves of the plan as presented.

Commissioner Berry opined that the proposed project represents significant improvement to that corner.

Commissioner Rodemann said he is in full support of the plan, which he called “well-thought out.” He said his only concern – being aware of flooding that has occurred in the area – is the storm water aspect, but he is comfortable knowing that this will go through a process of review.

Commissioner Mulherin said he “totally” supports the proposal, seeing it as being a vast improvement of the site, which he looks forward to seeing.

Commissioner Vondruska concurred that the concept presents a “big improvement,” and doesn’t see any major issues with the plan, and it is nice to see significant improvements being made to the corner.

Commissioner Heming-Littwin moved, seconded by Commissioner Saeed, to recommend approval of a Minor Subdivision Plat with variances at 2S780 State Route 53 & 22W151 Butterfield Road (BP Wash N Go Redevelopment), declaring the following:

After conducting a public hearing and deliberating on the request of Mark Gil, representing FMI Properties, LLC, for the properties at 2S780 State Route 53 & 22W151 Butterfield Road to be subdivided as depicted on the plat presented and available for public review and so as to construct the development as depicted on the plans presented and available for public review, the Plan Commission hereby makes the following findings of fact:

In regard to the request for approval of a Minor Subdivision Plat in accordance with in accordance with Section 11-3-7 of the Glen Ellyn Subdivision Regulation Code, the Plan Commission finds that

1. The applicable statutory provisions are met;
2. Although the Village of Glen Ellyn Zoning Code does not apply as the properties are within unincorporated DuPage County, the proposed two lots resulting from this Minor Subdivision Plat do meet the minimum lot size requirements of the planned future zoning district designation of C3 Service Commercial within the Village;
3. All other applicable laws of the appropriate jurisdictions are met or will be met as required by the DuPage County Building & Zoning Department;
4. The purpose and intent of the Village of Glen Ellyn 2001 Comprehensive Plan and most recently adopted capital improvement plans are met;
5. The special requirements of the regulations and any rules of the county health department and/or appropriate state agencies are met or will be;
6. The rules of the Illinois Department of Transportation are met;
7. The DuPage County Countywide Storm Sewer and Floodplain Ordinance as adopted, amended or varied by the Village; and
8. The Village of Glen Ellyn standard for construction of public improvements, except those for which the petitioner is requesting the following variations from the Subdivision Code, are met; and

In regard to the request for approval of the following Variances from the Glen Ellyn Subdivision Regulations Code in accordance with Section 11-3-11 of the Glen Ellyn Subdivision Regulations Code, the Plan Commission further finds that:

1. Subsections 11-4-7(A) and (B) do not require the installation of sidewalks with a minimum width of 5 feet along both sides of the right-of-way adjacent to the subject property;
2. Subsection 11-4-7(D) to not require the installation of a multi-use path with a minimum width of 10 feet in the right-of-way adjacent to the subject properties, per the 2014 DuPage County Regional Bikeway Map;
3. Subsection 11-4-8(A) to not require the burial of communication and electric facilities in the right-of-ways adjacent to the subject property; and
4. Subsection 11-4-9(C) to not require the installation of parkway trees in the rights-of-way adjacent to the subject properties.

Therefore, having considered the petition of Mark Gil of FMI Properties, LLC, owner of the properties at 2S780 State Route 53 & 22W151 Butterfield Road, to request said properties to be subdivided as depicted on the plat presented and available for public review so as to construct the development as depicted on the plans presented and available for public review, the Plan Commission recommends that the plat, plans and the presentation which included the findings associated with the Minor Plat of Subdivision and the requested Variances from the Subdivision Code have been satisfied and therefore recommends that the Village Board approve the Minor Plat of Subdivision and related Variances as requested.

The motion carried by roll call vote with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin and Saeed, Chairperson Loch, and Commissioners Berry, Brown, Fanella, Mulherin, Rodemann and Vondruska voted “yes.” Motion carried.

Trustee’s Report

Village Board Trustee Bill Enright began his remarks by saying that the proposed project discussed immediately prior sounds like it will be “a cool gas station” if it all goes through. He reported that the Village Board had voted to make Glen Ellyn “100-percent green” with its electricity purchases, so will continue with a green program. The Board, he said, also voted to ask the Forest Preserve District to allow the American Legion to use the McKee House at Churchill Woods for meetings and to give the Legion time to raise rehab funds, and is waiting to hear back from the Forest Preserve District on this.

Chairman’s Report

Chairperson Loch thanked Staff for facilitating this remotely conducted meeting.

Staff Report

Planner Purvis announced a project coming forward for a townhome development at 403-07 Duane Street. Anticipated to be the subject of a July 9th public hearing, she said the Plan Commission will be asked to consider zoning variations and exterior appearance approval. She also mentioned the prospect of a small cell text amendment and other amendments, and expects a heavy autumn schedule.

Planner Ashbaugh reported that applications have been filed for formal approval of the Planned Unit Development with zoning deviations and exterior appearance in connection with apartment complex proposed for the McChesney site. She said staff is hoping for continued updates to the architectural design and is seeking professional feedback, which will hopefully get incorporated before an autumn hearing. Director Springer reported that the Village Board reviewed the project and numbers related to the TIF request and overall were supportive of a TIF incentive subject to approval of the project.

Director Springer also described the work and composition of the “Architectural Appearance Group,” a volunteer body of professionals formed to offer suggestions for project designs, and which provided input to the aforementioned Duane Street townhome concept. Lastly, she stated that under Phase 4 of the Governor’s reopening plan, Village offices would reopen to the public on Monday, June 29th.

Other Business

None.

Adjournment

Following a motion by Commissioner Fanella to adjourn second by Commissioner Saeed, after a voice vote, Chairperson Loch concluded the meeting at 8:49 p.m.

Respectfully submitted,

Barbara Dutton
Recording Secretary

Reviewed by,

Katie Ashbaugh, AICP
Planner, and

Cole Jackson
Associate Planner



Plan Commission
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 07/09/20 07:00 PM
Department: Plan Commission
Department Head: Kelly Purvis
Category: Public Hearing
Prepared By: Kelly Purvis

SCHEDULED

AGENDA ITEM (ID # 4537)

DOC ID: 4537

A Public Hearing to Consider Zoning Variations & Exterior Appearance Approval for a Four-Unit Townhome Development at 403-407 Duane Street

PETITIONER: The petitioner is Duane Street Properties, LLC, owner of property located at 403-407 Duane Street and represented by Allied Design Build.

REQUEST: The petitioner is requesting approval of zoning variations to allow the construction of a proposed 4-unit, 3-story, attached single-family townhome development at 403-407 Duane Street. In order for the project to proceed, the petitioner is specifically requesting approval of the following variations from the Zoning Code:

1. A variation from Section 10-4-11(D)2 to allow a rear yard setback of 25 feet in lieu of the 30 foot rear yard setback required; and
2. A variation from Section 10-4-11(D)8(a) to allow a lot area per family of 2,500 square feet in lieu of the minimum required lot area per family of 4,950 square feet; and
3. A variation from Section 10-4-11(E)1 to allow a building height of 37 feet from the average existing grade in lieu of the 35 foot height permitted in the district; and
4. A variation from Section 10-5-5-(B)4#8 to allow a deck height of approximately 11 feet in lieu of the maximum permitted height of 7 feet for decks which encroach into the required rear yard setback; and
5. A variation from Section 10-5-5(B)4#18.2 to allow a front yard impervious surface coverage of 47.5% in lieu of the maximum permitted coverage of 35%.

PUBLIC NOTICE: Notice of the public hearing was published in the June 24, 2020 edition of the Daily Herald and mailed to property owners within 350 feet of the subject property, and a placard was placed between the properties on June 17, 2020.

**LOCATION/
ZONING:** The subject properties are located on the south side of Duane Street between Melrose Avenue and Lorraine Road and both properties are zoned as R4

Residential District. The surrounding land uses are as follows:

<u>Land Use</u>	<u>Zoning</u>
North: Public Parking Lot	C5B Central Business District
South: Multi-family Residential	R4 Residential
West: Single-family Residential	R4 Residential
East: Multi-family Residential	R4 Residential

**COMP
PLAN:**

The Comprehensive Plan highlights this part of the Village as an “improvement and development site”, suggesting that “older structures be replaced with high-quality townhomes and similar multi-family developments”. It is also suggested that “these properties have excellent proximity to a wide range of Downtown facilities and services as well as public transportation, and could be suitable locations for new townhomes or small condominium buildings, of a scale and character similar to the newer existing multi-family developments already located within this immediate area” (pg. 48, 54). Applicable sections of the Comprehensive Plan are attached for the Commission’s review.

BACKGROUND:

The petitioner originally proposed a five-unit development on the site that would have required eight variations. After a pre-application conference with staff, the plans were revised to show a four-unit development requiring five variations. The project came before the Plan Commission for a pre-application meeting on May 9, 2019 (minutes attached). The Commission was generally supportive of the development and the variations that are required to construct the project. There was some concern expressed about the narrowness of the shared driveway between the two center units, which the petitioners have addressed in the current plans for the project. The current site plan shows a driveway for each unit of an appropriate width.

**REVIEW
PROCESS:**

In order to construct the project as proposed, the petitioner will need to receive approval of a lot consolidation (reviewed and approved by staff), approval of Zoning Variations (reviewed by the Plan Commission and Village Board) and approval of the Exterior Appearance (reviewed by the Plan Commission and the Village Board).

**PROJECT
SUMMARY:**

The total site is approximately 10,000 square feet and both parcels are currently vacant. The petitioner is proposing to construct four, three-story townhomes; each unit will feature three bedrooms and three full bathrooms and will offer identical floor plans with approximately 2,400 square feet of living space. Each unit would have a rear deck and tandem 2-car attached

garage on the first level of the townhome. Each unit would also have its own dedicated permeable paver driveway. More Information about the project is provided below.

1. Zoning. The site consists of two lots that will be consolidated into one lot. Both lots are currently zoned R4. The petitioner is proposing to maintain the R4 Residential zoning designation. Multi-family residential uses and zoning surround the property and are generally encouraged as a transition between commercial and nearby single-family zoning districts. Attached single-family dwelling units are a permitted use in the R4 District. The proposed zoning and use is appropriate for the site (see attached zoning map).
2. Density. The project will require a variation from the density standard for attached single family homes in this district. The Code requires a lot area of 4,950 square feet per unit. In accordance with this requirement, two units would be permitted on this property while four are proposed (2,500 square feet per dwelling unit).
3. Lot Width. The lot is 100 feet in width, meeting the 75 foot requirement for lots with attached single-family dwellings in this district.
4. Building Setbacks. The required and proposed building setbacks are as follows. The only setback variation proposed would be for the rear yard setback as shown below in red. All other setbacks proposed are Code compliant.

	Required	Proposed
Front Yard Setback	30 feet to building	30 feet to building
Rear Yard Setback	30 feet	<u>25 feet to building</u>
Side Yard Setback (West)	10 feet	11 feet 8 inches (western most unit to property line)
Side Yard Setback (East)	10 feet	11 feet 8 inches (easternmost unit to property line)

1. Impervious Surface Coverage. In the R4 zoning district, up to 35% of the front yard may be impervious surface. The petitioner is proposing 47.5% impervious surface coverage in the front yard due to the individual driveways for each unit. The Zoning Code requires that each driveway be a minimum width of 9 feet. The petitioner is proposing 11 foot-wide driveways, but they will be constructed of permeable pavers instead of asphalt. Even though the driveway pavers would be permeable, they are

still considered an impervious surface by standards in our Zoning Code.

2. Building Height. The 3-story townhome development has a proposed height of 37 feet from the average existing grade to the highest point of the structure. A deviation is being requested to allow a building height of 37 feet from the average grade which would be closer to 35 ½ feet from the finished grade elevation (see attached building elevations).
3. Parking/Garages. Two parking spaces per unit are required for the project and a two-car tandem style garage is proposed for each dwelling unit. The driveway to each unit provides an additional parking space for a total of three parking spaces per unit.
4. Deck. The deck proposed in the rear of the building encroaches into the rear yard setback and is not permitted to be taller than 7 feet above the average adjoining ground. A deviation is being requested to allow the deck to be approximately 11 feet above the adjoining ground.
5. Landscaping. A landscaping plan including a variety of trees and shrubs has been submitted. The number of trees proposed exceeds the requirements for the site. The parkway trees proposed have been reviewed and approved by the Village Forester.
6. Lighting. A photometric plan was submitted which indicates all illumination at the property lines will be 0 foot candles and complies with the Code.
7. Screening. Screening of 6-7 feet is required around all property lines abutting residentially zoned properties. A 6-foot board on board cedar fence is proposed along the west, south and east property lines satisfying the screening requirement.
8. Utility lines. There are no utility lines on the property that would need to be undergrounded as part of the project.
9. Ecological Compliance Assessment Tool. Per Village requirements the petitioner submitted an application to the Illinois Department of Natural Resources (IDNR). The IDNR provided a report indicating that no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves are in the vicinity of the project location.
10. Assessment Plat & HOA Docs. As mentioned above, there are two lots being consolidated into one for the development of these townhomes. Each unit will be sold individually and the common area will be managed by a Home Owners Association (HOA). A draft assessment plat and the

Covenants, Conditions and Restrictions (CCRs) for the Duane Street Homeowners Association have been submitted. The assessment plat shows which areas owners will be responsible to maintain and what will be the common area for the HOA to maintain. The CCRs state that the HOA will be responsible for maintenance of the following: all lawns, landscaping (not installed by owners), fencing, the roofs, all driveways, and sidewalks (including snow removal). Each unit owner would be responsible for the maintenance and repair of their own decks, exterior stairs, masonry, siding and the trim of the dwelling unit. Article XIII of the CCRs includes language that would allow the Village to enter onto the property to enforce the provisions of the CCRs and perform the required maintenance at the expense of the HOA or individual unit owner if the development is not being appropriately maintained.

11. Exterior Appearance.

- a. **Architecture Appearance Group.** Since this project is bordering the Downtown, it was reviewed by the Village's Architectural Appearance Group (AAG). This is a group of volunteer architects that provides suggestions that could be incorporated into the plans to ensure the character of the development is consistent with the surrounding neighborhood. Many of the suggestions made by the AAG were incorporated into the plans including the addition of bay windows on the front façade, the addition of a brick soldier course above the garages and a scupper box between the center units (north façade) as well as a reduction in the screens between properties (south façade), among other suggestions.
- b. **Petitioner's Description.** The project architect describes the architectural style of the townhomes as a modern rendition of a classic American Craftsman style using symmetry to give the building a uniform look. He suggests that the craftsman style is a style that starts with a heavier base, thus they used masonry on the lower level of the building followed by siding with trim at the corners for the middle section of the building and then fiber cement panels on the upper level. The doors are recessed with a canopy roof supported by brackets. The roof is a standard gable at each unit with overhangs. He noted that the building façade is broken by design and projections.
- c. **Staff Review.** The development as proposed, does meet many of the standards outlined in the Village's Appearance Review Guidelines. The guidelines suggest that areas of impervious surface should be minimized (1.1.3); while they are requesting a

variation for impervious surface, they are using permeable pavers for the driveways. The building's style does not conflict with adjacent buildings (1.14). The entrances are readily identifiable (1.6), all four sides of the building have been designed (1.7), there are 2-3 neutral colors selected for the building materials (1.8), and the ground floor of the structure will be masonry (7.1). Each unit will have an individual garage door (7.5.2) and the garage doors will have panels (7.5.3). Additionally space has been provided between driveways for landscaping (7.5.4). Suggestions were made to break up the east and west building elevations with windows or changes in materials. Those suggestions were not incorporated into the plans.

After reviewing the submitted applications and plans for the proposed exterior appearance, staff finds the project to be in substantial conformance with the Village's Appearance Review Guidelines. Staff therefore suggests that the Plan Commission make a recommendation to approve the Exterior Appearance for the development.

**PLAN
COMMISSION
ACTION:**

The Plan Commission should consider the petitioner's application for approval of the requested zoning variations and exterior appearance and make a recommendation to the Village Board for approval, approval with conditions or denial.

In reviewing the project, the Commission may wish to consider the following conditions:

1. That the project be constructed in substantial conformance with the plans submitted and the testimony presented at the July 9, 2020 public hearing of the Plan Commission.
2. That any light fixtures meet the Village's shielding requirements.
3. That any future repair or replacement of the exterior building materials by an individual owner match the approved materials for the development exactly.
4. That the required developer's donations be paid prior to the issuance of any building permits for the project.

ATTACHMENTS:

1. Aerial Photo
2. Location & Zoning Map
3. Applicable Sections from the Comprehensive Plan
4. Public Hearing Notice
5. Location Map for Public Hearing Notice
6. Mailing Labels for Public Hearing Notice
7. Certificate of Publication (not provided in time to include in packet, will be available at meeting)
8. Plan Commission Minutes from the May 9, 2019 Pre-Application Meeting
9. Applicable Sections of the Zoning Code
10. Proof of Ownership
11. Affidavit of Authorization
12. Reimbursement of Fees Agreement
13. Plats of Survey
14. Application for Zoning Variations
15. Addendum to the Application for Zoning Variations
16. List of Variations
17. Practical Difficulties & Hardship
18. Application for Exterior Appearance
19. Narrative Statement
20. Quantitative Summary
21. Site Plan
22. Floor Plan (Floor 2 & 3)
23. Landscaping Plan
24. Photometric Plan
25. Light Fixture Cut Sheets
26. Engineering Plans
27. Tree Survey & Analysis
28. Building Height Calculations
29. Building Elevations (all sides)
30. Color Rendering
31. Draft Assessment Plat
32. HOA Declaration of CCRs
33. Eco Cat
34. Land Use Opinion

cc: Staci Springer, Community Development Director
 David VanAssche, Property Owner
 Shafic Budron, Project Manager
 Randy Bees, Architect

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Duane\Duane 403-407, Duane & Melrose Townhomes, ZV, EA, CON\PC\PC Staff Report.doc

ATTACHMENTS:

- 1. Aerial Photo of the Site (PDF)
- 2. Location & Zoning Map (PDF)
- 3. Applicable Sections from the Comprehensive Plan (PDF)
- 4. Public Hearing Notice (PDF)
- 5. Location Map for Public Hearing Notice (PDF)
- 6. Mailing Labels for Public Hearing Notice (PDF)
- 8. Plan Commission Minutes from the May 9, 2019 Pre-App Meeting (PDF)
- 9. Applicable Sections from Zoning Code (PDF)
- 10. Proof of Ownership (PDF)
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- 12. Reimbursement of Fees Agreement (PDF)
- 13. Plats of Survey (PDF)
- 14. Application for Zoning Variations (PDF)
- 15. Addendum to the Application for Zoning Variations (PDF)
- 16. List of Variations (PDF)
- 17. Practical Difficulties or Particular Hardship (PDF)
- 18. Application for Exterior Appearance Review (PDF)
- 19. Narrative Statement Use Description (PDF)
- 20. Quantitative Summary (PDF)
- 21. Site Plan - Ground Floor (PDF)
- 22. Floor Plan - Floor 2 & 3 (PDF)
- 23. Landscaping Plan (PDF)
- 24. Photometric Plan (PDF)
- 25. Light Fixture Cut Sheets (PDF)
- 26. Engineering Plans (PDF)
- 27. Tree Survey & Analysis (PDF)
- 28. Building Height Calculation (PDF)
- 29. Building Elevation (all sides) (PDF)
- 30. Color Rendering (PDF)
- 31. Draft Assessment Plat (PDF)
- 32. HOA Declaration of CCRs (PDF)
- 33. Eco Cat (PDF)
- 34. Land Use Opinion (PDF)

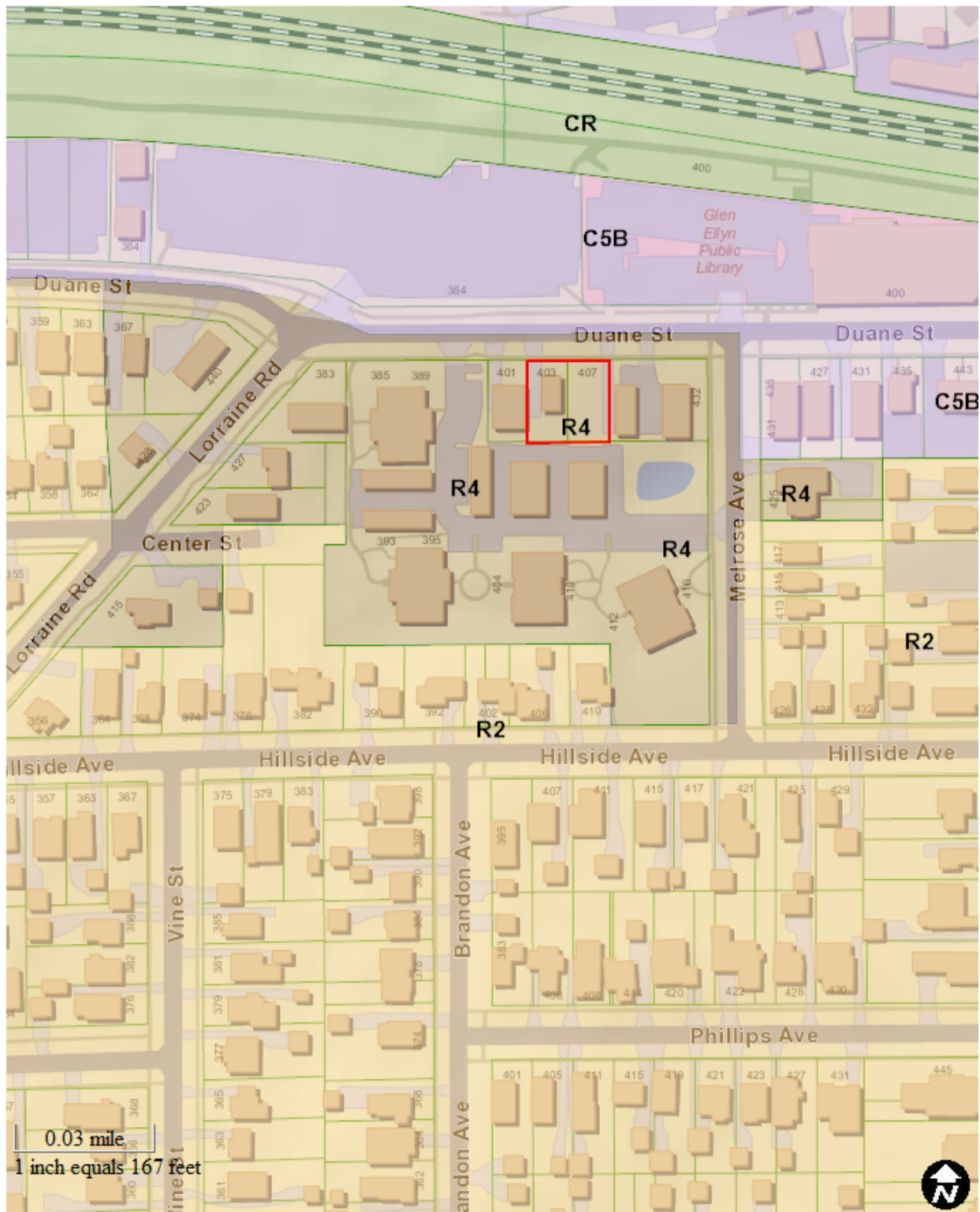


Map created on May 3, 2019.

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Map created on May 3, 2019.

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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.

Residential Area Policies

The Community-Wide Plan strives to maintain and protect existing neighborhoods, improve and strengthen residential properties that are beginning to decline, and promote high-quality new residential development that enhances existing neighborhood character.

Map Legend:

Single-Family Detached Residential, reflecting densities up to 5 units per acre.

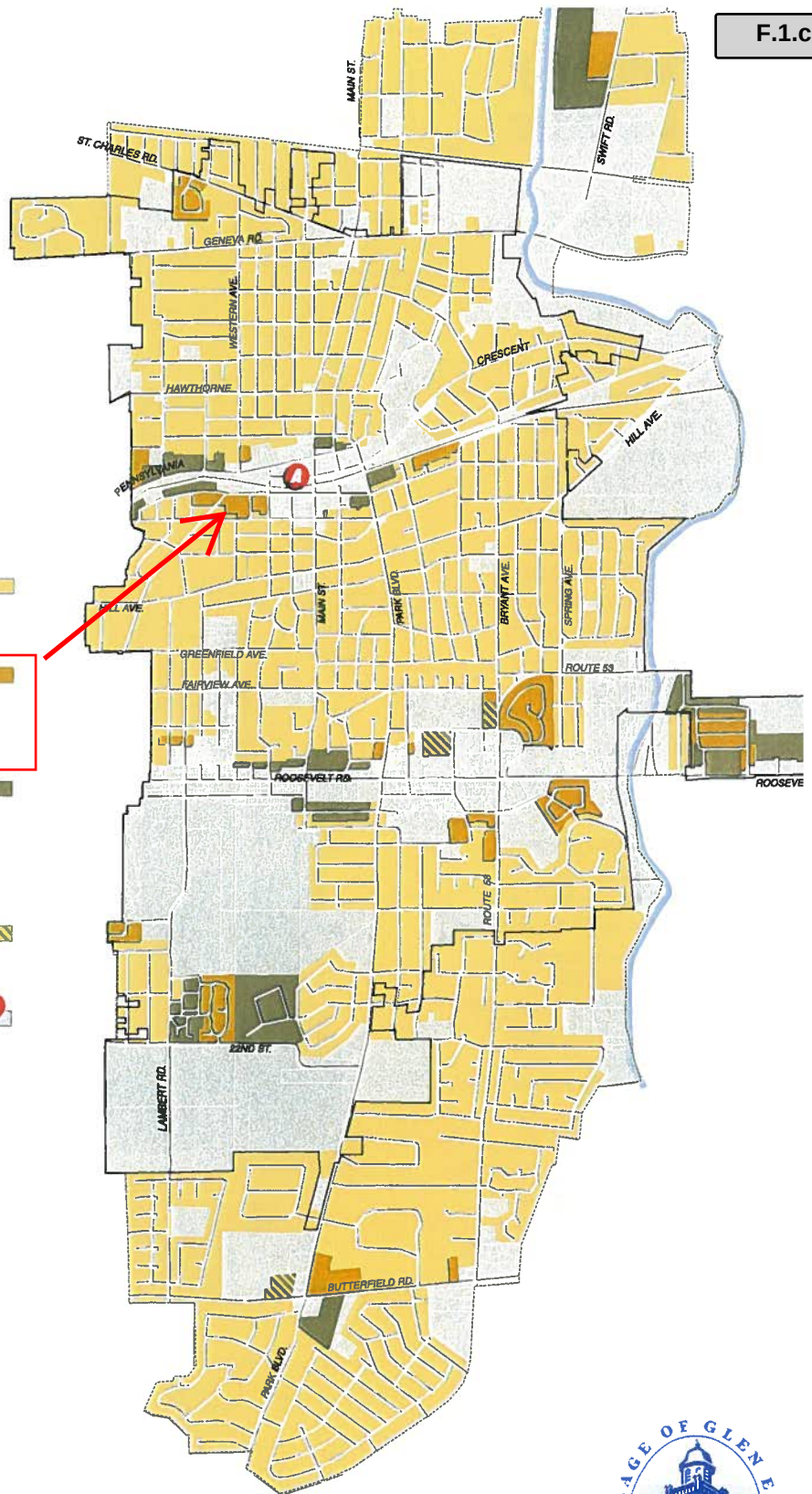
Low-Density Attached Residential, including town-homes and cluster homes, reflecting densities of 5 to 10 units per acre.

Medium-Density Residential, including walk-up and elevator multiple-family developments, reflecting densities of 10 to 18 units per acre.

Senior Residential, including senior housing, assisted living, and extended care.

Downtown Glen Ellyn: Some-what higher densities may be considered, but height and density should be reevaluated as a part of updating the Zoning Ordinance. Residential units are also appropriate on the upper floors of Downtown commercial buildings.

NOTE: Residential densities are used in the Comprehensive Plan for overall guidance only. Zoning will continue to govern densities on specific parcels. When the Zoning Ordinance is updated following adoption of the Plan, allowable densities within zoning districts should be reviewed.



F.1.c

Attachment: 3. Applicable Sections from the Comprehensive Plan (4537 : 403-407 Duane Street Townhomes)

Residential Area Policies

Glen Ellyn is primarily a residential community. The Village is comprised of several distinct neighborhood areas, each with somewhat different physical characteristics such as street configuration, landscaping, lot sizes and housing construction. Much of the Village's special image and identity is due to the unique character of its neighborhoods, and these distinguishing features should be preserved and enhanced.

The Community-Wide Plan builds upon Glen Ellyn's established neighborhood structure and promotes improvements and developments that will maintain and strengthen this traditional structure in the future.

Since Glen Ellyn is a built-up community, most new residential development will consist of new homes constructed on vacant lots and new housing occurring as the result of the redevelopment of existing uses.

Improvement Guidelines:

Several principles should guide neighborhood improvement and development within Glen Ellyn.

Neighborhoods should be designed primarily for residential use. Shopping and services, elementary schools, and parks and playgrounds should be easily accessible by pedestrians and bicycles as well as vehicles. The boundaries between neighborhoods and adjoining land-use areas should be clearly defined, and screening and buffering should be provided as required.

Through-traffic should be routed around residential neighborhoods, along either "village arterial" or collector streets. Pedestrian walkways and bikeways should connect homes with schools and neighborhood facilities. The Village should strive to maintain a neighborhood atmosphere in which all residents feel safe and secure.

Glen Ellyn should continue to offer a diverse housing stock that will accommodate a diverse population. The current balance of single-family and multi-family units should be essentially maintained in the future.

on the edge of single-family neighborhoods and near major activity areas. Sufficient parking should be provided to serve all multi-family development.

All new residential development, including additions and remodelings, should be characterized by high-quality design and construction and should be compatible with the scale and character of the surrounding neighborhood.

Stormwater management should be addressed on a comprehensive basis within all residential areas.

New residential developments of over one acre in size should continue to be developed as planned unit developments. The PUD technique, which gives the Village maximum control over residential area design and development, is particularly useful in situations where normal zoning may not be sufficient to promote desirable new development.

Single-Family Neighborhoods:

Existing single-family neighborhoods should be strengthened where necessary through community facility and infrastructure improvements. Improvement and rehabilitation of older housing should be promoted. Housing rehabilitation and code enforcement activities should continue to be undertaken. Historic homes, tree-lined streets and other distinguishing neighborhood characteristics should be protected. Neighborhoods throughout the Village should feel "open" because of the layout and relationships of homes on properties and adjoining lots.

Several of Glen Ellyn's neighborhoods are experiencing pressure due to "teardowns" of existing homes and new construction. The Plan recognizes the value and importance of Glen Ellyn's older existing housing stock in terms of image, character, stability and affordability. While the replacement of some older housing is both normal and desirable, the Village should continue to monitor this situation to ensure that changes are sensitive to and reflective of existing neighborhood character.

Although Glen Ellyn's neighborhoods are essentially "built-out," several vacant lots and land parcels are scattered throughout the planning jurisdiction

development could occur in the future.

Low-Density Attached Residential:

Low-density residential development, including townhouses, attached single-family homes, cluster homes and similar developments, should be located along major streets and near activity centers. For example, existing low-density developments are located near Downtown, the Roosevelt Road corridor, and the College of DuPage.

Low-density residential development should be located on small sites occupying locations between commercial areas and single-family neighborhoods. These sites are intended to provide for small-scale townhouse or similar development as a "transition" between the commercial and neighborhood areas. New development in these locations should be of a scale and character compatible with nearby existing single-family homes. New low-density development should reinforce and enhance overall neighborhood quality rather than detract from it.

Medium-Density Residential:

Medium-density residential development should be located near major activity centers. Existing medium-density residential, including walk-up and elevator multiple-family developments, are located adjacent to the Downtown, in the Surrey Drive area, near the Roosevelt Road corridor, north of the College of DuPage, west of Swift Road, and at the intersection of Butterfield Road and Park Boulevard.

The design and development of all new multi-family residential development should be carefully controlled to ensure compatibility with surrounding uses, adequate screening and buffering, and a quality living environment.

Senior Residential:

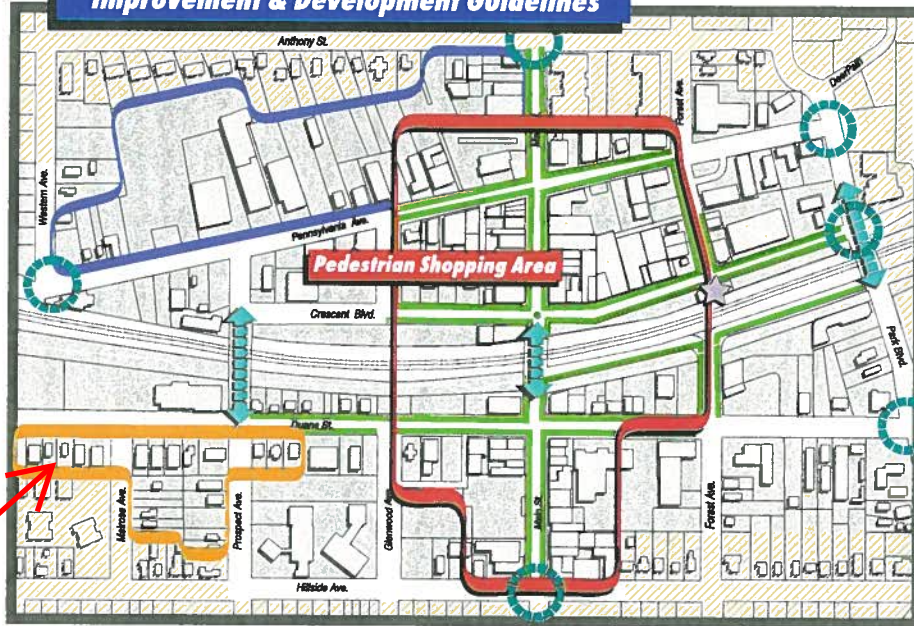
Senior residential, including senior housing, assisted living and extended care facilities, should be provided in convenient locations to accommodate the needs of senior citizens within Glen Ellyn. Compatibly scaled new senior housing would also be acceptable in the areas designated for low- and medium-density residential.

F.1.c

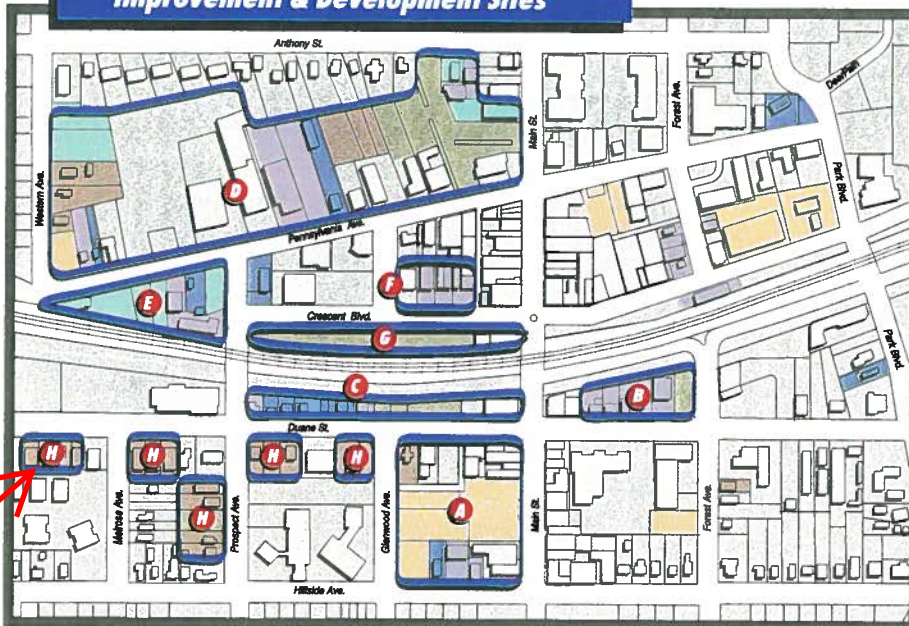
Figure 13

Downtown: Improvement Guidelines

Improvement & Development Guidelines



Improvement & Development Sites



Improvement Guidelines:

Continue to improve and enhance the heart of Downtown as a pedestrian-oriented shopping and business area.

Reorganize and redevelop the northwest quadrant of Downtown as an attractive and convenient office and service area.

Continue streetscape and other design enhancements, particularly along the east-west streets within Downtown.

Provide "gateway" design features that denote entry into the Downtown and delineate its boundaries.

Work with Metra to replace the existing commuter station with a new Downtown facility.

Improve pedestrian connections between the north and south sides of Downtown.

Promote replacement of older structures with high-quality townhomes and similar multi-family developments.

Maintain, preserve and protect surrounding neighborhoods. (See text for additional improvement and development guidelines)

Improvement & Development Sites:

Projects either underway or being discussed (see accompanying text).

Vacant buildings and land parcels should be reused or redeveloped.

Marginal and underutilized properties should be reused and upgraded or replaced with new development.

Residential properties that may be subject to redevelopment.

Surface parking lots along the frontage of primary shopping streets should be considered for new development.

Sound and viable businesses that would benefit from building or site improvements.

Clusters of may represent sp
ties for improvement or develop-

- **Site F** includes the north side of Crescent Boulevard, from Glenwood Avenue east to the alley. It currently contains several small buildings with retail and service uses.

Site F should be upgraded and improved for retail and pedestrian-oriented service use, which would help strengthen the east-west dimension of the pedestrian shopping area.

A desirable long-term redevelopment pattern for this block would entail new stores and shops along the Crescent Boulevard sidewalk, with parking located to the rear of the buildings.

- **Site G** includes the south side of Crescent Boulevard between Main Street and Prospect Avenue. It currently contains Little Hands Toys, other commercial uses, and surface parking.

While this site would be a suitable location for retail or service uses, the limited depth of lots will be a major constraint to redevelopment. However, the site might be considered for a small parking deck, perhaps including some ground floor commercial space.

If new building development takes place, buildings should be positioned at street corners and other highly visible locations within the block. The one-story commercial building that houses Little Hands Toys adds to the image and character of Downtown and should be retained if possible.

If existing surface parking is retained, the lot should be extensively landscaped in order to improve views from the commuter train.

- **Site H.** Several areas in the southwest portion of Downtown are designated as "Site H." Each of these areas includes older single-family homes or multi-family structures that are showing signs of age and deferred maintenance. These properties have excellent proximity to a wide range of Downtown facilities and services as well as public transportation, and could be suitable locations for new townhomes or small condominium buildings, of a scale and character similar to the newer existing multi-family developments already located within this immediate area.



NOTICE OF PUBLIC HEARING

Duane Street Properties, LLC, is requesting variations from the Glen Ellyn Zoning Code to construct a 4-unit attached single-family townhome development. Before the Glen Ellyn Village Board can consider the requested variations, the Plan Commission must conduct a public hearing in accordance with Section 10-10-12 of the Zoning Code. The Glen Ellyn Plan Commission will conduct a public hearing to consider the requested variations on Thursday, July 9, 2020 at 7:00 PM via the virtual meeting platform, Zoom.

The petitioners are specifically requesting approval of the following variations to the Glen Ellyn Zoning Code:

1. A variation from Section 10-4-11(D)2 to allow a rear yard setback of 25 feet in lieu of the 30 foot rear yard setback required; and
2. A variation from Section 10-4-11(D)8(a) to allow a lot area per family of 2,500 square feet in lieu of the minimum required lot are per family of 4,950 square feet; and
3. A variation from Section 10-4-11(E)1 to allow a building height of 37 feet from the average existing grade in lieu of the 35 foot height permitted in the district; and
4. A variation from Section 10-5-5-(B)4#8 to allow a deck height of approximately 11 feet in lieu of the maximum permitted height of 7 feet for decks which encroach into the required rear yard setback; and
5. A variation from Section 10-5-5(B)4#18.2 to allow a front yard impervious surface coverage of 47.5% in lieu of the maximum permitted coverage of 35%.

The subject property is located at 403-407 Duane Street on the south side of Duane Street between Lorraine Road and Melrose Avenue in the R4 Residential District and is legally described as follows:

PARCEL 1:

LOTS 39 AND 40 IN BLOCK 5 IN GLENWOOD, BEING C.A. PHILLIP'S SUBDIVISION OF PART OF SECTION 10 AND PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 22, 1873 AS DOCUMENT 16688, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-11-323-002

PARCEL 2:

LOTS 41 AND 42 IN BLOCK 5 IN GLENWOOD, BEING C.A. PHILLIP'S SUBDIVISION OF PART OF SECTION 10 AND PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 22, 1873 AS DOCUMENT 16688, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-11-323-003

Plans related to the proposed project are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. These plans and a staff report will be posted on the Village's website for public viewing no later than Thursday, July 2, 2020. If you have questions, please contact Kelly Purvis, Village Planner, at (630) 547-5371.

On June 12, 2020, Governor Pritzker signed PA 100-0640 (SB2135) into law. This new law amends the Open Meetings Act ILCS 120 to expressly authorize public bodies to meet remotely without the otherwise required quorum present at the meeting place while a disaster declaration is in place. The Covid-19 disaster declaration satisfies this condition, allowing Plan Commission members to participate electronically in meetings at this time. The Public is welcome to observe and participate in all meetings of the Plan Commission.

Any public questions or comments should be submitted in advance of the meeting via email to kpurvis@glenellyn.org. All public comments received by 5:00 pm on Thursday, July 9, 2020 will be read into the record at the public hearing. The public may also observe and participate in the meeting in progress on Zoom. The Zoom information is provided below.

Join from a PC, Mac, iPad, iPhone or Android device:

Please type this URL into your browser to join:

<https://us02web.zoom.us/j/87944809033?pwd=RUxkMVlpWTRoWnQwcnpZZ3FYUXd1QT09>

Password: 625535

Or join by phone:

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

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

Webinar ID: 879 4480 9033

Password: 625535

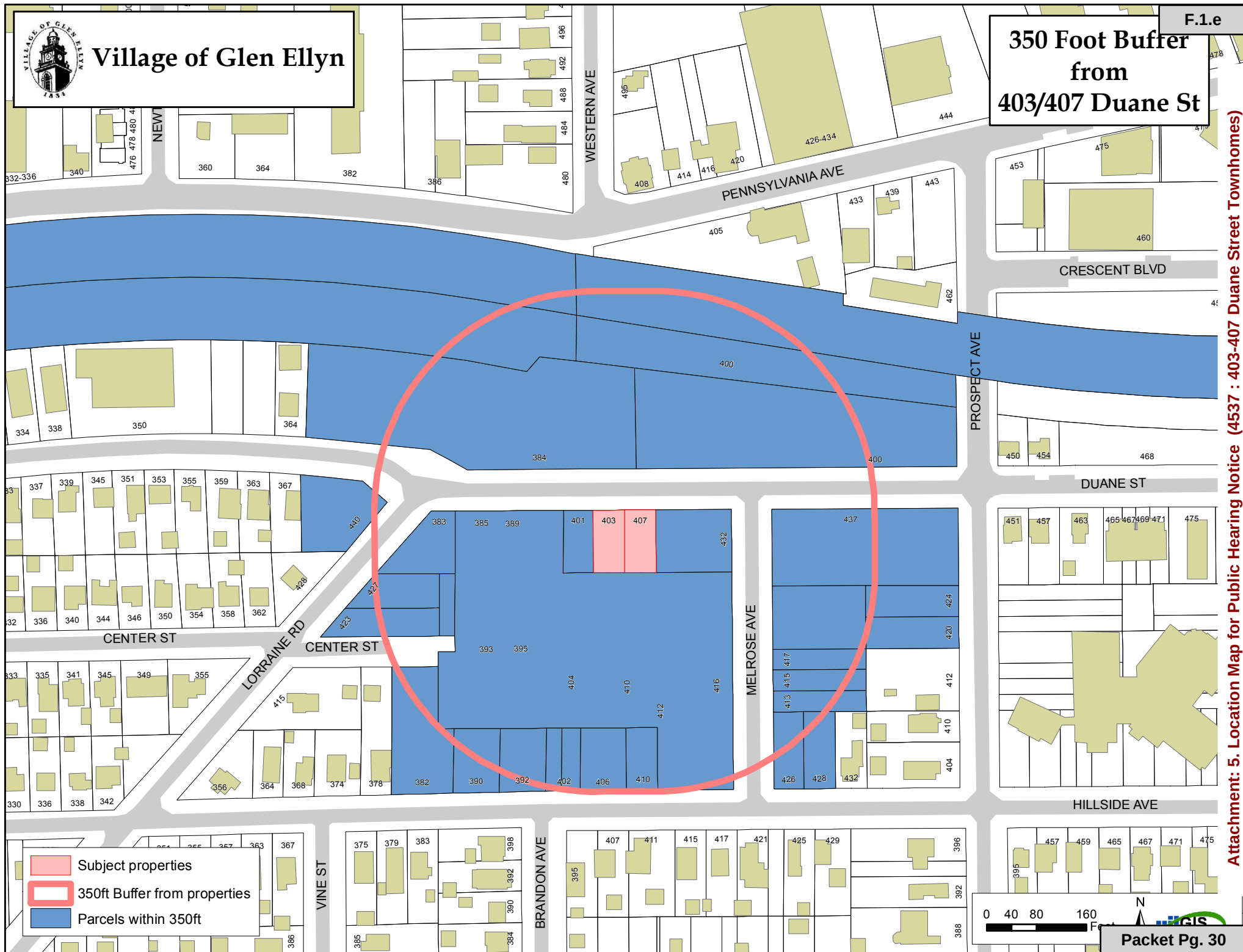
Questions and comments after the meeting can be emailed to kpurvis@glenellyn.org. These temporary meeting procedures will be eliminated once the emergency declaration is lifted.



Village of Glen Ellyn

**350 Foot Buffer
from
403/407 Duane St**

F.1.e



427 429 DUANE LLC
490 PENNSYLVANIA AVE
GLEN ELLYN IL 60137

ALMENDINGER, CATHERINE I
395 DUANE ST #301
GLEN ELLYN IL 60137

ANDERSON, WILLIAM & SARAH
416 MELROSE AVE #102
GLEN ELLYN IL 60137

BARNETT, DANIEL A
417 MELROSE AVE
GLEN ELLYN IL 60137

BIELBY, DONNA
1 WHEATON CTR #1710
WHEATON IL 60187

BILLINGS, RICHARD & NANCY
392 HILLSIDE AVE
GLEN ELLYN IL 60137

BOSSINGA, SUSANNA B
410 MELROSE AVE #102
GLEN ELLYN IL 60137

BRAUN, ROBERT P
389 DUANE ST #4-201
GLEN ELLYN IL 60137

BRESOLIN, JUDITH A
385 DUANE ST #4-303
GLEN ELLYN IL 60137

BRISK, BETTY A
412 MELROSE AVE #103
GLEN ELLYN IL 60137

BURKE, B & A BARRETT
415 MELROSE AVE
GLEN ELLYN IL 60137

CARDELLI, DAN
389 DUANE ST #4-202
GLEN ELLYN IL 60137

CARLSON, MARY
404 MELROSE AVE #204
GLEN ELLYN IL 60137

CARTER, ADAM C & SUSAN A
426 HILLSIDE AVE
GLEN ELLYN IL 60137

CLARK, H JANE
395 DUANE ST #102
GLEN ELLYN IL 60137

CLP GROUP INC
1S620 VERDUN DR
WINFIELD IL 60190

COUNTY OF DU PAGE
421 COUNTY FARM RD
WHEATON IL 60187

CTLTC B7800051631
10 LASALLE ST #2750
CHICAGO IL 60603

DASKO, JOSEPH R
395 DUANE ST #302
GLEN ELLYN IL 60137

DAVIS, CHRIS M
416 MELROSE AVE #302
GLEN ELLYN IL 60137

DI BATTISTA, CAROLINE
395 DUANE ST #101
GLEN ELLYN IL 60137

DISCH, LYNN
404 MELROSE AVE #104
GLEN ELLYN IL 60137

DUANE ST LLC
906 NORTH PATH
WHEATON IL 60187

DUANE STREET PROPERTIES
1200 INTERNATIONALE #125
WOODRIDGE IL 60517

DUNCAN, KRISTIN
402 HILLSIDE AVE
GLEN ELLYN IL 60137

DUPAGE COUNTY HWY DEPT
130 COUNTY FARM RD
WHEATON IL 60187

EICHLER, F & S MANLEY
389 DUANE ST #301
GLEN ELLYN IL 60137

ELSHAFEI EQUITY PARTNERS
1200 INTERNATIONALE #125
WOODRIDGE IL 60517

EMANUEL, ROLAND J
433 DUANE ST
GLEN ELLYN IL 60137

ENGSTROM, CRAIG & N
404 MELROSE AVE #303
GLEN ELLYN IL 60137

FAMILY SHELTER SRVCE INC
PO BOX 3404
GLEN ELLYN IL 60138

FETTER, MARY T
410 MELROSE AVE #201
GLEN ELLYN IL 60137

GLEN ELLYN LIBRARY
400 DUANE ST
GLEN ELLYN IL 60137

HAMPTON, MARGARET
410 MELROSE AVE #101
GLEN ELLYN IL 60137

HART, GRAHAM & LINDA
389 DUANE ST
GLEN ELLYN IL 60137

HOGAN, LESLIE H
393 DUANE ST #303
GLEN ELLYN IL 60137

HOOD, SANDRA M
404 MELROSE AVE #203
GLEN ELLYN IL 60137

KAMP, PETER
412 MELROSE AVE #1-303
GLEN ELLYN IL 60137

KARL, DONNA M
427 LORRAINE RD
GLEN ELLYN IL 60137

KELLEGHAN, BARABRA J
406 HILLSIDE AVE
GLEN ELLYN IL 60137

KEOUGH, SARA
412 MELROSE ST #204
GLEN ELLYN IL 60137

KILKER, ELIZABETH
385 DUANE ST #103
GLEN ELLYN IL 60137

KLEINEDLER, SYLVIA
385 DUANE ST #104
GLEN ELLYN IL 60137

KOEHLER, GAYLE E
393 DUANE ST #104
GLEN ELLYN IL 60137

KOUTOULAS, FRANK
8657 SUMMERDALE
CHICAGO IL 60656

KUNNEMANN, NANCY G
506 CARLTON AVE
GLEN ELLYN IL 60137

LANTZ, SPENCER & CANDICE
410 MELROSE AVE #202
GLEN ELLYN IL 60137

LANZITO, DOMINICK & LORI
431 BRENTWOOD CT
ROSELLE IL 60172

LEONARD, LUANNE & LAURA
393 DUANE ST
GLEN ELLYN IL 60137

MAHENDRA, VIKAS
385 DUANE ST #304
GLEN ELLYN IL 60137

MAIER, SHARI & STEPHANIE
416 MELROSE AVE #201
GLEN ELLYN IL 60137

MARTELL, T & M JACKSON
412 MELROSE AVE #304
GLEN ELLYN IL 60137

MEYERS, NANCY A
352 TAYLOR AVE
GLEN ELLYN IL 60137

MIKICIUK, MARILYN G
2700 53RD ST W
LEHIGH ACRES FL 33971

MUNCH, LAUREN E
404 MELROSE AVE #304
GLEN ELLYN IL 60137

MUNROE, BARBARA
428 HILLSIDE AVE
GLEN ELLYN IL 60137

NOSAL, DOLORES L 80415-0
404 MELROSE
GLEN ELLYN IL 60137

OLMSTEAD, GREGORY & MARY
382 HILLSIDE AVE
GLEN ELLYN IL 60137

PELLETTIERE, LYNETTE
385 DUANE ST #204
GLEN ELLYN IL 60137

PIPER, ROBERT P
393 DUANE ST #103
GLEN ELLYN IL 60137

REGOLE JR, RICH & LAUREN
420 PROSPECT AVE
GLEN ELLYN IL 60137

SADLER, BOB KLOTZ
424 PROSPECT AVE
GLEN ELLYN IL 60137

SALIM, FEBIANTO
389 DUANE ST #302
GLEN ELLYN IL 60137

SANBEC REVOC LIVING TR
2N548 HIGHLAND AVE
GLEN ELLYN IL 60137

SCHAFER, CLAUDIA
410 MELROSE AVE #302
GLEN ELLYN IL 60137

SHUMWAY, HOWARD
389 DUANE ST #102
GLEN ELLYN IL 60137

SKILTON, KELLY A
412 MELROSE AVE #104
GLEN ELLYN IL 60137

SMITH, TATYANA
416 MELROSE AVE #202
GLEN ELLYN IL 60137

STACEY, CURT D
416 MELROSE AVE #301
GLEN ELLYN IL 60137

STOSUR, APRIL
395 DUANE ST #201
GLEN ELLYN IL 60137

STUTTS, ALLISON
410 MELROSE AVE #301
GLEN ELLYN IL 60137

VAZZANO, KATHY
416 MELROSE AVE #101
GLEN ELLYN IL 60137

VILLAGE OF GLEN ELLYN
535 DUANE ST
GLEN ELLYN IL 60137

WALKER, KAMIAH A
393 DUANE ST #204
GLEN ELLYN IL 60137

WHITE, WM & ROBB SACKETT
712 ESSEX CT
GLEN ELLYN IL 60137

WILSON, CATHERINE JUNE
385 DUANE ST #203
GLEN ELLYN IL 60137

WONG, GARY
413 MELROSE AVE
GLEN ELLYN IL 60137

YU, CHIU & SHAUJING LUU
412 MELROSE AVE #203
GLEN ELLYN IL 60137

REGULAR PLAN COMMISSION MEETING
MAY 9, 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 and Jamie Vondruska were present. Plan Commissioners Angela Fanella, David Rodemann and Mohammed Saeed were excused. Also present were Village Planner Kelly Purvis, Associate Planner Cole Jackson, 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

Chairperson Loch pointed out a word error in the minutes which was corrected. Commissioner Heming-Littwin moved, seconded by Commissioner Mulherin, to approve the amended minutes of the April 18, 2019 Special Plan Commission meeting. The motion carried unanimously by voice vote.

Chairperson Loch stated they cannot vote on the minutes from November 9, 2017 as there are only 3 Commissioners present who were at this meeting. Village Planner Purvis stated she will put these minutes on the next Plan Commission meeting agenda for a vote.

Public Hearing – 324 Roosevelt Road – Walgreens – Sign Variations

On the agenda was a public hearing to consider the application for approval of a Variation from the Sign Code, to allow the replacement of an electronic messaging sign board.

PUBLIC HEARING – 324 ROOSEVELT ROAD – WALGREENS – SIGN VARIATIONS

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF A VARIATION FROM THE SIGN CODE, TO ALLOW THE REPLACEMENT OF AN ELECTRONIC MESSAGING SIGN BOARD.

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Commissioner Heming-Littwin, seconded by Commissioner Mulherin, to open the public hearing at 7:02 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Village Planner Purvis was sworn in and stated the petitioner is Philip Valenzo of Volkan Signs & Lighting, sign contractor for Walgreens Pharmacy, tenant of 324 Roosevelt Road, owned by Lambert Roosevelt, LLC, and Timothy Harris is at the meeting on behalf of Walgreens. Village Planner Purvis stated the petitioner has requested a Public Hearing regarding an application for approval of a Variation from the Sign Code, to allow the replacement of an electronic messaging sign board. Village Planner Purvis stated in order to replace the message board, the petitioner is specifically requesting approval of a variation from Section 4-5-15(B) of the Sign Code to allow a 24 square foot area of electronic message board in lieu of the 18 square feet permitted.

Village Planner Purvis stated the property on which the sign is located is on the northeast corner of Roosevelt Road and Lambert Avenue in the C3 Service Commercial District and is surrounded by commercial properties that are also zoned C3 Service Commercial District. Village Planner Purvis stated notice of the public hearing was published in the April 18, 2019 edition of the Daily Herald, and property owners within 250 feet of the property were notified by mail of the public hearing and a placard was placed on the property.

Village Planner Purvis stated the petitioner is proposing to replace the existing non-functional electronic message board with an approximate area of 24 square feet with a new, functional electronic message board with an approximate area of 24 square feet. Village Planner Purvis stated the message board is embedded within a larger freestanding sign that is located on the southwest corner of the property near the intersection of Lambert Avenue and Roosevelt Road. Village Planner Purvis stated the freestanding sign faces east/west.

Village Planner Purvis stated at the time of construction, the freestanding sign and electronic message board were in compliance with the Village Sign Code. Village Planner Purvis stated when the Sign Code was amended in 2014, the allowable area of an electronic message board was reduced from 23 square feet to 18 square feet. Village Planner Purvis stated this rendered the message board legal non-conforming, and Village Code requires legal non-conforming signs to be brought into compliance with the current Code or seek relief when structurally altered or replaced.

Village Planner Purvis stated in order for the petitioner to comply with the current Village Sign Code, the entire existing freestanding sign, including the brick structure surrounding the message board, would have to be removed and replaced. The variation request of 6 square feet

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would allow for the existing freestanding sign to remain and for the broken electronic message board to be replaced.

Questions from the Plan Commission

Commissioner Heming-Littwin asked if there was a specific reason why the Sign Code was changed. Village Planner Purvis stated there is not a specific reason that she is aware of.

Petitioner's Presentation

Timothy Harris, with Kieffer & Company at 585 Bond Street in Lincolnshire, Illinois, the national sign vendor for Walgreens, was sworn in and stated they just would like to do a like-for-like replacement with a brand new sign as the parts for the current sign are no longer being made.

Questions from the Plan Commission

Commissioner Heming-Littwin asked if the light output would be the same to which Mr. Harris stated it would be.

Commissioner Mulherin stated in the application, Walgreens has indicated the sign would have space for community notices, storm warnings and other important items.

Persons in Favor of or in Opposition to the Request

None

Commissioner Heming-Littwin, seconded by Commissioner Mulherin, to close the public hearing at 7:09 p.m. The motion carried unanimously by voice vote.

Comments from the Plan Commission

Commissioner Mulherin stated he is completely in favor of this.

Commissioner Heming-Littwin stated she is in favor of this. Commissioner Heming-Littwin stated it is a plus that Walgreens will put community information and emergency information as well as other items on the sign. Commissioner Heming-Littwin stated the Plan Commission may need to look at the Sign Code again.

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Commissioner Vondruska stated this is a sign for sign replacement, and he has no problems with it. Commissioner Vondruska stated it would not make sense to reconstruct 2 signs instead of replacing the 1 sign.

Motion

Commissioner Heming-Littwin moved, seconded by Commissioner Mulherin, to recommend approval of a Variation from the Sign Code to allow the replacement of the electronic message board on the property at 324 Roosevelt Road.

Having considered the applications of Volkan Signs & Lighting for approval of a variation from the Sign Code to allow the replacement of an existing non-conforming electronic message board within a larger free-standing sign on the property at 324 Roosevelt Road in the C3 Service Commercial District, the Plan Commission hereby adopts the findings of fact contained in the petitioner's application packet and presented by the petitioner at the public hearing, as well as the findings included in the deliberations of the Plan Commission, and recommends approval of the request, subject to the following conditions:

1. The sign shall be constructed in substantial conformance with the plans and testimony provided at the May 9, 2019 Plan Commission Public Hearing.

The motion carried with six (6) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Mulherin, Berry, Hartweg, Vondruska and Chairperson Loch voted "yes."

Village Planner Purvis stated she does not know when this will be on the Village Board agenda for a vote, but she will let the petitioner know in advance of the meeting.

Pre-Application Meeting – 403-407 Duane Street – Duane Street Townhomes – Zoning Variations

On the agenda was a pre-application meeting to discuss the proposal for a 4 unit, attached single-family townhome development requiring variations from the Zoning Code.

Staff Presentation

Village Planner Purvis presented the background on this proposed townhome development and stated the petitioner is Allied Design-Build Inc. on behalf of Elshafei Equity Partners, owner of the property at 403 Duane Street and Duane Street Properties, LLC, owner of the property at 407 Duane Street. Village Planner Purvis stated the petitioner is requesting a pre-application meeting regarding the proposed development of four, three-story attached single-family

townhomes on the property at 403-407 Duane St. Variations will be required to construct the project as proposed.

Village Planner Purvis showed an overview picture of the site and stated the subject properties are located on the south side of Duane Street between Melrose Avenue and Lorraine Road and both are zoned as R4 Residential District. Village Planner Purvis stated the surrounding land uses include:

Land Use	Zoning
North: Public Parking Lot	C5B Central Business District
South: Multi-family Residential	R4 Residential
West: Single-family Residential	R4 Residential
East: Multi-family Residential	R4 Residential

Village Planner Purvis stated The Comprehensive Plan highlights this part of the downtown as an “improvement and development site”, suggesting that “older structures be replaced with high-quality townhomes and similar multi-family developments”. Village Planner Purvis stated it is also suggested that “these properties have excellent proximity to a wide range of Downtown facilities and services as well as public transportation, and could be suitable locations for new townhomes or small condominium buildings, of a scale and character similar to the newer existing multi-family developments already located within this immediate area”.

Village Planner Purvis showed a rendering of the proposed townhome development and stated the petitioner has requested a pre-application meeting to discuss the proposed project which will include the consolidation of the two lots and construction of four three-story attached single-family townhomes on the newly created lot. Village Planner Purvis stated the petitioner is requesting feedback from the Commission prior to requesting formal approval of the Zoning Variations that would be required to construct the project. Village Planner Purvis stated the petitioner originally proposed a five unit development on the site that would have required eight variations, but after a pre-application conference with staff, the plans have been revised to show a four unit development requiring four variations.

Village Planner Purvis stated in order to proceed with the project, the petitioner would need to receive approval of a lot consolidation (reviewed and approved by staff), approval of Zoning Variations (reviewed by the Plan Commission and Village Board) and approval of the Exterior Appearance (reviewed by staff and approved by the Village Board). Village Planner Purvis stated the total site is approximately 10,000 square feet and both parcels are currently vacant. The petitioner is proposing to construct four, three-story townhomes, and each unit will feature three bedrooms and three full bathrooms and will offer identical floor plans with

approximately 2,450 square feet of living space. Village Planner Purvis stated each unit would have an attached rear deck and tandem 2-car attached garage on the first level of the townhome. Village Planner Purvis stated the two middle units would have a shared driveway that leads to separate garages while the end units would have their own driveways.

Village Planner Purvis stated in order to construct the project as proposed 4 variations will be required.

1. Density. The project is out of compliance with the density standards in the Zoning Code. The Code requires a lot area of 4,950 square feet per unit for attached single-family dwellings in the R4 district. In accordance with this requirement, two units would be permitted on this property while four are proposed (2,500 square feet per dwelling unit).
2. Building Setbacks. The project adheres to the required setbacks with the exception of the rear yard setback. A 30 foot rear yard setback is required and 25 feet 9 inches is proposed.
3. Impervious Surface Coverage. 35% or less of the front yard may be impervious surface in the R4 zoning district. The petitioner is proposing 47.5% impervious surface coverage in the front yard due to the individual driveways for each unit.
4. Deck. The deck proposed in the rear of the building encroaches into the rear yard setback and is not permitted to be taller than 7 feet above the average adjoining ground. While a dimension is not provided on the elevation, it would appear that the deck is at least 10 feet tall.

Village Planner Purvis stated this project will have one shared driveway and two individual driveways all of which are proposed to be 11 feet wide at their start. Village Planner Purvis stated the Code requires a minimum width of 9 feet for one-way driveways intended for cars. Village Planner Purvis stated while a variation would not be required for a driveway of this width, Village Engineers raised concerns that the shared driveway approach may be too narrow and cause difficulty reversing out of the driveways onto the roadway. Staff would suggest the shared driveway be widened at the approach.

Village Planner Purvis stated a landscape buffer of 6-7 feet is required around all property lines abutting residentially zoned properties. Village Planner Purvis stated while this plan set does not include a landscape plan, one will be required as part of the formal application. Village Planner Purvis stated the proposed use, lot dimensions, building height, and parking per unit for the project are all Code compliant.

Village Planner Purvis stated the Plan Commission is requested to conduct a pre-application conference for the proposed development and provide comments to the petitioner. Village Planner Purvis stated the Commission's review should concentrate on the development concept and any anticipated variation requests. The specific details of the plan will be reviewed after a complete application has been submitted.

In reviewing the project, the Plan Commission may wish to:

1. Discuss whether the Commission is generally supportive of the proposal.
2. Discuss and provide feedback regarding the anticipated variation requests including: a reduced lot area per dwelling unit, a reduced rear yard setback, increased impervious surface coverage in the front yard, and a taller deck height than is permitted when the deck encroaches into the rear yard setback.
3. Provide feedback on the shared driveway width.
4. Clarify any concerns.

Questions from the Plan Commission

Commissioner Berry asked for a review of the density calculation. Village Planner Purvis stated they are basically asking for double the density on the lots, and they would need approximately 20,000 square feet for 4 units to be Code-compliant.

Petitioner's Presentation

Shafic Budron, President of Allied Design-Build Inc. and Randy Bees, Architect, introduced themselves. Mr. Budron stated there were a number of economic factors involved in this proposed development, and they originally sought to do a 5-unit development. Mr. Budron stated after talking with Village staff, they came to the consensus that 4 is the minimum needed to make the development economically feasible. Mr. Budron stated the best possible scenario was to consolidate the 2 properties and make 1 development.

Mr. Bees stated a 4-unit development is not out of character based on what is already in the area. Mr. Bees stated they would not be putting something in so large that it is too big compared to the surrounding area.

Comments from the Plan Commission

Commissioner Mulherin asked where the mechanicals would be. Mr. Bees stated the mechanicals would be on the main level with access off the deck. Mr. Bees showed a picture of the Main Floor plan and stated these would be in an insulated bump-out area as these townhomes will be slab on grade. Commissioner Mulherin asked what the market would be for this as he has concerns about the vertical living, the tandem parking and the lack of a basement. Mr. Bees stated there is ample storage on the Main Floor and based on the average townhome, these units will have more storage square footage than most townhome units that do not have a basement. Mr. Bees stated this site is attractive due to the proximity to the downtown and the train station.

Commissioner Heming-Littwin asked if these units would be sold or rentals. Mr. Budron stated these are being built for sale and not for rental. Mr. Budron stated the market for these townhomes would be younger couples who are commuters and want to live near downtown amenities. Mr. Budron stated the younger couples are fine with living in a vertical space. Mr. Budron stated the wild card is the pricing which they are estimating in the \$550,000 range.

Commissioner Mulherin asked if a market study was done. Mr. Budron stated that a full market analysis has not been done, but they did a comparative analysis, and these numbers have been suggested by experienced brokers in the area. Mr. Budron stated what they are proposing fits well with the surrounding area and with what is coming down the road.

Commissioner Heming-Littwin stated she does not have a problem with this, and she doesn't know how else to pare down impervious surface without a tandem garage. Commissioner Heming-Littwin stated the area by the center units does go down too quickly and suggested they widen this area but not all with concrete. Mr. Budron stated they have looked at brick pavers for this area. Commissioner Heming-Littwin stated she thinks these units will do well due to where they are located. Commissioner Heming-Littwin stated she thinks the deck height is a hardship due to the height needed on the first floor.

Commissioner Berry stated he agrees with Commissioner Heming-Littwin.

Commissioner Vondruska stated he looked at the site, and there are 3-story apartment buildings in the same area. Commissioner Vondruska stated the setback is a nominal difference, and he is fine with widening the driveway using pavers. Commissioner Vondruska stated the renderings seem to fit the character of the Village.

Commissioner Hartweg stated they should move forward with this, and he feels this is somewhat of a creative design. Commissioner Hartweg stated he does not like the narrow drive, but pavers should help this. Commissioner Hartweg stated the backyard variation fits the area and the deck.

Chairperson Loch stated she agrees with the Commissioners.

Commissioner Mulherin asked how this townhome development will be governed. Mr. Budron stated they have not fully discussed this yet. Commissioner Mulherin stated the Village staff will need to have covenants approved by somebody to ensure maintenance of the commonly owned areas.

Mary Beth Nelms, who resides at 1N144 Stacy Court, stated her company took care of the Legacy while it was under construction and stated this is a good design which fits in with the Village. Ms. Nelms asked if an elevator is in the package. Mr. Bees stated they have not taken an elevator into consideration yet, but they could possibly do a single-person lift. Ms. Nelms stated some of the units at the Legacy have an elevator option which cost approximately \$60,000 to \$80,000 for the option. Ms. Nelms stated she likes the mechanicals in the back underneath which will make it easy to get to these. Ms. Nelms stated she supports this project.

Chairperson Loch stated the Plan Commissioner will not vote on this since this is a Pre-Application Meeting. Chairperson Loch stated that the petitioners can use the feedback they got and proceed with this proposed development.

Trustee's Report

Trustee Pryde stated the new Village Board has a training, and the new Trustees will be sworn in on Monday. Trustee Pryde stated this is his last Plan Commission meeting, and the new Trustee Liaison will be Bill Enright.

Trustee Pryde stated the parking garage is moving forward slowly, and the Village Board did approve a Phase I budget for utility relocation and demolition of the house which will allow a pedestrian connection to Main Street.

Chairperson Loch thanked Trustee Pryde for being the liaison to the Plan Commission.

Chairperson's Report

None

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Staff Report

Village Planner Purvis introduced new Associate Planner Cole Jackson who will be the staff liaison to the Historic Preservation Commission.

Village Planner Purvis stated that the Plan Commission will review the draft downtown sub-area plan at the May 23rd meeting. Village Planner Purvis stated there may be a Pre-Application Meeting for the McChesene site in the next few months.

Other Business

None

Adjournment

Commissioner Mulherin moved, seconded by Commissioner Heming-Littwin, to adjourn the meeting at 7:50 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary

Reviewed by Planner Purvis

10-4-11. - R4 Residential District.

(A) *Permitted uses:*

1. Attached single-family dwelling of not more than six units.
2. Multiple-family dwelling.
3. Group home (up to four residents).
4. Public park or playground.
5. Public school, elementary and high, or private school having a curriculum equivalent to a public school, elementary or high, and all such public or private schools having no rooms regularly used for housing or sleeping purposes.

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

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

1. Adult daycare center.
2. Church.
3. Congregate housing for the elderly.
4. Convent, monastery and seminary.
5. Cultural facility.
6. Daycare center.
7. Group home (five or more residents).
8. Hospital, nursing home and educational, philanthropic or religious institution on a site of not less than five acres, provided not more than 50 percent of the site area may be occupied by buildings, and provided further that the buildings shall be set back from all required yard lines an additional foot for each foot of building height.
9. Large scale planned residential development, in accordance with the provisions of the "planned unit development regulations".
10. Medical clinic.
11. Nursery, prekindergarten, stand-alone kindergarten, play, special and other private school.
12. Privately operated, not for profit, lake, swimming pool, or tennis court, on a site not less than five acres.
13. Private recreational facility where buildings do not occupy more than ten percent of the site area.
14. Private club, fraternity, sorority, or lodge, excepting when the chief activity of which is a service customarily carried on as a business.
15. Public use.
16. Public utility and public service use.
17. Sheltered care facility.
18. Single-family dwelling.
19. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flagpole which exceed the maximum height.

20. Two-family dwelling.

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

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

(D) *Minimum yard and lot requirements:*

1. *Front yard:* The front yard setback distance shall be measured from the front lot line to the closest enclosed point of the principal structure. The initial principal structure erected on a lot in a subdivision recorded with the DuPage County Recorder of Deeds office after March 1, 1999, may be constructed to the minimum required front yard setback line of 30 feet.

(a) Thirty feet in depth, and

(b) The proposed principal structure (or addition thereto) shall be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street, but

(c) The proposed principal structure (or addition thereto) need not be farther than 50 feet from the front lot line.

2. *Rear yard:* 30 feet in depth.

3. *Interior side yard:* Minimum interior side yard setback: Each side yard shall be six and six-tenths feet or ten percent of the lot width, whichever is greater.

4. *Corner side yard setback:*

(a) Thirty feet except

(b) On a parcel with a nonconforming lot width, the minimum corner side yard setback shall be 30 percent of the lot width.

5. *Lots fronting on two nonintersecting streets:* On lots fronting on two nonintersecting streets, with the exception of alleys, where access on both public ways is allowed, a front yard must be provided on both streets. Where a lot fronts on two nonintersecting streets, one of which is an improved or unimproved alley, the yard closest to the alley shall be considered a rear yard.

6. *Minimum width:* The minimum width of each side yard for schools and special uses shall be 35 feet.

7. *Single-family dwellings:*

(a) Lot area: 8,712 square feet.

(b) Lot width:

(1) Interior lot: 66 feet;

(2) Corner lot: 80 feet.

(c) Lot depth: 100 feet.

8. *Attached single-family dwellings and two-family dwellings:*

(a) Lot area per family in square feet: 4,950;

(b) Lot width:

(1) Interior lot: 75 feet;

(2) Corner lot: 90 feet.

(c) Lot depth: 100 feet.

9. *Multiple-family dwellings:*
 - (a) Lot area per family unit: 2,500 square feet;
 - (b) Lot width:
 - (1) Interior lot: 75 feet;
 - (2) Corner lot: 90 feet.
 - (c) Lot depth: 100 feet.
 10. *Nonresidential special uses:*
 - (a) Lot area: 8,712 square feet.
 - (b) Lot width:
 - (1) Interior lot: 66 feet;
 - (2) Corner lot: 80 feet.
 - (c) Lot depth: 100 feet.
- (E) *Maximum height:*
1. Thirty five feet.
 2. Special uses may be erected to a height not exceeding 45 feet, and churches and temples may be erected to a height not exceeding 75 feet, if the building is set back from each yard line at least two feet for each foot of additional building height above the height limit otherwise permitted in the district.
 3. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flagpole shall be specified in the ordinance granting a special use permit.
- (F) *Signs, fences and obstructions in yards:*
1. Signs as per sign ordinance.
 2. See section 10-5-5, "Yards", of this title.
- (G) *Parking and loading requirements:*
1. *Single-family dwelling and two-family dwelling:* Not less than two parking spaces per unit.
 2. *Church:* One parking space for each four seats in the main auditorium.
 3. *Cultural facility:* Two spaces for each 1,000 square feet of gross floor area.
 4. *Congregate housing:* One space for each two bedrooms.
 5. *Daycare center:* One space for each 800 square feet of gross floor area.
 6. *Group home:* One space for each 800 square feet of gross floor area.
 7. *Hospital:* Two spaces for each bed.
 8. *Medical clinic:* One space for each 200 square feet of the gross area used for clinic.
 9. *Multiple-family dwelling:* Two spaces per unit, except efficiency units, which require one and one-half spaces.
 10. *Nursing home:* One parking space for each three beds.
 11. *Private club, fraternity, sorority, or lodge:* One space for each 3,000 square feet of floor area.
 12. *Private recreational facility:* One space for each 4,000 square feet of gross land area.

13. *Public building erected by governmental agency*: One space for each 250 square feet of floor area in the building.
14. *School*: For high schools - one space for each employee, plus one space for each five students, based on design capacity; for elementary schools - one space for each employee plus eight additional visitor spaces.
15. *Sheltered care facility*: One space for each 1,200 square feet of gross floor area.
16. Additional off street parking and loading requirements are found in chapter 5, "Supplementary Regulations", of this title.

(Ord. 3617, 5-8-1989, eff. 6-1-1989; amd. Ord. 3815, 2-25-1991; Ord. 4673, 12-14-1998, eff. 3-1-1999; Ord. 5035, 1-14-2002, eff. 3-1-2002; Ord. 5123, 12-16-2002, eff. 1-1-2003; Ord. 5365, 6-13-2005; Ord. 5543, 1-22-2007; Ord. 6144, 6-24-2013; Ord. 6619, 8-27-2018)

Obstruction	Front (Corner)	Side	Rear	Regulations
7 Chimney	X	X	X	(a) Limitations: Projecting 2' or less into yard
8. Deck			X	(a) Limitations: Must be open and uncovered (b) Height: Not over 7 feet above the average level of the adjoining ground when located in the required rear yard setback. Decks constructed outside of a required rear yard shall not be limited in height. (c) Location: No closer to a rear property line than 10% of the lot width (d) Allowances: A non-conforming deck located in the required rear yard may be replaced and rebuilt to the same height as the existing non-conforming deck provided the only non-conformity of the deck is the height
9. Eave	X	X	X	Limitations: Projecting 3' or less into yard and no closer than 1.5' from the lot line

Obstruction	Front (Corner)	Side	Rear	Regulations
				(b) Height: 15' maximum above its finished grade
				(c) Area: Shall not exceed 250 sq. ft. in area
16. Greenhouse, noncommercial			X	(a) Limitations: Constructed primarily of glass
				(b) Height: 15' maximum above its finished grade
				(c) Area: Shall not exceed 250 sq. ft. in area
17. Gutter or downspout	X	X	X	Limitations: Projecting 3' or less into yard and no closer than 1.5' from the lot line
18. Impervious Surface	X	X	X	(a) Limitations: Expansion of existing or new impervious surface is prohibited except as defined herein. (b) Distance: Pervious surface must be maintained as identified in 10-5-5(C). (c) Area: (1) 50% or less of each required front, corner side, and rear yard

Obstruction	Front (Corner)	Side	Rear	Regulations
				(calculated independently) may be impervious surface in the R0, R1, R2, and R3 zoning districts. For all corner lots, the size of the rear yard shall be the area bounded by the side lot line, rear lot line, corner side lot line, and rear setback line. See Figure 15 in Section 10-11-2. (2) 35% or less of the front yard may be impervious surface in the R4 zoning district (3) In the Residential Estate district, 25% or less of each required front, corner side and rear yard (calculated independently) may be impervious surface. For all corner lots, the size of the rear yard shall be the area bounded by the side lot line, rear lot line, corner side lot line, and rear setback line. See Figure 16 in Section 10-11-2. (d) Allowances: (1) Field adjustments to accommodate existing site conditions may be allowed subject to approval and documentation by the appropriate Village staff (2) Structures used for primarily commercial uses in the C5A and

STATE OF ILLINOIS)
) SS:
 COUNTY OF DU PAGE)

BILL OF SALE

Seller, **JOHN LEWENCZUK** of Downers Grove, Illinois, in consideration of Ten Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby sell, assign, transfer, and set over to Buyer, **DUANE STREET PROPERTIES, LLC**, the following described personal property located on the premises at 432 Melrose Avenue, Glen Ellyn, Illinois, and 407 Duane Street, Glen Ellyn, Illinois, as of September 14, 2018, the date of the contract.

(SEE ATTACHED)

Seller warrants to Buyer that all fixtures, systems, and personal property included in this Contract shall be in operating condition at possession.

Seller hereby represents and warrants to Buyer that Seller is the absolute owner of said property, that said property is free and clear of all liens, charges, and encumbrances, and the Seller has full right, power and authority to sell said property and to make this Bill of Sale. All warranties of quality, fitness, and merchantability are hereby excluded.

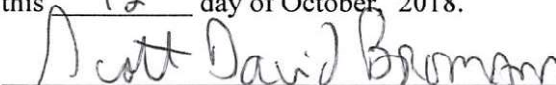
If this Bill of Sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

IN WITNESS WHEREOF, Seller has signed and sealed this Bill of Sale at Wheaton, Illinois, this 12 day of October, 2018.



JOHN LEWENCZUK

SWORN TO and SUBSCRIBED before me
 this 12 day of October, 2018.



 Notary Public



AFFIDAVIT OF AUTHORIZATION

CLEAR PAGE

I, **DUANE STREET PROPERTIES, LLC** owner of the property described as:

**Lots 41, and 42 in Block 5 Glenwood, CA Phillip's Subdivision a/k/a 407 Duane Street,
Glen Ellyn, ILLINOIS**

verify that **Allied Design-Build, Inc. / Shafic M. Budron**
is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission,
Zoning Board of Appeals, and/or Village Board of Trustees. Owner acknowledges that any notice
given applicant is actual notice to owner.


OWNER SIGNATURE

Subscribed and sworn to before me this

30 day of November, 20 18
Karen Marie Hart

Notary Public



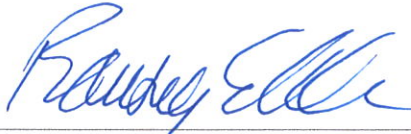
AFFIDAVIT OF AUTHORIZATION

CLEAR PAGE

I, ELSHAFEI EQUITY PARTNERS owner of the property described as:

Lots 39 and 40 in Block 5 in Glenwood, CA Phillip's Subdivision, a/k/a for 403 Duane St. Glen Ellyn, Illinois

verify that Allied Design-Build, Inc. / Shafic M. Budron
is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission, Zoning Board of Appeals, and/or Village Board of Trustees. Owner acknowledges that any notice given applicant is actual notice to owner.


OWNER SIGNATURE

Subscribed and sworn to before me this

30 day of November, 20 18
Karen Marie Hart

Notary Public



REIMBURSEMENT OF FEES AGREEMENT

CLEAR PAGE

Village of Glen Ellyn Acct: # _____

Initial Deposit Amount: _____

I. DESCRIPTION OF PROJECT: **4 Unit Duane St. TownHome Development**

II. OWNER:

- A. Owner of Property: **GLEN ELLYN DEVELOPMENT, LLC**
- B. Owner's Address: **2200 CABOT DR., SUITE 110 * LISLE, IL 60532**
- C. Owner's Home Phone Number: **801.338.8027** Fax: **N/A**
- D. Owner's Work Phone Number: **801.338.8027**
- E. Owner's E-mail: **catfb21@aol.com**
- F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.

III. PERSON MAKING REQUEST (Petitioner):

- A. Name of Petitioner: **GLEN ALLYN DEVELOPMENT, LLC**
- B. Petitioner's Address: **2200 CABOT DR., SUITE 110 * LISLE, IL 60532**
- C. Petitioner's Home Phone Number: **801.338.8027**
- D. Petitioner's Work Number: **801.338.8027**
- E. Petitioner's E-mail: **catfb21@aol.com**

IV. LOCATION OF PROPERTY:

- A. General Location of Property: **403-407 Duane St., Glen Ellyn, IL 60137**
- B. Acreage of Parcel: **+/-0.23 Acre / +/- 10,000 SF**
- C. Permanent Index Number(s): **05-11-323-002 & 05-11-323-003**
- D. Legal Description (Please attach)

V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other

X:\Plandev\PLANNING\FORMS\Reimbursement of Fees Agrmt FILLABLE 020620lg.docx

Attachment: 12. Reimbursement of Fees Agreement (4537 : 403-407 Duane Street Townhomes)

things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and the preparation of reports by consultants whose services require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-pocket expenses and to require the creation of an escrow fund to guarantee that the petition or application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Community Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Community Development Department or by the Plan Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Community Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Community Development but shall be no less than \$500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below \$300. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$300.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

A petitioner who withdraws his or her petition may apply in writing to the Community Development Director for a refund of his or her remaining escrow balance. The Community Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.

Glen Ellyn Development LLC

Petitioner

Dan Krawiec
Owner

Date: 20 March 2020

Village of Glen Ellyn

By: _____
Community Development Director

Date: _____

Attachment: 12. Reimbursement of Fees Agreement (4537 : 403-407 Duane Street Townhomes)

LEGEND table with symbols for various survey features like Chain Link Fence, Wire Fence, Split Rail Fence, Wood Fence, Metal Fence, P.U. & D.E., B.S.L., and bearings like (R) = RECORD, (M) = MEASURED, etc.

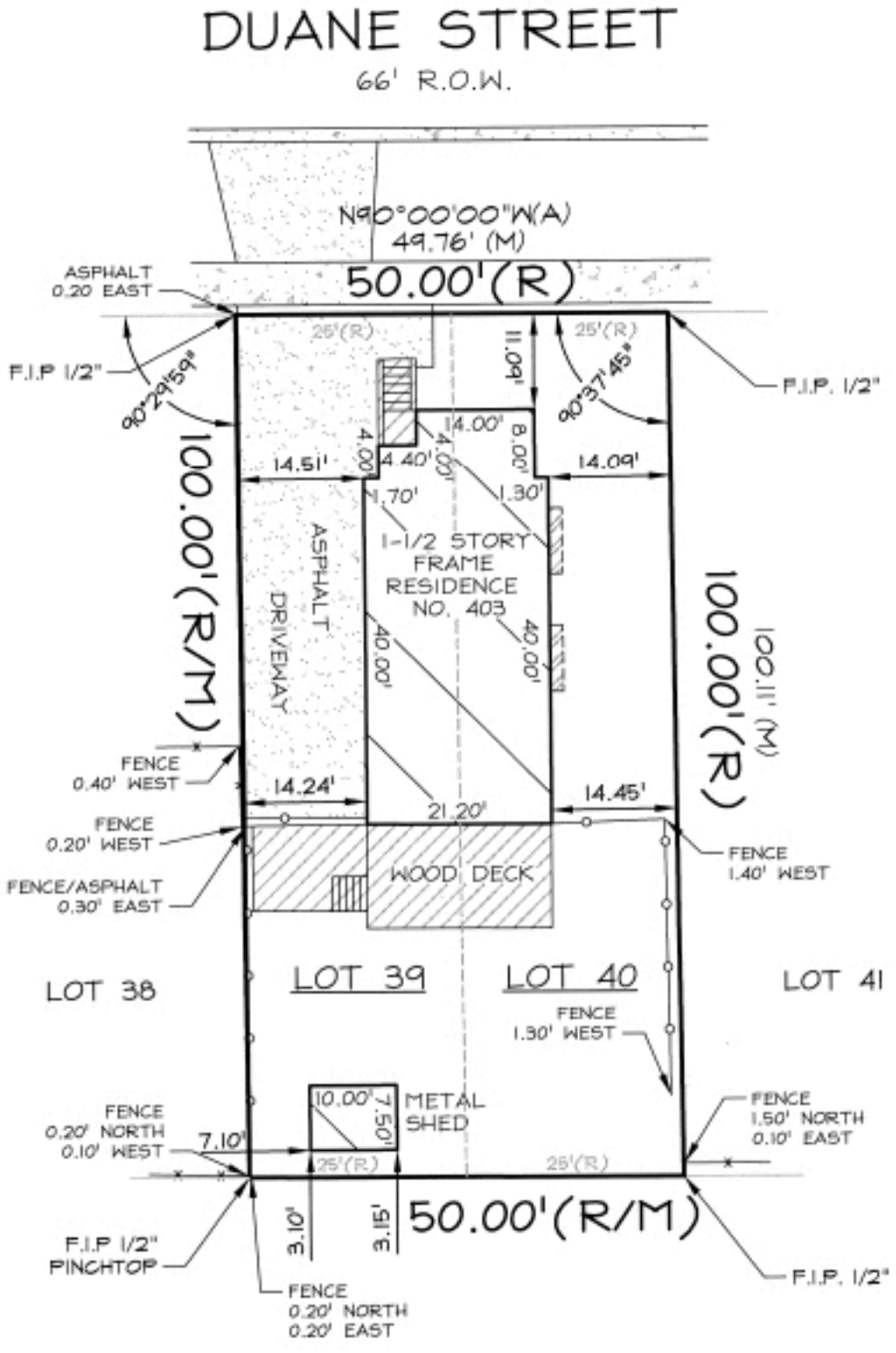
ARS Surveying Service LLC logo and contact information: 1229 LAKEVIEW COURT, ROMEOVILLE, ILLINOIS 60446, PH: (630) 226-9200, FAX: (630) 226-9234, EMAIL: SURVEY@ARSSURVEY.COM. Includes a 'PLAT OF SURVEY' banner.



BASIS OF BEARING: SOUTH LINE OF DUANE STREET AS MONUMENTED AND OCCUPIED PER RECORDED SUBDIVISION PLAT. N 90°00'00"W(A)

LOTS 39 AND 40 IN BLOCK 5 IN GLENWOOD, BEING C.A. PHILLIP'S SUBDIVISION OF PART OF SECTION 10 AND PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 22, 1873 AS DOCUMENT 16688, IN DUPAGE COUNTY, ILLINOIS.

AREA OF SURVEY: *CONTAINING 4,990 SQ. FT. 0.11 ACRES MORE OR LESS*



STATE OF ILLINOIS }SS
COUNTY OF WILL

I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY," AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED, THIS 22ND DAY OF FEBRUARY, A.D., 2018, AT ROMEOVILLE, ILLINOIS.

Signature of Mark A. Lindstrom

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3131
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-2961

CLIENT: MARCUSSEN
JOB NO.: 30352-18
FIELDWORK DATE: 02-21-18

LICENSE EXPIRES ON NOVEMBER 30, 2018



Attachment: 13. Plats of Survey (4537 : 403-407 Duane Street Townhomes)

ALTA/NSPS LAND TITLE SURVEY

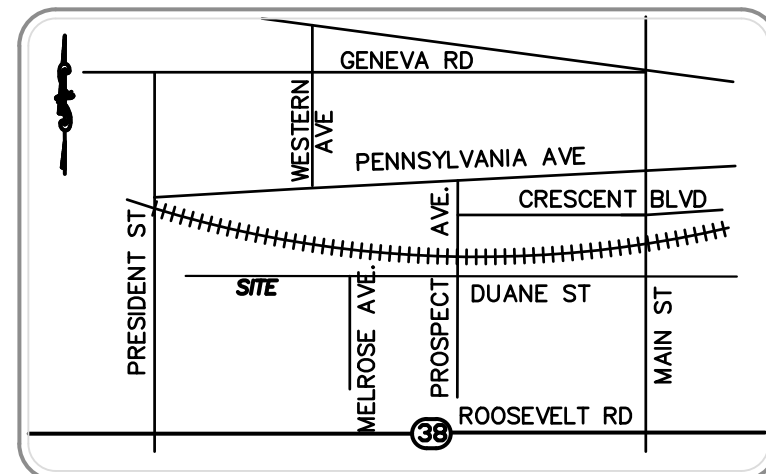
432 MELROSE AVENUE, GLEN ELLYN IL., 60139
407 DUANE STREET, GLEN ELLYN IL., 60139

PARCEL 1: LOTS 1, 2, 3 AND 4 IN BLOCK 5 IN GLENWOOD, BEING C.A. PHILLIPS SUBDIVISION OF PART OF SECTIONS 10 AND 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 22, 1873 AS DOCUMENT 16688, IN DUPAGE COUNTY, ILLINOIS.

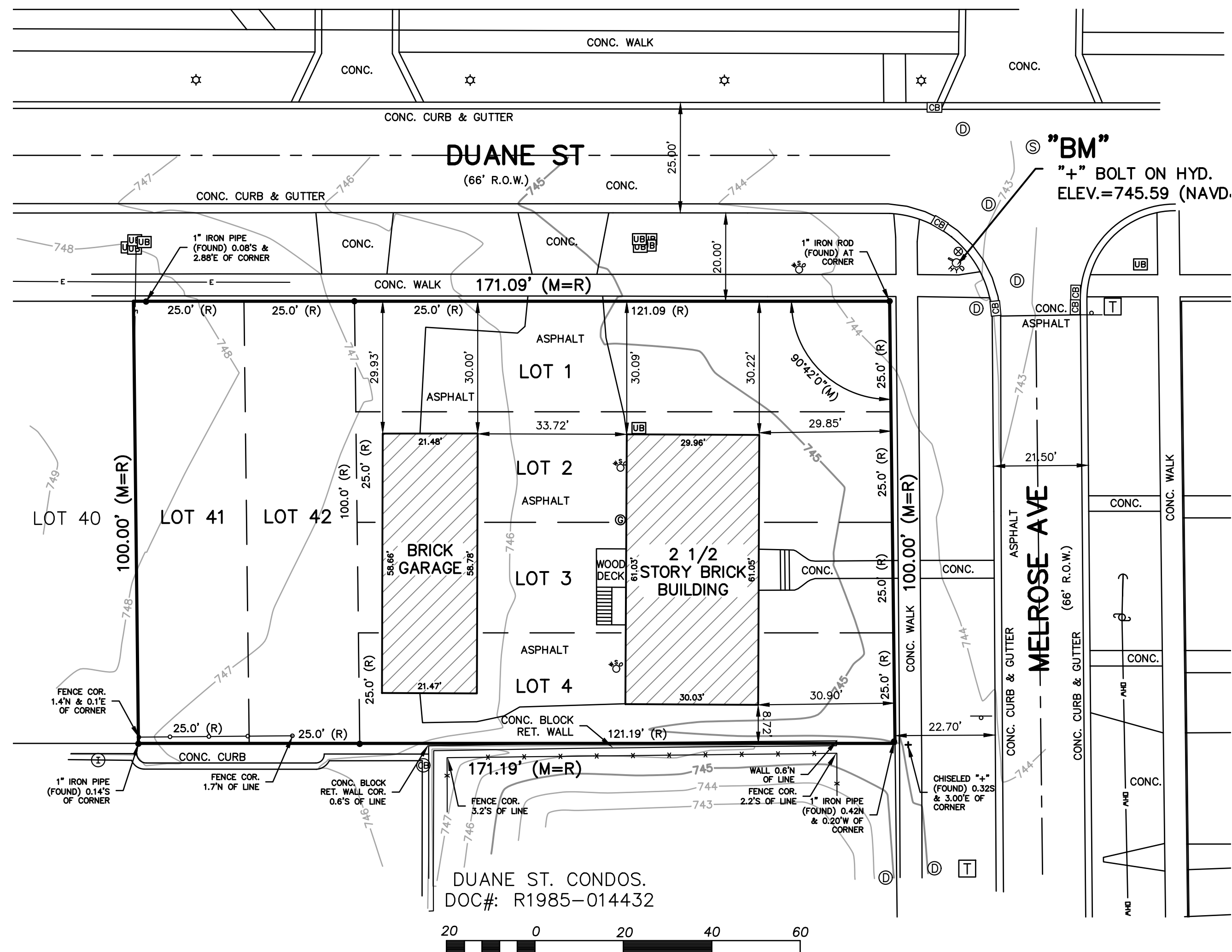
PARCEL 2: LOTS 41 AND 42 IN BLOCK 5 IN GLENWOOD, BEING C.A. PHILLIPS SUBDIVISION OF PART OF SECTIONS 10 AND 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 22, 1873 AS DOCUMENT 16688, IN DUPAGE COUNTY, ILLINOIS.

Permanent Index No.: **05-11-323-006**

Permanent Index No.: **05-11-323-003**



Vicinity Map
n.t.s.



Miscellaneous Notes

PROPERTY AREA = 17106.0 Sq.Ft.
or 0.393 Acres, more or less.
BUILDING AREA = 1830.8 Sq.Ft.
GARAGE AREA = 1260.8 Sq.Ft.

PARKING SPACES = NOT DELINEATED

No evidence of recent earth moving
work or building construction on site.

SOURCE BENCHMARK:
DUPAGE COUNTY BENCHMARK NO. 0105
STATION IS LOCATED AT THE SOUTHEAST
CORNER OF THE INTERSECTION OF MAIN
STREET AND CRESCENT STREET.
ELEVATION=745.28 (NAVD 88)

ALTA/NSPS CERTIFICATION:

TO: 1. ELSHAFEL EQUITY PARTNERS, LLC
2. CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7a, 7b, 8, 9, 11 OF TABLE "A" THEREOF. THE FIELD WORK WAS COMPLETED ON 10/04/2018

DATE OF PLAT OR MAP: 10/05/2018

(SIGNED) *Robert J. Lamberti*

ILLINOIS LAND SURVEYOR NO. 1863, LICENSE EXPIRES 11/30/18
ILLINOIS DESIGN FIRM NO. 184-007260

REFER TO DEED OF GUARANTEE POLICY FOR RESTRICTIONS
NOT SHOWN ON SURVEY.
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY
APPARENT DISCREPANCIES TO THE SURVEYOR.

ORDERED BY: BROMANN, SCOTT D. ORDER NO. 18-I-80 FILE NO. 180650-ALTA

LAND SURVEYING AND CIVIL ENGINEERING

**LAMBERT &
ASSOCIATES**

955 W. LIBERTY DR
WHEATON, IL 60187

P: (630)653-6331

F: (630)653-6396

E: INFO@LAMBERTSURVEY.COM

LAND

TECHNOLOGY

3922 W. MAIN STREET
McHENRY, IL 60050

P: (815)363-9200

F: (815)363-9223

E: LANDTECH@LT-PE.COM

LEGEND

(M) = MEASURED DIMENSION
(R) = RECORD DIMENSION

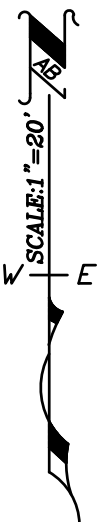
SYMBOL LEGEND	
	GAS METER
	B-BOX
	CURB CATCH BASIN
	SANITARY MANHOLE
	STORM MANHOLE
	INLET
	CATCH BASIN
	DRANT
	WATER VALVE VAULT
	UTILITY BOX
	TRANSFORMER
	LIGHT POLE
	GUY WIRE
	UTILITY POLE
	SIGN
	MONUMENTATION
	CHISELED CROSS

LINE LEGEND

	= CHAIN LINK FENCE
	= METAL FENCE
	= OVERHEAD WIRES
	= BURIED ELECTRIC LINE

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, BASED ON "DUPAGE REGULATORY FLOOD MAP", MAP NUMBER 17043C0064A, WHICH BEARS AN EFFECTIVE DATE OF JULY 7, 2010, THIS PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA.



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

APPLICATION FOR VARIATION

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For the property at **403-407 Duane St.** Glen Ellyn, IL 60137

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

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

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

I. APPLICANT INFORMATION:

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

Name: **Glen Ellyn Development, LLC**

Address: **2200 Cabot Drive, Suite 110 * Lisle, IL 60532**

Home Phone No.: **801.338.8027** Cell Phone No.: **801.338.8027**

Fax No.: **N/A**

E-mail: **catfb21@aol.com**

Ownership Interest in the Property in Question:

1. ALAN M. ELSHAFEI TRUST	50%
2. DAVID VANASSCHE	50%

Attachment: 14. Application for Zoning Variations (4537 : 403-407 Duane Street Townhomes)

CLEAR PAGE

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

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

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

Glen Ellyn Development, LLC
2200 Cabot Drive, Suite 110
Lisle, IL 60532

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

DAVID VANASSCHE
Glen Ellyn Development, LLC
2200 Cabot Drive, Suite 110
Lisle, IL 60532

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

YES ☐

NO ☒

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

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

YES ☐

NO ☒

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

CLEAR PAGE

III. PROPERTY INFORMATION:Common address: **403-407 Duane St., Glen Ellyn, IL 60137**Permanent tax index number: **05-11-323-002 & 05-11-323-003**

Legal description:

LOT 39 & 40 & 41 & 42 IN BLOCK 5 IN GLENWOOD, BEING C.A. PHILLIP'S SUBDIVISION OF PART OF SECTION 10 AND SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF 3RD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED AUGUST 22, 1873 AS DOCUMENT 16688 IN DUPAGE COUNTRY, IL.

PIN 05-11-323-002 & PIN 05-11-323-003

Zoning classification: **R4**Lot size: **100** ft. x **100** ft. Area: **10,000** sq. ft.Present use: **VACANT**IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

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

- 1. Density. Out of compliance with the density standards in the Zoning Code. The Code requires a lot area of 4,950 square feet per unit for attached single-family dwellings in the R4 district. In accordance with this requirement, two units would be permitted on this property while four are proposed (2,500 square feet per dwelling unit).**
- 2. Building Setbacks. Project adheres to the required setbacks with the exception of the rear yard setback. A 30 foot rear yard setback is required and 25 feet is proposed.**
- 3. Impervious Surface Coverage. 35% or less of the front yard may be impervious surface in the R4 zoning district. Petitioner is proposing 47.5% impervious surface coverage in the front yard due to the individual driveways for each unit.**
- 4. Decks. The deck is set at 10'-5 1/2" above finished ground floor. Finished ground floor is 6" above Finished Grade. So, the height of the Main Level Exterior Deck taken from the outside of the deck is 10'-11 1/2" above Finished Grade.**
- 5. Building Height. Height Variation to allow a Building Height of 37'-0" instead of allowable 35 ft.**

Estimated date to begin construction: **07/01/02**

CLEAR PAGE

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

**SHAFIC M. BUDRON, PHD
ALLIED DESIGN-BUILD, INC.
8249 RIPPLE RIDGE
DARIEN, IL 60561**

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

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

A. Standards Applicable to All Variations Requested:

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

Site & surrounding area is zoned for multi-family residential. The site is an infill lot surrounded by multi-family housing & 1 lone modest single family residence. Due to the size of the lot, the 30' front yard setback, the Village requiring a 2x car garage & where this site is located within the Vil (see attached)

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

For the development to be economically viable, a minimum number of units are necessary to be developed, in order to offset acquisition costs, site & infrastructure and fixed costs. The proposed development cannot happen without the requested variations being aproved and still meet best practices and the governing requirements.

OR

CLEAR PAGE

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

Again, the size of the site in the area zoned is small for the type of structure proposed and necessary. Structure is not over powering the site or surrounding apartment buildings, but the Village zoning restrictions need be eased.

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

The Village of Glen Ellyn's Comprehensive plan call for a low-density townhomes or attached single family homes on this site, which we are conforming to. We are proposing townhomes. The street that the proposed development sits on and the surrounding area consists of 2-4 story multi-family apartment buildings. Across the street is the Metro & Library parking Lots. The additions of our (see attached)

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

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

The site as an infill is small and to provide decent multi-family structure would require the variations requested.

CLEAR PAGE

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

As an infill site, the size of the site is the question and the challenge. The remainder of the sites around our proposed development are occupied and have been for many years.

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

The original proposal was for a larger structure and per request of (and in working with the Village)- the planning staff, the proposed development was reduced to the size shown.

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

As stated above, the Village planning staff asked us to reduce the structure to a size they felt comfortable supporting our proposed development to have on this particular site / neighborhood.

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

The site is surrounded by larger multi-family structures. Less than 200 feet from this property, a large multi-story apartment building is currently under development. The townhomes development that we are proposing does not over scale any of the surrounding structures. It also fits well within the neighborhood. The type of (see attached)

CLEAR PAGE

6. Provide evidence that the proposed variation will not:

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

The building meets front and side yard setbacks. Rear yard requesting variation to reduce the depth; rear yard backs up to garages for the apartment complex behind.

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

Building required meets front and side yard setbacks, and will be constructed meeting all of the Village of Glen Ellyn's applicable fire codes.

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

This structure is not detrimental in any way to the inhabitants of the Village of Glen Ellyn.

- d. Diminish or impair property values within the neighborhood;

The proposed townhomes will add value to the surrounding neighborhood by adding the type of housing development being proposed, as it will enhance the area curb appeal with the at (See attached)

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

Four units will not in any way, unduly increase traffic congestion in the public streets and highway.

- f. Create a nuisance; or

This infill site allows for only a modest development that fits well within the surrounding structures, within the neighborhood and should not cause any nuisance due to size of str, (See attached)

CLEAR PAGE

- g. Results in an increase in public expenditures.

As part of going ahead with this proposed development , the developer will pay for donations that will go towards the Library District, School District, Park District, and Voluntee (See attached)

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

The proposed townhome development structureas stated before is an infill lot; therefore, it is a modest size (4 units) and the units themselves are of a modest size (compared to the big apartment complex buildings being built) fitting well within the character of this neighborhood. We have strived to acheive all the requirements of the Village of Glen Ellyn, and still making the units appealing and marketable. Sidewalks are kept to a minimum, driveways are at a minimum with required to a single lane driveway.

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

The development of he proposed 4x Townhomes have been stated to us by the staff of the Village of Glen Ellyn is a very good fit to this neighborhood and compliments the area.

Furthermore, the proposed development was received very positively and was looked upon very favorably, unanimously, by the Village of Glen Ellyn Plan Review Commission.

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

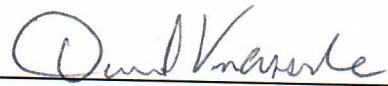
CLEAR PAGE

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

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

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

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

<u>20 Mar 2020</u>	DAVID VANASSCHE	
Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant

Attachment: 14. Application for Zoning Variations (4537 : 403-407 Duane Street Townhomes)

AFFIDAVIT OF AUTHORIZATION

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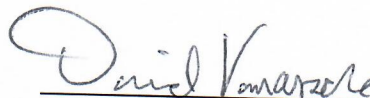
I, **DAVID VANASSCHE**

owner of the property described as

LOT 39 & 40 & 41 & 42 IN BLOCK 5 IN GLENWOOD, BEING C.A. PHILLIP'S SUBDIVISION OF
 PART OF SECTION 10 AND SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF 3RD
 PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED AUGUST 22, 1873 AS
 DOCUMENT 16688 IN DUPAGE COUNTY, IL.
 PIN 05-11-323-002 & PIN 05-11-3

verify that **ALLIED DESIGN-BUILD, INC.**

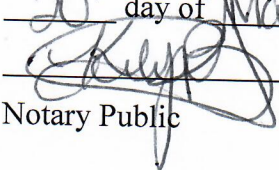
is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission,
 Zoning Board of Appeals and/or Village Board. Owner acknowledges that any notice given
 applicant is actual notice to owner.



Owner Signature

Subscribed and sworn to before me this

20th day of March, 2020


 Notary Public

KENIA Y BENAVIDES
 NOTARY PUBLIC
 REGISTRATION # 7689867
 COMMONWEALTH OF VIRGINIA
 MY COMMISSION EXPIRES
 JULY 31, 2020

Attachment: 14. Application for Zoning Variations (4537 : 403-407 Duane Street Townhomes)

OWNERSHIP BY A CORPORATION

CLEAR PAGE

Date: **03/18/20**Address: **403-407 DUANE ST., GLEN ELLYN, IL 60137**

Legal Description:

**LOT 39 & 40 & 41 & 42 IN BLOCK 5 IN GLENWEOOD, BEING C.A. PHILLIP'S SUBDIVISION OF PART OF SECTION 10 AND SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF 3RD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED AUGUST 22, 1873 AS DOCUMENT 16688 IN DUPAGE COUNTY, IL.
PIN 05-11-3**

LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST OWNED IN EXCESS OF 5% OF STOCK)

Name: **ALAN ELSHAFEI TRUST** Address: **2200 CABOT DR., # 110 * LISLE, IL 60532** % **50**

Name: **DAVID VANASSCHE** Address: **2200 CABOT DR., #110 * LISLE, IL 60532** % **50**

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

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Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Attachment: 14. Application for Zoning Variations (4537 : 403-407 Duane Street Townhomes)

Allied Design-Build, Inc.

8249 Ripple Ridge * Darien, IL 60561
Email: adb@agssi.com T: (847) 489-7999

Attachment

June 03, 2020

Re: Zoning Variation Request Attachment
Proposed Duane Street 4x Unit Townhomes
403-407 Duane St
Glen Ellyn, IL 60137

The following are our response to the Village Staff review letter dated May 27, 2020.

APPLICATION: Zoning Variation Request

2.Zoning Variation Application...

b. Section V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION. A Standards Applicable to All Variations Requested: ...

#A1.

Site & surrounding area is zoned for multi-family residential. The site is an infill lot surrounded by multi-family housing & 1x lone modest single family residence. Due to the size of the lot, the 30' front yard setback, the Village requiring a 2x car garage & where this site is located within the Village, the townhomes proposed are of a modest size fitting well with the stature of the neighborhood.

Due to City requiring front yard setback be taken from the face of the box windows (added per 1st review comments) the building required shifting towards the rear yard (south) by 9" making the rear yard smaller.

Building height calculation based on the document received from the Village gives a building of 35.835' or 0.835' (10") higher than the allowed 35'-0". For proper utility and marketability of the townhomes we need to increase the Ground Floor Ceiling Ht. to 9'-0" instead of 8ft. The building height needs to be 37'-0". This allows the 1'-0" increase on the ground floor + the 10" discrepancy we had in the calculation & 2" of play for a total of 2'-0".

#A3.

The Village of Glen Ellyn's Comprehensive plan calls for low-density townhomes or attached single family homes this site, which we are conforming to. We are proposing townhomes. The street that the proposed development sits on and the surrounding area consist of 2 - 4 story multi-family apartment buildings. Across the street is the Metra &

Library parking lots. The addition of our development will NOT only not diminish the character of the neighborhood, but it will help improve it.

#B5.

The site is surrounded by larger multi-family structures. Less than 200' from this property, a large multi-story apartment building is currently under construction. The townhomes development that we are proposing does not over scale any of the surrounding structures. It also fits well within the neighborhood. The type of residential units being provided are above the type currently in the area. This type of structure is an appropriate buffer between the larger multi-family buildings and the neighboring single-family properties, to the south.

#B6d.

The proposed townhomes will add value to the surrounding neighborhood by adding the type of housing development being proposed, as it will enhance the area curb appeal with the attractive appearance of the structure & increases the Village's property tax base.

#B6f.

This infill site allows for only a modest development that fits well within the surrounding structures, within the neighborhood and should not cause any nuisances caused by size of structure, density, or traffic flow.

#B6g.

As part of going ahead with this proposed development, the developer will pay for donations that will go towards the Library District, the School District, the Park District, and the Volunteer Fire Company. In addition, this project will increase the Village's property tax base.

Allied Design-Build, Inc.

8249 Ripple Ridge * Darien, IL 60561
Email: adb@agssi.com T: (847) 489-7999

06/15/20

17. List of Variations/ Deviations

1. The Code requires a lot area of 4,950 square feet per unit for attached single-family dwellings in the R4 district. In accordance with this requirement, two units would be permitted on this property while four are proposed (2,500 square feet per dwelling unit).
2. Building Setbacks. Project adheres to the required setbacks with the exception of the rear yard setback. A 30 foot rear yard setback is required and 25'-0" is proposed. Rear yard setback to deck is 17'-0".
3. Impervious Surface Coverage. 35% or less of the front yard may be impervious surface in the R4 zoning district. Petitioner is proposing 47.5% impervious surface coverage in the front yard due to the individual driveways for each unit.
4. Decks. Decks proposed in the rear of building encroach into the rear yard setback and are not permitted to be taller than 7 feet above average adjoining ground. The deck height taken from the outside of deck is 10'-11 ½" above finished grade.
5. Building Height. Height Variation to allow a Building Height of 37'-0" instead of allowable 35 ft.

Allied Design-Build, Inc.

8249 Ripple Ridge * Darien, IL 60561
Email: adb@agssi.com T: (847) 489-7999

06/16/20

18. Practical Difficulties or Particular Hardship

Site and surrounding area is zoned for multi-family residential. The site is an infill surrounded by multi-family and 1 lone single family. Due to the size of the lot and the requirement of a 30' front yard setback, the City requiring each unit to have a 2 car garage and to provide units that fit with the needs of the people who wish to live in Glen Ellyn the size of the building reduced the rear yard to 25'. The density requirement does not allow a multi-family structure to be constructed on the property. The hard surface front yard requirement cannot be met with a townhome development having a driveway for each unit. Since the ground floor houses garages and the living spaces are on the main & upper floors a deck off of the main floor living area is greater than 6' AFG.

The size of the site in the area zoned is small for the type of structure proposed and necessary. Structure is not over powering the site or surrounding apartment buildings, but Village zoning restrictions need be eased.

The site as an infill is small and to provide decent multi-family structure would require the variations requested.

The original proposal was for a larger structure and per request of (and in working with the Village)- the planning staff, the proposed development was reduced to the size shown.

As stated above, the Village planning staff asked us to reduce the structure to a size they felt comfortable supporting our proposed development to have on this particular site / neighborhood.

We have strived to achieve all the requirements of the Village of Glen Ellyn, making the townhomes a marketable addition to the neighborhood, and in doing so asking for the fewest amount of variations possible.



VILLAGE OF GLEN ELLYN

Exterior Appearance Review Application Packet

*Planning & Development Department
535 Duane Street – Glen Ellyn, IL 60137 – Telephone 630.547.5250 – Fax 630.547.5370*

Attachment: 18. Application for Exterior Appearance Review (4537 : 403-407 Duane Street Townhomes)

EXTERIOR APPEARANCE REVIEW APPLICATION

Please complete and return this form to the Planning and Development Department, 535 Duane St.,
Glen Ellyn, IL 60137. If you have questions, please phone: 630.547.5250

I. APPLICATION INFORMATION:

CLEAR PAGE

A. Date Filed: 03/28/20 B: Application No. _____

C. Project Name: DUANE ST. TOWN HOME DEVELOPMENT

D. Project Description:

The project will be a 4-unit, 3 level townhomes, slab on grade. Each unit is 2,450.5 sq-ft, 2 garage stalls, 1 surface stall. All unit floor plans are identical.

E. Address of Property: 403-407 DDUANE ST., GLEN ELLYN, IL 60137

F. Permanent Index No.: 05-11-323-002 & 05-11-323-003 G. Zoning: R4

H. Name of Applicant: GLEN ELLYN DEVELOPMENT, LLC

I. Address of Applicant: 2200 CABOT DR., SUITE # 110 * LISLE, IL 60532

J. Phone No. (Business): 801.338.8027 (Home) 801.338.8027

K. (Mobile) 801.338.8027 (Other) N/A

L. Fax No.: N/A

M. E-mail Address of Applicant: catfb21@aol.com

N. Name of Property Owner: GLEN ELLYN DEVELOPMENT, LLC

O. Address of Property Owner: 2200 CABOT DR., SUITE # 110 * LISLE, IL 60532

P. Phone No. (Business): 801.338.8027 (Home) 801.338.8027

Q. E-Mail Address of Property Owner: catfb21@aol.com

II. CONFORMANCE WITH APPEARANCE REVIEW GUIDELINES:

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

R. Please explain why the proposed architectural style was chosen.

The architectural style is a modern rendition of a classic American Craftsmanstyle using symmetry to give a uniform look. The style fits well among the single family residential units of the area, but has a character unique to this structure.

CLEAR PAGE

S. Provide information about the architectural style and exterior materials of the buildings in the surrounding area:

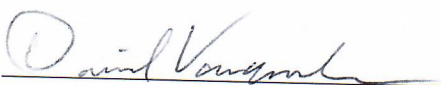
American craftsman style is a style that is cherished across the U.S. It is a style that starts with a heavier base, thus our use of masonry followed by siding with trim at corners, around windows, and followed by the gable ends finished in another material or color. Our building follows those characters with a modern rendition; windows were 4-6 over 1 double hung. We are keeping with that concept as a 3 over 1 look set in casement window. Windows in many cases were a dark color, as again that scheme works well here.

T. Please explain how the project complies with the Appearance Review Guidelines:

We are providing a Belden Ashberry Velour Brick around the Ground Floor, fiber cement lap siding in Arctic White color and the top 1/3 of wall & gable ends fiber cement panels w/ reveals in Arctic White, trim in White and Black. Doors are recessed with a canopy roof supported by brackets. Roof is standard gable @ ea. unit with overhangs. Bldg facade is broken by design and projections. Colors are in keeping with surrounding residences of the neighborhoods. Roof is architectural shingle in Grey color, Owens Corning, accepted by the Village.

U. Please explain why any deviations from the Appearance Review Guidelines are proposed:

N/A

Signature: 

Date: 03/28/20

Project Submittals List

- | | |
|---|-------|
| 1. Application Form | _____ |
| 2. Application Fee | _____ |
| 3. Escrow | _____ |
| 4. Proof of Ownership | _____ |
| 5. Affidavit of Authorization | _____ |
| 6. Disclosure of Interest | _____ |
| 7. Narrative Statement / Project Description | _____ |
| 8. Plat of Survey/Legal Description | _____ |
| 9. Existing Site Plan | _____ |
| 10. Site Plan | _____ |
| 11. Landscape Plan | _____ |
| 12. Tree Survey | _____ |
| 13. Building Elevation Drawings – Existing | _____ |
| 14. Building Elevation Drawing – Proposed | _____ |
| 15. Floor Plans | _____ |
| 16. Color Rendering | _____ |
| 17. Photo, Slide(s) | _____ |
| 18. List of Building Materials & Colors | _____ |
| 19. Rooftop Plan | _____ |
| 20. Specifications for Rooftop Screening | _____ |
| 21. Sign Plan | _____ |
| 22. List of Signs | _____ |
| 23. Sign Elevations | _____ |
| 24. Building Elevation Drawings-Sign Location | _____ |
| 25. Trash Enclosure Exterior Equipment/
Fences/Screening | _____ |
| 26. Lighting Plan | _____ |
| 27. Light Fixture Cut Sheets | _____ |
| 28. Streetscape Elevation | _____ |
| 29. Outline Perspective View, Photo Imaging | _____ |
| 30. Staff & Developer Site Visit Pre-Arranged | _____ |

MBR- May be Required

EXTERIOR APPEARANCE REVIEW PROCEDURE

APPLICATION PROCESS

New construction, addition(s), exterior rehabilitation, or exterior remodeling, of the following types of projects shall require exterior appearance approval:

1. Non-Residential Principal Buildings
2. Multi-Family Residential Principal Buildings
3. Attached Single Family Residential Principal Buildings
4. Parking Lots

Meeting with Village Staff – Recommended

Prior to submitting a formal application, the applicant should meet with the Director of Planning and Development or his or her designee to discuss the procedure for review. It is recommended that the applicant present general information at this meeting in rough sketch form describing the existing conditions of the site, the proposed site plan, preliminary building elevations and signage plans.

Formal Application-Required

To begin the formal application process, the applicant shall submit (2) copies of a complete and collated application to the Planning and Development Director or his or her designee for review. After staff has reviewed the application and determined that it is complete (which may require submittal of additional information or revised plans), the request will be scheduled for consideration at the first available Village Board meeting. The revised application packet must be submitted at least 2 weeks before the scheduled meeting with the Village Board.

Those materials typically required to be submitted with an application are listed below. The required submittals list may alter depending on the type and scope of the proposed project. Staff may, at its sole discretion, waive any of the following submittal requirements if additional plans or other materials are relevant to the proposed exterior appearance of the specific request.

Prior to submitting a formal application, the applicant should contact the Planning and Development Department to obtain a checklist of items required to be submitted with the application.

Formal Application Submittal Requirements

The following items are typically required to be submitted with an application for exterior appearance approval:

1. The required application fee as set forth in the Village Code.
2. Exterior appearance application form.
3. Narrative statement including:

- A general description of the project.
 - Information about the proposed design intent and why the proposed architectural style was selected.
 - Information about how the proposed exterior appearance complies with the Appearance Review Guidelines.
4. Proof of ownership.
 5. Disclosure of interest, identifying all parties with 5% or more interest in the property.
 6. If the property is owned by an individual or organization other than the applicant, an affidavit of authorization must be submitted, giving the applicant the right of file the application on the owner's behalf.
 7. Existing site plan or plat of survey showing:
 - Property and street pavement lines.
 - Lot dimensions.
 - Gross area of the site stated in square feet.
 - The location of all existing buildings, parking areas, access drives and other structures.
 8. Proposed site plan showing:
 - Property and street pavement lines.
 - Lot dimensions.
 - Gross area of the site stated in square feet.
 - Setbacks of all buildings, parking lots and other structures.
 - If parking is involved, show calculations for determining the required number of off-street parking spaces, as required by the Zoning Code. Give the number of spaces actually proposed.
 - Proposed ingress and egress to the site, including on-site parking area(s), parking stalls, and adjacent streets.
 - Service yard areas, including loading areas, mechanical equipment, refuse containers, etc.
 - The location and type of any fencing, berming or screening.

9. Tree survey showing:

- The location of all existing trees with a diameter breast height of 10 inches or more and significant quality tree species including hickory, oak or walnut species with a 5-inch or greater diameter breast height.
- Any trees that are planned for removal should be shown with an (x).
- The condition of the existing trees on the property should be noted on the survey.
- The location of all vegetative masses shown with a diagrammatic outline and information provided about whether these areas are proposed to remain, be removed or be cleared out.

10. Landscape plan containing:

- Existing landscaping that will be retained and all proposed landscaping. The type, size, number, and spacing of plantings must be illustrated (see Recommended Plant Material list).
- Location of existing (to remain) and proposed buildings, parking areas, signs access drives, landscape islands and other structures.
- Information about how the plans comply with the landscape requirements in the Zoning Code.

11. Lighting information including:

- Location of all existing (to remain) and proposed light fixtures.
- Total mounting height of all existing (to remain) and proposed parking lot light fixtures measured from ground level.
- Cut sheets of all parking lot and wall mounted light fixture(s).
- Light fixture dimensions.
- Information about the materials and colors of all proposed light fixtures, including information about the material, design and color of the base of any parking lot light poles.
- Photometric plans showing projected foot-candle levels throughout the site and at the property lines.

12. Existing building elevations drawn to scale showing all sides of any existing buildings to be rehabilitated or remodeled. At staff's discretion a photograph or photographs of the building may be used in place of an elevation. Such building elevations should show:

- The height of the building.

- The location and type of all existing exterior building materials and colors.
13. Proposed building elevations drawn to scale of all sides of any new buildings or structures and any buildings or structures proposed to be rehabilitated or remodeled. The proposed building elevations should show:
 - The location, type and texture of all proposed exterior building materials and colors.
 - A list of proposed building materials and colors.
 - The height of all buildings and structures as defined by the Zoning Code.
 - The location and height of any proposed wall signs.
 - The screening of any rooftop equipment.
 14. Proposed exterior building color and material samples shall be presented at the Village Board meeting, including, but not necessary limited to the materials and colors of the façade, roof, doors, window systems and any trim.
 15. Color rendering or renderings of all proposed buildings and structures.
 16. Floor plans of all existing buildings and structures (to remain) and all proposed buildings and structures.
 17. A sign plan overlaid on the proposed site plan and showing the following:
 - The location of any proposed signage, including primary signage, regulatory signage, private traffic directional signage, incidental signage, etc.
 - The setbacks of all freestanding signs from the property line.
 18. Color sign elevations drawn to scale showing the following:
 - The dimensions and areas of all proposed signage including all primary, incidental, private traffic directional and any other proposed signs.
 - A description of sign and frame materials.
 - Lighting type and intensity.
 19. Elevations of all proposed misc. structures on the property including such things as trash enclosures and fences.
 20. For significant projects, staff may also require the submission of a street profile or a scaled model.

All of the above plans should include the following:

1. Address of the site.
2. Scale and north arrow.
3. Name of the person and/or company that prepared the plan.
4. Date the plan was prepared and/or revised.

All materials included in the application packet, will become exhibits to the official document file. These materials should be able to be reduced to 11 x17 and should be legible at this reduced size.

Review by Staff and Village Board

The Planning and Development staff will review the application for completeness and conformance with the Appearance Review Guidelines and make a recommendation to the Village Board of Trustees for approval, approval with conditions or denial. After the application has been considered complete by staff the request will then be scheduled for consideration by the Village Board of Trustees who will ultimately act on the application. The application will be scheduled for review by the Village Board no later than the second next regular meeting of the Village Board, unless a later a meeting date is mutually agreed upon. To commence **any** type of construction activity prior to Village Board approved is a violation of the Village Code.

Changes After Approval

Changes of any kind to an approved exterior appearance application, without the permission of Village staff are prohibited. Any significant changes to an approved application may require review and approval by the Village Board in the same manner as the original application.

****** From the date of formal application a typical exterior appearance takes approximately three (3) months to process. However, if the application is submitted in conjunction with another application such as a special use or planned unit development request, this process may take longer.

OWNERSHIP BY LAND TRUST

CLEAR PAGE

Date: _____

Address: _____

Legal Description:

--

TRUSTEE: _____ TRUST NO. _____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

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Name: _____ Address: _____

Name: _____ Address: _____

OWNERSHIP BY A CORPORATION

CLEAR PAGE

Date: **03/28/20**Address: **403-407 DUANE ST., GLEN ELLYN, IL 60137**

Legal Description:

**LOT 39 & 40 & 41 & 42 IN BLOCK 5 IN GLENWEOOD, BEING C.A. PHILLIP'S
SUBDIVISION OF PART OF SECTION 10 AND SECTION 11, TOWNSHIP 39
NORTH, RANGE 10 EAST OF 3RD PRINCIPAL MERIDIAN, ACCORDING TO
PLAT.**

LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST
OWNED IN EXCESS OF 5% OF STOCK)

Name: ~~ALAN M. ELSHAFEI TRUST~~ Address: ~~2200 CABOT DR., SUITE # 110 * Lisle, IL 60532~~ % **50**

Name: ~~DAVID VANASSCHE~~ Address: ~~2200 CABOT DR., SUITE # 110 * Lisle, IL 60532~~ % **50**

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

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Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

AFFIDAVIT OF AUTHORIZATION

CLEAR PAGE

I, **DAVID VANASSCHE** _____ owner of the property described as

**LOT 39 & 40 & 41 & 42 IN BLOCK 5 IN GLENWOOD, BEING C.A. PHILLIP'S
SUBDIVISION OF PART OF SECTION 10 AND SECTION 11, TOWNSHIP 39
NORTH, RANGE 10 EAST OF 3RD PRINCIPAL MERIDIAN, ACCORDING TO
PLAT THEREOF RECORDED AUGUST 22, 1873 AS DOCUMENT 16688**

verify that **SHAFIC M. BUDRON / ALLIED DESIGN-BUILD, INC.** _____

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

David Vanassche

OWNER SIGNATURE

Subscribed and sworn to before me this

20th day of March, 2020

Notary Public

KENIA Y BENAVIDES
NOTARY PUBLIC
REGISTRATION # 7689867
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JULY 31, 2020

Attachment: 18. Application for Exterior Appearance Review (4537 : 403-407 Duane Street Townhomes)

Allied Design-Build, Inc.

8249 Ripple Ridge * Darien, IL 60561
Email: adb@agssi.com T: (847) 489-7999

06/24/20

11. Narrative Statement / Use Description:

The proposed 4 unit 3 story townhome project will sit on approx. 10,000 S.F. (+-.23 acres) located on South side of Duane St. one lot West of Melrose Ave. The buildings total square footage is 9,661.2 S.F (2,415.3 S.F./ unit) slab on grade wood framed structure meeting all required energy codes. The ground floor consists of a 2 car (stacked) garage, front entry, mechanical closet and unit storage. The main floor consists of living/dining area, kitchen with full range of appliances, $\frac{3}{4}$ bath (shower in lieu of tub) and bedroom #1. Each unit will have an 18.5'X8' wood deck from the living/dining area with a stair down to finished grade. The upper level will consist of a master bedroom with full bath, bedroom #3, a hall full bath and a laundry facility.

The exterior will have brick along the ground floor elevations at the North (front), East & West (sides) and the South (rear). The main level and up to 2/3 of the upper level will have fiber cement siding with fiber cement trim boards at corners and around windows. The top 1/3 of the upper level will have fiber cement panels in a smooth finish with manufacturers accompanying reveals at all joints. Units entries have a shared walk. Wall finish at entries above the ground floor will have fiber cement panels w/ reveals. All gable ends will also have fiber cement panels w/ reveals. Entry doors will be insulated panel doors with a clear story window above. A canopy will be over the entry with decorative brackets separating the unit entry doors. Garage doors will be insulated metal panel doors blending with the design of the structure. Windows will be insulated glass vinyl casement windows. Roof will have architectural grade asphalt shingles. The South (rear) elevation will have a stained wood deck for each unit with a stair exiting down to grade. AC condensing units will be located at the South elevation under each unit's deck.

Exterior lighting will consist of a LED can light located in the canopy over each unit's front entry. In addition, there will be an LED wall mtd. sconce at each side of each garage door. The South elevation will have the same wall sconce that is at each garage located at each end of deck access from the living/dining area. Located under the deck at the man door to the garage will be a small LED wall mtd. sconce. All light fixtures (as shown by our fixture cut sheets) are of a architectural design befitting with the design of the structure.

Site landscaping has been professionally designed with a mixture of species fitting the caliber required in Glen Ellyn.

Driveways will be pavers and sidewalks and stoops will be concrete.

All mechanical equipment and appliances will meet Energy Star requirements.

No trash enclosures separate from building are required. Each unit will have their own trash storage and removal.

Allied Design-Build, Inc.

8249 Ripple Ridge * Darien, IL 60561
Email: adb@agssi.com T: (847) 489-7999

06/23/20

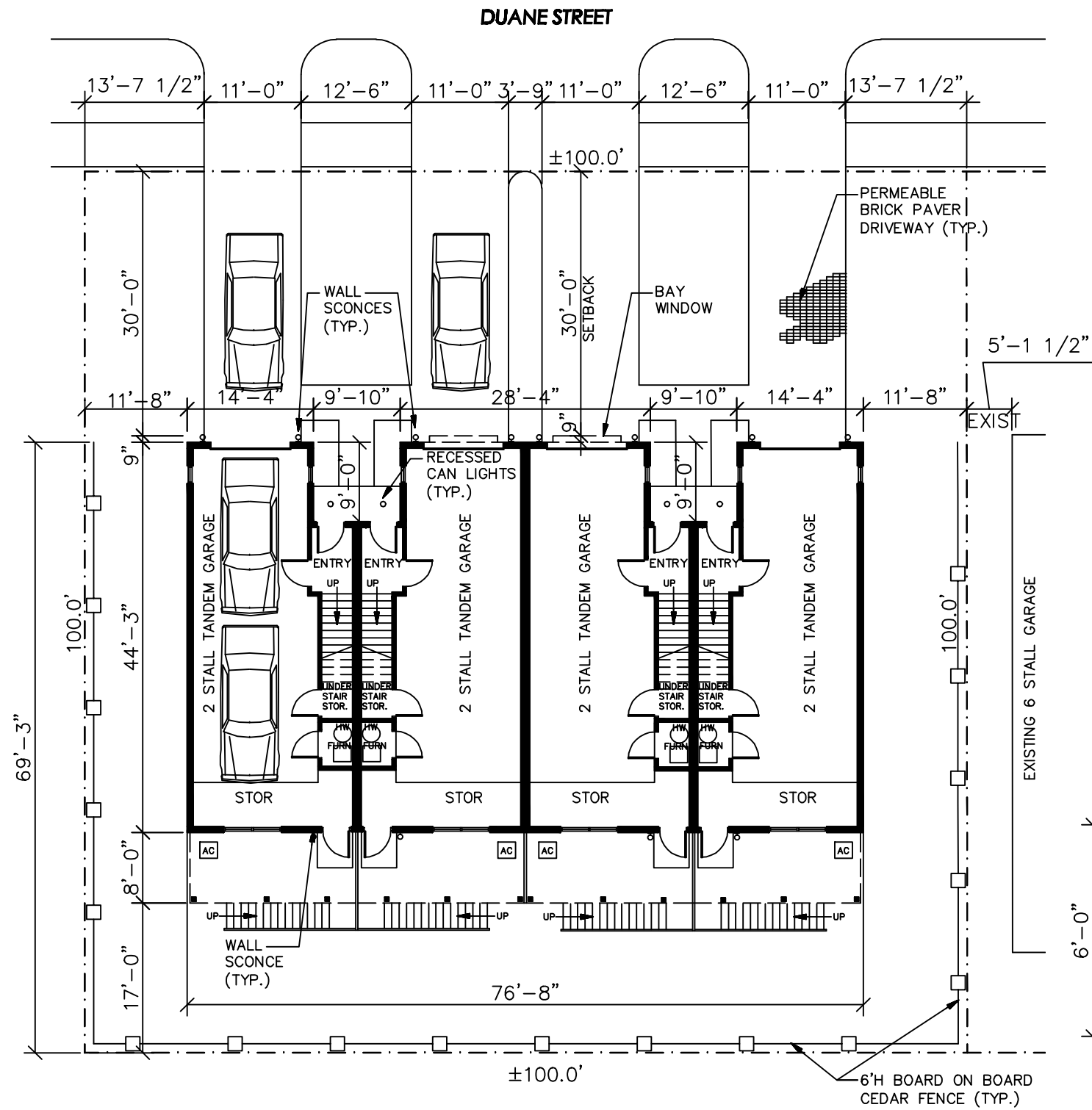
16. Quantitative Summary:

- Site Area: - 10,000 S.F., 0.23 Acre.
- Building Square Footage – 3 story - 9,661 S.F. Total (3,220.4 S.F./floor), Each Unit – 2,415.3 S.F.
- Building Lot Coverage – 3,220.4 S.F. / 10,000 S.F. = 32.2%
- Front Yard Hard Surface - FY= 30.75'X100'= 3,075 S.F. + 184 (Recessed Entrances)
Hard surface = 1,550 S.F. / 3,259 S.F. = 47.5%.
- Green Area – 3,220.4 S.F. + 1,485 S.F. = 4,705 S.F./10,000 = 47.%.

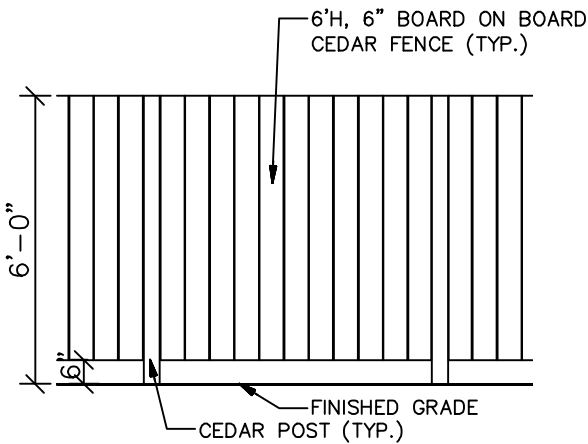
Attachment: 20. Quantitative Summary (4537 : 403-407 Duane Street Townhomes)

PROPOSED TOWNHOMES

403-407 DUANE ST.
GLEN ELLYN, ILLINOIS



SITE DATA	
SITE AREA	±10,000 S.F. ±0.23 ACRES
OUTSIDE UNITS (2)	2,415.3 S.F. EA.
MIDDLE UNITS (2)	2,415.3 S.F. EA.
4 UNIT TOWNHOMES TOTAL	9,661.2 S.F.
CAR STALLS GARAGE	8 STALLS
CAR STALLS SURFACE	4 STALLS
FRONT YARD HARD SURFACE	47.5%



Site / Ground Floor Plan

1/16" = 1'-0"

(4) 3 BEDROOM TOWNHOMES

Partial Fence Elev.

1/4" = 1'-0"

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DESIGN-BUILD, INC.
TRUST + QUALITY + VALUE
BURR RIDGE, ILLINOIS
email: adb@agssi.com

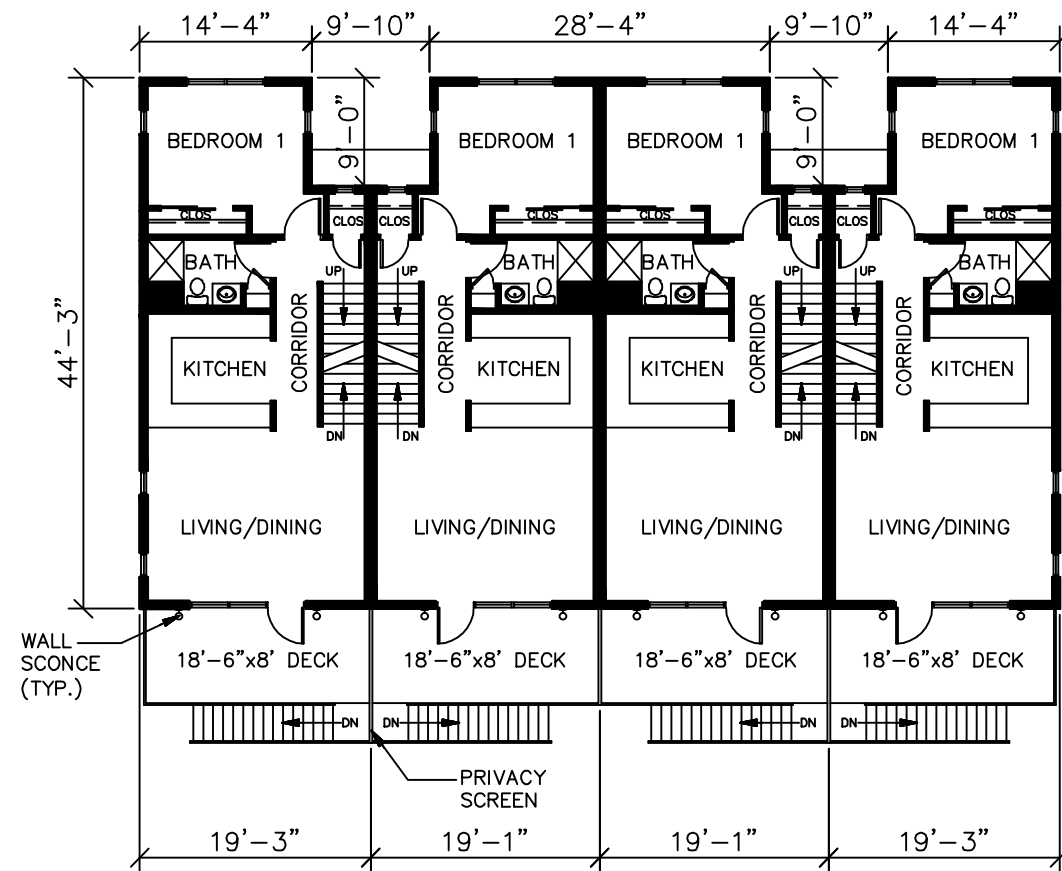
PROJECT NO. 1826

DATE
6/23/20

SHEET
P-1R

PROPOSED TOWNHOMES

403-407 DUANE ST.
GLEN ELLYN, ILLINOIS



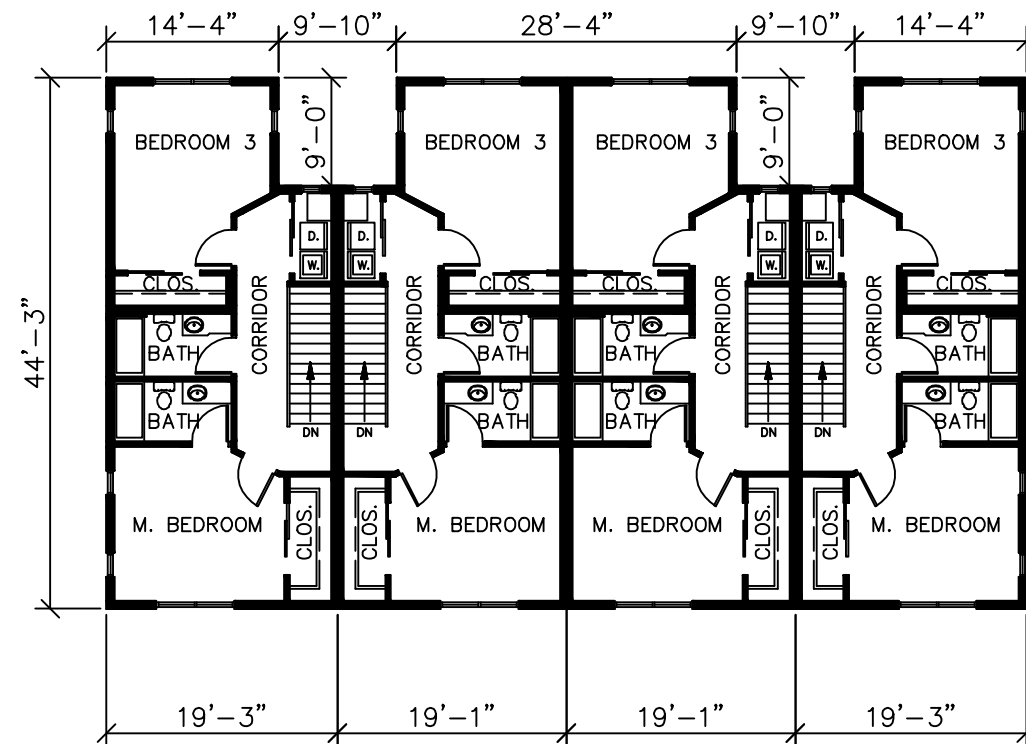
Main Floor Plan

1/16" = 1'-0"

(4) 3 BEDROOM TOWNHOMES

BUILDING DATA

(4) 3 BEDROOM UNITS 2,415.3 S.F.
EACH UNIT HAS 2 GARAGE STALLS,
1 SURFACE STALL,
BULK STOR.
GARAGE & UNDER STAIR 170.2 S.F.



Upper Floor Plan

1/16" = 1'-0"

(4) 3 BEDROOM TOWNHOMES

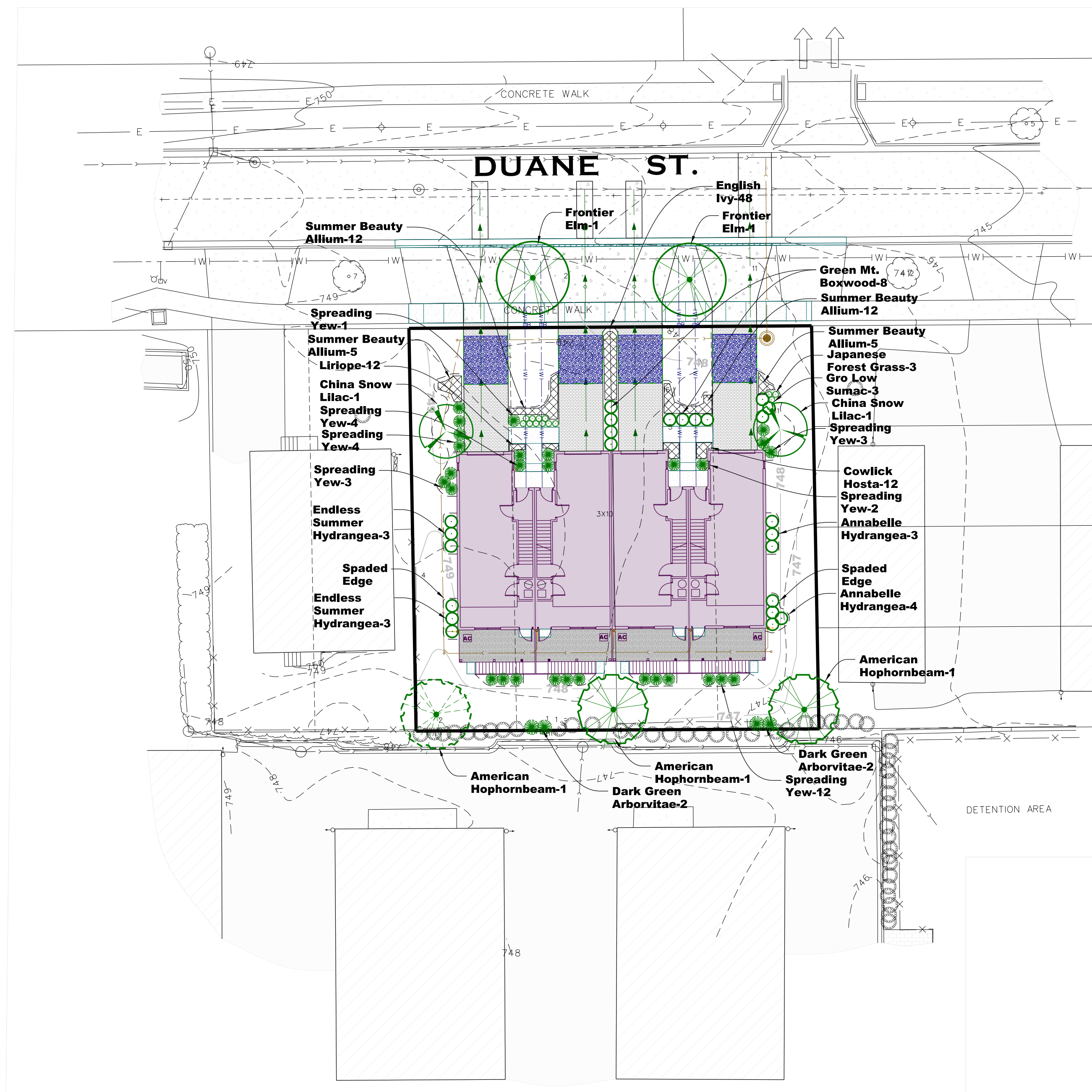
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P-2R

PROPOSED TOWNHOMES

DUANE ST. & MELROSE AVE.
GLEN ELLYN, ILLINOIS

PLANT LIST

Trees	Qty./Root Form/Size
American Hophornbeam <i>Ostrya virginiana</i>	3/b&b/2.5"
China Snow Lilac <i>Syringa pekinensis</i> 'China Snow'	2/b&b/6' clump
Frontier Elm <i>Ulmus parvifolia</i> 'Frontier'	2/b&b/2.5"
Shrubs	
Green Mt. Boxwood <i>Buxus</i> 'Green Mt.'	8/b&b/30"
Annabelle Hydrangea <i>Hydrangea arborescens</i> 'Annabelle'	7/B&b/30"
Endless Summer Hydrangea <i>Hydrangea macrophylla</i> 'Endless Summer'	6/b&b/30"
Gro Low Sumac <i>Rhus aromatica</i> 'Gro Low'	3/bb/30"
Spreading Yew <i>Taxus media</i> 'Dark Green Spreader'	29/b&b/30"
Dark Green Arborvitae <i>Thuja occidentalis</i> 'Nigra'	4/6'/b&b
Perennials and Grasses	
Summer Beauty Allium <i>Allium tanguticum</i> 'Summer Beauty'	34/pot/1 gal.
Japanese Forest Grass <i>Hakonechloa macra</i>	3/pot/1 gal.
English Ivy <i>Hedera helix</i>	48/pot/3"
Cowlick Hosta <i>Hosta</i> 'Cowlick'	12/pot/1 gal.
Liriope <i>Liriope spicata</i>	12/pot/ 1 qt.

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DATE
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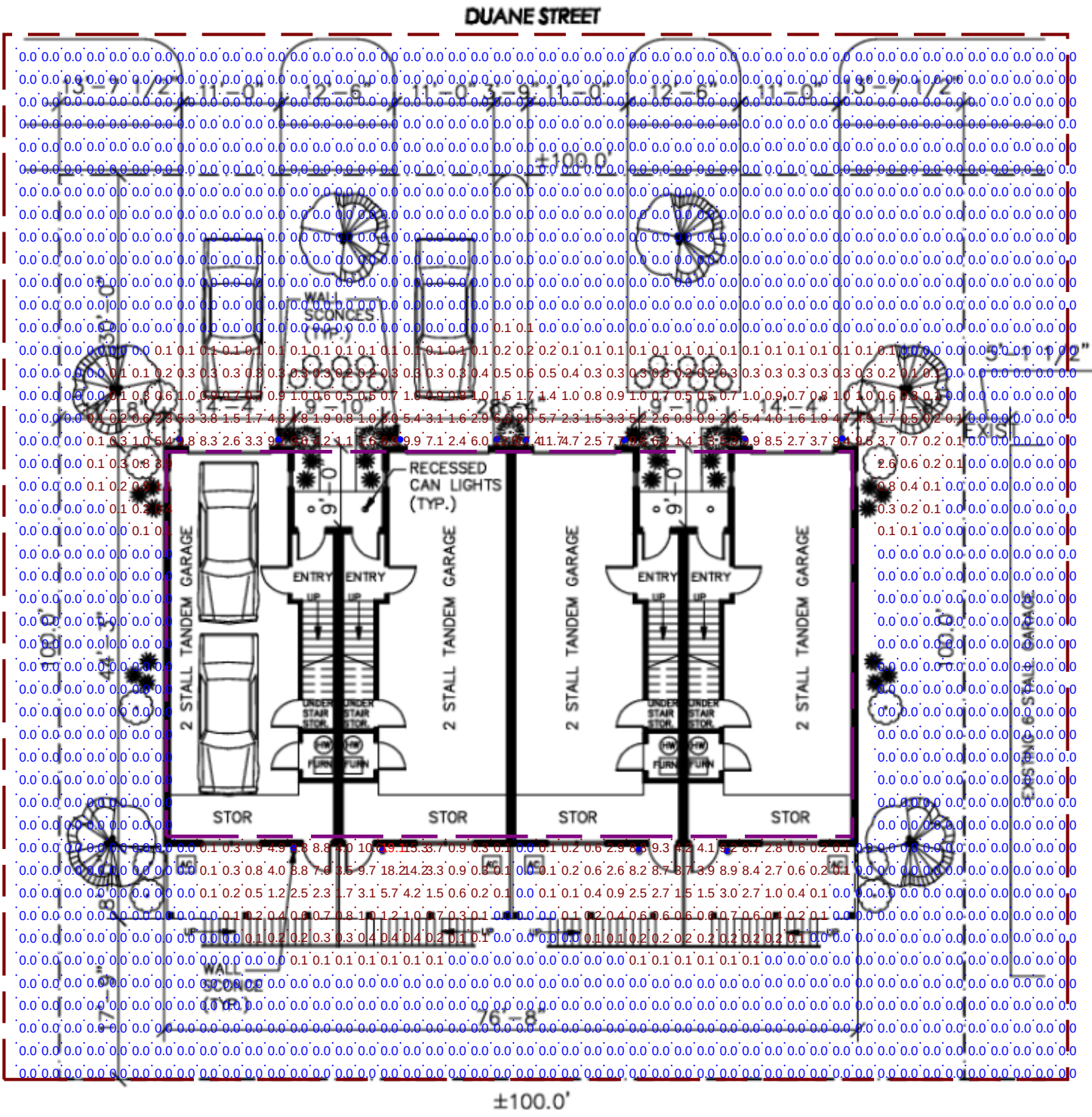
Landscape Plan

1"=20'



PROPOSED TOWNHOMES

403-407 DUANE ST.
GLEN ELLYN, ILLINOIS



SITE DATA	
SITE AREA	±10,000 S.F. ±0.23 ACRES
4 UNIT TOWNHOMES	9,801.0 S.F.
CAR STALLS GARAGE	8 STALLS
CAR STALLS SURFACE	4 STALLS
FRONT YARD HARD SURFACE	47.5%

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P-1R



Site / Ground Floor Plan

1/16" = 1'-0"

(4) 3 BEDROOM TOWNHOMES

Plan View

Schedule											
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
	A	13	TECH LIGHTING	700OWAST14ZLED930	LED WALL OUTDOOR	LED	1	103643585CHI-004 TECH LIGHTING 700OWAST14ZLED930 0 MERGED.IES	1001	0.95	13.7

Glen Ellyn Town Homes

Designer	lac
Date	3/19/2020
Scale	Not to Scale
Drawing No.	

Summary	
---------	--



Fallbrook Collection 13" High Bronze Outdoor Wall Light

\$179.99

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THE NATION'S LARGEST LIGHTING RETAILER

Search



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Similar Designs ^



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\$149.99



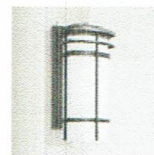
\$129.99



\$169.99



\$129.99



\$169.99



\$149.95

Home / Outdoor Lighting / Contemporary / Franklin Iron Works / Fallbrook Collection 13" High Bronze Outdoor Wall Light

[View All Outdoor Lighting](#)



MOST POPULAR

Fallbrook Collection 13" High Bronze Outdoor Wall Light - Style # 4M757

14 Reviews | 8 Questions, 17 Answers

\$179.99

Comparable Value \$269.99

FREE SHIPPING & **FREE RETURNS*** | [Low Price Guarantee](#)

SHIPS TODAY! (orders by 4 PM Central)

1

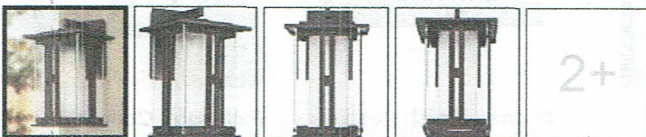
ADD TO CART

SAVE

☐ Add Installation by Handy | [How It Works](#)

Redecorate an outdoor space with the sleek, modern style of this bronze-and-glass wall light fixture.

MORE DETAILS >



2+

BOTH SIDES GARAGE
DOORS & BOTH SIDES
PATIO DOORS



CHAT

VIEW IN YOUR ROOM

Attachment: 25. Light Fixture Cut Sheets (4537 : 403-407 Duane Street Townhomes)



3600 N. Lockwood Ridge Road
Sarasota, FL 34234



941-355-2550
Fax: 941-355-5718



www.franklinlighting.com



info@franklinlighting.com



One Light Outdoor Wall Lantern

Comments: x



\$62.45

List Price: \$124.90

You Save: \$62.45

Item ID: 175710

Finish: **Antique Bronze**

Width: **5.25"**

Height: **7.38"**

TITLE
24

Bulbs

Voltage: 120 V

Qty.	Type	Base	Watt	Incl.	Source	LM.	CCT	CRI	Avg. Life	Dim	Beam
1	A19	Medium	60.00 W	-	-	-	-	-	-	-	-

Details

Safety Listing:	Wet	Weight:	1.60 lb
Safety Rating:	cETL	Connection:	Hardwired
Glass:	Satin Etched	Manufacturer Warranty:	1 Year Warranty for standard fixtures
Canopy:	DP: 0.75" W: 4.5" H: 5" OB UP: 2.5" Rectangular		
Wire:	6.5"		
Extension:	5.75"		

Please be advised that all prices and information shown here are subject to verification by our showroom personnel.
In the event of a discrepancy, we reserve the right to make any corrections necessary.

MAN DOOR TO GARAGE - SOUTH ELEVATION

Attachment: 25. Light Fixture Cut Sheets (4537 : 403-407 Duane Street Townhomes)



RECESSED CAN (LED) @ FRONT DOORS

6 In - 75W Equal - LED Ultra Thin Downlight - Canless - 900 Lumens - 10W - 2700K/3000K/3500K - White

(0) No Reviews yet

On Sale



★ REVIEWS

9.95

Quantity discounts available

SKU: WF6-LL-LED-27K30K35K-90CRI-MW-M6

Brand: Lithonia (/shop-all-brands/lithonia-lighting)

Series/Collection: Lithonia Wafer Series (/search?product-series=Lithonia-Wafer-Series)

Mfr Part Number: WF6 LL LED 27K30K35K 90CRI MW M6

Accessories: View All Lithonia Wafer Accessories (/search?related-product-series=Lithonia-Wafer-Series)

In Stock

Current Stock: 170

Description

The Lithonia WF6 LL LED 27K30K35K 90CRI MW M6 is a 6 inch ultra thin LED recessed downlight with switchable color temperature from 2700K to 3000K to 3...

Brochures & Spec Sheets

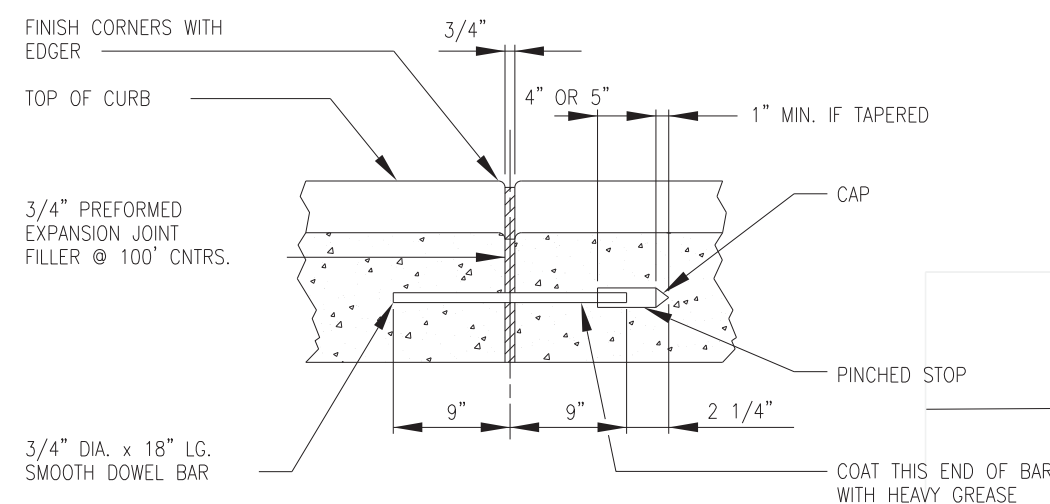
Spec Sheet	Lithonia WF6 LL LED 27K30K35K 90CRI MW M6 Specs (https://s3.amazonaws.com/beeslighting/website+files/specsheets/Lithonia/downlight/lithonia-wf6-switchable-specs.pdf)	Documentation	Lithonia WF6 LI (https://beeslig-switchable-sell)
Documentation	Lithonia Wafer Series 120V Compatible Dimmers (https://beeslighting.s3.amazonaws.com/website+files/specsheets/Lithonia/downlight/lithonia-wf-dimmers.pdf)	Documentation	Lithonia WF6 LI (https://s3.ama-wf8(ultrathinw
Documentation	Lithonia 6" New Construction Pan Installation (https://s3.amazonaws.com/beeslighting/website+files/installation+files/Lithonia/downlight/lithonia-wf-pan-r12-installation.pdf)	Documentation	Lithonia WFJB J (https://s3.ama-wfjb-installation

Electrical & Operational Information

Wattage (W)	10	Lumens	900
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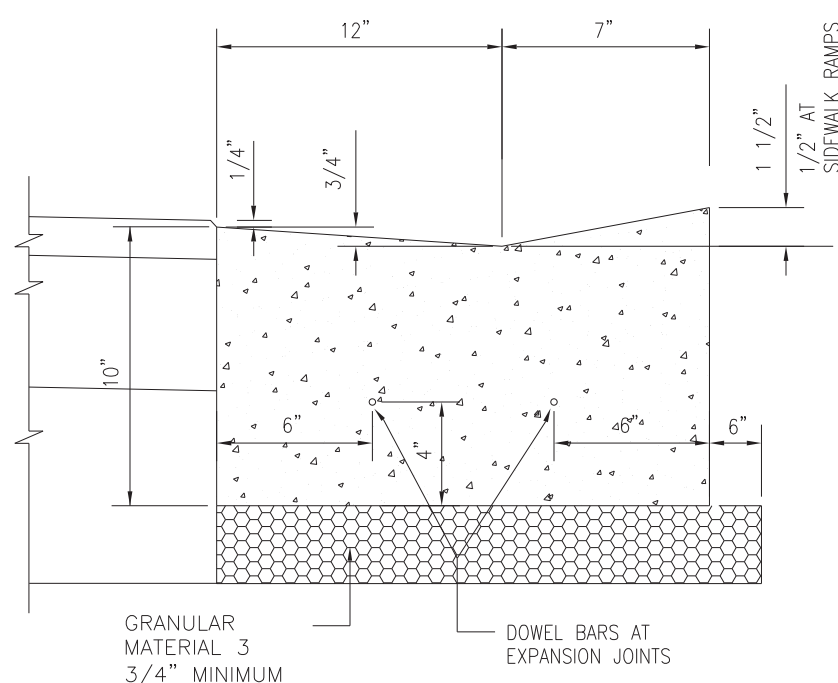
DUANE ST. & MELROSE AVE.
GLEN ELLYN, ILLINOIS



ALL EXPANSION JOINTS SHALL BE PROVIDED WITH A 3/4" DIA. x 18" LONG COATED SMOOTH DOWEL BAR CONFORMING TO ARTICLE 710.14B OF THE STANDARD SPECIFICATIONS. THE DOWEL BAR SHALL BE FITTED WITH A CAP HAVING A PINCHED STOP THAT WILL PROVIDE 1" OF EXPANSION. JOINTS SHALL CONSTRUCTED AT 100 FT. INTERVALS, AT ALL POINTS OF TANGENCY AND AT THE END OF EACH DAY'S POUR. SAWED JOINTS SHALL BE PROVIDED AT 25 FT. INTERVALS.

P.C.C. CURB & GUTTER EXPANSION JOINT DETAIL

NOT TO SCALE

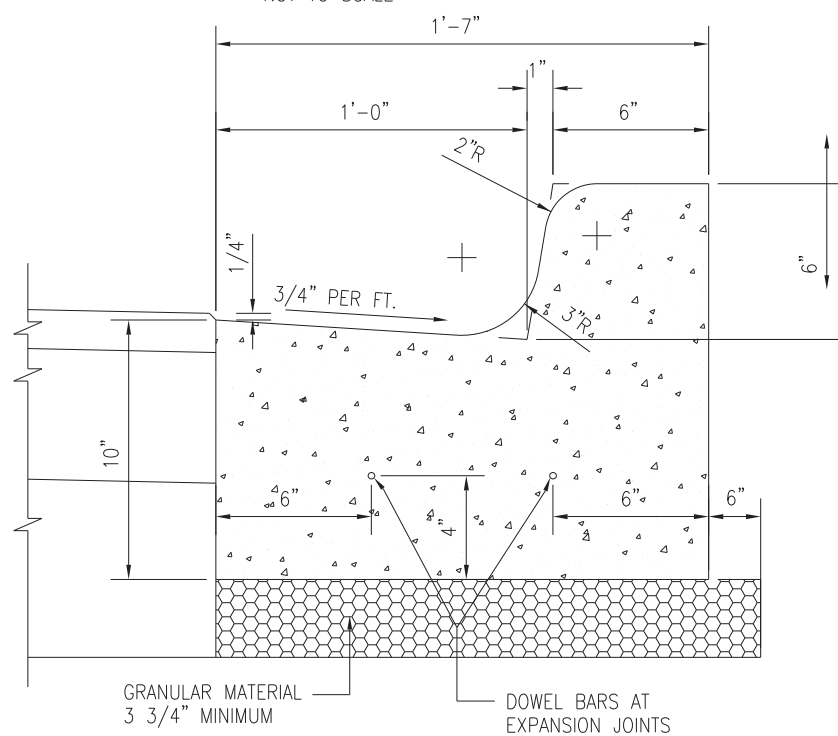


NOTE:

1. INSTALL 2-10' #5 REINFORCING BARS, CENTERED ON ALL TRENCH CROSSINGS.
2. IF REQUIRED, CASTING SHALL BE EJIW 7000 W/ TYPE M3 FLAT GRATE OR APPROVED EQUAL.

DEPRESSED CURB

NOT TO SCALE



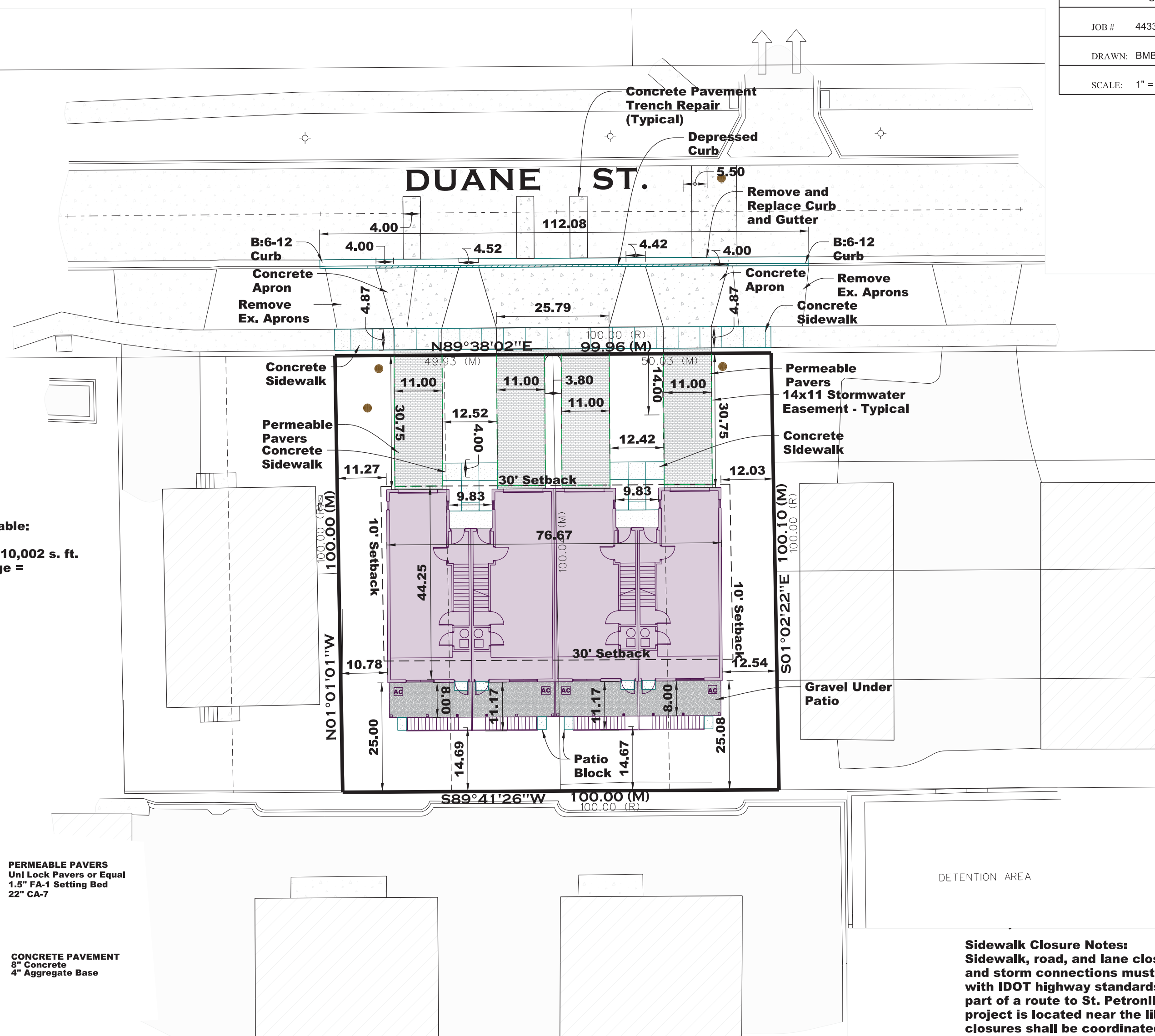
NOTE:

1. INSTALL 2-10' #5 REINFORCING BARS, CENTERED ON ALL TRENCH CROSSINGS.
2. IF REQUIRED, CASTING SHALL BE EJIW 7000 W/ TYPE T BACK & TYPE M1 GRATE OR NEENAH R-3275.

B-6.12
CURB & GUTTER

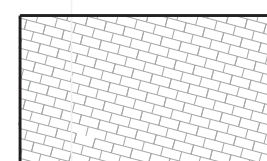
NOT TO SCALE

Layout and Paving Plan

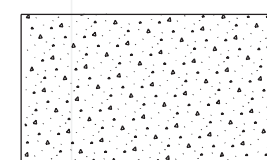
 $1''=20'$ 

Site Data Table:
Zoning R-4
Site Area = 10,002 s. ft.
Lot Coverage =

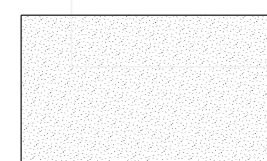
Pavement Legend



PERMEABLE PAVERS
Uni Lock Pavers or Equal
1.5" FA-1 Setting Bed
22" CA-7



CONCRETE PAVEMENT
8" Concrete
4" Aggregate Base



CONCRETE SIDEWALK
5" Concrete
4" Aggregate Base



GRAVEL UNDER PATIO
4" Washed River Rock

Sheet Index

- C-1 Layout and Paving Plan**
- C-2 Grading and Erosion Control Plan**
- C-3 Utility Plan**
- C-4 Civil Details - 1**
- C-5 Civil Details - 2**



STATE OF ILLINOIS)
COUNTY OF DUPAGE)SS

THESE PLANS HAVE BEEN PREPARED UNDER MY
SUPERVISION AND ARE BASED UPON AVAILABLE
INFORMATION.

RAYMOND SIKKEMA
LICENSE EXPIRES 11/30/2021

6/2/2020
DATE

ALLIED
DESIGN-BUILD, INC.

TRUST + QUALITY + VALUE
BURR RIDGE, ILLINOIS
email: adb@agssi.com

PROJECT NO. 44331

DATE
3.20.20

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Section-Township-Range

County: 10-39-10

JOB # 44331

SURV: CB

DRAWN: BMB

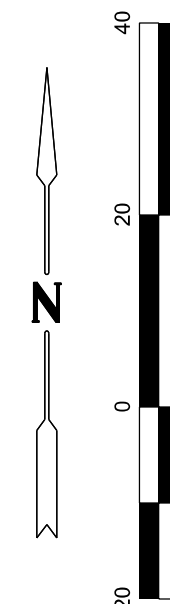
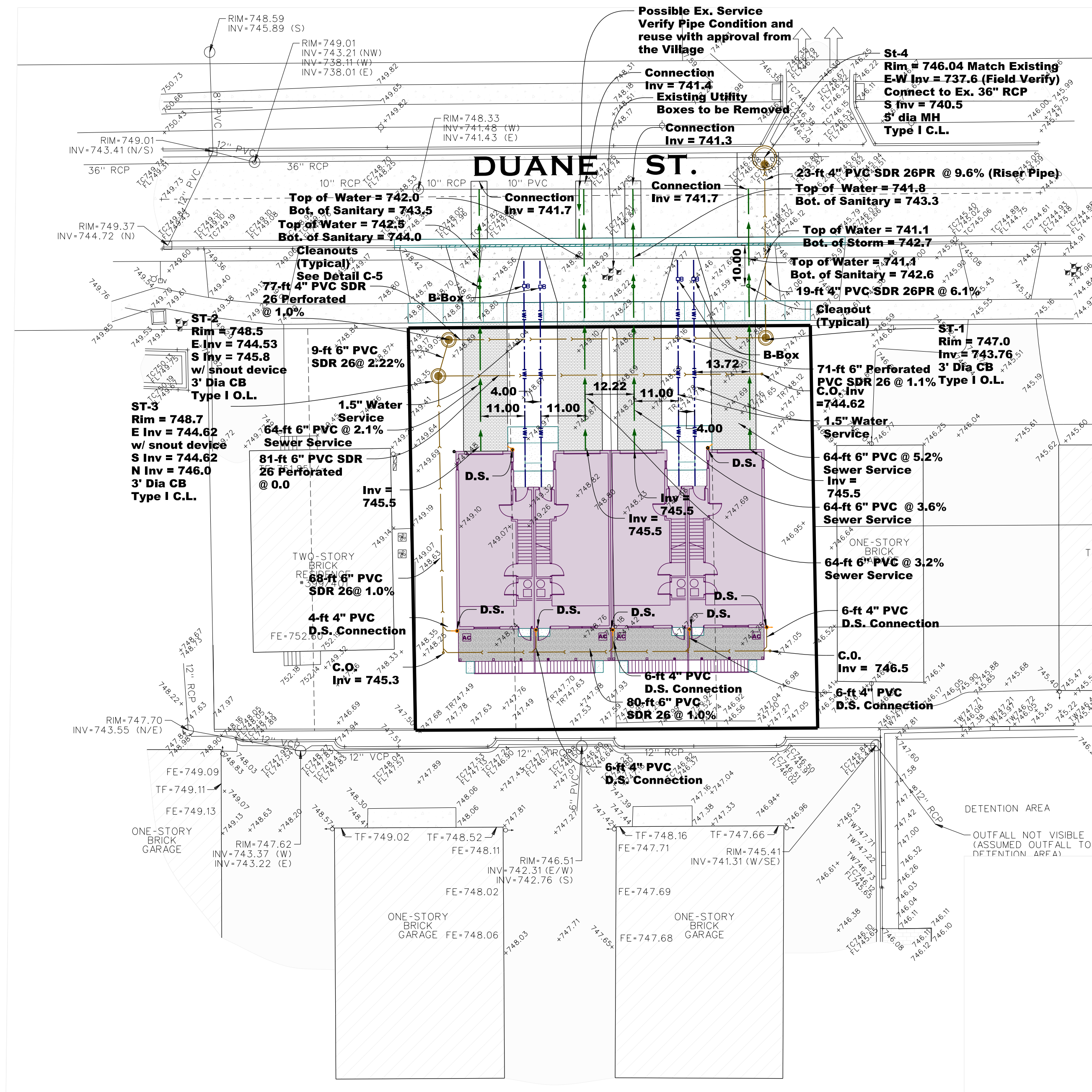
REVIEW: SMR

SCALE: 1" = 20'

DATE: rev. 06-0120

PROPOSED TOWNHOMES

DUANE ST. & MELROSE AVE.
 GLEN ELLYN, ILLINOIS



Village Utility Service Notes:
 Permanent disconnection of the sanitary and water services from the previously existing building may be required in conjunction with the new service installations. Coordination with Public Works is required during the permit stage.

Utility Notes

- Sanitary Sewer Services shall be PVC-SDR 26PR per ASTM D-2241 with ASTM D-3139 Joints for water crossings.
- Water services shall be Type K Copper.
- B-Box shall be per the Village Standard.
- PVC Storm sewer at water crossings shall be PVC-SDR 26PR per ASTM D-2241 with ASTM D3139 Joints.
- The water and storm/sanitary sewer shall have 18" vertical clearance per IEPA standards.

Utility Plan

1"=20'

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County: 10-39-10

JOB # 44331

SURV: CB

DRAWN: BMB

REVIEW: SMR

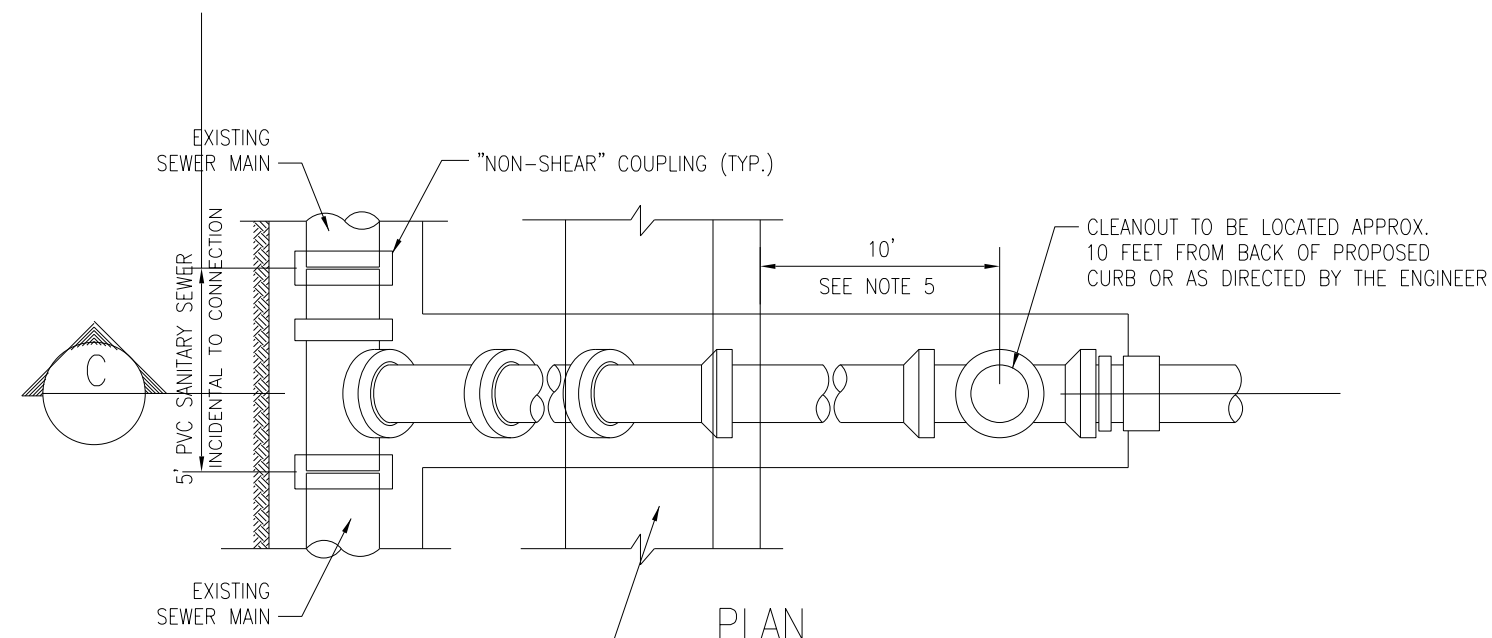
SCALE: 1" = 20'

DATE: rev. 06-0120

EROSION CONTROL NOTES

1. SEDIMENT AND EROSION CONTROL DEVICES SHALL BE FUNCTIONAL BEFORE LAND IS DISTURBED ON THE SITE. MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE ILLINOIS URBAN MANUAL, AS AMENDED.
2. SOIL DISTURBANCE SHALL BE CONDUCTED IN A MANNER THAT MINIMIZES EROSION. AREAS OF THE DEVELOPMENT SITE THAT WILL NOT BE GRADED SHALL BE PROTECTED FROM CONSTRUCTION TRAFFIC OR OTHER DISTURBANCE.
3. CHANNELS AND ADJOINING PROPERTIES SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION. WHERE CONCENTRATED FLOW LEAVES A DEVELOPMENT SITE, EFFECTIVE ENERGY DISSIPATION SHALL BE PLACED ONSITE AT DISCHARGE LOCATIONS.
4. THE USE OF STRAW BALES AS A FILTER BARRIER OR DITCH CHECK IS PROHIBITED.
5. SILT FENCES CAN BE USED TO INTERCEPT SHEET FLOW ONLY. SILT FENCES CANNOT BE USED AS VELOCITY CHECKS IN DITCHES OR SWALES, NOR CAN THEY BE USED WHERE THEY WILL INTERCEPT CONCENTRATED FLOWS.
6. STABILIZATION OF DISTURBED AREAS MUST BE INITIATED WITHIN 1 WORKING DAY OF PERMANENT OR TEMPORARY CESSATION OF EARTH DISTURBING ACTIVITIES AND SHALL BE COMPLETED AS SOON AS POSSIBLE BUT NOT LATER THAN 14 DAYS FROM THE INITIATION OF THE STABILIZATION WORK IN AN AREA. TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES SHALL BE MAINTAINED CONTINUOUSLY UNTIL PERMANENT COVER IS ESTABLISHED.
7. WATER PUMPED OR OTHERWISE DISCHARGED FROM THE SITE DURING CONSTRUCTION DEWATERING SHALL BE FILTERED. PUMPING SEDIMENT LADEN WATER INTO ANY STORMWATER FACILITY THAT IS NOT DESIGNATED TO BE A SEDIMENT TRAP, DRAINAGEWAY, OR OFFSITE AREA EITHER DIRECTLY OR INDIRECTLY WITHOUT FILTRATION IS PROHIBITED.
8. ALL DISCHARGES TO UNDISTURBED AREA, STABILIZED AREA OR WATERCOURSE SHALL BE DESIGNED AT A NON-EROSIVE VELOCITY CORRESPONDING TO THE SOIL AND VEGETATIVE COVER OF THE UNDISTURBED AREA.
9. ALL STORM SEWERS, STORM DRAIN INLETS AND CULVERTS THAT ARE, OR WILL BE FUNCTIONING DURING CONSTRUCTION SHALL BE PROTECTED BY SEDIMENT CONTROL MEASURES. THE SEDIMENT AND EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL THE SITE IS STABILIZED.
10. A STABILIZED CONSTRUCTION ENTRANCE OF AGGREGATE UNDERLAIN WITH FILTER CLOTH, OR GRAVELED ROAD, OR ACCESS DRIVE, OR PARKING AREA OF SUFFICIENT WIDTH AND LENGTH, AND/OR VEHICLE WASH DOWN FACILITIES, SHALL BE PROVIDED TO PREVENT SOIL FROM BEING TRACKED OR DEPOSITED ONTO PUBLIC OR PRIVATE ROADWAYS. ANY SOIL REACHING A PUBLIC OR PRIVATE ROADWAY SHALL BE REMOVED IMMEDIATELY AND TRANSPORTED TO A CONTROLLED SEDIMENT DISPOSAL AREA.
11. TEMPORARY DIVERSIONS SHALL BE CONSTRUCTED, AS NECESSARY, TO DIRECT ALL RUNOFF THROUGH AN EFFECTIVE SEDIMENT CONTROL MEASURE (E.G. SEDIMENT TRAP, SEDIMENT BASIN OR OTHER APPROPRIATE MEASURE).
12. SOIL STOCKPILES SHALL NOT BE LOCATED IN A DRAINAGEWAY, FLOOD PLAIN AREA OR A DESIGNATED BUFFER.
13. STOCKPILES TO REMAIN IN PLACE MORE THAN THREE DAYS SHALL BE PROVIDED WITH SOIL EROSION AND SEDIMENT CONTROL MEASURES.
14. ALL EROSION CONTROL MEASURES SHALL BE KEPT OPERATIONAL AND MAINTAINED CONTINUOUSLY THROUGHOUT THE PERIOD OF LAND DISTURBANCE UNTIL PERMANENT SEDIMENT AND EROSION CONTROL MEASURES ARE OPERATIONAL.
15. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER FINAL STABILIZATION IS ACHIEVED. TRAPPED SEDIMENT AND OTHER DISTURBED SOILS RESULTING FROM TEMPORARY MEASURES SHALL BE PROPERLY DISPOSED OF PRIOR TO PERMANENT STABILIZATION.

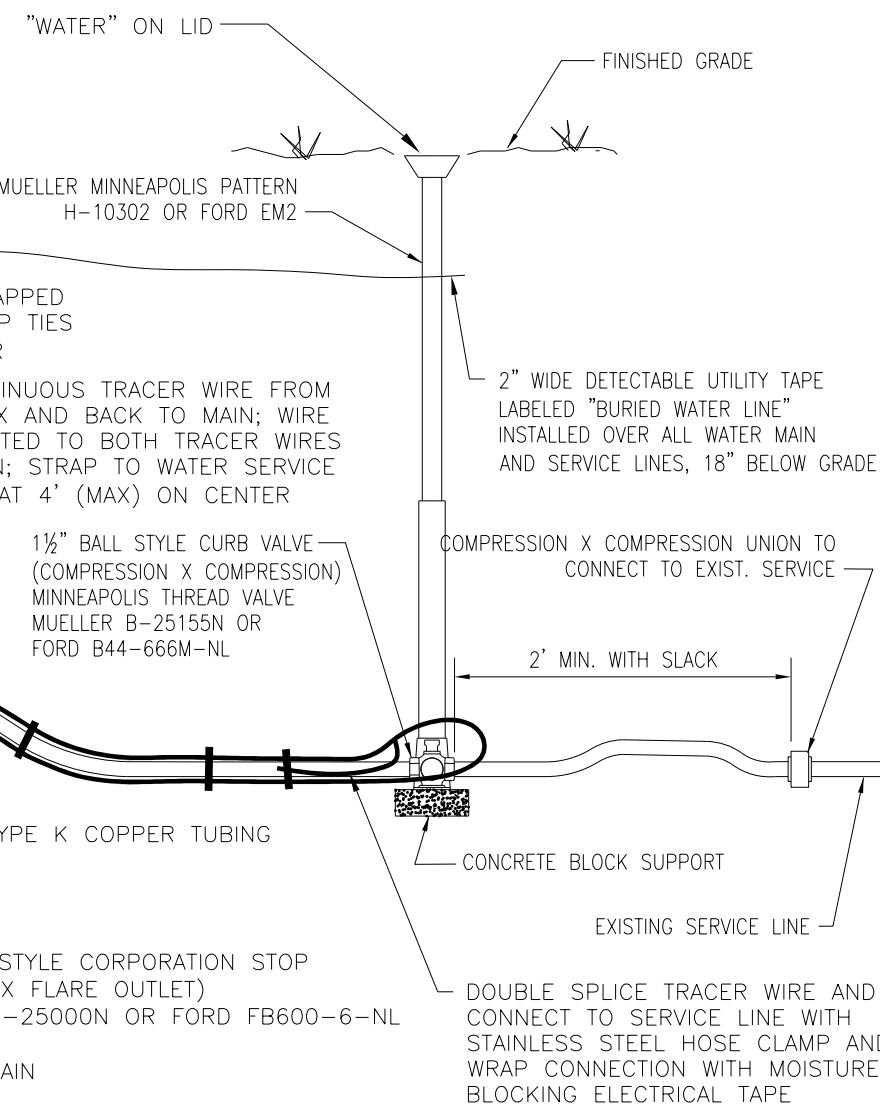
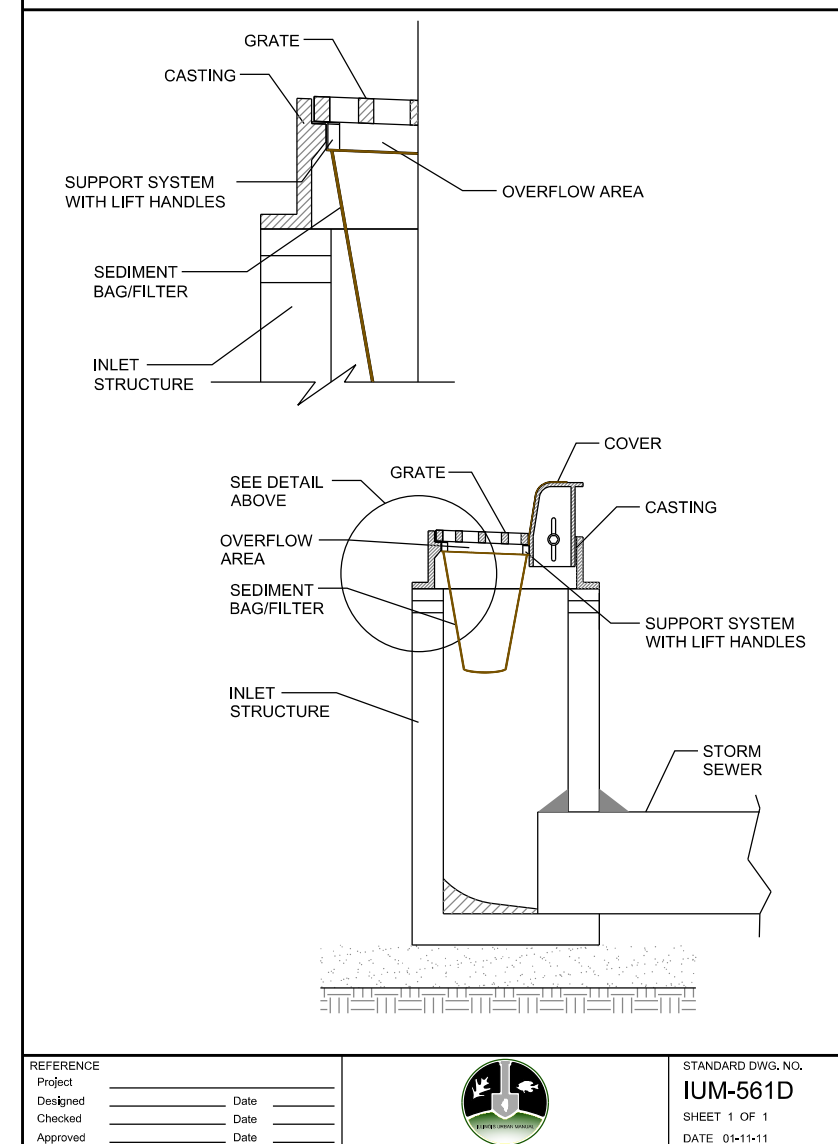
Attachment: 26. Engineering Plans (4537) : 403-407 Duane Street Townhomes

**NOTES:**

1. THE OPEN ENDS SHALL BE PROTECTED FROM DEBRIS ENTERING THE LATERAL.
2. MAXIMUM SLOPE SHALL BE LESS THAN 1:1 WHEN IT IS NECESSARY TO SECURE BEDDING IN UNDISTURBED EARTH.
3. REPAIR ADDITIONAL LENGTH OF SEWER AS DIRECTED BY ENGINEER. PAID FOR AS "SANITARY SEWER SERVICE PIPE, 6\"/>

SECTION CSANITARY SEWER SERVICE CONNECTION (EXISTING MAIN)

NOT TO SCALE

**INLET PROTECTION - PAVED AREAS
DROP-IN PROTECTION****NOTES:**

1. SERVICE SADDLE AS PER SPECIFICATIONS, IS REQUIRED AS FOLLOWS:
FOR CAST IRON OR PVC WATER MAIN, USE STAINLESS STEEL SMITH-BLAIR 372 SERIES
FOR DUCTILE WATER MAIN, USE BRONZE DOUBLE STRAP MUELLER BR2B SERIES
2. THE WATER MAIN SERVICE FITTINGS & B-BOX SHALL BE AS APPROVED BY THE GLEN ELLYN WATER DEPARTMENT AND SHALL BE INCIDENTAL TO THE COST OF "WATER SERVICE CONNECTION" PAY ITEMS.

WATER SERVICE CONNECTION

NOT TO SCALE

Civil Details

1"=20'

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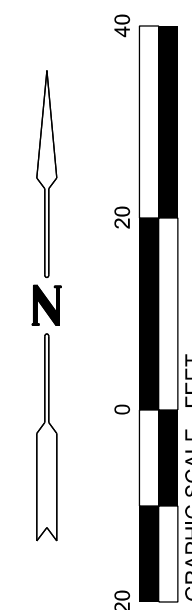
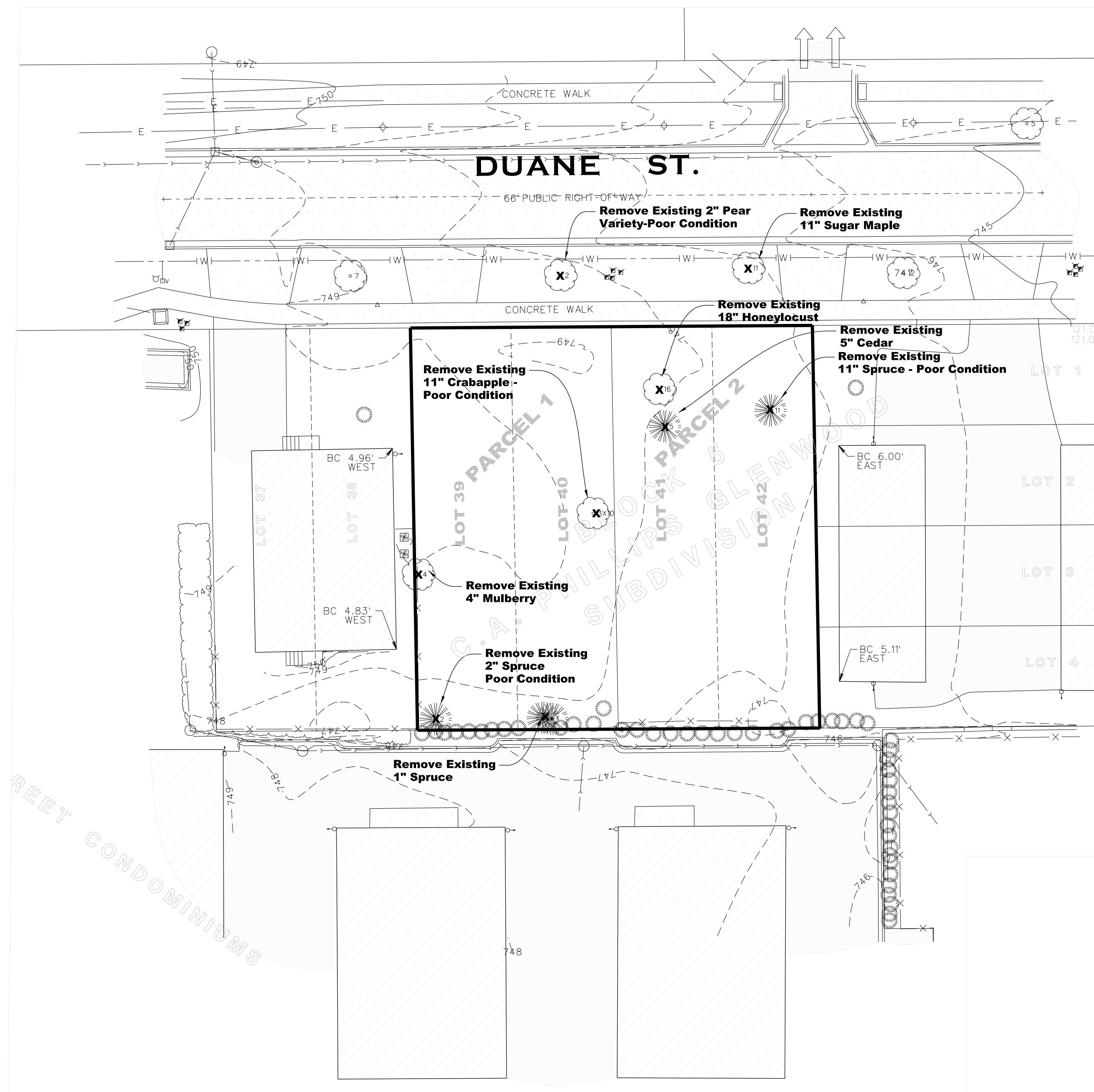
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PROPOSED TOWNHOMES

DUANE ST. & MELROSE AVE.
 GLEN ELLYN, ILLINOIS



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 BURR RIDGE, ILLINOIS
 email: adb@agssi.com

PROJECT NO. 44331

DATE
 3.20.20

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Tree Preservation Plan

1"=20'

Randall Bees*Architectural Design*

121 Berkshire Ct.
 Glendale Hts., IL 60139
 P# 847.471.9567

June 23, 2020

BUILDING HEIGHT CALCULATION

Re: 4 Unit Townhomes
 403-407 Duane St
 J#1826

Attached sketch shows the four (4) points calculated from existing grades on the site to determine the maximum allowable height of 35'-0" above finished existing grades. Points are calculated off the 4 outer corners of the proposed building at the side yard setback line per ordinance requirements. Architect & Civil Engineer have calculated these elevations to be:

Northwest Corner - +749.5'

Northeast Corner - +747.5'

Southwest Corner - +748.4'

Southeast Corner - +747.1'

The average existing grade to use as the base elevation is calculated by adding the four elevations together and dividing by four.

$$749.5 + 747.5 + 748.4 + 747.1 = 2,992.5 / 4 = \underline{+748.125'} : 748.125 + 35'-0" \text{ (max. Bldg. Ht. Allowed)} = \underline{+783.125"}$$

Height of proposed Bldg.: Fin. Floor Elev. +749.5' + 35.46' (35'-5 1/2"; proposed ht. of Bldg.) = +784.96'

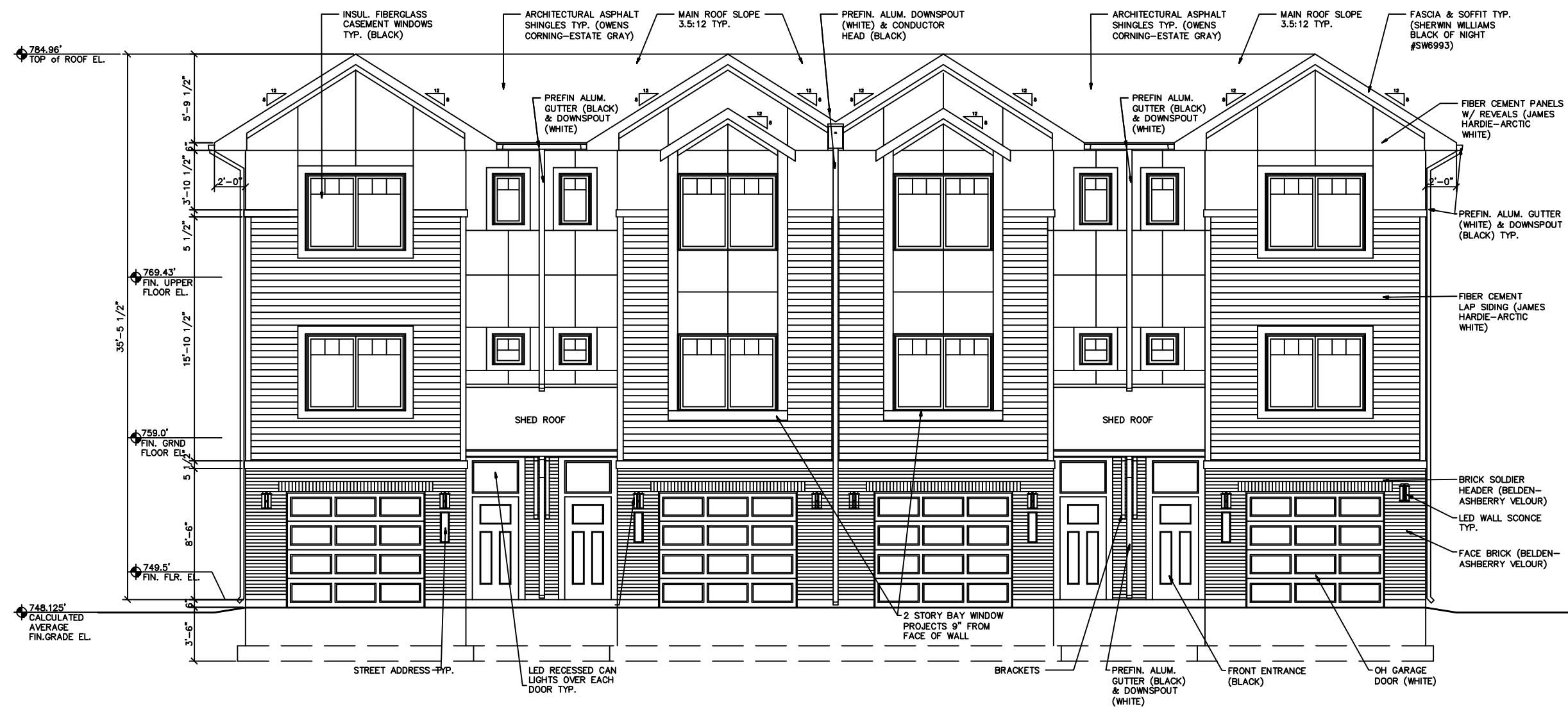
Therefore: 784.96 – 783.125 = 1.8335' (1'-10") taller than allowed

Sincerely,



Randall P. Bees, AIA

Attachment: 28. Building Height Calculation (4537 : 403-407 Duane Street Townhomes)

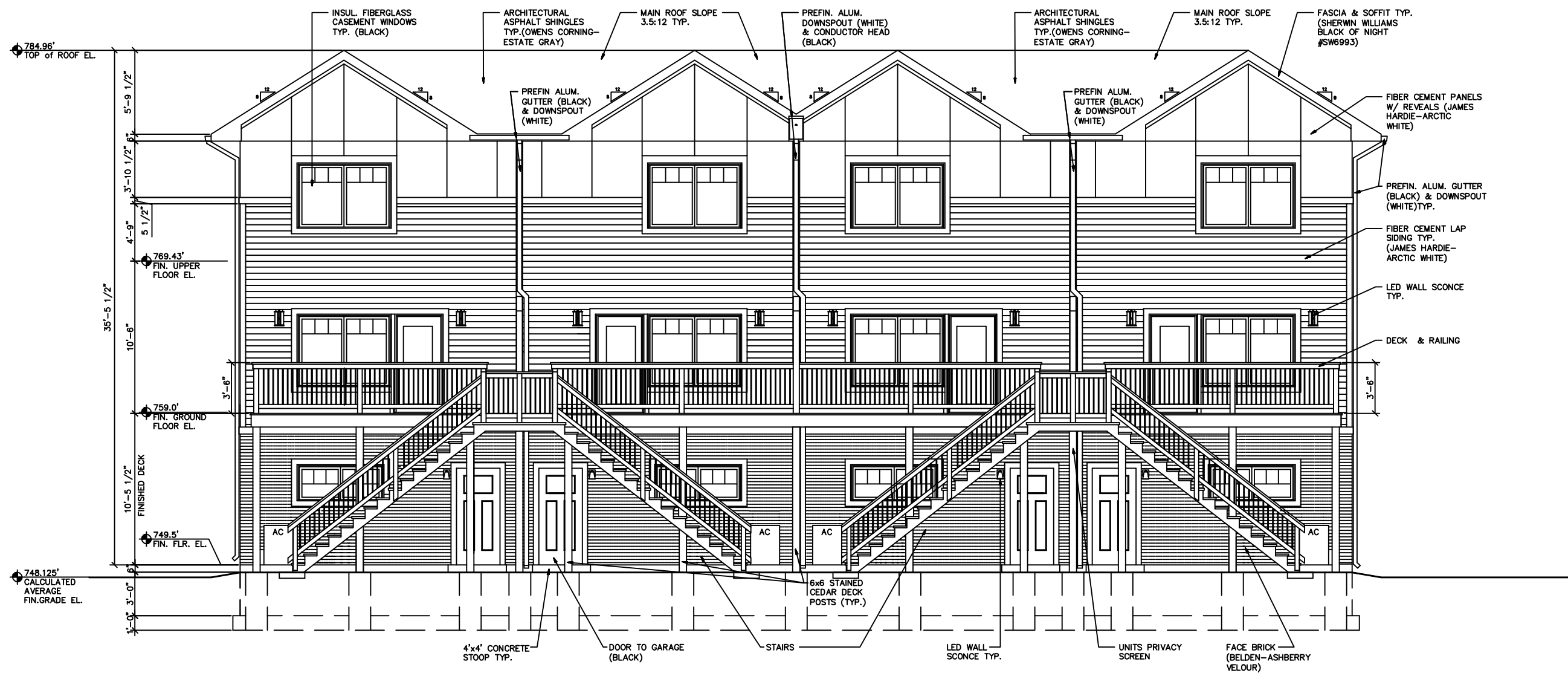


Attachment: 29. Building Elevation (all sides) (4537 : 403-407 Duane Street Townhomes)

**ALLIED
DESIGN-BUILD, INC.**
TRUST + QUALITY + VALUE
BURR RIDGE, ILLINOIS
email: adb@agssi.com

PROJECT NO. 1826

DATE
6/25/20SHEET
P-3R



SOUTH ELEVATION

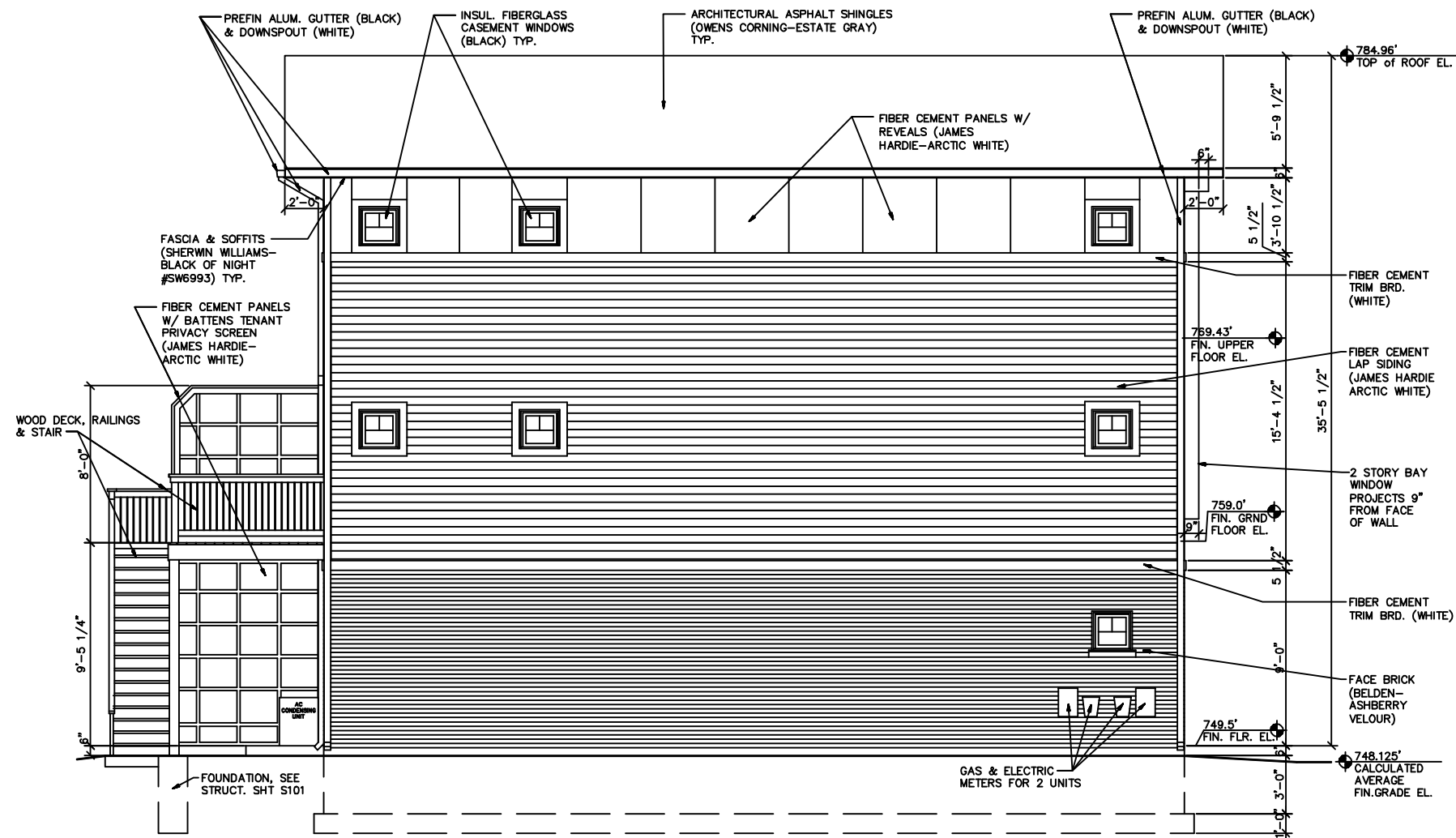
1/8" = 1'-0" REVISED SCHEME BASED
ON CITY COMMENTS

**ALLIED
DESIGN-BUILD, INC.**
TRUST + QUALITY + VALUE
BURR RIDGE, ILLINOIS
email: adb@agssi.com

PROJECT NO. 1826

DATE
6/25/20

SHEET
P-4R



EAST ELEVATION

1/8" = 1'-0" REVISED SCHEME BASED
ON CITY COMMENTS

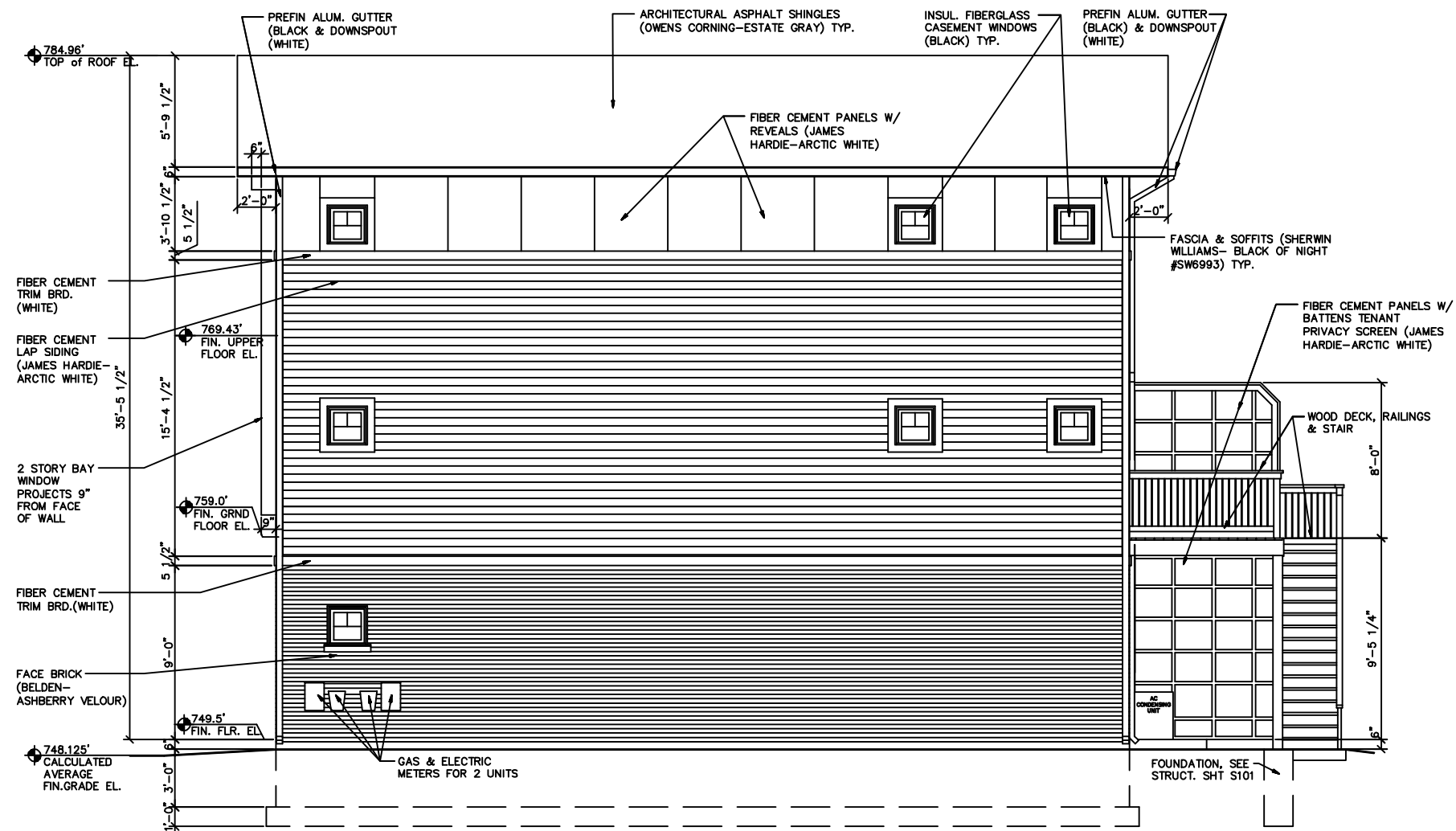
Attachment: 29. Building Elevation (all sides) (4537 : 403-407 Duane Street Townhomes)

**ALLIED
DESIGN-BUILD, INC.**
TRUST + QUALITY + VALUE
BURR RIDGE, ILLINOIS
email: adb@agssi.com

PROJECT NO. 1826

DATE
6/25/20

SHEET
P-5R



WEST ELEVATION

1/8" = 1'-0" REVISED SCHEME BASED
ON CITY COMMENTS

**ALLIED
DESIGN-BUILD, INC.**
TRUST + QUALITY + VALUE
BURR RIDGE, ILLINOIS
email: adb@agssi.com

PROJECT NO. 1826

DATE
6/25/20

SHEET
P-6R



Attachment: 30. Color Rendering (4537 : 403-407 Duane Street Townhomes)



Attachment: 30. Color Rendering (4537 : 403-407 Duane Street Townhomes)

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

THIS INSTRUMENT NO. _____ WAS FILED FOR

RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, AFORESAID,

ON THE _____ DAY OF _____, A.D. 20____, AT _____O'CLOCK _____M.

P.I.N.

05-11-323-002
05-11-323-003

SURVEYOR CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

THIS IS TO CERTIFY THAT WEBSTER, McGRATH and AHLBERG, LTD., HAVE PLATTED FOR ASSESSMENT PURPOSES THE ABOVE DESCRIBED PROPERTY, AS SHOWN BY THE ANNEXED PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID ASSESSMENT.

ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,

WEBSTER, McGRATH and AHLBERG, LTD.

BY: _____

ILLINOIS SURVEYOR NO. _____
LICENSE EXPIRES: NOVEMBER 30, 2020
207 SOUTH NAPERVILLE STREET
WHEATON, ILLINOIS 60187
PHONE: (630) 668-7603

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

I, THE UNDERSIGNED, AS COUNTY CLERK OF DU PAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID OR FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND DEPICTED HEREON.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE PLAT DEPICTED HEREON.

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

COUNTY CLERK _____

PLEASE TYPE/PRINT NAME _____

OWNER CERTIFICATE (UNIT 1)

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

THIS IS TO CERTIFY THAT _____ AS OWNER OF THE PROPERTY DESCRIBED IN THE ANNEXED PLAT, HAS CAUSED THE SAME TO BE PLATTED AS INDICATED HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

WE FURTHER CERTIFY THAT THE PROPERTY HEREIN CONSOLIDATED LIES WITHIN SCHOOL DISTRICTS: _____

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,

BY: _____
TITLE: _____

ATTEST: _____
TITLE: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF _____) SS

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ AND ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH _____ AND _____ APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH AND THE SECRETARY DID ALSO THEN AND THERE AKNOWLEDGE THAT HE, AS CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX SAID CORPORATE SEAL TO SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,

BY: _____
NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

OWNER CERTIFICATE (UNIT 2)

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

THIS IS TO CERTIFY THAT _____ AS OWNER OF THE PROPERTY DESCRIBED IN THE ANNEXED PLAT, HAS CAUSED THE SAME TO BE PLATTED AS INDICATED HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

WE FURTHER CERTIFY THAT THE PROPERTY HEREIN CONSOLIDATED LIES WITHIN SCHOOL DISTRICTS: _____

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,

BY: _____
TITLE: _____

ATTEST: _____
TITLE: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF _____) SS

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ AND ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH _____ AND _____ APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH AND THE SECRETARY DID ALSO THEN AND THERE AKNOWLEDGE THAT HE, AS CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX SAID CORPORATE SEAL TO SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,

BY: _____
NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

COMMON AREA

THAT PART OF LOT ONE IN THE TOWNHOMES AT DUANE STREET PLAT OF CONSOLIDATION OF LOTS 39,40,41 AND 42 IN GLENWOOD, BEING C.A. PHILIPS SUBDIVISION IN PART OF SECTION 10 AND PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED _____ AS DOCUMENT _____ IN DUPAGE COUNTY, ILLINOIS.

UNIT 1

EXCEPT THEREOF UNITS 1, 2, 3 AND 4 DESCRIBED AS FOLLOWS:

THAT PART OF LOT ONE IN THE TOWNHOMES AT DUANE STREET PLAT OF CONSOLIDATION OF LOTS 39,40,41 AND 42 IN GLENWOOD, BEING C.A. PHILIPS SUBDIVISION IN PART OF SECTION 10 AND PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED _____ AS DOCUMENT _____ IN DUPAGE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF SAID LOT 1, THENCE EAST ALONG THE NORTH LINE OF SAID LOT ONE A DISTANCE OF 11.62 FEET; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 30.75 FEET TO A CORNER OF CONCRETE WALL AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH ALONG THE LAST DESCRIBED COURSE AND THE FACE OF A CONCRETE WALL A DISTANCE OF 44.25 FEET TO A CORNER OF A CONCRETE WALL; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A CONCRETE WALL A DISTANCE OF 0.33 FEET TO A CORNER OF A WOOD DECK; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A WOOD DECK A DISTANCE OF 5.00 FEET TO A CORNER OF A WOOD DECK; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A WOOD DECK A DISTANCE OF 1.89 FEET; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A WOOD DECK A DISTANCE OF 3.17 FEET TO CORNER OF A WOOD DECK; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A WOOD DECK A DISTANCE OF 17.02 FEET TO THE CENTERLINE OF A CONCRETE FOUNDATION WALL EXTENDED SOUTH; THENCE NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A WOOD DECK AND THE CENTERLINE OF SAID CONCRETE WALL EXTENDED SOUTH A DISTANCE OF 46.42 FEET TO CORNER OF A FOUNDATION WALL; THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A FOUNDATION WALL A DISTANCE OF 4.92 FEET; THENCE NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A FOUNDATION WALL A DISTANCE OF 9.00 FEET TO A CORNER OF A FOUNDATION WALL; THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A CONCRETE WALL 14.33 FEET TO THE POINT OF BEGINNING.

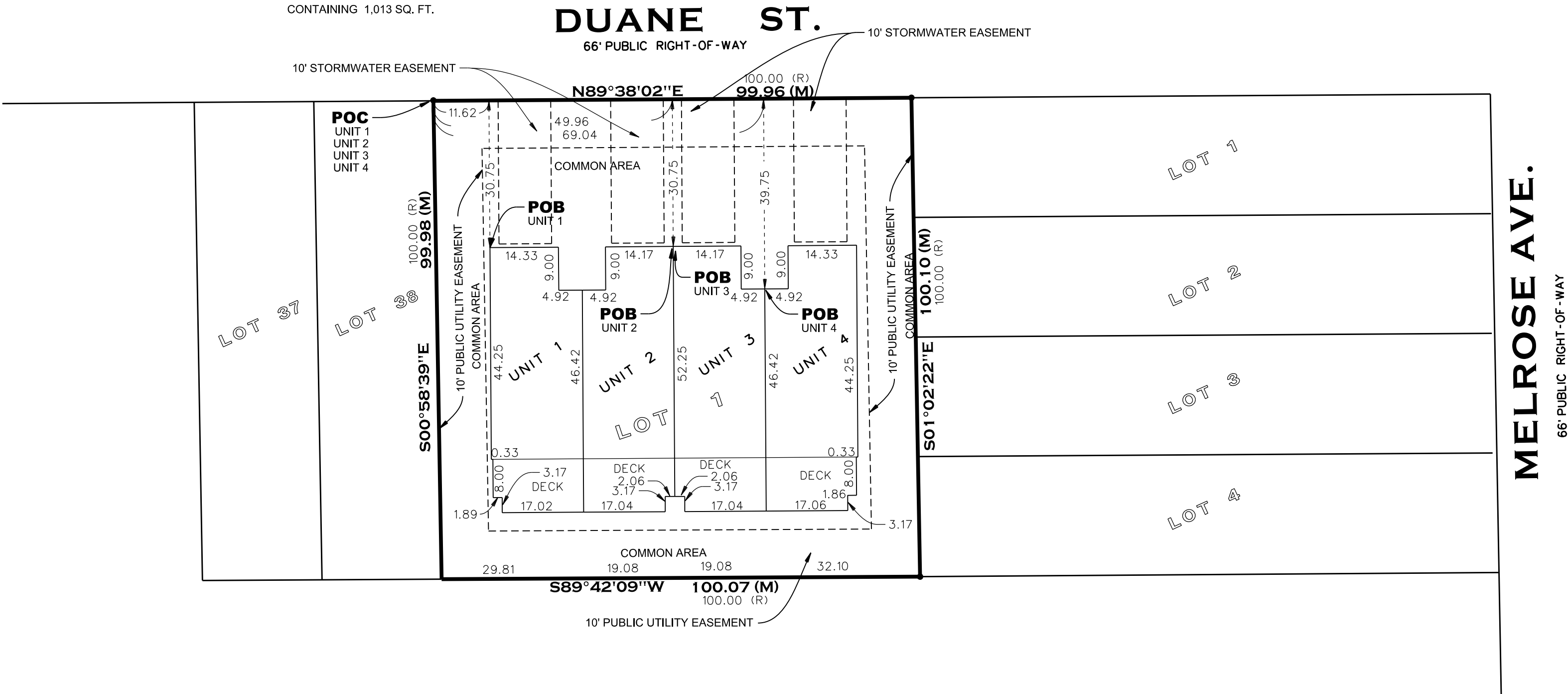
CONTAINING 1,013 SQ. FT.

UNIT 2

THAT PART OF LOT ONE IN THE TOWNHOMES AT DUANE STREET PLAT OF CONSOLIDATION OF LOTS 39,40,41 AND 42 IN GLENWOOD, BEING C.A. PHILIPS SUBDIVISION IN PART OF SECTION 10 AND PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED _____ AS DOCUMENT _____ IN DUPAGE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF SAID LOT 1, THENCE EAST ALONG THE NORTH LINE OF SAID LOT ONE A DISTANCE OF 49.96 FEET; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 30.75 FEET TO A CORNER OF CONCRETE WALL AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH ALONG THE LAST DESCRIBED COURSE AND THE CENTER OF A CONCRETE WALL AND A DECK A DISTANCE OF 52.25 FEET; THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK A DISTANCE OF 2.08 FEET; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK A DISTANCE OF 3.17 FEET; THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK A DISTANCE OF 17.04 TO CORNER OF A DECK AND THE CENTERLINE OF A FOUNDATION WALL EXTENDED SOUTH; THENCE NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE CENTER OF A CONCRETE WALL EXTENDED SOUTH AND A DECK A DISTANCE OF 46.42 FEET TO A CORNER OF FOUNDATION WALL; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A CONCRETE WALL A DISTANCE OF 4.92 FEET TO A CORNER OF A FOUNDATION WALL; THENCE NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A CONCRETE WALL A DISTANCE OF 9.00 FEET TO A CORNER OF A FOUNDATION WALL; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A CONCRETE WALL A DISTANCE OF 14.17 FEET TO POINT OF BEGINNING.

CONTAINING 1,007 SQ. FT.



OWNER CERTIFICATE (UNIT 3)

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

THIS IS TO CERTIFY THAT _____ AS OWNER OF THE PROPERTY DESCRIBED IN THE ANNEXED PLAT, HAS CAUSED THE SAME TO BE PLATTED AS INDICATED HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

WE FURTHER CERTIFY THAT THE PROPERTY HEREIN CONSOLIDATED LIES WITHIN SCHOOL DISTRICTS: _____

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,

BY: _____
TITLE: _____

ATTEST: _____
TITLE: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF _____) SS

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ AND ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH _____ AND _____ APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH AND THE SECRETARY DID ALSO THEN AND THERE AKNOWLEDGE THAT HE, AS CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX SAID CORPORATE SEAL TO SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,

BY: _____
NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

OWNER CERTIFICATE (UNIT 4)

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

THIS IS TO CERTIFY THAT _____ AS OWNER OF THE PROPERTY DESCRIBED IN THE ANNEXED PLAT, HAS CAUSED THE SAME TO BE PLATTED AS INDICATED HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

WE FURTHER CERTIFY THAT THE PROPERTY HEREIN CONSOLIDATED LIES WITHIN SCHOOL DISTRICTS: _____

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,

BY: _____
TITLE: _____

ATTEST: _____
TITLE: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF _____) SS

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ AND ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH _____ AND _____ APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH AND THE SECRETARY DID ALSO THEN AND THERE AKNOWLEDGE THAT HE, AS CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX SAID CORPORATE SEAL TO SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,

BY: _____
NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

UNIT 3

THAT PART OF LOT ONE IN THE TOWNHOMES AT DUANE STREET PLAT OF CONSOLIDATION OF LOTS 39,40,41 AND 42 IN GLENWOOD, BEING C.A. PHILIPS SUBDIVISION IN PART OF SECTION 10 AND PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED _____ AS DOCUMENT _____ IN DUPAGE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF SAID LOT 1, THENCE EAST ALONG THE NORTH LINE OF SAID LOT ONE A DISTANCE OF 49.96 FEET; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 30.75 FEET TO A CORNER OF CONCRETE WALL AND THE POINT OF BEGINNING; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A CONCRETE WALL A DISTANCE OF 14.17 FEET TO A CORNER OF A FOUNDATION WALL; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A FACE OF CONCRETE WALL A DISTANCE OF 9.00 FEET TO A CORNER OF A FOUNDATION WALL; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A CONCRETE WALL A DISTANCE OF 46.42 FEET TO A CORNER OF A DECK; THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK A DISTANCE OF 17.04 FEET TO A CORNER OF A DECK; THENCE NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK 3.17 FEET TO A CORNER OF A DECK; THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK A DISTANCE OF 2.08 FEET TO A CORNER OF A DECK AND THE CENTER OF A CONCRETE WALL EXTENDED SOUTH; THENCE NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE CENTER OF SAID CONCRETE WALL AND A DECK A DISTANCE OF 52.25 FEET TO THE POINT OF BEGINNING.

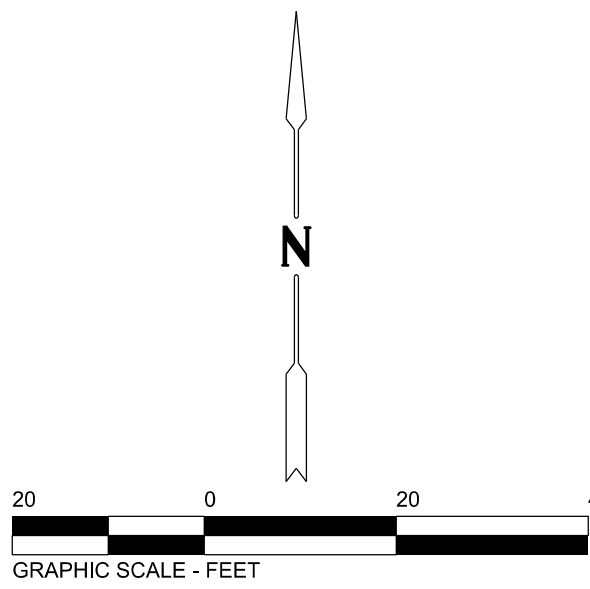
CONTAINING 1,007 SQ. FT.

UNIT 4

THAT PART OF LOT ONE IN THE TOWNHOMES AT DUANE STREET PLAT OF CONSOLIDATION OF LOTS 39,40,41 AND 42 IN GLENWOOD, BEING C.A. PHILIPS SUBDIVISION IN PART OF SECTION 10 AND PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED _____ AS DOCUMENT _____ IN DUPAGE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF SAID LOT 1, THENCE EAST ALONG THE NORTH LINE OF SAID LOT ONE A DISTANCE OF 69.04 FEET; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 39.75 FEET TO A CORNER OF CONCRETE WALL AND THE POINT OF BEGINNING; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF CONCRETE WALL A DISTANCE OF 4.92 FEET TO A CORNER OF A CONCRETE WALL; THENCE NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A CONCRETE WALL A DISTANCE OF 9.00 FEET TO A CORNER OF A FOUNDATION WALL; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A CONCRETE WALL A DISTANCE OF 44.25 FEET TO A CORNER OF A FOUNDATION WALL; THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG THE FACE OF A CONCRETE WALL A DISTANCE OF 0.33 FEET TO A CORNER OF A DECK; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK A DISTANCE OF 8.00 FEET TO A CORNER OF A DECK; THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK A DISTANCE OF 1.86 FEET TO A CORNER OF A DECK; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK A DISTANCE OF 3.17 FEET TO A CORNER OF A DECK; THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK A DISTANCE OF 17.08 FEET TO A CORNER OF A DECK AND THE CENTER OF CONCRETE FOUNDATION WALL EXTENDED SOUTH; THENCE NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE ALONG A DECK AND THE CENTER OF A CONCRETE WALL EXTENDED SOUTH A DISTANCE OF 46.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,013 SQ. FT.



BASIS OF BEARING

ILLINOIS STATE PLANE EAST ZONE AS DETERMINED BY KARA CO. REIL-NET RTK CORRS NETWORK

ABBREVIATIONS

LINE LEGEND

HDPE = HIGH-DENSITY POLYETHYLENE
RCP = REINFORCED CONCRETE PIPE
PVC = POLYVINYLCHLORIDE PIPE
CMP = CORRUGATED METAL PIPE
VCP = VITRIFIED CLAY PIPE
INV = INVERT
TC = TOP OF CURB
FL = FLOW LINE
FE = FLOOR ELEVATION
TF = TOP OF FOUNDATION
CHB = CHORD BEARING
DIP = DUCTILE IRON PIPE
RRS = RAILROAD SPIKE
POB=POINT OF BEGINNING
POC=POINT OF COMMENCEMENT

_____ = BOUNDARY LINE
_____ = LOT LINE
----- = EASEMENT LINE
----- = SETBACK LINE

Rev	Date	Description	By	ASSESSMENT PLAT	
1	6-3-2020	REVISED PER VILLAGE REVIEW	JCV		
				LOCATION:	403-407 DUANE ST. GLEN ELLYN, IL
				PREPARED FOR:	SHAFIC BUDRON ALLIED GROUP DESIGN-BUILD EMAIL: shb@agss.com PHONE: 847.469.7999
				JOB #:	44331
				DATE:	05-12-2020
				SCALE:	1"=20'
				SURV:	CLB
				DRAWN:	CLB/JCV
				DESIGN:	
				FILE #:	D-30979-ASSESSMENT
				SHEET #:	1 of 1

SDATES

STIMES

SFILES

**THE GLEN ELLYN DEVELOPMENT, LLC.,
DECLARATION OF COVENANTS. CONDITIONS AND RESTRICTIONS**

THIS **DUANE ST HOMEOWNERS ASSOCIATION, INC.**, DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Declaration") is made this 19TH day of March, 2020, by GLEN ELLYN DEVELOPMENT, LLC., an Illinois Limited Liability Company, which has a mailing address of 2200 Cabot Drive, Suite 110, Lisle, Illinois 60532 ("Declarant").

WHEREAS, Declarant is the owner of that certain real estate situated in the Village of Glen Ellyn, County of DuPage, State of Illinois legally described on the attached Exhibit "A" (the "Property");

WHEREAS, Declarant has heretofore constructed or is about to construct the Common Properties (as hereinafter defined);

WHEREAS, Declarant has subdivided and/or consolidated, or intends to subdivide and/or consolidate certain Lots (as hereinafter defined), and proposes to have said Lots and the underlying land submitted to the provisions of this Declaration and to offer the Lots and/or Dwelling Units (as hereinafter defined) constructed on the Lots and underlying land therein for sale;

WHEREAS, the Common Properties are intended to serve the residents of each of the Dwelling Units and Lots as well as the residents of any additional buildings which may hereafter be constructed on the Property; and

WHEREAS, Declarant deems it desirable for the efficient preservation of the value of the Property and of the improvements and amenities constructed thereon to create an agency for the purpose of maintaining and administering the Common Properties, and for the purpose of administering and enforcing the covenants, conditions and restrictions and collecting and disbursing the assessments and the charges hereinafter created, and has therefore caused, or will cause, to be incorporated, under the laws of the State of Illinois, a not-for-profit corporation, the corporate title of which is The DUANE ST HOMEOWNERS ASSOCIATION, INC., or similar name, for the purpose of performing those functions hereinabove set forth.

NOW THEREFORE, Declarant does hereby declare that the Property shall be transferred, held, sold, conveyed and occupied, subject to the covenants, restrictions, easements, charges and liens herein after set forth.

Attachment: 32. HOA Declaration of CCRs (4537 : 403-407 Duane Street Townhomes)

ARTICLE I RECITALS, EXHIBITS AND DEFINITIONS

Section 1. **Incorporation of Recitals.** The foregoing recitals are incorporated into this Declaration as if fully recited herein.

Section 2. **Incorporation of Exhibits.** The Exhibits attached to this Declaration and listed below are by this reference made a part of this Declaration:

Exhibit "A": Property

Exhibit "B": By-Laws (to be added and attached hereto)

Exhibit "C": Add-On Property

Section 3. **Definitions.** For the purpose of this Declaration, the following definitions shall control:

(a) "Association" shall mean and refer to The DUANE ST HOMEOWNERS ASSOCIATION, INC., (or similar name) an Illinois not-for-profit corporation, and its successors and assigns.

(b) "Board" shall mean and refer to the directors of the Association designated by Declarant or elected by the Owners, as the case may be, pursuant to the By-Laws.

(c) "By-Laws" shall mean and refer to the By-Laws of the Association, a copy of which is to be attached hereto and to be made a part hereof as Exhibit "B" and by reference incorporated herein as if fully set forth.

(d) "Common Properties" shall mean and refer to all or that portion of the Property designated on the Duane St Townhome Development Plat of Consolidation and/ or Subdivision or Recording Plat dated _____, 2020 prepared by Allied Design-Build, Inc. or its consultant ("Plat of Consolidation/ Subdivision") and recorded in DuPage County, Illinois on _____, 2020 as Document No. _____ or such other areas so designated in any Supplementary Declaration created pursuant to the provision of Article X hereof, including without limitation, entranceways, monuments, signage, markings or similar installations.

(e) "Declaration" shall mean and refer to the within instrument, which may sometimes be referred to in other documents as The DUANE ST HOMEOWNERS ASSOCIATION, INC., Declaration of Covenants, Conditions and Restrictions.

(f) "Dwelling Unit" shall mean and refer to a single residential housing unit constructed on the Property consisting of a group of rooms which are designated or intended for the exclusive use as living quarters.

(g) "Lot" shall mean and refer to those subdivided and/ or consolidated lots (and any all improvements thereon) as set forth in the Plat of Subdivision and/ or Plat of

Consolidation or so designated in any Supplementary Declaration created pursuant to the provisions of Article X hereof.

(h) "Mortgage" shall mean and refer to a mortgage or trust deed owned and held by a Mortgagee.

(i) "Mortgage" or other similar term shall mean and refer to a person, bank, savings and loan, insurance company, corporation, trust or other entity which owns and holds a mortgage or trust deed with respect to a Lot. A person or entity shall not qualify as a Mortgagee hereunder if such person is related to an Owner or such entity, whether a corporation, trust partnership or other entity, has majority ownership or control by an Owner or a party related to an Owner. For purposes of determining who is a party related to an Owner, a related party shall include, without limitation, a member of the Owner's immediate family, including, a spouse, child, parent, brother, sister, half-brother or half-sister or any ancestor or lineal descendant.

(j) "Owner" shall mean and refer to the person, persons or entities whose estates or interests individually or collectively aggregate fee simple absolute ownership of a Dwelling Unit and/or the underlying Lot and all family members, heirs, successors, assigns and/or contract purchasers of Owner, but excluding those who have an interest merely as security for the performance of an obligation. The term Owner shall include Declarant to the extent of the number of Lots owned by Declarant.

(k) "Property" shall mean and refer to the real estate hereinabove described or so designated in any Supplementary Declaration created pursuant to the provisions of Article X hereof.

(l) "Village" shall mean and refer to the Village of Glen Ellyn, State of Illinois, an Illinois municipal corporation, and its successors or assigns.

ARTICLE II SITE PLAN

Section 1. **Site Plan.** Declarant, in accordance and in compliance with Village requirements, has created a site plan for the development of the Property by the implementation of which modern master planning objectives may be realized for the common good and enhancement of property values within the community. Each Owner shall be deemed to have acknowledged by acceptance of a deed or other conveyance therefor, whether or not it shall be so expressed in any such deed or other conveyance, that Declarant has substantial interest to be protected with regard to assuring compliance with and enforcement of, the covenants, conditions, restrictions and reservations contained in this Declaration and any amendments or supplements thereto.

Section 2. **Limitations on Subdivision.** Nothing in this Declaration shall limit, and no Owner or the Association (including the Board) shall do anything to interfere with the right of Declarant to subdivide and/ or re-subdivide and/ or consolidate any portion of the Property owned

by Declarant, to complete excavation and grading and construction of improvements on the Property or on the Common Properties, to alter the foregoing or Declarant's construction plans and designs, or to construct such additional improvements as Declarant deems advisable in the course of development of the Property so long as any portion of the Property is owned by Declarant. Such right shall include, without limitation, grading of the Property, and erecting, constructing and maintaining on the Property such structures and displays as may be reasonably necessary for the conduct of its business, construction of improvements and the sale, lease or other conveyance of Lots and/or Dwelling Units. Subject to Article XII, Section 9 hereof, this Declaration shall not limit the right of Declarant to establish on the Property additional licenses, easements, reservations and rights-of-way for itself, utility companies or other third parties, as may be reasonably necessary to the proper development and sale or transfer of all or portions of the Property; provided that Declarant's exercise of such rights does not adversely affect existing improvements located on any Lot, or adversely and materially impair the usability of the Lot by the owner of the Lot for its intended use as a single residential Lot, and if required or approved by the Village, which approval shall not be unreasonably withheld by the Village. Declarant need not seek or obtain the approval of the Association for any improvement constructed or placed by Declarant on any portion of the Property. All or any of the rights of Declarant in this paragraph and elsewhere in this Declaration may be assigned by Declarant.

Section 3. **Right to Landscape.** Notwithstanding the provisions of Article V, Section 1 with respect to the obligation of the Association to maintain the Common Properties, Declarant reserves for the entire term of this Declaration the right, at Declarant's cost and expense, to landscape the Common Properties, subject to the requirements of the Village and other applicable laws, statutes, ordinances and regulations.

ARTICLE III MEMBERSHIP AND VOTING RIGHTS OF THE ASSOCIATION

Section 1. **Membership.** Every Owner of a Lot which is a part of the Property shall, as a condition to holding fee simple title to any such Lot, be a member of the Association and shall remain as such so long as such individual or entity remains an Owner of a Lot. Upon the termination of the interest of an Owner in a Lot, that individual's or entity's membership shall thereupon automatically terminate as to such Lot and shall transfer and inure to the Owner succeeding to the interest of such individual or entity. Membership shall be appurtenant to and may not be separated from the ownership of any Lot.

Section 2. **Voting.** The Association shall have two (2) classes of voting membership:

(a) **Class A.** Class A members shall be all Owners (except Declarant) and shall be entitled to one (1) vote for each Lot owned. When more than one (1) person holds an interest in any Lot, all such persons shall be members; however, the vote for such Lot shall be exercised as they, among themselves, determine, but in no event shall more than one (1) vote be cast with respect to any Lot.

(b) Class B. The Class B member shall be Declarant and shall be entitled to two (2) votes for each Lot owned; provided, however, Declarant shall be entitled to only (1) vote per Lot upon the earliest to occur of the following events:

- (1) in the event all of the Add-On Property (as hereinafter defined) has been subjected to the terms of this Declaration, when seventy five percent (75%) of the Lots have been sold and conveyed by Declarant to purchasers ("75% Date");
- (2) in the event less than all of the Add-On Property has been subjected to the terms of this Declaration, five (5) years after the 75% Date, unless any portion of the Add-On Property is subjected to the terms of this Declaration after the 75% Date and prior to the expiration of the five (5) year period that, when including such portion of the Add-On Property, causes less than seventy-five percent (75%) of the then existing Lots to be sold and conveyed by Declarant to purchasers;
- (3) ten (10) years after the date the first Lot is conveyed by Declarant to a third-party purchaser; or
- (4) upon written notice of election by Declarant sent to the Association as of the date specified in said notice.

ARTICLE IV PROPERTY RIGHTS IN THE COMMON PROPERTIES AND OTHER EASEMENTS

Section 1. **Members Rights of Enjoyment.** Subject to (i) the rights and remedies of Declarant, the Association and the Village, and (ii) the covenants, conditions and restrictions, contained in this Declaration, each Owner shall have a right and easement in and to the Common Properties in common with all other Owners and such rights and easements shall be appurtenant to and pass with the title to every Lot. Such rights and easements shall inure to the benefit of each Owner and each Owner's family, guests, invites, and contract purchasers.

Section 2. **Title to Common Properties.** On or before the conveyance of the first Lot or Dwelling Unit to a third-party purchaser, Declarant shall convey the- Common Properties to the Association. After such conveyance, the Association shall own, hold, maintain and administer the same, and bear the cost thereof, for the uses and purposes and upon the terms and conditions set forth herein

Section 3. **Common Properties Easement.** Subject to all of the covenants, conditions and restrictions contained herein, except for the obligation for payment of any assessments hereunder or the payment of any other fees for the maintenance of the Common Properties, there is hereby created a non-exclusive perpetual easement upon, over and in

the Common Properties, for the benefit of the Owners, for the use and enjoyment of the Common Properties.

Section 4. **Maintenance Easement.** There is hereby created in favor of Declarant and the Association a nonexclusive perpetual easement upon, across, under, over and through the Property, for ingress, egress, installation, replacement, repair and maintenance of the Property, Lots, including, but not limited to, the front yards and back yards of every Lot, and all Dwelling Units, additions, structures and other improvements located on or under the Property or a Lot; provided, however, that no such easement shall exist upon, across, under, over and through those portions of the Property upon which are located the base building foundation and other approved physical improvements or additions to a Dwelling Unit including, without limitation, patios, decks, steps and sheds. By virtue of this easement, it shall be expressly permissible for the Association or Declarant, if so directed by the Association, to maintain, replace or repair, as applicable, the Property, the Lots, the exterior of the Dwelling Units, structures and all other improvements located on a Lot or the Property, to the extent required hereunder including, without limitation, painting, lawn-care, snowplowing and exterior maintenance and repair; provided, however, except as expressly set forth in Article V, Section 2 hereof, neither Declarant nor the Association shall have any obligation for the maintenance, repair and/or replacement of any Dwelling Units, additions, structures, equipment or other improvements on or under a Lot.

ARTICLE V MAINTENANCE OBLIGATIONS

Section 1. **Common Properties.** It shall be the sole responsibility of the Association to maintain and, after conveyance by Declarant, own, operate and maintain the Common Properties. Without limiting any other term or condition of this Declaration, the obligation to own operate and maintain the Common Properties. Each Owner's deed shall state the Owner's liability for maintenance of the Common Properties; provided, however, whether or not such deed shall contain such statement, each Owner shall bear his or her proportion of responsibility and cost of the continued maintenance, operation and preservation of the Common Properties, both on the surface and underground.

Section 2. **Additional Association Obligation.** The Association shall also be solely responsible for the maintenance, repairs, and/or replacement of the following on or relating to the property:

- (a) insurance on each Dwelling Unit in the full replacement cost thereof Consisting of, or providing all the protections afforded by, the insurance now generally described as fire, extended coverage, with additional extended coverage, vandalism and malicious mischief, as well as comprehensive public liability insurance, including liability for injuries to and death of persons, and property damage, in such limits as it shall deem desirable, and other liability insurance as it may deem desirable, insuring the Association from liability in connection with the ownership

and/or use of the Property. The Association may also obtain such other kinds of insurance as the Association shall from time to time deem desirable;

(b) all standard vegetation, lawns, landscaping, berms, fencing and pathways or walkways, if any, on the Property including Outlets (if any) as hereinafter provided (but excluding the Lots except as provided herein) planted or installed by Declarant or the Association, including, but not limited to, all landscaped areas within any rights-of-way that have been dedicated to the Village and that portion of the Property, Lots or right of way;

(c) the maintenance, restoration, replacement and repair of the roofs of the Dwelling Units;

(d) all driveways and sidewalks located in the front of each Lot (including snow removal on all driveways and sidewalks located in the front of each Lot), front yards and back yards located on a Lot;

(e) any property owned or leased solely by the Association;

(f) Out-lots (if any) as shown on the Plat of Subdivision or Plat of Consolidation;

(g) the maintenance, restoration, replacement and repair of the fencing (if any);

(h) the maintenance, restoration, replacement and repair of all grass on the Property (including the Lots);

(i) such other items as the Association may hereinafter deem appropriate, including, without limitation, planting, landscaping or improving any part of the Property adjacent to the Lots.

Section 3. **Owner Obligations.** Each Owner shall be responsible for the maintenance, repairs and/or replacement of the following on such Owner's respective Lot:

(a) insurance on Owner's personal property and belongings and comprehensive public liability insurance, including liability for injuries to and each death of persons, in such limits as Owner deems desirable.

(b) all vegetation, landscaping, (excluding grass) trees, shrubs, fending, if any, on a Lot planted or installed by Owner or Declarant;

(c) all decorating and furnishings within each Owner's Dwelling Unit, including painting, wallpapering or other wall covering, washing, cleaning, paneling, floor covering, draperies, window shades, curtains, light fixtures and other furnishings and interior decorating, and any window coverings, whether by draperies, shades or other items visible on the exterior of the Dwelling Unit, shall be subject to the rules and regulations of the Board;

(d) maintenance of the interior surface of all perimeter walls of each Owner's Dwelling Unit and the surface of all floors, ceiling and stairways therein;

(e) the interior and exterior surfaces of the Dwelling Unit, and other improvements on a Lot; (including patios, decks, exterior stairs), including without limitation, periodic painting, caulking and the maintenance, restoration, replacement and repair of masonry, siding, chimneys and trim of the Dwelling Unit;

(f) such other items as the Association may hereinafter deem appropriate.

Section 4. **Additional Owner's Obligations.** Notwithstanding anything stated herein to the contrary, in the event any property, building or other item which it is the obligation of the Association to maintain is damaged or destroyed by the negligent or willful acts or omissions of any Owner; it shall be such Owner's obligation to promptly repair or replace such property, building or other items to the same condition as existed prior to such damage or destruction.

Section 5. **Proceeds Used for Restoring.** If an entity that is a Federal Agency or is Federally Related is insuring, guaranteeing or holding the mortgage encumbering a Dwelling Unit, then, in the event of damage or destruction of such Dwelling Unit, such entity shall allow the proceeds of any insurance required under Article V, Section 3 hereof to be utilized in restoring the Dwelling Unit to the condition in which it was prior to the damage or destruction.

ARTICLE VI PARTY WALL AGREEMENT

Section 1. **Party Walls.** The common walls and the foundations thereof located along or in immediate proximity to any line separating one Dwelling Unit from another Dwelling Unit as shown on the Plat of Subdivision or Plat of Consolidation and which is on file with the County Recorder of Deeds and the Village, together with any horizontal or vertical extensions of said walls along said lines which may be constructed at any time in the future, shall be and remain party walls (individually and collectively "Party Walls"). To the extent not inconsistent with the provisions of this Article, the general rules of law in the State of Illinois regarding party walls and of liability for property damage due to negligent or willful acts or omissions shall apply thereto.

Section 2. **Easement.** Each Owner sharing Party Walls with the Owner of the adjoining Dwelling Unit hereby grants, bargains, sells, conveys and warrants unto the Owner of the adjoining Dwelling Unit, its successors and assigns; a perpetual, non-exclusive easement to use and maintain the Party Walls. Neither Owner may use the top surface of the Party Wall to the exclusion thereof by the Owner of the adjoining Dwelling Unit.

Section 3. **Use.** Each Owner shall have the right to use the side of any Party Wall adjacent to or facing its property for attaching structural and finishing material thereto, and shall have the right to keep, maintain, repair and replace therein all conduits, pipes and ducts originally located therein and all replacements thereof. No Owner shall make any openings or cuts in said Party Walls without the prior written consent of the Owner of the adjoining Dwelling Unit, which

consent shall not be unreasonably withheld. Each Owner shall have the right of access to the other side of the Party Walls for the purpose of anchoring attachments or causing repairs to be made to said Party Walls, provided, that such access for such purposes will be done so as to cause minimal disruption to the Owner of the adjoining Dwelling Unit, provided, further, that such Owner give reasonable notice to the Owner of the adjoining Dwelling Unit prior to such access.

Section 4. **Maintenance.** The cost of maintaining and repairing each Party Wall and any extensions or additions used by both Owners of the adjoining property shall be shared equally by the Owners of such properties; provided however; the responsibility and cost of maintenance of an extension or addition used solely by one Owner shall be borne by that Owner. Repairs to a Party Wall shall be performed by either Owner upon a reasonable determination by either Owner that such are necessary for the safety and continued use of such Party Wall.

Section 5. **Destruction by Fire or Other Casualty.** In case of destruction of all or any part of any Party Wall by fire or other casualty, the Party Wall shall be reconstructed. Either Owner may reconstruct the Party Wall, and shall have an easement over the adjoining Dwelling Unit for purposes of making such reconstruction. The cost of reconstruction shall be divided equally between the Owners, subject to the right of either Owner to call for a larger contribution from the other Owner under any rule of law regarding liability for negligent or willful acts or omissions.

Section 6. **Right to Contribution Runs with the Lot.** The right of either Owner to contribution from the other Owner under this Article shall be appurtenant to the Lot and shall pass to such Owner's successors in title; shall constitute a lien upon the Lot until paid; and shall run with the Lot and bind the parties and their heirs and successors in title.

Section 7. **Mechanics' Liens.** Each Owner of a Dwelling Unit agrees to indemnify and hold harmless the Owner of the adjoining Dwelling Unit for any mechanics' liens arising from work done or material supplied to make repairs or replacements for which the first-mentioned Owner is responsible.

Section 8. **Arbitration.** In the event of a disagreement between Owners of adjoining Dwelling Units with respect to their rights or obligations as to Party Walls, upon written request of either of said Owners, the matter shall be submitted to the Board, and its decision as to the outcome of such matter shall be final and binding.

ARTICLE VII COVENANT FOR ASSESSMENTS

Section 1. **Creation of Lien and Personal Obligation for Assessments.** Declarant, for itself and its successors and assigns, and each Owner by the acceptance of a conveyance of any portion of the Property, whether or not it shall be so expressed in any deed or other conveyance, shall be deemed to covenant and agree to pay to the Association: (i) annual assessments or charges; and (ii) special assessments for capital improvements or other purposes, such annual and special assessments being fixed, established and collected, from time to time, as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collection thereof

as hereinafter provided, shall be a charge on the Property and shall be a continuing lien upon the Lot or portion of Property, and improvements against which or with respect to which such assessment is made. Each such assessment together with such interest thereon and costs of collection thereof as hereinafter provided, shall also be the personal, joint and several, obligation of the person, persons or entities who was or were the Owner of such portion of the Property at the time the assessment was due and payable. No Owner may waive or otherwise escape liability for the assessments provided for herein by abandonment of such Owner's Lot. No sale or transfer shall relieve any Lot from liability for any assessments thereafter becoming due or from the lien thereof.

Section 2. **Purpose of Assessments.** The annual assessments and any special assessments levied by the Association shall be used exclusively for those matters stated in Article V, Section 2 hereof, for the purpose of promoting the health, safety and welfare of the residents on the Property, and, in particular; for the administrative and management expenses of the Association and for the improvement and maintenance of properties, services, and facilities devoted to the purpose of, and related to, the use and enjoyment of the Common Properties as stated herein, including, without limitation, the payment of taxes, utilities and insurance thereon, the repair, replacement, maintenance, security and operation thereof, construction of additions thereto, the cost of labor, equipment, materials, management and supervision thereof and the establishment of reserve accounts for future needs pursuant to the By-Laws.

Section 3. **Basis of Assessments.** The Association shall, in accordance with the By-Laws, fix the assessment at such amount as the Association estimates to be necessary to meet the expenses of the Association and shall notify each Owner of such Owner's proportionate share thereof. Such amounts shall be due from and payable by each Owner at such times as the Board shall reasonably determine.

Section 4. **Date of Commencement of Assessments.** Each Owner shall commence to pay such Owner's proportionate share of the assessment on the date on which such Owner purchases and takes title to a Lot. The assessment with respect to any Lot shall be adjusted according to the number of months remaining in the period for which the assessment is applicable following such commencement and shall be payable upon the purchase of a Lot or in installments as determined by the Board in its sole discretion. In the event Declarant has previously paid to the Association all or any portion of the amount of such Owner's proportionate share of the assessment, such amount shall be refunded to Declarant within ten (10) days after the date on which such Owner purchases and takes title to a Lot.

Section 5. **Initial Assessments.** Upon the purchase of a Lot, each Owner (other than Declarant) shall pay to the Association an initial assessment equal to two months of the annual assessment established from time to time by the Association, as an initial working capital reserve to be deposited with the general funds of the Association. Said payment shall be deemed to be the property of the Association and shall not be refundable or applied as a credit against any subsequent assessments. No Owner shall have any vested or other rights with respect to any such payments.

Section 6. **Subsequent Assessments.** If the Board deems it necessary or appropriate, it shall, from time to time, estimate the total amount which will be required during any period designated by the Board for (i) the matters specified in Section 2 of this Article VII, and (ii) a reserve for contingencies, replacements, extraordinary expenditures and similar matters (the "Cash Requirement"), and shall notify each Owner in writing of such amount, with reasonable itemization thereof, and containing each Owner's respective assessment therefor. Said Cash Requirement shall be assessed to the Owners of each Lot by utilizing the following percentage for each such lot: $1/\text{Total Number of Lots on the Property}$ (excluding those specified in Section 11 of this Article VII). On or before the twentieth (20th) day after the delivery of the foregoing notice, each Owner, jointly and severally, shall be personally liable for and obligated to pay to the Board the assessments made pursuant to this Section 6. If the Cash Requirement proves inadequate for any reason for the period so designated by the Board, then the Board shall prepare a supplemental budget covering the estimated deficiency, copies of which shall be furnished to each Owner, and thereupon a separate assessment shall be made to each Owner for its proportionate share of such supplemental budget, which shall be due and payable on the date specified in the notice of the adjusted assessment. All Owners shall be personally liable for and obligated to pay their respective adjusted assessment. If the Cash Requirement accumulated in any given year exceeds the amount required for actual expenses and reserves for the period covered by the assessment, such excess shall be applied to expenses and/or reserves for the subsequent period. Notwithstanding the foregoing, the approval of at least two-thirds of each class of members at a meeting called for that purpose with at least sixty percent (60%) (or, if sixty percent (60%) do not attend the first meeting, a second meeting called with at least thirty percent (30%)) of the Owners or their proxies present after notice as provided in the By-Laws is required for an increase in the annual maximum assessment or the levying of a special assessment, provided, however, the Board shall have the power to increase the maximum annual assessment without a vote of the members, so long as such increase does not exceed ten percent (10%) of the previous year's maximum assessment.

Section 7. **Status of Collected Funds.** All funds collected hereunder shall be held and expended by the Association for the purposes designated herein.

Section 8. **Remedies for Failure to Pay Assessments.** Each Owner shall pay its proportionate share of any Cash Requirement and any other expenses required pursuant to the terms hereof. If an Owner fails to pay the assessments; adjusted assessments or any other expenses required to be paid hereunder when due, the amount thereof, together with all costs and expenses incurred by the Association in collecting said amounts (including court costs and attorneys' fees) and all damages, together with interest on the foregoing assessments, costs and expenses at the greater of: (a) the rate of seven percent (7%) per year, and (b) the maximum rate permitted by an entity that is a Federal Agency or is Federally Related that is insuring, guaranteeing or holding the mortgage encumbering a Dwelling Unit, until paid, shall be charged to and assessed against such defaulting Owner, and the Association shall have a lien, as of the date the assessment, adjusted assessment or other expense is due, for all of the same upon the Lot owned by such defaulting Owner and upon all additions and improvements to said Lot. In addition to the foregoing, the Association shall have such rights and remedies to enforce the collection of the foregoing amounts as shall be provided or permitted by law or equity from time to time, including, without limitation,

the right to bring an action at law against the Owner personally obligated to pay the same and/or foreclose the lien against the Lot and any additions or improvements thereon.

Section 9. **Subordination of Lien to a Mortgage.** Notwithstanding anything to the contrary contained in this Declaration, the lien provided in the preceding Section 8 shall be subordinate only to (i) taxes, special assessments and special taxes levied, either before or after the date of the failure to pay the assessments or expenses provided herein, by any political subdivision or municipal corporation of Illinois and other state or federal taxes which by law are a prior lien on the interest of such Owner, and (ii) the lien of a Mortgage on the interest of the Owner in any such Lot.

Notice is hereby given to all mortgagees that paid assessment letters should be obtained from the Association before funding your loan.

Section 10. **Exempt and Partially Exempt Property.** The following property subject to this Declaration shall be exempt from the assessments created herein:

- (a) All properties not otherwise comprising a Lot which are dedicated to and accepted by a local public authority or public utility company;
- (b) Any other term of this Declaration notwithstanding, all properties not otherwise comprising a Lot which are dedicated to and accepted by the Village shall not be subject to the terms and conditions of this Declaration.

Section 11. **Books and Records.** The Board shall keep full and correct books of account in chronological order of the costs and expenses incurred by the Association as provided herein, together with all receipts and invoices relevant thereto. Such records, receipts and invoices, as well as a copy of this Declaration and the Articles of Incorporation of the Association, shall be available for inspection by the Owner or any Mortgagee at the office of the Association, if any, at such reasonable time(s) during normal business hours as may be requested by the Owner or Mortgagee.

Section 12. **Fees for Services.** Pursuant to those powers set forth in the By-Laws, the Association shall have the right to hire or employ a management or other professional organization to manage the day-to-day operations of the Association and other professionals and service providers including, without limitation, accountants and attorneys.

Section 13. **Exempt Lots and Dwelling Units.** Any other term of this Declaration notwithstanding, all Lots and Dwelling Units of which the Developer is the titleholder (if any) shall be exempt from the assessments, charges; and liens created in this Declaration. The foregoing exemption shall continue until such time as the Developer conveys any such Lot or Dwelling Unit to a purchaser, at which time the exemption created hereunder shall cease as to the conveyed Lot or Dwelling Unit only, and said Lot and Dwelling Unit shall thereafter be subject to all the terms and conditions of this Declaration."

ARTICLE VIII SPECIFIC COVENANTS, CONDITIONS AND RESTRICTIONS RELATING TO THE PROPERTY

Section 1. **Covenants.** Conditions and Restrictions. The Dwelling Units and the Property shall be owned, occupied and used subject to the following covenants and restrictions:

(a) General Use. No part of the Property shall be used for other than housing and related common purposes for which the Property was designed.

(b) Obstruction of the Property and Dwelling Unit Maintenance. There shall be no obstruction of the Property nor shall anything be stored in the Property without the prior written consent of the Board except as herein expressly provided. Each Owner shall be obligated to maintain and keep in good order and repair his own Dwelling Unit.

(c) Prohibited Use. Nothing shall be done or kept in any Dwelling Unit or in the Property that will increase the rate of insurance on the Lot or contents thereof, applicable for residential use, without the prior written consent of the Board. No Owner shall permit anything to be done or kept in his Dwelling Unit or in the Property that will result in the cancellation of insurance on the Lot or contents thereof or which would be in violation of any law. No waste shall be committed in the Property. No Owner shall overload the electric wiring in the Dwelling Unit, or operate any machines, appliances, accessories or equipment in such manner as to cause, in the judgement of the Board, an unreasonable disturbance to others or connect any machines, appliances, accessories or equipment to the heating or plumbing system, without the prior written consent of the Board. No Owner shall make any physical improvements or additions to a Dwelling Unit or a lot, including, without limitation, patios, decks, screens, steps, sheds, pathways, sidewalks, special, unique or other vegetation. Landscaping, berms and fencing, without the prior written consent of the Board.

(d) Accessory Structures and Room Additions. Any other term of this Declaration notwithstanding, (i) no addition or modification to any Dwelling Unit shall encroach onto established rear yard setbacks shown on the Plat of Subdivision or Plat of Consolidation as to any Lot and (ii) no sheds, pools or other accessory structures shall be constructed, erected or maintained on any Public Utility Drainage or Landscape Easement or Public Utility and Drainage Easement shown on the Plat of Subdivision or Plat of Consolidation as to any Lot.

(e) Owner's insurance. All Owners shall be responsible for their own insurance on their personal property in their own Dwelling Units, their personal property stored elsewhere on the Property and their personal liability insurance to the extent not covered

by the liability insurance for all the Owners obtained by the Board as hereinbefore provided.

(f) Exterior Attachment. To the extent not otherwise inconsistent with applicable federal, state or city law, regulation or ordinance, Owners shall not cause or permit anything to be placed on the outside walls of the Dwelling Units and no sign, awning, canopy, shutter, satellite dish, radio or television antenna shall be affixed to or placed upon the exterior walls or roof or any part thereof, without the prior written consent of the Board.

(g) Exterior Colors. Owners shall not change or cause to be changed the exterior colors of the Dwelling Units without the prior written consent of the Board.

(h) Pets. No animals, reptiles, rabbits, livestock, fowl or poultry of any kind shall be raised, bred or kept in any Dwelling Unit or in the Property, except that dogs, cats, or other household pets may be kept in the Dwelling Units, subject to rules and regulations adopted by the Board, provided they are not kept, bred or maintained for any commercial purpose, and provided further any such pet causing or creating a nuisance or unreasonable disturbance shall be permanently removed from the Property upon three (3) days written notice from the Board.

(i) Swimming Pools. No permanent or temporary built-in or above ground swimming pools shall be located on any Lot; however, a temporary, removable children's pool may be placed and maintained on a daily basis on any patio on a Lot.

(j) Nuisances. No noxious or offensive activity shall be carried on in any Dwelling Unit or in the Property, nor shall anything be done therein, either willfully or negligently, which may be or become an annoyance or nuisance to the other Owners or occupants.

(k) Unsightliness. No clothes, sheets, blankets, laundry or any kind of other articles shall be hung out or exposed on any part of the Property. The Property shall be kept free and clear of rubbish, debris and other unsightly materials. No temporary or permanent chairs, hammocks, blankets or other lounging devices may be located within or on those portions of the Property which directly face or are contiguous to a public street.

(l) Commercial Activities. Except as otherwise provided herein no industry, business, trade, occupation or profession of any kind, commercial, religious, educational, or otherwise, designated for profit, altruism, exploration, or otherwise, shall be conducted, maintained or permitted in any Dwelling Unit.

(m) Signs. Except as specifically set forth in this Declaration, no signs, advertising or other displays shall be maintained or permitted on any part of the Property except (i) one (1) "For Sale" sign no larger than twenty four inches (24") X thirty inches (30"), (ii) one (1) reasonably sized political sign displayed two (2) weeks before and one (1) week after any scheduled public election date or (iii) signs at such location and in such form, as shall be determined by the Board; provided that the right is reserved by the

Declarant and its agents, to maintain on the Property until the sale of the last Dwelling Unit, all models, sales offices and advertising signs, banners and lighting in connection therewith, at such locations and in such forms as Declarant shall determine, together with the right of ingress, egress and transient parking therefor throughout the Property.

(n) Property. Nothing shall be altered or constructed in or removed from the Property, without the prior written consent of the Board.

(o) Exceptions. Nothing herein contained shall be construed in such a manner as to prohibit Owners from: (i) maintaining their professional libraries therein; (ii) keeping their personal business or professional records or accounts therein; or (iii) handling their personal business or professional telephone calls, business or correspondence therefrom provided such business activities are in accordance with all applicable laws, regulations and ordinances and do not include personal Visits to the Property from business employees, invitees or guests. Such uses are expressly declared customarily incident to the principal residential use and not in violation thereof.

(p) Fences. Neither Owner nor Association shall change or cause to be changed the fence installed by Declarant (if any).

(q) Leasing of Dwelling Units. Any lease or rental agreement concerning an individual Dwelling Unit must be in writing and be subject to the requirements of the Association. No Dwelling Unit may be leased or rented for an initial term of less than three (3) months. A copy of each executed lease or rental agreement shall be, supplied to the Board within ten (10) days after the lease is executed and prior to occupancy.

ARTICLE IX REMEDIES

In addition to the rights set forth elsewhere in this Declaration, each of the covenants, conditions, restrictions and easements contained in this Declaration shall be enforceable at law and/or in equity by the Association and/or the Village; provided, however, in the event of a breach or violation of any such covenant, condition, restriction or easement, there shall be no forfeiture or reversion of title; provided further, however, failure to enforce any of the foregoing matters shall in no event be deemed a waiver of the right to do so thereafter. Notwithstanding the foregoing, the provisions of this Article IX shall not apply to the terms and conditions of Article VII (Covenant For Assessments) of this Declaration, which Article contains separate remedies.

ARTICLE X ADD-ON PROPERTY

Declarant hereby reserves the right, for a period often (10) years from the date hereof, to add certain additional property legally described on Exhibit "C" attached hereto and made a part

hereof (the "Add-On Property") to the Property presently designated in this Declaration. In the event Declarant elects, from time to time, to subject all or any portion of the Add-On Property to the provisions of this Declaration, Declarant shall record a supplementary declaration ("Supplementary Declaration") setting forth, among other items, the legal description of any such additional property. All such Supplementary Declarations, and the portion of the Add-On Property covered herein, shall be subject to the terms and conditions of this Declaration, and all voting rights and the liability for assessments specified in this Declaration shall be reallocated accordingly. The recording of a Supplementary Declaration shall not alter or affect to amount of any liens for assessments due from Owners of Lots already a part of the Property ("Existing Lots") or the respective amounts theretofore assessed to or due from the Owners of Existing Lots or other fees and charges theretofore assessed.

Declarant further reserves unto itself the right to add portions of the Add-On Property to the Property at different times (and to determine the order thereof), and to fix the boundaries of said portions of the Add-On Property. Any Supplementary Declaration may contain such additions and modifications to the terms hereof, including, without limitation, the granting of additional easements over Lots and designation of additional Common Properties, as are necessary to reflect the differences in character, if any, of the Add-On Property and the Property. The terms and provisions of this Article X shall not be construed as imposing upon Declarant an affirmative obligation to exercise the rights and powers herein reserved. The Add-On Property shall not be bound hereby unless and until said property is submitted to the provisions of this Declaration by a Supplementary Declaration.

Notwithstanding anything contained in this Article X, Declarant shall not have any right to record a Supplementary Declaration with respect to any portion of the Add-On Property, and no portion of the Add-On Property shall be subject to the terms and provisions of this Declaration, unless and until Declarant shall have acquired fee title ownership of the same, and neither this Declaration, nor any attempt to record any such Supplementary Declaration shall encumber or otherwise affect title to any portions of the Add-On Property not so acquired by Declarant.

ARTICLE XI RIGHTS OF DECLARANT

Section 1. **In General.** In addition to any rights or powers reserved or granted to Declarant under this Declaration or the By-Laws, Declarant shall have the rights and powers set forth in this Article. In the event of a conflict between the provisions of this Article and any other provisions of this Declaration or the By-Laws, the provisions of this Article shall govern. Except as otherwise provided in this Article, Declarant's rights under this Article shall terminate at such time as Declarant is no longer vested with or controls title to a portion of any Dwelling Unit.

Section 2. **Promotion Efforts.** At all times and from time to time prior to the sale of the last Dwelling Unit on the Property, Declarant shall have the right, in its discretion, to maintain on the model Dwelling Units, sales and leasing offices, displays, signs and other forms of advertising and, to the extent not prohibited by law, to come upon any portion of the Property for

the purpose of showing the Property to prospective purchasers or lessees of Dwelling Units, all without the payment of any fee or charge whatsoever. Declarant shall have the right and power to sell or lease a Dwelling Unit to whomever it chooses on whatever terms it, in its sole discretion, shall deem appropriate.

Section 3. **Special Amendment.** In addition to any other rights of Declarant set forth herein; Declarant reserves the right and power to record a special amendment ("Special Amendment") to this Declaration at any time and from time to time which amends this Declaration (a) to comply with the requirements of any entity that is a Federal Agency or is Federally Related and is insuring, guaranteeing or holding a mortgage on a Dwelling Unit, (b) to induce any of such agencies or entities to make, purchase, sell, insure or guarantee first mortgages covering Dwelling Units, or (c) to correct clerical or typographical errors in this Declaration or any Exhibit hereto or any supplement or amendment thereto. In furtherance of the foregoing; an irrevocable power coupled with an interest is hereby reserved and granted to Declarant to vote in favor of, make, consent to, execute and record a Special Amendment on behalf of each Owner as proxy or attorney-in-fact, as the case may be. Each deed, mortgage, trust deed, other evidence of obligation, or other instrument affecting a Dwelling Unit and the acceptance thereof shall be deemed to be a grant and acknowledgment of Declarant's authority to execute and record Special Amendments. The right of Declarant to act pursuant to rights reserved or granted under this Section shall terminate upon the latest date on which the initial membership meeting of the Owners must be held, whether or not it has actually been held.

Section 4. **Construction.** Declarant, its agents and contractors shall have the right to come upon the Property for the purpose of making alterations or improvements to the Property and shall have the right to store equipment and materials used in connection with such work on the Property without payment of any fee or charge whatsoever.

Section 5. **Dedication Rights Reserved.** Declarant hereby reserves the right at its sole discretion to dedicate or otherwise convey portions of the Property (but not those portions on which a Dwelling Unit is situated) to any public agency or governmental authority or quasi-public utility for purposes of utilities, and right-of-way and easements therefor. The right to make such dedications or conveyances shall not require the consent, approval or signatures of either the Board or any Owner, and such dedication or conveyance shall be considered fully accomplished and conclusively binding upon each of the Owners and upon the Association when set forth in writing or in a plat of dedication executed by Declarant which has been recorded in the Office of the Recorder of Deeds of DuPage County, Illinois; provided, however, that nothing in this Section shall be construed to in any manner require or obligate Declarant to make any conveyance or dedication.

In furtherance of the foregoing, an irrevocable power coupled with an interest is hereby granted to Declarant, as agent and attorney-in-fact to make dedications or conveyances. Each deed, mortgage, trust deed or other instrument with respect to a Dwelling Unit and the acceptance thereof shall be deemed a grant and acknowledgment of and consent to such power and to said attorney-in-fact and shall be deemed to reserve to it the foregoing powers and rights. This right shall expire upon the sale of all the Dwelling Units.

ARTICLE XII GENERAL PROVISIONS

Section 1. **Severability.** Each covenant, condition, restriction and easement contained herein shall be considered to be an independent and separate right or obligation, and in the event one or more of such covenants, conditions, restrictions or easements shall for any reason be held to be invalid or unenforceable; all remaining covenants, conditions, restrictions and easements shall nevertheless remain in full force and effect.

Section 2. **Binding Upon the Land.** Unless otherwise expressly provided herein, each covenant, condition, restriction and easement set forth in this Declaration shall run with the land and shall be binding upon each and all of the record titleholders of said land and their respective heirs, representatives, successors, assigns; purchasers, grantees and mortgagees. By the recording or acceptance of a deed conveying any interest in the Property, the individual or entity to whom such interest is conveyed shall, except as otherwise provided in this Declaration, be deemed to accept and agree to be bound by and subject to all of the terms and provisions of this Declaration; whether or not mention thereof is made in said deed, except that with respect to the Add-On Property, the covenants, conditions, restrictions and easements set forth in this Declaration or many Supplementary Declaration shall run with the land and become binding on the record titleholders thereof (and their respective heirs, representatives, successors, assigns, purchasers, grantees and mortgagees) only upon the recording of a Supplementary Declaration by Declarant after Declarant acquires fee title ownership of such Add-On Property.

Section 3. **Notices.** Each written notice permitted or required hereunder shall be deemed to be delivered on the date of personal delivery or on the date of deposit of such notice in the U.S. Mail, postage prepaid, addressed to such other party or parties.

Section 4. **No Release.** Wherever in this Declaration Declarant has reserved unto itself or the Village any easement or easements, and rights thereunder, with respect to any part or all of the Property, the exercise or failure to exercise any or all of such rights shall in no event release the Association or the Owners from the responsibilities otherwise imposed on such parties in any covenant, condition, restriction or provision set forth in this Declaration.

Section 5. **Land Trust.** In the event title to any Lot is conveyed to a land trust, under the terms of which all powers of management, operation and control of the Lot remain vested in the trust beneficiary or beneficiaries, then the beneficiary or beneficiaries thereunder from time to time shall, jointly and severally, be responsible for the payment of all obligations, liens or indebtedness and for the performance of all agreements, covenants and undertakings relating to or chargeable against any such Lot, and shall be deemed to be the Owner as that term is used herein. No claim shall be made against any such title holding trustee personally for payment of any lien or obligation hereunder created, but the amount of such lien or obligation shall continue to be a charge or lien upon the Lot and the beneficiary or beneficiaries of any such trust shall remain personally liable for any such amounts.

Section 6. **Headings.** The headings contained in this Declaration are for convenience only and shall not in any way affect the meaning or interpretation of this Declaration.

Section 7. **Duration.** The covenants, conditions and restrictions contained in this Declaration shall continue in full force and effect for a period of ninety-nine (99) years commencing on the date hereof.

Section 8. **Rule Against Perpetuities.** If and to the extent that any covenant, condition or restriction would otherwise be unlawful or void for violation of (i) the rule against perpetuities, (ii) the rule restricting restraints on alienation, or (iii) any other applicable statute or common law or rule analogous thereto or otherwise imposing limitations upon the time for which such matters may be valid, then the provision in question shall continue and endure only until twenty-one (21) years after the death of the last to survive the class of persons consisting of all the now living lawful descendants.

Section 9. **Amendment.** This Declaration, including, without limitation, the By-Laws, may be amended by the affirmative vote of the members holding 66% or more of the total votes then eligible to be cast by the members of the Association; provided, however, it is hereby understood that neither the Association, nor its Board, officers or members, may adopt, amend, repeal, alter or change this Declaration, the By-Laws of the Association, or any rules or regulations relating to the Association or this Declaration such that any said adoption, amendment, repeal, alteration or change adversely affects Declarant, Declarant's rights under this Declaration or Declarant's proposed development of the Property (as such proposed development currently exists or may hereinafter change). Notwithstanding the foregoing, this Declaration may be amended, modified, altered or repealed by Declarant at any time during the ten (10) year period after the date hereof; provided, however, no such amendment, modification, alteration or repeal shall be effective if it adversely affects the priority of the lien of any Mortgage. All amendments, repeals, alterations and changes to this Declaration and the By-Laws shall be recorded with the County recorder's office where the Property is located. For purposes of this Section 9, a Supplementary Declaration shall not be deemed an amendment, alteration or repealer of this Declaration. Any other term of this Declaration notwithstanding, no provision of this Declaration which inures to the benefit of the Village may be amended without the Village's express written consent, which consent shall not be unreasonably withheld.

Section 10. **Conflict.** In the event of any conflict between the terms and provisions of this Declaration, on the one hand, and any plat of subdivision or plat of consolidation relating to Property or the By-Laws, on the other hand, the terms and provisions of the Plat(s) of Subdivision shall control.

Section 11. **Enforcement.** Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages, and against the land or the interest of any Owner to enforce any lien created by these covenants, and against the Association for failure to discharge its duties and responsibilities hereunder. The failure of the Association, Declarant, the Village or any Owner to enforce any covenant or restriction herein

contained, or exercise any rights or easements granted hereby, shall in no event be deemed a waiver of the right to do so thereafter. In the event that the Village brings an action to enforce these covenants and restrictions, the Village shall be entitled to an award of attorneys' fees and costs if it substantially prevail in any such action.

Section 12. **Liability for Damage to Property.** Each Owner shall be liable for the expense of any maintenance, repair, or replacement of any of the Property the Association is responsible to maintain rendered necessary by his act; neglect, or carelessness or by that of any Owner or his family or such Owner's guests, employees, agents, or lessees. Nothing herein contained; however, shall be construed so as to modify any waiver by insurance companies of rights of subrogation. Neither Declarant nor any of its respective employees, agents, guests, invitees, successors or assigns shall be liable for any damage, loss, cost, liability or expense suffered or incurred by the Association, any Owner, any of their respective employees, agents, guests, invitees, successors, assigns or anyone claiming by, through or under any of them, for damage or injury to any person or property arising out of the use of the Property or actions incidental to the construction upon the Property; provided, however, that Declarant shall not be absolved of liability hereunder for its gross negligence or willful misconduct.

Section 13. **Association Rules and Regulations.** Subject to Article XII, Section 9 the Association shall have the authority, as it deems necessary, to adopt general rules and regulations to implement the purposes set forth in this Declaration, interpret the covenants, conditions and restrictions contained herein and in furtherance of the powers and duties set forth in the By-Laws. Such general rules and regulations may be amended in the same manner as provided herein for the amendment of this Declaration.

Section 14. **Covenant in Event of Dissolution of the Association.** In the event the Association is dissolved, all Owners, and title holders of any portion of the Property agree that Owner or his family or such Owner's guests, employees, agents, or lessees. Nothing herein contained, however, shall be construed so as to modify any waiver by insurance companies of rights of subrogation. Neither Declarant nor any of its respective employees, agents; guests, invitees, successors or assigns shall be liable for any damage, loss, cost, liability or expense suffered or incurred by the Association, any Owner, any of their respective employees, agents, guests, invitees, successors, assigns or anyone claiming by, through or under any of them, for damage or injury to any person or property arising out of the use of the Property or actions incidental to the construction upon the Property; provided, however, that Declarant shall not be absolved of liability hereunder for its gross negligence or willful misconduct.

Section 13. **Association Rules and Regulations.** Subject to Article XII, Section 9 the Association shall have the authority, as it deems necessary, to adopt general rules and regulations to implement the purposes set forth in this Declaration, interpret the covenants, conditions and restrictions contained herein and in furtherance of the powers and duties set forth in the By-Laws. Such general rules and regulations may be amended in the same manner as provided herein for the amendment of this Declaration.

Section 14. **Covenant in Event of Dissolution of the Association.** In the event the Association is dissolved, all Owners, and title holders of any portion of the Property agree that all provisions contained herein regarding maintenance, repair, and replacement in, on or to the Property shall still apply and that this Declaration shall be in full force and effect.

Section 15. **Interpretation.** Whenever from the context it is appropriate, each term stated in either the singular or the plural shall include both the singular and the plural, and each term stated in either the masculine or feminine shall include both the masculine and feminine.

ARTICLE XIII VILLAGE ENFORCEMENT PROVISIONS

Section 1. **Village Enforcement.** The Village shall have the right to enforce any provision contained in this Agreement to enforce the ordinances of the Village. This shall be an absolute right of enforcement, that the Village, through its employees, contractors, or duly authorized agents may, but shall not be required to perform. The Village, through its employees, contractors, or duly authorized agents, is hereby given a limited right of entry in, on, and through any portion of the, Property known as DUANE ST TOWNHOME DEVELOPMENT (**"Property"**) to enforce the provisions of this Agreement, including onto the lots of any individual unit owner. Except in the event of an emergency where there is a reasonable possibility that an injury to a person or property shall occur, the Village shall not exercise its right of entry under this Article XIII without first providing 15 days prior written notice to **DUANE ST HOMEOWNERS ASSOCIATION, INC ("Association")**, or any individual unit owner. The reasonable costs and expenses of any work performed by the Village, its employees, contractors, or duly authorized agents (**"Village Work"**) shall be fully charged to and paid by Association. In the event of a failure by the Association or any individual unit owner to pay sums properly due and payable within 30 days after receipt of written demand for payment from the Village, then, in addition to any other remedies or rights available to it at law or in equity, the Village shall have a lien against the Property, or any portion thereof including, without limitation, the common areas [common elements], as well as individual unit owner's lot, to secure payment of all amounts as properly due hereunder. Such lien shall arise immediately upon recording of a notice of lien in the Office of the DuPage County Recorder of Deeds, Illinois, identifying this Agreement, the Parties, the date of recording this Agreement, the document number such recording, the legal description of the Property, or any portion thereof, or the lot of any individual unit owner, identification of Association, or any individual unit owner, as the fee owner of the Property, or any portion thereof, and the amounts then due and payable under this Agreement. Such lien shall remain in full force and effect until such amounts are paid in full. Said lien may be foreclosed by any proceeding at law or in equity. The Village, in addition to any other rights it has in this Agreement, shall have the right to file suit in any court of competent jurisdiction against the Association or any individual unit owner to enforce and require the performance of any obligation in this Agreement, and to enforce by any proceeding in law or in equity all other easements, restrictions, covenants, and agreements in this Agreement. If the Association or any individual unit owner is found by a court of competent jurisdiction to be in violation of any of the foregoing, the Association or any

individual unit owner shall also be liable for reasonable attorneys' fees, and cost and expenses of litigation, and which fees and cost, if unpaid, shall constitute an additional lien against the property, or any portion thereof including, without limitation, the common areas [common elements], as well as any individual unit owner's lot. Failure by the Village to enforce any easements, restrictions, covenants, and agreements in this Agreement shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. **Amendment; Termination.** No amendment or termination of this Agreement which affects the rights of the Village shall be valid without the prior written consent of the Village.

Section 2. **Special Service Area.** The Village may, in lieu of pursuing and enforcing its lien rights as established in Article XIII, elect to declare the Property a special service area and levy a special service tax against the Property. In the event that the Village proceeds to establish a special service area pursuant to this Article XIII, the Association, or anyone on its behalf, covenant and agree not to challenge or object, in any way, the establishment of such a special service area. Any special service area established pursuant to this Article XIII, shall be for the sole and limited purpose of recouping costs and expenses incurred by the Village in enforcing the provisions of this Agreement, including, without limitation, performing Village Work.

IN WITNESS WHEREOFF, this Declaration is executed on the day and year first above written.

DECLARANT

GLEN ELLYN DEVELOPMENT, LLC.

An Illinois Limited Liability Company

By: DAVID VANASSCHE, its: Managing Partner

Signature: David VanAssche

Name: David VanAssche

Managing partner

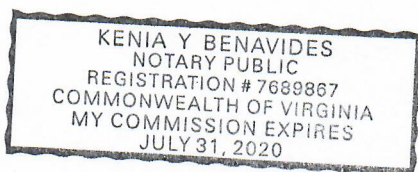
GLEN ELLYN DEVELOPMENT, LLC.

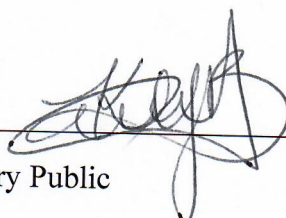
Attachment: 32. HOA Declaration of CCRs (4537 : 403-407 Duane Street Townhomes)

STATE OF Virginia)
) SS.
 COUNTY OF Fairfax)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that **DAVID VANASSCHE**, personally known to me to be the Managing of GLEN ELLYN DEVELOPMENT, LLC, the Owner of the property known as DUANE ST TOWNHOME DEVELOPMENT, 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 MAGING PARTNER OF GLEN ELLYN DEVELOPMENT, LCC, he signed, sealed and delivered said instrument as MAGING PARTNER OF GLEN ELLYN DEVELOPMENT, LLC of said Limited Liability Company, pursuant to authority given by the members of the GLEN ELLYN DEVELOPMENT, LLC as his free and voluntary act, and as the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein set forth.

Given under my hand and official seal, this 20th day of March 2020




 Notary Public

My Commission Expires: 07/31/2020

Attachment: 32. HOA Declaration of CCRs (4537 : 403-407 Duane Street Townhomes)

EXHIBIT A

Property

Property known as 403-407 Duane St., Glenn Ellyn, Illinois; also known as:

LOT 39 & 40 & 41 & 42 IN BLOCK 5 IN GLENWOOD, BEING C.A. PHILLIP'S
SUBDIVISION OF PART OF SECTION 10 AND SECTION 11, TOWNSHIP 39 NORTH,
RANGE 10 EAST OF 3RD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF
RECORDED AUGUST 22, 1873 AS DOCUMENT 16688 IN DUPAGE COUNTY, IL.

PIN 05-11-323-002 & PIN 05-11-323-003

EXHIBIT B
By-Laws
Of
DUANE ST HOMEOWNERS ASSOCIATION, INC.

To be created and attached as EXHIBIT B, herein.

Attachment: 32. HOA Declaration of CCRs (4537 : 403-407 Duane Street Townhomes)

EXHIBIT C
Add-On Property
NONE

NONE

Attachment: 32. HOA Declaration of CCRs (4537 : 403-407 Duane Street Townhomes)

Applicant: Allied Design Build
 Contact: Shafic Budron, PhD, CEO
 Address: 118 N Larchmont Blvd.
 Los Angeles, CA 90004

IDNR Project Number: 2007671
 Date: 03/17/2020

Project: Duane Street Townhomes
 Address: 407 Duane Street, Glen Ellyn

Description: Develop 4 townhomes on a vacant previously developed lot

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: DuPage

Township, Range, Section:
 39N, 10E, 11



IL Department of Natural Resources

Contact

Adam Rawe
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction

Village of Glen Ellyn
 Staci Springer
 535 Duane Street
 Glen Ellyn, Illinois 60137

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

**EcoCAT Receipt****Project Code** 2007671**APPLICANT****DATE**

Allied Design Build
 Shafic Budron, Phd, CEO
 118 N Larchmont Blvd.
 Los Angeles, CA 90004

3/17/2020

DESCRIPTION**FEE****CONVENIENCE FEE****TOTAL PAID**

EcoCAT Consultation

\$ 125.00

\$ 2.81

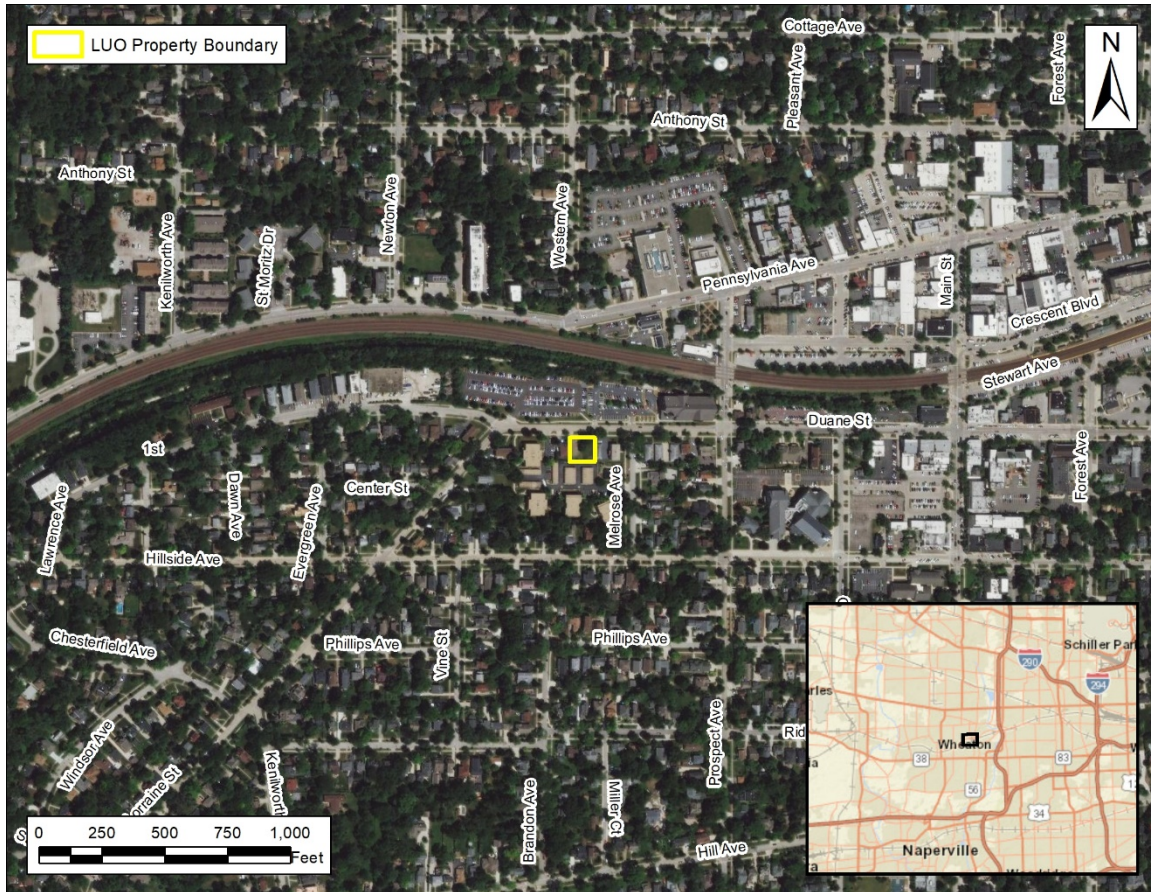
\$ 127.81

TOTAL PAID**\$ 127.81**

Illinois Department of Natural Resources
 One Natural Resources Way
 Springfield, IL 62702
 217-785-5500
dnr.ecocat@illinois.gov

KANE-DUPAGE SOIL AND WATER CONSERVATION DISTRICT

LAND USE OPINION 20-023



April 16, 2020

Prepared for:
Village of Glen Ellyn

Petitioner:
Glen Ellyn Development, LLC
2200 Cabot Drive, Suite 110
Lisle, IL 60532

20-032

Executive Summary

April 16, 2020

Petitioner: Glen Ellyn Development, LLC, 2200 Cabot Dr, Ste110, Lisle, IL 60532

Contact Person: Shafic Budron, 847-489-7999

Unit of Government Responsible for Permits: Village of Glen Ellyn

Acreage: 0.22

Location of Parcel: Section 13, Township 39N, Range 10E

Property Address/PIN#: 403 – 407 Duane St, Glen Ellyn

Existing Land Use: Vacant

Surrounding Land Use: Multi-family residential, commercial

Proposed Land Use: 4 unit townhome

Natural Resource Concerns

Land Cover in the Early 1800's: This site is located in an area previously identified as prairie. (See page 2 for more information.)

Wetlands: The DuPage County Wetland map and the NWI map do not identify wetland areas on this site. In the event that any indications of wetlands are identified on this site during the proposed land use change, a wetland delineation specialist who is recognized by the U.S. Army Corps of Engineers should determine the exact boundaries and value of any wetlands. (See page 3 for wetland information.)

Floodplain: There are no floodplain areas identified on this site. (See page 5.)

Streams: There are no streams on this site. (See page 6.)

Regulations: Please note that additional permits are required for any development impacting wetlands, streams or floodplain areas. Please see page 7 for regulation information.

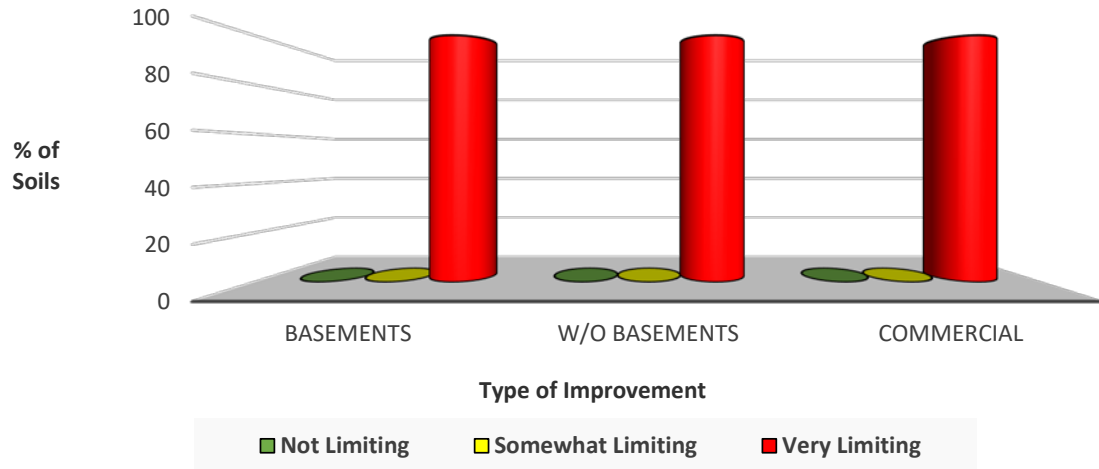
Aquifer Sensitivity: This site is classified as having a very limited potential for aquifer contamination. (See page 8.)

Topography and Drainage: Please refer to page 9 for information regarding site topography and drainage. The high point of the site is 748 ft above sea level and goes down to 748 ft.

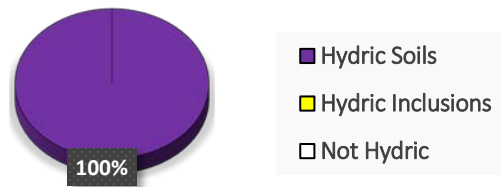
Stormwater: See page 10 for information regarding stormwater management. Development of a stormwater management plan should be included in the development of the site.

Soil Erosion: Any development on this site should include a soil erosion and sediment control plan. (See page 10.)

Building Limitations: Soils at this site may contain limitations for dwellings with basements, dwellings without basements, and small commercial buildings. See page 12 and attached Soils Tables located on the final pages this report. All information is from the Soil Survey of DuPage County, Illinois.



Hydric Soils: There are hydric soils identified on this site. (See page 13.)



LAND USE OPINION

Land Use Opinion: The most current natural resource data indicates the following concerns for this site: **Soil Limitations, Soil Erosion and Sediment Control, and Stormwater Management.** Based on the information in this report, it is the opinion of the Kane-DuPage Soil and Water Conservation District Board that this site **is poorly suited** for land use change **unless** the previously mentioned concerns are addressed.

SITE INSPECTION

A site inspection was conducted by Resource Assistant, Jennifer Shroder on March 20, 2020. The following photos were taken during this inspection and reflect the site conditions at that time.



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PURPOSE AND INTENT

This report presents natural resource information to officials of the local governing body and other decision makers. Decisions concerning variations, amendments or relief of local zoning ordinance may reference this report. Also, decisions concerning the future of a proposed subdivision of vacant or agricultural lands, and the subsequent development of these lands because of these decisions may reference this report. This report is a requirement under the Soil and Water Conservation District Act contained in ILCS 70, 405/1 ET seq.

This report intends to present the most current natural resource information available in an understandable format. It contains a description of the present conditions and resources available and their potential impact on each other. This information comes from standardized data, on-site investigations and other information furnished by the petitioner.

Please read the entire report to coordinate and interrelate all natural resource factors considered. This report, when used properly, will provide the basis for good land use change decisions and proper development while protecting the natural resource base of the county.

The conclusion of this report in no way indicates the impossibility of a certain land use. However, it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Please direct technical questions about data supplied in this report to:

Kane-DuPage
Soil and Water Conservation District
2315 Dean Street, Suite 100
St. Charles, IL 60175
Phone: (630) 584-7960

LAND COVER IN THE EARLY 1800'S

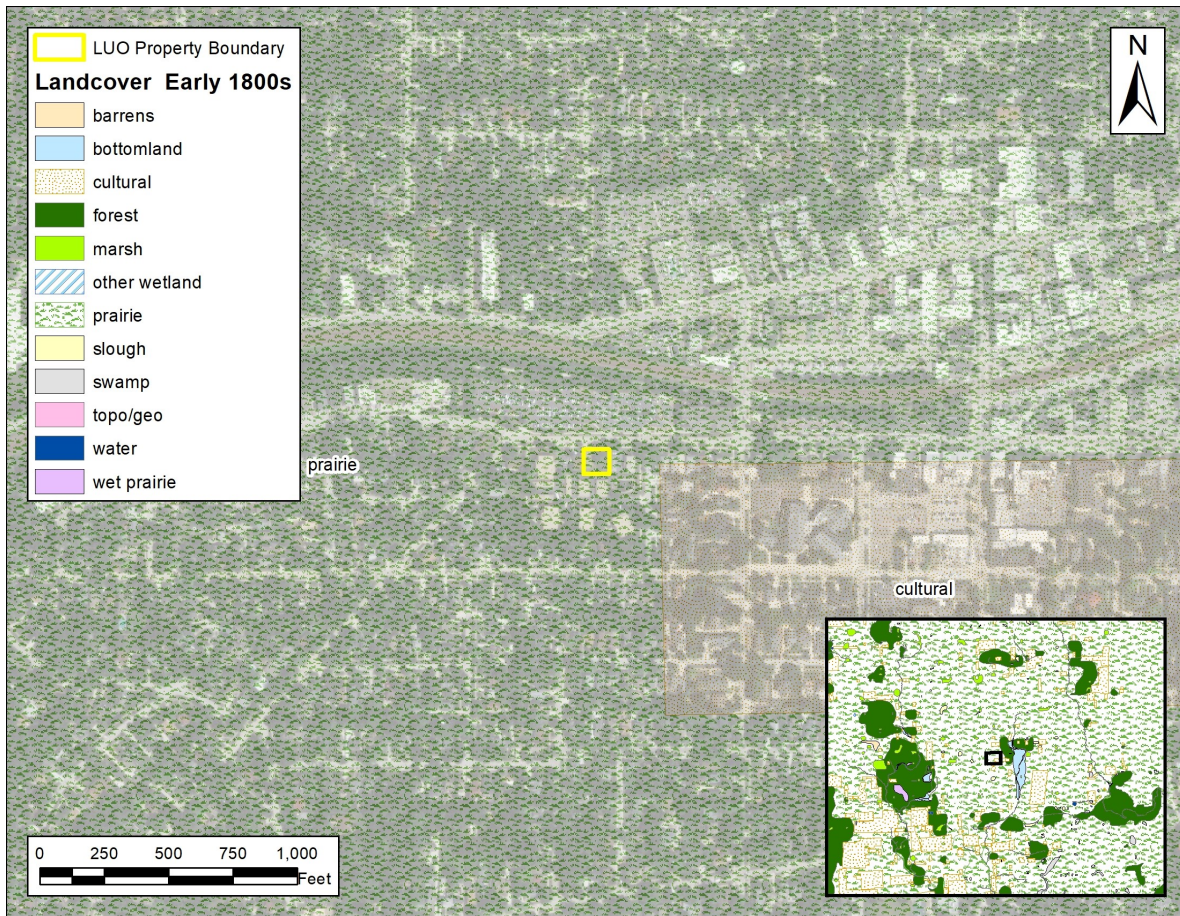


Figure 1: Land Cover in the Early 1800's

Illinois Department of Natural Resources, Illinois Natural History Survey, Land Cover of Illinois in the Early 1800s., Vector Digital Data, Version 6.0, August, 2003.

These surveys represent one of the earliest detailed maps for Illinois. The surveys began in 1804 and were largely completed by 1843. They predate our county land ownership maps and atlases. These plat maps and field notebooks contain a wealth of information about what the landscape was like before the flood of settlers came into the state.

The vast majority of the landscape in this part of Illinois in the early 1800's consisted of two different natural resource areas. These two areas were prairie and forest. Prairie and woodland ecosystems are extremely valuable resources for many reasons. These areas:

- provide wildlife habitat and support biodiversity
- provide areas for recreational opportunities

- improve soil health and reduce soil loss
- improve air and water quality

Other designations include, cultural or (agricultural area), marsh, wet prairie, wetland and water. Please note that these designations are based on surveys taken in the early 1800's, and may not represent exact site conditions.

This site is located in an area surveyed as prairie on the land cover in the early 1800's map. The District recommends preserving as much of the natural character of the site as possible during this land use change. It is also recommended that native plants be utilized for landscaping whenever possible. Removal of invasive species is also encouraged.

WETLANDS

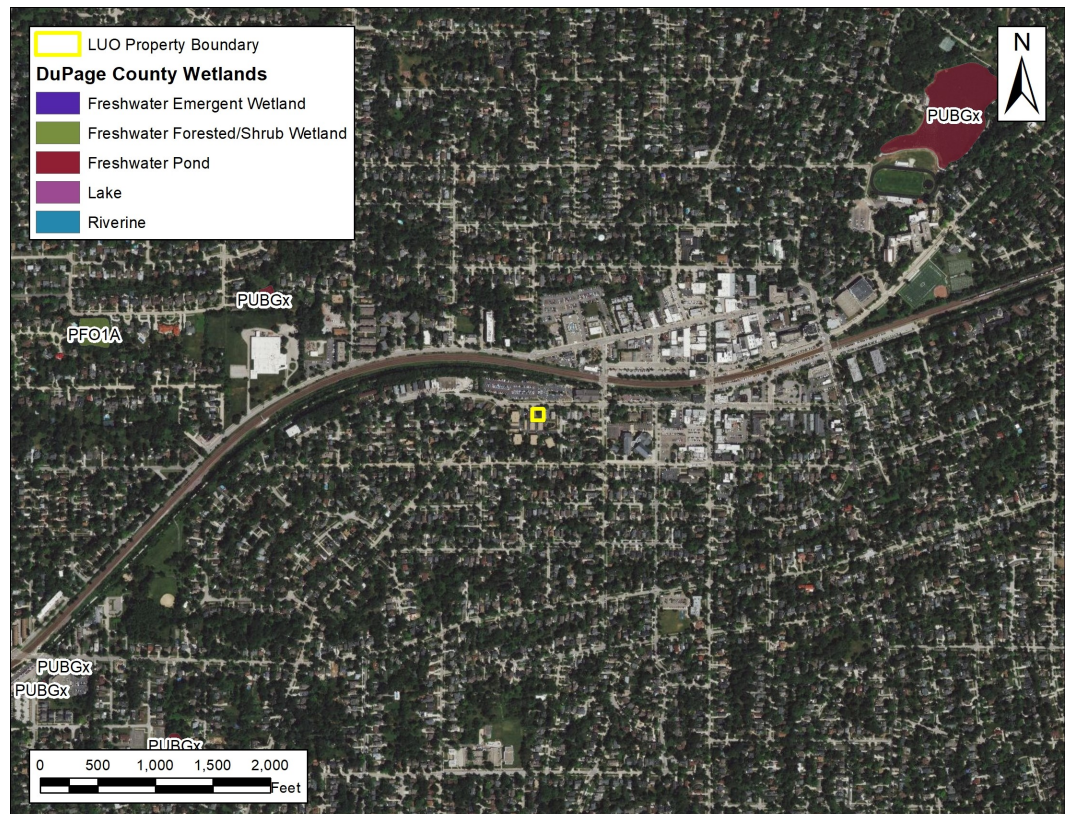


Figure 2: DuPage County Wetlands

Wetlands of DuPage County Illinois. [http://gis.dupageco.org/arcgis/rest/services/OpenData.2015 DuPage County](http://gis.dupageco.org/arcgis/rest/services/OpenData.2015%20DuPage%20County).

Figure 3: National Wetland Inventory Map

United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory Photo Year 1983-1984, Digitized 1985-1986.



WETLANDS

Wetlands are some of the most productive and diverse ecological systems on earth. The U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency define wetlands as follows, "Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." Some other common wetlands located in this part of Illinois are fens and wet meadows.

Wetlands function in many ways to benefit mankind. Some of their many functions and benefits include:

- Controlling flooding by offering a slow release of excess water downstream or through the soil.
- Cleansing water by filtering out sediment and pollutants.
- Functioning as rechargers of our valuable groundwater.
- Providing essential breeding, rearing, and feeding grounds for many species of wildlife.

A review of the DuPage County Wetland Map indicates that wetlands do not appear to exist on this site.

A review of the National Wetland Inventory Map indicates that wetlands do not appear to exist on this site.

In the event that any indications of wetlands are identified on this site during the proposed land use change, a wetland delineation specialist who is recognized by the U.S. Army Corps of Engineers should determine the exact boundaries and value of these wetlands. Please see page 7 for wetland regulation information.

FLOODPLAIN



Figure 4: Floodplain Map

Federal Emergency Management Agency, National Flood Insurance Program, Q3 Flood Data, Disc 6, 2011.

From FEMA's Floodplain Natural Resources and Functions Chapter 8, "Undeveloped floodplain land provides many natural resources and functions of considerable economic, social and environmental value. Nevertheless, these and other benefits are often overlooked when local land-use decisions are made. Floodplains often contain wetlands and other important ecological areas as part of a total functioning system that impacts directly on the quality of the local environment."

There are so many benefits of the floodplain that not all can be listed here, but the following is a general list of benefits and functions:

- natural flood storage and erosion control
- water quality maintenance
- groundwater recharge
- nutrient filtration
- biological productivity/wildlife habitat
- recreational opportunities/aesthetic value

According to the Flood Insurance Rate Map, no part of this site is within the boundaries of a 100-year floodplain. This development should not impede the beneficial functions of the floodplain. Please see page 6 for information regarding floodplain regulations.

STREAMS AND WATERSHED MANAGEMENT

Rivers and Streams are necessary components of successfully functioning ecosystems. It is important to protect the beneficial functions and integrity of our local streams and rivers. Development near stream systems has the potential to increase flooding, especially in urban areas where there is a lot of impervious surface and a greater amount of stormwater runoff. Pollution is also an issue for stream systems in urban and rural areas. It is rare for any surface waters to be impacted by only one source of pollution. With few exceptions, every land-use activity is a potential source of nonpoint source water pollution (IEPA– Nonpoint Source Pollution).

The Illinois Environmental Protection Agency provides the following in regards to nonpoint source pollution, “Nonpoint source pollution (NPS) occurs when runoff from rain and snowmelt carries pollutants into waterways such as rivers, streams, lakes, wetlands, and even groundwater. Examples of or sources of NPS pollution in Illinois include runoff from farm fields, livestock facilities, construction sites, lawns and gardens, city streets and parking lots, surface coal mines, and forestry. The major sources of NPS pollution in Illinois are agriculture, urban runoff, and habitat modification.”

Local watershed management planning is an important effort that involves citizens of a watershed in the protection of their local water resources. Water quality is a reflection of its watershed.

Common Watershed Goals:

- Protect and restore natural resources
- Improve water quality
- Reduce flood damage

- Enhance and restore stream health
- Guide new development to benefit watershed goals
- Preserve and develop green infrastructure
- Enhance education and stewardship

There are many subwatershed plans that have already been developed in DuPage County. Please reference the website below for completed watershed plans in DuPage County, and additional watershed information.

https://www.dupageco.org/EDP/Stormwater_Management/6597/

Nutrient management is of vital importance to the health of our rivers and streams. Nutrient load in our local streams and rivers has contributed to the Gulf of Mexico hypoxia, or a “dead zone” located where the Mississippi River meets the Gulf of Mexico. This dead zone hosts a toxic algal bloom, and supports little to no biological activity. Yearly averages indicate the dead zone to be greater than 5,000 square miles in size. Illinois was required and has introduced a plan to reduce nutrient loss from point source pollution sources, such as wastewater treatment plants and industrial wastewater, as well as nonpoint pollution sources. Read Illinois’s Plan for reducing nutrient loss here:

<http://www.epa.illinois.gov/topics/water-quality/watershed-management/excess-nutrients/nutrient-loss-reduction-strategy/index>

REGULATORY INFORMATION

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against floodway encroachment, maintenance and enhancement of water quality, protection of fish and wildlife habitat As well as recreational resources. Unregulated use of waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

REGULATORY AGENCIES:

Wetland/U.S. Waters: U.S. Army Corps of Engineers, Chicago District, 111 North Canal Street, Chicago, IL 60606-7206. Phone: (312) 353-6400.

<http://www.lrc.usace.army.mil/>

Wetland/Isolated: DuPage County Stormwater Management. 421 North County Farm Road, Wheaton, IL 60187. (630) 407-6700.

<http://www.dupageco.org/swm/>

Floodplains: Illinois Department of Natural Resources\Office of Water Resources, 2050 W. Stearns Road, Bartlett, IL 60103. (847)608-3100.

<https://www.dnr.illinois.gov/WaterResources/Pages/Permit%20Programs.aspx>

Who Must Apply:

Wetland and/or Floodplain Permit: Anyone proposing to dredge, fill, riprap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals.

Construction Permit: Anyone disturbing an acre or more of land during proposed construction activities should apply for the NPDES General Construction Permit ILR10. Building and stormwater permits should also be obtained locally from municipal government and/or DuPage County.

NPDES General Construction Permit ILR10: Illinois Environmental Protection Agency, Division of Water Pollution Control, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794. (217)782-0610.

<http://www.epa.illinois.gov/topics/forms/water-permits/storm-water/construction/index>

Coordination: We recommend early coordination with the regulatory agencies **BEFORE** finalizing work plans. This allows the agencies to recommend measures to mitigate/compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stage. This could reduce time required to process necessary approvals. Please be advised that failure to coordinate with regulatory agencies could result in project shut down, fines and/or imprisonment.

AQUIFER SENSITIVITY

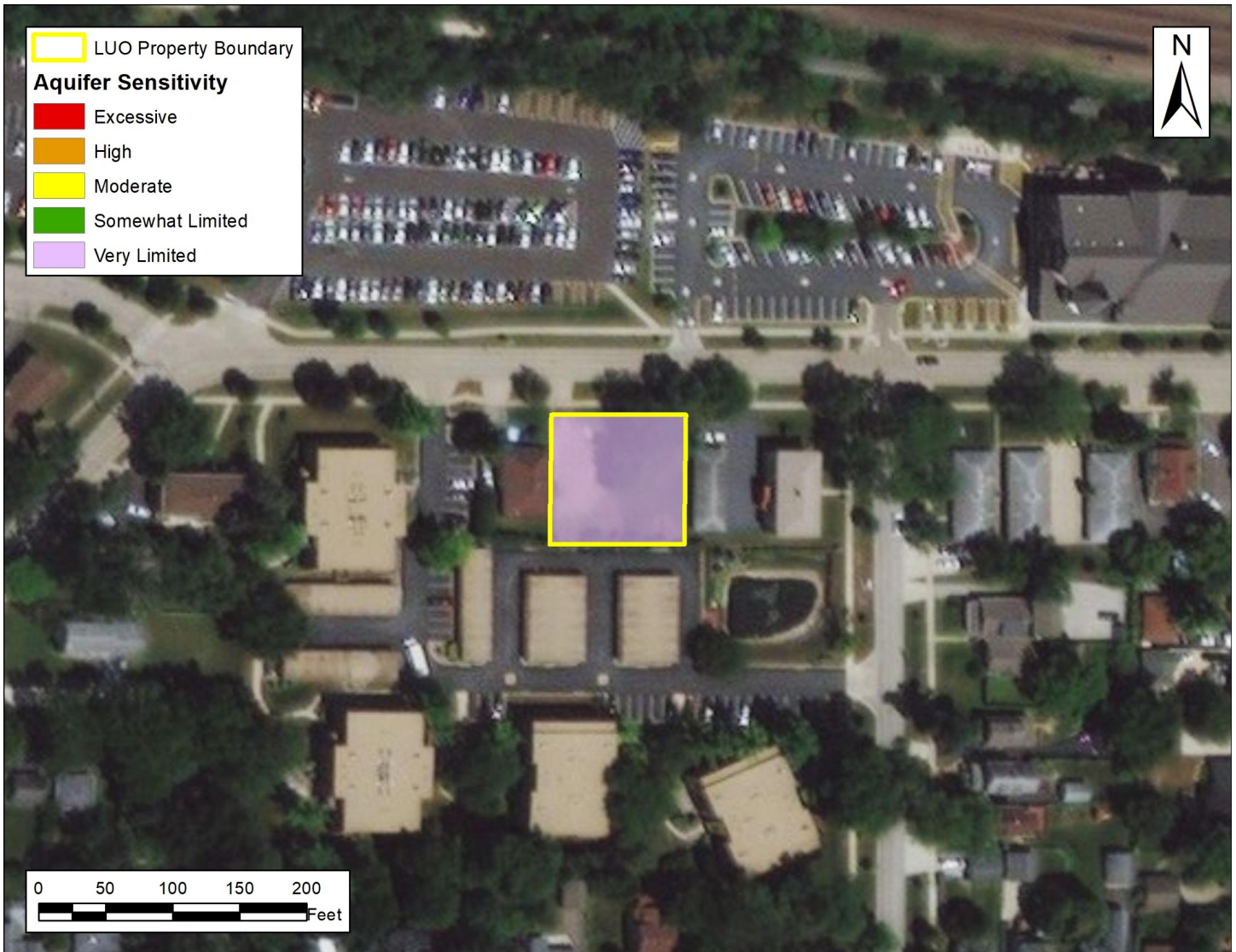


Figure 5: Aquifer Sensitivity Map

Department of Energy and Natural Resources, Illinois State Geological Survey: Potential for Agricultural Chemical Contamination of Aquifers in Illinois: 1995 Revision Environmental Geology 148

The U.S. Environmental Protection Agency (1993) defines aquifer sensitivity/contamination potential as “a measure of the ease with which a contaminant applied on or near the land surface can migrate to an aquifer.” Aquifers function as a storage area for groundwater recharge, which makes them a reliable source of fresh water. Groundwater from aquifers is a valuable source of drinking water when it remains uncontaminated.

According to the Potential for Agricultural Chemical Contamination of Aquifers in Illinois: 1995 Revision Environmental Geology 148 prepared by the Department of Energy and Natural Resources, Illinois State Geological Survey, this site lies completely within a zone rated as **very limited** with respect to potential for contamination from spilled or applied substances to the soil surface.

TOPOGRAPHY AND DRAINAGE

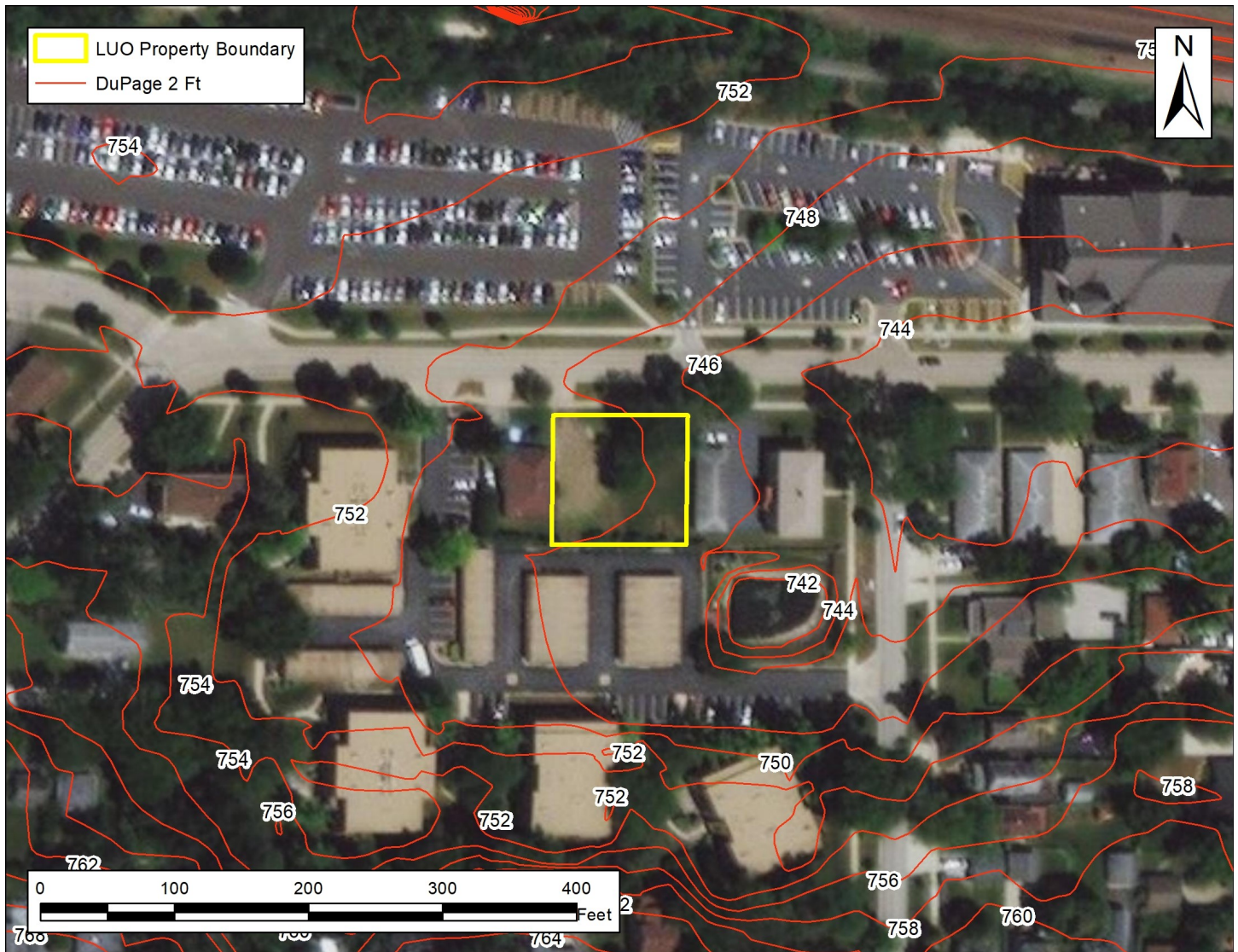


Figure 6: Municipalities 2 Ft Contours

USGS Topographic maps and other topographic surveys give information on elevations, which are important to determine slopes, natural drainage directions, and watershed information. Elevations determine the area of impact of flooding. Slope information determines steepness and erosion potential of the site. Slope has the greatest impact in determining the erosion potential of a site during construction activities. Drainage directions determine where water leaves the property in question, possibly impacting surrounding natural resources.

It is important to consider drainage during any proposed construction onsite. Any areas where water leaves the site should be monitored for potential pollutants which could contaminate downstream waters.

The high point of this property is located in the central portion of the site at an elevation of 748 feet above mean sea level. The lowest elevation on the property is approximately 748 feet above sea level.

STORMWATER

Any proposed removal of vegetation, compaction of soil, and addition of impervious surfaces (rooftops, roadways, etc.) will greatly increase the amount of stormwater runoff generated on this site. The District recommends the use of onsite stormwater management strategies whenever possible. IEPA now recommends that stormwater pollution prevention plans include post-construction stormwater management which retains the greatest amount of post-development stormwater runoff practicable, given the site and project constraints. From the ILR10 permit for construction sites 1 acre or more, "Such practices include but are not limited to: stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open

vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices)."

Site assessment with soil testing should help to determine what stormwater management practices are best for your site. Insufficient stormwater management has the potential to cause or aggravate flooding conditions on surrounding properties, or elsewhere in the watershed. Please refer to the DuPage County Stormwater Ordinance for stormwater requirements and minimum standards.

http://www.dupageco.org/EDP/Stormwater_Management/Regulatory_Services/1420/

SOIL EROSION

Development on this site should include the use of a soil erosion and sedimentation control plan. Due to the soil type and slope of the site, the District believes that the potential for soil erosion during and after any proposed construction **will be moderate**. Furthermore, the erosion and resulting sedimentation may become a primary nonpoint source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, degrade water quality, and destroy aquatic ecosystems lower in the watershed. Soil erosion also increases the risk of flooding due to choking culverts, ditches, and storm sewers, and by reducing the capacity of natural and man-made detention facilities.

Erosion and sedimentation control measures include: 1) staging the construction to minimize the amount of disturbed areas present at the same time, 2) maintaining or planting vegetative groundcover, and 3) keeping runoff velocities low.

Soil erosion and sedimentation control plans, including maintenance responsibilities, should be clearly communicated to all contractors working on the site. Special care must be taken to protect any wetlands, streams and other sensitive areas.

Please refer to the Illinois Urban Manual for erosion and sediment control information and technical guidance when creating erosion and sediment control plans. The practice standards and standard drawings from the Illinois Urban Manual represent the minimum standard in Illinois.

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

Soils information is taken from the Soil Survey of Kane County, Illinois, United States Department of Agriculture, Natural Resource Conservation Service. This information is important to all parties involved in determining the suitability of the proposed land use change.

SOIL MAP UNITS

The soil survey map of this area (Table 1) indicates soil map units. Each soil map unit has limitations for a variety of land uses such as septic systems, and buildings site development, including dwellings with and without basements. Some soils contain **limiting** conditions for building site development. See Soils Interpretations section and attached Soil Table.

The Soil Survey Geographic (SSURGO) data base was produced by the U.S. Department of Agriculture, Natural Resources Conservation Service and cooperating agencies for the Soil Survey of Kane County, Illinois. The soils were mapped at a scale of 1:12,000. The enlargement of these maps to scales greater than that at which they were originally mapped can cause misunderstanding of the detail of the mapping. If enlarged, maps do not show the small areas of contrasting soil that could have been shown at a larger scale. The depicted soil boundaries and interpretations derived from them do not eliminate the need of onsite sampling, testing, and detailed study of specific sites for intensive uses. Thus, this map and its interpretations are intended for planning purposes only.

LIST OF SOIL MAP UNITS

SOIL MAP UNIT	PERCENT OF PARCEL	ACRES
854B— Markham-Ashkum-Beecher Complex	100%	0.22
Table 1: Soil Map Units	Total	0.22

All percentages and acreages are approximate.

We suggest that a geotechnical engineer conduct an on site investigation. This should determine, specifically, what soils type is present at a particular location, along with its associated limitations or potential for a particular use. It will also assist in determining which types of engineering procedures are necessary to account for the limitations of the soil on the site.

BUILDING LIMITATIONS



Figure 7: Soil Survey Map

United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Kane County SSURGO soil layer certified in 2007. Areas shaded red represent VERY LIMITING limitations for building site development, areas shaded yellow represent SOMEWHAT LIMITING limitations for building site development, and unshaded areas represent NOT LIMITING limitations for building site development.

The soil limitation ratings are used mainly for engineering designs of dwellings with or without basements, local streets and roads, small commercial buildings, septic tank absorption fields, and etc. The ratings of not limiting, somewhat limiting, and very limiting are based on national averages and are defined and used as follows:

Not Limiting (Slight) - This limitation rating indicates that the soil properties are generally favorable for the specified use and that any limitations are minor and easily overcome.

Somewhat Limiting (Moderate) - This rating indicates that the soil properties and site features are un-

favorable for the specified use, but that the limitations can be overcome or minimized with special planning and design.

Very Limiting (Severe) - This indicates that one or more soil properties or site features are very unfavorable and difficult. A major increase in construction effort, special designs, or intensive maintenance is required. These costly measures may not be feasible for some soils that are rated as severe.

There are limitations for building site development on this site. A comprehensive soil assessment should be completed prior to any earth disturbing activities on this site.

HYDRIC SOILS

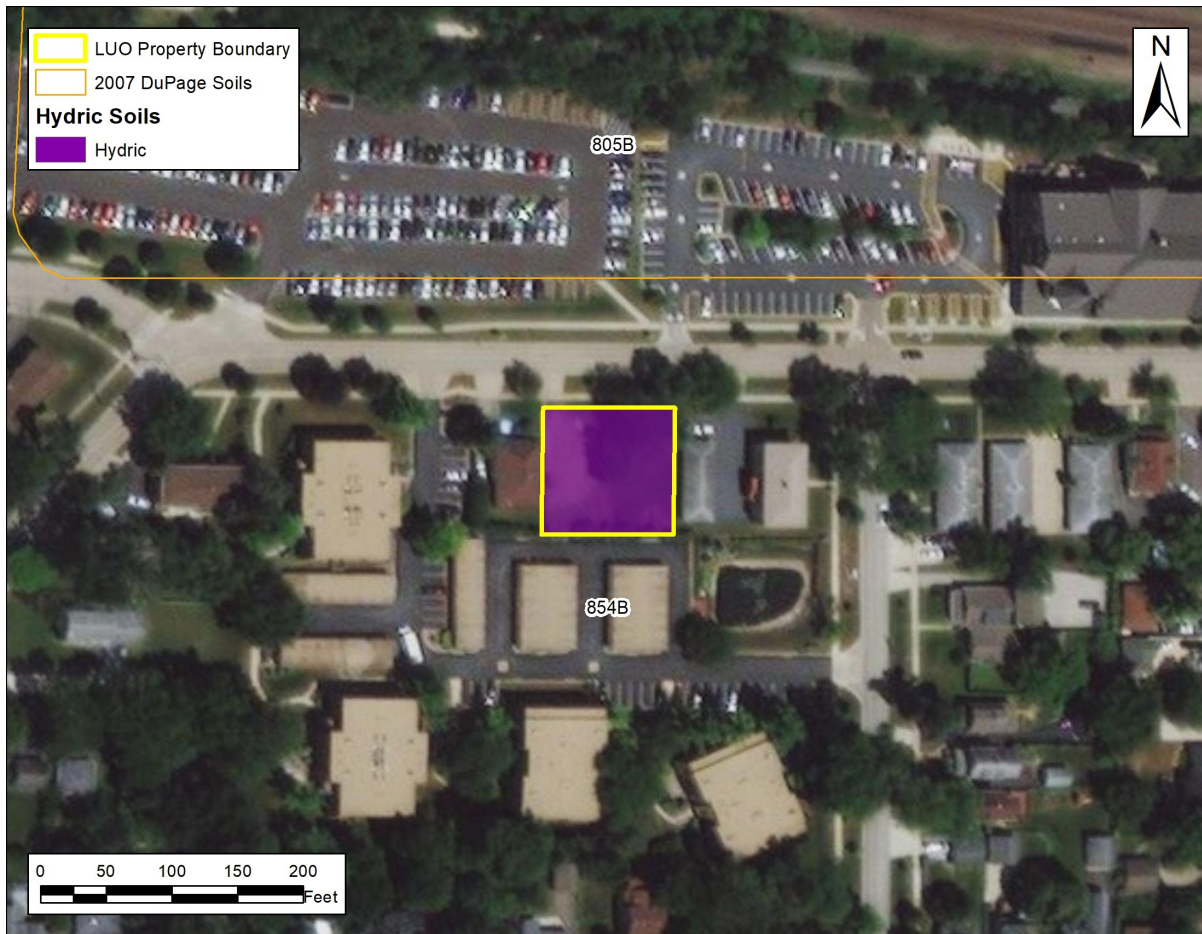


Figure 8: Hydric Soils

United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Kane County SSURGO soil layer certified in 2007. Hydric soils are shaded purple, soils with hydric inclusions are shaded yellow, and not hydric soils are hollow.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. These soils, under natural conditions, are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

Hydric inclusions are small areas, or inclusions, of nonhydric soils in the higher positions of the landform or map units dominantly made of nonhydric soils with inclusions of hydric soils in the low positions on the landform.

Hydric soils provide limitations for building site development due to their potential for ponding and poor drainage capacity. This often results in the need for improved drainage onsite prior to any proposed development. Any change to the natural drainage onsite has the potential to create flooding issues on and adjacent to the site. Hydric soils are often organic (peat or muck) and not suitable construction material. Hydric soils also may indicate wetlands onsite.

The NRCS Soil Survey indicates hydric soils on this site. A comprehensive soil assessment should be completed prior to any earth disturbing activities on this site.

Our opinion is based on information from the following sources:

Illinois Department of Natural Resources, Illinois Natural History Survey, Land Cover of Illinois in the Early 1800s., Vector Digital Data, Version 6.0, August, 2003.

Wetlands of DuPage County Illinois. <http://gis.dupageco.org/arcgis/rest/services/OpenData>. 2015 DuPage County.

Federal Emergency Management Agency, National Flood Insurance Program, Q3 Flood Data, Disc 6, 2011.

U.S. Geological Survey, Illinois Digital Orthophoto Quadrangles, 2006 photos, Published: Champaign, Illinois State Geological Survey, 2006.

Nonpoint Source Pollution– What’s it All About?. Illinois Environmental Protection Agency. <http://www.epa.illinois.gov/topics/water-quality/watershed-management/nonpoint-sources/what-is-nonpoint-source-pollution/index>. 2015 Illinois EPA.

Department of Energy and Natural Resources, Illinois State Geological Survey: Potential for Agricultural Chemical Contamination of Aquifers in Illinois: 1995 Revision Environmental Geology 148

United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Kane County, IL SSURGO soil layer certified in 2007, and DuPage County, IL SSURGO soil layer certified in 2007 and accompanying interpretations.

An on-site investigation conducted by the SWCD Resource Assistant, Jennifer Shroder on March 20, 2020.

We respectfully submit this information in compliance with the Illinois Soil and Water Conservation Districts Act (ILCS 70, 405/1 et seq). The District Board reviews proposed developments. Jennifer Shroder, Resource Assistant, prepared this report.

cc: Glen Ellyn Development, LLC
2200 Cabot Dr, Ste110
Lisle, IL 60532

Map Unit Description

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Map unit: 854B - Markham-Ashkum-Beecher complex, 1 to 6 percent slopes

Component: Markham (40%)

The Markham component makes up 40 percent of the map unit. Slopes are 1 to 6 percent. This component is on ground moraines. The parent material consists of Thin mantle of loess or other silty material and in the underlying till. Depth to a root restrictive layer, dense material, is 20 to 55 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 30 inches during February, March, April. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 18 percent.

Component: Ashkum (30%)

The Ashkum component makes up 30 percent of the map unit. Slopes are 1 to 2 percent. This component is on ground moraines. The parent material consists of Colluvium and in the underlying till. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is poorly drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is high. Shrink-swell potential is moderate. This soil is not flooded. It is frequently ponded. A seasonal zone of water saturation is at 6 inches during January, February, March, April, May. Organic matter content in the surface horizon is about 5 percent. Nonirrigated land capability classification is 2w. This soil meets hydric criteria.

Component: Beecher (25%)

The Beecher component makes up 25 percent of the map unit. Slopes are 2 to 4 percent. This component is on ground moraines. The parent material consists of Thin mantle of loess or other silty material and in the underlying till. Depth to a root restrictive layer, dense material, is 24 to 45 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 8 inches during January, February, March, April, May. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 2e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 22 percent.

Dwellings With Basements

Rating Options

Attribute Name: Dwellings With Basements

Dwellings are single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Map symbol	Map unit name	Rating	Component name and % composition Rating reasons
854B	Markham-Ashkum-Beecher complex, 1 to 6 percent slopes	Very limited	Markham 40% Depth to saturated zone Ashkum 30% Ponding Depth to saturated zone Shrink-swell Beecher 25% Depth to saturated zone Shrink-swell Orthents, clayey 5% Shrink-swell Depth to saturated zone

Dwellings Without Basements

Rating Options

Attribute Name: Dwellings Without Basements

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Map symbol	Map unit name	Rating	Component name and % composition Rating reasons
854B	Markham-Ashkum-Beecher complex, 1 to 6 percent slopes	Very limited	Ashkum 30% Ponding Depth to saturated zone Shrink-swell Beecher 25% Depth to saturated zone Shrink-swell Orthents, clayey 5% Shrink-swell

Small Commercial Buildings

Rating Options

Attribute Name: Small Commercial Buildings

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification of the soil). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Map symbol	Map unit name	Rating	Component name and % composition Rating reasons
854B	Markham-Ashkum-Beecher complex, 1 to 6 percent slopes	Very limited	Ashkum 30% Ponding Depth to saturated zone Shrink-swell Beecher 25% Depth to saturated zone Shrink-swell Orthents, clayey 5% Shrink-swell

CONTACTS

Federal Agencies

U. S. Army Corps of Engineers

Regulatory Branch
231 S. LaSalle St, Suite 1500
Chicago, Illinois 60604
(312)846-5330

<http://www.usace.army.mil>

U.S.D.A. Natural Resources Conservation Service

2315 Dean Street Suite 100
St. Charles, Illinois 60175
(630)584-7960 ext. 3

<http://www.il.nrcs.usda.gov/>

U.S. Fish & Wildlife Service

Chicago Illinois Field Office
230 S Dearborn Suite 2938
Chicago IL 60604
(847)298-3250

<http://www.fws.gov/>

U.S. Environmental Protection Agency

Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
(312)353-2000/(800)621-8431

[http://www.epa.gov/region5/
r5hotline@epa.gov](http://www.epa.gov/region5/r5hotline@epa.gov)

State Agencies

Illinois Department of Natural Resources

1 Natural Resources Way
Springfield, Illinois 62702-1271
(217)782-6302

<http://dnr.state.il.us/>

Illinois Environmental Protection Agency

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-3397

<http://www.epa.state.il.us/>

Illinois Department of Transportation

2300 South Dirksen Parkway
Schaumburg, Illinois 62764-0001
(217)782-7820/(800)452-4368

<http://www.dot.state.il.us/>

Illinois Natural History Survey

1816 S Oak St MC652
Champaign, Illinois 61820
(217)333-6880

<http://www.inhs.uiuc.edu/>

County Offices

DuPage County

Administration Building
421 North County Farm Road
Wheaton, Illinois 60187
(630)407-6500

<http://www.co.dupage.il.us/>

Development Department

Room 2-800 in Building 421
(630)407-6700

Environmental Concerns Department Stormwater Management Division

(630) 407-6700

Solid Waste Department

(630)407-6700

Health Department

115 North County Farm Road
Wheaton, Illinois 60187
(630)682-7400

Forest Preserve District

3 S 580 Naperville Road,
Wheaton, Illinois 60189
(630)933-7200
<http://www.dupageforest.org>