

AGENDA
Glen Ellyn Plan Commission Special Meeting
Thursday, March 9, 2023 - 7:00 p.m.
Glen Ellyn Civic Center, 535 Duane Street
Galligan Board Room



1. **Call to Order.**
2. **Public Comment (non agenda items).**
3. **Approval of Draft Minutes.**
 - December 8, 2022 Plan Commission Meeting Minutes
4. **New Business.**
 - Public Hearing – 1102 Hill Avenue: Special Use Permit to allow an addition of DISH Wireless 5G capable antennas and support equipment to existing cellular tower
 - Public Hearing – Text Amendments: Proposed Amendments regarding outdoor dining and platforms, food trucks, tobacco shops and vape stores, and keeping of hens to the Glen Ellyn Zoning Code and Public Ways and Property Regulations
 - Discussion Item – Adoption of the 2023 Official Zoning Map: Staff has prepared a staff report and attachments describing changes to the Zoning Map which were approved in 2022
5. **Trustee's Report.**
6. **Chairman's Report.**
7. **Staff Report.**
8. **Other Business and Adjourn.**

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, a report of the meeting is prepared. Then, the petition, along with the summary report and all pertinent material, is scheduled for consideration by the Village Board. The Village Board meets on the second and fourth Mondays of each month at 7:00 p.m. in a meeting room on the third floor of the Civic Center, 535 Duane Street. Questions regarding petitions scheduled for review by the Village Board should be directed to the Community Development Department at (630) 547-5249.

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

cc: Glen Ellyn Plan Commission
Steve Thompson, Village Board Trustee Liaison
Mark Franz, Village Manager
Emily Rodman, Assistant Village Manager
Martin Scott, Community Development Director
Atrian Fard, Senior Planner, Staff Liaison

Derek Rockwell, Planner
Meredith Hannah, Economic Development Manager
Grant Paplauskas, Communications Coordinator
Brian Baltudis, Facilities Manager
Dave Harris, Glen Ellyn Park District
Emily Tammaru, Community Consolidated School District 89
Seth Champan, Glenbard School District 87
Eric DePorter, Glen Ellyn School District 41
Dawn Bussey, Glen Ellyn Public Library
Barbara Dutton Thomas, Plan Commission Secretary
Penni Cannova, Executive Secretary
Lori Gloude, Executive Assistant



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

Meeting 3/9/2023 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Minutes
Prepared By: Atrin Fard

**AGENDA ITEM (ID
2023-256)**

DOC ID: 2023-256

December 8, 2022 Plan Commission Meeting Minutes

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

N/A

Contribution to Strategic Plan (if applicable)

Action Requested:

Please see attached.

Attachments:

1. 12-8-22 Plan Commission Meeting Minutes-DRAFT

DRAFT MINUTES
REGULAR PLAN COMMISSION MEETING
December 8, 2022

Call to Order and Roll Call

Chairman Tim Loftus called the meeting to order at 7:00 p.m., and explained the Plan Commission's advisory function and operating procedure relative to its deliberation. He went over protocol for public comment, announced that the meeting would be recorded, and introduced Village Board Trustee Liaison Steve Thompson, Director of Community Development Marty Scott, Associate Planner Taylor Gendel, Senior Planner Atrian Fard and Recording Secretary Barbara Dutton-Thomas. Roll was called. Chairperson Loftus, Plan Commissioners Arango, Brown, Cooper, Dawson, Kreuzer, Saeed and Thakkar announced their presence, while Commissioner Wyant joined the meeting later.

Public Comment Non-Agenda Items

None.

Approval of Minutes

Commissioner Kreuzer moved to approve the draft minutes of the November 10, 2022 Plan Commission meeting; seconded by Commissioner Saeed, the motion passed by voice vote.

Commissioner Cooper moved to open the Public Hearing to consider a Special Use Permit (SUP) to allow an addition of DISH Wireless antennas and support equipment to existing cellular tower. Seconded by Commissioner Dawson, the motion passed by voice vote.

Public Hearing – 1102 Hill Avenue

Staff Introduction

Sworn in, Taylor Gendel, Associate Planner, 535 Duane, stated that the Petitioners, Crown Castle and DISH Wireless, represented by Tony Phillips of Fullerton Engineering, as licensee of a portion of the property located at 1102 Hill Avenue request approval of a SUP to allow an addition of DISH Wireless antennas and support equipment to the existing cell tower. The subject structure is located on the north side of Hill Avenue between Route 53 and Walnut Road in the I1 Light Industrial District, explained Associate Planner Gendel, who noted that the surrounding zoning and land uses are CR Conservation Recreation, Union Pacific Railroad and R-4 Unincorporated (DuPage), and Light Industrial. Ms. Gendel reviewed annexation/zoning history of the subject property, noting that the current cellular tower is height is 70 ft., which exceeds the maximum allowable height of 45 feet for structures located in the I1 Light Industrial District. As no Special Use Permit has been granted by the Village, she explained, the cellular tower is considered legal nonconforming. At this time, continued Associate Planner Gendel, the Petitioners are proposing to replace the existing vacant carrier antennas and associated equipment on the existing cellular tower with new DISH Wireless entry port, antenna and ground equipment.

The new antenna will be installed on top of the pole at approximately 67-ft. high, she said, adding that television and radio towers and antenna support structures that exceed district's maximum height will require a SUP. Given the maximum allowable height of 45 f.t in the I1 District, the proposed antenna will require approval of a SUP, she explained, adding that Code also specifies that the "lawfully existing, nonconforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued" subject to the provision stating the "nonconforming use of part of a building or structure shall not be expanded or extended." Given the legally nonconforming height and operation of the existing tower, she said, the proposed work and expansion triggers a need for a SUP. Ms. Gendel stated that the proposed addition of new DISH Wireless antennas will not add to the height of the existing structure, will be unmanned and will only require power and fiber connections that already exist on the site, and will require service by a technician approximately once a month. She listed Commission action.

Commissioner Questions

Chairperson Loftus asked what the Petitioner is broadcasting over the equipment; Ms. Gendel deferred to the Petitioner. Commissioner Brown asked if the tower is servicing any users; Ms. Gendel thought not.

Petitioner's Presentation

Sworn in, Ariel Stouder, Fullerton Engineering, 3648 W. Belle Plaine Ave., Chicago, Ill., stated that there are no carriers up there and that any equipment will be dismantled and replaced. She said that the proposed is a buildout of the DISH network and will be bringing 5G. Chairperson Loftus asked why the equipment is being installed outside the hut. The Petitioner responded that consideration is more on the leasing side, and said she's not entirely aware of whose is located in the shelter. The Chairperson asked if there are plans to fix the fencing around the site. The Petitioner replied that she is not aware of any, but is happy to make a note of it for potential address. Commissioner Brown asked the Petitioner if there were issues with presenting the proposed as a 5G tower instead of as a DISH tower. Ms. Stouder replied that the tower is tall enough to accommodate multiple carriers, and that Crown Castle is the owner and will be able to support all services, 5G just being the newest technology that's being built out. While admitting that she might have missed mention of 5G in the packet, Commissioner Brown expressed concern in that 5G is "a touchy subject." Ms. Stouder stated that the 5G frequency about which there were issues at the airport is not one they'll be utilizing. Chairperson Loftus asked if it would be possible to add other carriers below the existing, to which the Petitioner replied, "Absolutely." Mr. Loftus asked if per Code another carrier would be mounted below the existing, to which Ms. Gendel replied that the special use is just for the height of the monopole (but that one below wouldn't need a special use). Sworn in, Atrian Fard, Sr. Planner 535 Duane, explained that if other equipment will be there above 45 ft., another special use would be required. Commissioner Thakkar observed that the proposed doesn't look that different from the current set-up. Commissioner Kreuzer moved to close the Public Hearing; seconded by Commissioner Arango, the motion passed by voice vote.

Discussion

Perceiving a replacement of abandoned antennas with newer, Chairperson Loftus said he doesn't see any reason the application should be denied. Commissioner Arango asked if 70 ft. was determined to provide greater coverage and better reception than 45 ft. Commissioner Cooper observed that cell service has become an issue of infrastructure – in the same way as cable or electric lines – and that citizens expect cellular coverage, hence a reason for expanding the use. Commissioner Arango asked whether then the 45 ft. zoning is a detriment. Commissioner Cooper said he doesn't think the Commission has heard evidence to that one way or the other, while Chairperson Loftus noted that tower height is dependent upon location (e.g., terrain) and coverage area. Commissioner Thakkar, who said his initial thought was whether there are any safety concerns, sees the proposed as reuse of an existing unused structure. Commissioner Brown said she is concerned about the range of public notification of the meeting, as neighbors outside the 350-ft. legally-obligated buffer might not know what is happening, and that some people might have questions about the 5G. She said that if the Commission recommends approval she'd like to see the Village, prior to the Board meeting for which the subject is slated for discussion, specify that this is a 5G tower. Commissioner Kreuzer noted that the community does have a population concerned about 5G and its environmental and health effects. He said 5G was "completely omitted" from the notice and the package, and that hopefully the Board will be aware of this and improve notice. Chairperson Loftus said he understands the remark, but noted that the Village didn't do anything different for this petition than others. Commissioner Kreuzer argued, however, that exposure goes beyond the notice requirement, saying the technology is "more pervasive." Commissioner Cooper moved for the following:

After conducting a public hearing and deliberating on the request of the petitioner, Tony Phillips of Fullerton Engineers Consultants LLC, on behalf of Crown Castle USA Inc. and DISH Wireless LLC, for approval of a Special Use Permit to allow an addition of DISH Wireless antennas and support equipment to the existing cellular tower at 1102 Hill Avenue in the I1 Light Industrial District, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on December 8, 2022, which are hereby incorporated into the Motion by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village. The Plan Commission makes this recommendation of approval with the following conditions:

1. That the new DISH Wireless antenna added to the existing cellular tower be operated in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees.
2. That it be stated to the Village Board of Trustees that a purpose of the installation is for 5G.

Seconded by Commissioner Thakkar, the motion passed with Plan Commissioners Cooper, Thakkar, Arango, Dawson, Kreuzer and Saeed and Chairperson Loftus voting, "Yes," and Commissioner Brown voting, "No." (Commissioner Wyant had yet to join the meeting.)

Pre-Application – 750 Roosevelt Road

Staff Introduction

Senior Planner Fard explained that a pre-application meeting is requested to discuss the redevelopment of the property at 750 Roosevelt to construct of a Popeye's restaurant. The Petitioner, she said, is Woolpert Company on behalf of Aby Groups, represented by Jake Cooke and Ryan Walter. The Petitioner is in the process of negotiating a contract for the purchase of the property, she noted. The proposed project consists of the demolition of the existing 3,831SF building, and the construction of a new one-story-3,050SF Popeye's restaurant building with a drive-through, explained Ms. Fard. The project also calls for the redevelopment of the parking lot and undergrounding public utilities, she said, adding that the subject site is located on the northwest corner of Roosevelt Road and Taylor Avenue, approximately 145 ft. east of Roosevelt Road's intersection with Nicoll Avenue.

The subject site is currently located in the C4 Office District, which does not allow restaurants and drive-through facilities by right or by way of a Special Use Permit, continued Ms. Fard. Hence, she explained, the Petitioner is requesting approval of a Zoning Map Amendment to rezone the subject property to the C3 Service Commercial District, which allows for a range of uses including restaurants permitted by right and drive-through facilities by way of special use permits. The senior planner noted that Danby's Station Café has been operating at this location for many years as a legal nonconforming use. Since the majority of properties fronting on Roosevelt Road, between the Wheaton border and IL Route 53, are currently zoned C3 Service Commercial, including the properties immediately south of the subject property, and given the long history of the site being used as commercial, she said, Staff is supportive of this request and believes that C3 District is the most appropriate zoning for the site. The new building is compliant with all setback requirements of the C3 District, she stated. The Zoning Code requires 10-ft. landscape setbacks along Roosevelt Road and Taylor Avenue and an impervious surface setback of approximately 6.74 ft. around all four sides of the property, stated Ms. Fard. Although the project will not increase the amount of impervious area on the lot, to meet the current Code, Ms. Fard predicted, the Petitioner will be requesting approval of variations from landscape and impervious surface setbacks. It is important to note, she said, that the Development Committee requested the existing concrete sidewalk across the main frontage be moved further away from the Roosevelt Road's edge of the curb to enhance the safety of the pedestrians. To address this issue, the sidewalk needs to be placed within the limits of the property, leading to variations from the required landscape and impervious surface setbacks along the south property line. Sr. Planner Fard related that there will be a drive-through wrapping around the north side of the building, related Ms. Fard, who said that the new drive-through contains two lanes for ordering, merging into one lane at the service area on the west side of the building. Code, she said, requires five stacking spaces per drive-through lane for restaurants. While it seems approximately eight to nine cars would fit on this drive-through, which does not meet the minimum number of 10 stacking spaces required, she said, a variation will probably be required based on the current design. Under the Development Committee's direction, the petitioner modified the layout by shifting the building north and widening the one-way drive aisle to the south of the building to accommodate drive-through queue

and prevent conflicts with cars entering the parking lot. There will be a one-way escape lane around the drive-through, to allow internal circulation and exit from the drive-through. A SUP is required for a drive-through in the C3 Zoning District. Currently, access to the site is provided via a two-way drive on Roosevelt Road and a cross access from the US Bank site and Nicoll Avenue. The Petitioner, reported Ms. Fard, plans to utilize the existing access points and add a new two-way drive on Taylor Avenue. The main Roosevelt Road access drive will be restricted to a right-in/right-out only, which will need Illinois Department of Transportation (IDOT) approval for the location and design of the access drive. Verification should be made of the cross access, potential easement, and agreement between the two lots to allow future traffic travel from or to Nicoll Avenue. As part of the formal application process, stated Ms. Fard, the Petitioner will be required to submit a traffic study. Code, indicated Ms. Fard, requires that a driveway approach be separated from an adjacent intersection of a major arterial street with another arterial or collector street either 200 ft., or length of full left turn storage on the arterial (in this case 330 ft.), whichever is greater. Approval of a Zoning variation will be required to allow the Roosevelt Road access drive to be located approximately 170 ft. from the adjacent intersection of Roosevelt Road and Nicoll Avenue to the west, she said. The proposed restaurant will be served by 12 parking stalls, including one accessible parking space proposed on the south side of the parking lot in front of the building entrance. The Site Plan indicates that the restaurant would have 36 seats, which satisfies the minimum requirement of one space for every three seats, said Ms. Fard, who added that although compliant with the Village minimum parking requirement, Staff believes additional parking would be needed due to the high demand for the Popeye's restaurant. The plans show landscape islands at the end of every parking row, except the northernmost end, where the trash enclosure will be placed. Also, said Ms. Fard, the size of the landscape islands along north-south parking row is less than the size of the parking spaces. Code requires landscaped islands to be provided at the end of every row of parking stalls with a minimum width and length equal to the size of the parking spaces in the subject lot. The Plan Commission may wish to encourage the Petitioner to amend the plans to provide landscape islands that are at least equal to the size of the parking spaces on the property as required by Code. A new trash enclosure and refuse area will be placed at the north end of the north-south parking row, within the required 30-foot corner side yard setback. Trash enclosures are not permitted obstructions in a corner side yard, she said, therefore, a variation will be needed. Ms. Fard said the Petitioner has indicated that all existing overhead utility lines located within the property limits will be undergrounded as part of the project. The proposed sign package incorporates the Popeye's corporate brand identity throughout, she said, which consists of six wall signs, one monument sign, three traffic directional signs, and two drive-through (clearance) canopy information signs. Ms. Fard described the wall signs: an internally illuminated orange one on the south elevation (fronting Roosevelt Road), reading "Popeye's Louisiana Kitchen;" one on the west elevation in corporate orange color; one mounted to the east elevation, reading "Louisiana Kitchen" and business establishment date of "1972," accompanied by a chicken logo; also a halo-lit wall sign on the south elevation displaying a vinyl walnut-toned chicken logo outlined by a white LED color; and a non-illuminated wall sign mounted to the east elevation and one to the west elevation, featuring white acrylic text in the corporate font.

Corner lots with single-tenant non-residential establishments in C3 District are allowed to have a maximum of two wall signs, explained Sr. Planner Fard: one mounted on the front and one on the corner side building elevations. The maximum sign area shall be limited to 1SF per linear ft. of establishment frontage for each sign, she said, adding that the proposed Popeye's establishment will have a 39.2- and 83-linear-ft. of establishment frontage on Roosevelt Road and Taylor Avenue, respectively. The proposal calls for six wall signs, one of which exceeds the maximum allowable sign area calculated based on the linear footage of the establishment, she continued, and said therefore, two variations for the maximum number and area of wall signs will be required. The proposed monument sign features an internally illuminated (LED) vertical box consisting of two sign cabinets, explained Ms. Fard. The base features walnut-toned, wood-grain skin with raised white channel letters reading "Popeye's," and exceeds the maximum allowable base height of 5 ft., she said, concluding that a variation will be required. The top sign cabinet displays a logo on a corporate orange background. The Sign Code restricts the total combined area of all signs on a corner lot improved with a nonresidential single tenant building to be 150SF, said Ms. Fard. The total area calculation takes into account all wall, freestanding and awning signs. As proposed, there will be approximately 277SF of wall and freestanding signage on the lot, which exceeds the requirement. Therefore, a variation will be required. She noted also proposed are three non-illuminated rectangular double-faced traffic directional signs, and two drive-through canopy informational signs that she said are excluded from the total sign area calculation. The proposal calls for several architectural elements, including decorative shutters, a partially covered entrance canopy, a trellis structure, and a partially covered drive-through awning, she noted. The project, stated Sr. Planner Fard, will not likely require any new stormwater detention or Post-Construction Best Management Practices measures because the site is largely comprised of impervious surfaces today. However, she added, the regulatory FEMA floodplain associated with the detention pond north of the site extends across the north half of the existing site. The proposed development calls for re-grading the site to properly elevate the new building and parking lot above the floodplain as required, she noted. The developers are required to provide compensatory floodplain storage, and if they are relocating the floodplain storage to the northernmost portion of the site; a floodplain volume in the amount of 150 percent of the existing floodplain volume will need to be provided, concluded Ms. Fard, who outlined Plan Commission action to be taken in response to this pre-application case.

Commissioner Discussion

Chairperson Loftus asked why the site was never (at least since 1988) a C3 district. Ms. Fard said she doesn't know. Mr. Loftus asked whether the project could move forward without the rezoning, to which Ms. Fard replied that it could not. Mr. Loftus asked about easement history vis-à-vis the US Bank property. Ms. Fard said a temporary easement was granted to Danby's Station many years ago, but further research will ensue with upon project application. Mr. Loftus asked the reason for the third entrance (off of Taylor, which he said is not designed for regular traffic). Ms. Fard said it is to ease traffic on the site and thinks it could be an exit only. Mr. Loftus said perhaps it could be a right-turn-only out.

The Chairperson asked if the parking plan takes into account any employee parking, to which Ms. Fard indicated it's not required in C3. Observing that westbound traffic can come over the hill "pretty quickly," Commissioner Kreuzer thought the proposed might create a safety concern. Commissioner Cooper asked the number of parking spaces the Village would recommend, to which Ms. Fard replied that it depends on the traffic impact study, but said she believes an additional two or three would do. Commissioner Brown observed that Raising Cane's (another chicken meal proprietor) has 32 parking spaces; Ms. Fard said its development was before her time with the Village, so she doesn't have information about it. Ms. Brown wondered about operating hours' impact on lighting, to which Ms. Fard said the Village doesn't regulate hours of operation for restaurants, but that conditions of approval could govern lighting. Commissioner Saeed articulated limitations of consideration sans a traffic study. Saying she fears creating "a Starbuck's situation" with traffic, Commissioner Arango expressed concern about a dangerous Roosevelt entrance with traffic backing up into 5 o'clock commuter traffic. Mr. Cooper wondered if entrances off of Nicoll and Taylor but not Roosevelt might help address the situation while making room for more parking. Chairperson Loftus advised that this could be recommended based on traffic studies. Commissioner Arango urged this, while Commissioner Saeed pressed for measures to alleviate stormwater risk. Ms. Fard disclosed that she'd conservatively reviewed the stacking configuration for what she anticipates will be a busy restaurant and concludes that the layout, in general, isn't bad.

Though he complimented the building's "beautiful design," Commissioner Kreuzer expressed concern about the lighting – particularly the lack of bulb shielding – calling the drive-through a "white nightmare." He encouraged less color temperature in line with Village standards, to which Ms. Fard said lighting would be examined. Roosevelt Road, Chairperson Loftus speculated about moving the eastern entrance south should the entrance from Roosevelt be scrapped, to which Ms. Fard said a speed limit requirement would dictate the distance to the drive approach, and suggested that the Village Engineer would need to evaluate this scenario, if proposed. To a suggestion from Commissioner Kreuzer to reduce the westbound speed limit on Roosevelt, Sr. Planner Fard responded that the road is not under Village jurisdiction, but rather IDOT's, which would evaluate impacts. Chairperson Loftus asked if the property owner would need to grant an easement to put in sidewalk. Ms. Fard replied, "Probably, yes." Endorsing "less is more," Commissioner Dawson opined the proposed has too much illuminated signage.

Petitioner's Presentation

Jacob Cook, Brian Walter (with Woolpert) and Chris Ludwig introduced themselves. Mr. Cook related that IDOT was consulted and deemed the right-in/right-out access way acceptable. He also said the dumpster could be relocated to the northeast corner, accommodating another parking stall or two. He reported that the sign vendor has already revised their plan per Code, which will be reflected in the submittal. Wondering about the size and location of the monument signs, Chairperson Loftus asked expressed concern about signage blocking the view of a driver trying to pull out of the lot, to which Mr. Cook replied that this will be taken into consideration. Noting the existing site is not compliant with

respect to the impervious area and landscape setbacks, Mr. Walter said the Petitioner is increasing the green space.

Mr. Ludwig said the building lighting is part of a value engineering effort eliminating the “hockey sticks” at the drive-through being. Commissioner Kreuzer advocated for “moody” amber lighting, expressing the hope that the globe lights will be better shielded. Mr. Ludwig explained that the globes represent the current brand standard expressing a “Mardi Gras” aesthetic, but said the Petitioner could see if there is an alternative. Commissioner said he’s walked Louisiana, observing more of an amber color in New Orleans. Senior Planner Fard said the Village requires shielding. Saying that she doesn’t want the dumpster in the northeast corner, Commissioner Brown said she’d prefer the space be converted to a walking path. Chairperson Loftus asked if the Petitioner had done due diligence on easements, to which Mr. Walter said it performed the survey but didn’t see such notation. Though advising the Petitioner tone down the lighting and reduce the size of signage, the Chairperson commented that the modern architecture seems to blend in, and that the food and beverage tax would benefit the town. Mr. Walter said that the Petitioner could find extra parking stalls, but that 80 percent of the business is drive-through. Citing safety concerns, Commissioner Cooper asked if the restaurant could operate without a Roosevelt exit/entrance. Mr. Walter indicated that this could be explored in coordination with IDOT. Chairperson Loftus said the Commission doesn’t like to do spot zoning, and asked if an easement granted from the bank would get rezoned. Sr. Planner Fard said there’d be no change. Commissioner Kreuzer said he has no problem with rezoning the property, saying it’s long overdue. To a query from Commissioner Brown, Mr. Ludwig said mobile ordering is not part of the program. Commissioner Wyant asked if the business owner will also own the real estate, to which Mr. Ludwig replied, “Yes.”

Public Comment

Norris Eber, 701 Kingsbrook, said that while he doesn’t anticipate lighting problems, he lamented losing a breakfast option in the Village. He said he agrees with the proposed “right in-right out” design, saying it will take pressure off Nicoll, since use of Taylor Avenue is merely a “nice fantasy.”

Public Hearing – 375 Roosevelt Road & 401 Taft Avenue

Commissioner Brown moved to open the Public Hearing to consider approval of Amendments to the Preliminary Planned Unit Development with deviations, Final Planned Unit Development (PUD), a Zoning Code Text Amendment, Special Use Permits, and variations from the Sign Code to accommodate the redevelopment and operation of a new car wash at 375 Roosevelt Road and an accessory parking lot equipped with vacuum stalls at 401 Taft Avenue – Lots 4 and 5 of the 375-395 Roosevelt Road Subdivision. Seconded by Commissioner Thakkar, the motion passed by voice vote.

Staff Introduction

Sworn in, Atrian Fard, Senior Planner, 535 Duane, stated that the Petitioner, JB Development represented by Dave Dalesandro, Sam Youssef, and Professional Engineer Lauren Kucinski from Veenstra & Kimm. Ms. Fard explained that the subject property is comprised of two lots for a total area of

75,111SF and is part of the five-lot commercial development at 375-395 Roosevelt Road located between Lambert Road and Main Street. To proceed with the project, she continued, the Petitioner will need approval of a Zoning Text Amendment, amendments to a preliminary PUD for Lots 4 and 5 with zoning deviations, approval of Final PUD, a special use permit for Lot 4 to allow a car wash, a special use permit for Lot 5 to allow automobile services, and variations from the sign code. She noted that a preliminary PUD for the entire site expired in November 2021, and as part of the entitlement process, a deviation needs to be granted by the Village Board. The Petitioner will also need exterior appearance approval from the AAC, which is to meet next week. The entire development site is made up of 4.19 acres, which was formerly used for Leslie Car Wash and Enterprise Rent-A-Car rental service, related the senior planner. In November 2017, she said, the Village Board granted approval for a Major Subdivision to re-subdivide the property to create five new lots and a Preliminary PUD to redevelop three restaurant establishments on Lots 1-3 and an office building on Lot 5. The western parcel on the site, Lot 4, was occupied by Leslie Car Wash at the time and intended to remain as an ongoing business until its redevelopment, she related. Now, she continued, the Petitioner is proposing to demolish the existing car wash on Lot 4 to construct a new 5,200SF one-story car wash with vacuum stations, automated pay stations and designated stacking lanes. The proposal also calls for improvement of the existing parking lot on Lot 5, to accommodate a new parking lot with additional offsite vacuum stalls and employee parking spaces.

The northern parcel at 375 Roosevelt in the C3 Service Commercial District and the southern parcel at 401 Taft is in the C4 District, said Ms. Fard. Lot 4 in C3 will be used for a car wash, which is allowed in the C3 District with the approval of a Special Use Permit. Supplementary vacuum stalls will be proposed on Lot 5 located in the C4 District. As C4 District does not regulate automobile services such as vacuum stalls, a text amendment to the list of special uses in the C4 District will be required to accommodate the standalone vacuum operations on Lot 5. The proposed car wash facility and associated vacuum stalls would operate from 7:00 a.m. to 9:00 p.m. seven days a week. The facility would be staffed at any given time with two to three employees. At maximum capacity, the facility would serve up to five cars. It is estimated that the car wash and pay stations could service 140 cars per hour. Sr. Planner Fard explained that customers will enter the car wash establishment on Lot 4 from the three north-south lanes proposed on the west side of the building, where three separate pay booth stations are located under a canopy. Once payment is completed, staff will guide customers onto the car wash entrance on the south side of the building. The Jet Brite facility will offer an express wash that allows customers to remain in their vehicles as cars enter a 150-ft.-long conveyerized car wash tunnel, where cars are cleaned and heat dried. Cleaned vehicles will exit the tunnel from the north end of the building, where customers can turn left and leave the site or turn right to either go to Lot 3 (Buona Beef) or loop around to the east side of the car wash building to use the available vacuum stations. The vacuum station on Lot 4 will be sourced from a central vacuum system located inside the car wash building. If all vacuum stalls on Lot 4 were in use, she said, customers would be directed south across Taft Avenue to use the additional vacuums available on Lot 5. Lot 5 vacuum stations on will be serviced by enclosed freestanding vacuum stations

on-site. While Lot 4 complies with the minimum lot requirements in the C3 District, Lot 5, with a depth of 132 ft., is considered shallow and does not comply with the C4 District's minimum lot depth requirement of 140 ft. Therefore, explained Sr. Planner Fard, a deviation from the C4 District's lot depth regulation will be required to allow improvements on a nonconforming lot.

Accessory structures serving Lot 4 include three pay booth stations west of the car wash building with an arched canopy, an arched vacuum canopy east of the building, and a combined vending/trash enclosure at the southeast corner of the building. There will be no principal building on Lot 5 but three arched vacuum canopies: at the center of the lot; along the south property line; and along the east property line. Also planned, she indicated, is a combined vending/vacuum mechanical enclosure on the central island, a vacuum mechanical enclosure on the south of the lot, and a combined trash/vacuum/electrical enclosure on the southeast of the lot. Per Code, related Ms. Fard, an accessory structure shall be located no closer to the front property line than the principal building. Lot 4 is considered a through lot with two front yards fronting Roosevelt Road and Taft Avenue. According to the PUD Plans, the pay booths, their canopy, and the vending/trash enclosure on Lot 4 will be located closer to Taft Avenue than the car wash building. Therefore, deviations will be required. Furthermore, the trash enclosure encroaches 15 ft. into the required front yard setback of 40 ft., where trash enclosures are not permitted obstructions in the required front yard, hence an additional deviation will be required for the location of the trash enclosure on Lot 4. The proposed car wash building on Lot 4 and accessory structures on Lot 5 comply with the setback requirements, stated Ms. Fard. The Zoning Code requires an impervious surface setback of 7.44 ft. around all sides of Lot 4. The Petitioner is requesting approval of a zoning deviation to allow an impervious surface setback of as little as 1 ft. from the western property line to allow for as much vehicular maneuvering area as possible.

The Petitioner is also requesting a deviation to allow an impervious surface setback of 11 ft. along the southern property line on Lot 5 in lieu of the minimum 13.87 ft. of requirement. The C4 District further requires a minimum of a 10-ft. landscape setback along any adjacent roadway. An 8.5-foot setback is proposed along Taft Avenue that will require approval of a deviation. Given Lot 5's limited, or nonconforming, lot depth, explained Ms. Fard, the Petitioner had to modify the plans several times to achieve compliant drive isle and parking space dimensions, resulting in a reduction of southern impervious surface setback and northern landscape setback. The Zoning Code requires one space for each two employees, plus reservoir parking space or stacking space equal to five times the maximum capacity of the washing unit. According to the Petitioner, the maximum capacity of the washing unit is four cars, translating to a 20 parking spaces requirement, plus two spaces needed for car wash employees. The Petitioner plans to construct 10 parking spaces on Lot 4 and 42 on Lot 5, totaling 52 parking spaces on the subject property, said Ms. Fard, which exceeds the minimum 22 required. Unlike Lots 1-3, she noted, the car wash will not share parking with the other uses in the development. Ms. Fard added that 49 of 52 parking spaces will be covered by canopies and equipped with vacuums, including two accessible parking spaces on each lot, and said that three regular employee parking spaces will be located on Lot 5.

The net area of the principal building on Lot 4 requires one 12 ft. by 50 ft. loading area, continued the senior planner. The Petitioner is proposing a loading space at the northwest corner of the car wash building on Lot 4. The proposed loading space will comply with the number, size and setback requirements, but a deviation will be required as the loading zone will be visible from the public right-of-way (Roosevelt Road). Loading will take place outside of operational hours, she noted. Access to Lot 4 will be provided via full three-lane access off Roosevelt Road and outbound-only access to Taft Avenue in addition to one cross-access connection to Lot 3. The IDOT has jurisdiction over Roosevelt Road, and any redevelopments in the IDOT Right-of-Way will require a Permit from the agency. The Plan Commission may wish to consider a condition requiring IDOT approval of the proposed Roosevelt Road access prior to issuing any building permit for Lot 4. No new points of access are proposed for Lot 5, and the two existing access drives along Taft Avenue will be redeveloped and continue to operate as full access drives. According to the traffic impact study, the impact of the proposed car wash on the roadway network is small and levels of service at the nearby intersections of Roosevelt with Lambert, Main, Hillcrest and Greenwood, as well as Taft's intersection with Lambert and Main, will remain acceptable and adequately accommodate the projected traffic volume. The study states that the use of Lot 5 as a supplemental space for the car wash vacuums will result in various routes for ingress and egress, minimize turning movement conflicts, and further disperse traffic, which limits the development's impact on the area. Ms. Fard added that the Village's Traffic Consultant does not have any issues with the study's analysis.

Sr. Planner Fard related that the Petitioner is requesting approval of a Zoning deviation to allow the Roosevelt Road access drive to have approximately 153 ft. and 150 ft. of spacing from the adjacent drives to the east and west, respectively, in lieu of the 180 ft. required between driveway approaches located on arterials with 35 mph speed limit. Three queueing lanes to the car wash will be located on the west side of the building, with three pay booth stations at the southwest corner of the building. The proposed drive-through and stacking spaces will be compliant with the Code and will not interfere with internal circulation of the site. The Petitioner, continued Ms. Fard, is requesting approval of a deviation to allow the absence of a landscape island at the southern end of the parking row on Lot 4, where a landscaped island shall be provided at the end of every row of parking stalls with a minimum width and length equal to the size of the parking spaces in the subject lot. Other landscaped islands proposed throughout the subject site will comply with the Zoning Code, she noted. The Petitioner is providing a significant amount of landscaping throughout Lots 4 and 5 with a mixture of shrubs, ornamental trees, deciduous plants, and evergreens, stated Ms. Fard. The proposed landscaping complies with all regulations of the Zoning Code, she said, adding that further review of the Landscape Plan will be done by the Architectural Appearance Commission (AAC). The Petitioners have submitted a photometric plan indicating that the maximum illumination levels at all property lines will be compliant with Code. She added that all light fixtures will be fully shielded and the height of light poles will be less than the overall height of the building and in accordance with Code.

PUD regulations, explained Ms. Fard, require 15 percent of the total development area be dedicated to open space. Of the 15 percent being provided as open space, 10 percent must be provided for quasi-public open space. The Petitioner is providing a total of 25.1 percent open space on Lot 4, with 40.2 percent of the quasi-public open space on Lot 4. As a public amenity in the quasi-public open space, related Ms. Fard, the Petitioner is proposing a patio northeast of the building and two separate public sitting areas on the northeast and southwest corners of the lot. The Village Stormwater Engineer, related Ms. Fard, reviewed the plans and indicated that the Petitioner should be able to comply with the Stormwater Ordinance and that they are comfortable addressing any outstanding engineering issues as part of the building permit process. (A condition requiring all remaining engineering issues be finalized and approved prior to the issuance of any building permit might be considered, advised Ms. Fard.) Several signs are proposed for the car wash on Lots 4 and 5, including two internally illuminated wall signs on the building, said Sr. Planner Fard, who described these as a 104.8SF one on the north elevation, slightly tilted with yellow lettering; and a secondary wall sign on the east elevation that is 93.6SF in area and require a variation due to the building size. Another variation, she stated, will be needed to allow a total combined sign area of 198.4SF on Lot 4, where the total square footage of signage permitted on the site is 120SF. One double-faced, internally illuminated, freestanding monument sign is proposed at the northeast corner of Lot 5, continued Ms. Fard, who said its 1.4-ft. base will be constructed with the same material and color to match the accessory structures and retaining wall on Lot 5. The freestanding sign will meet all requirements, including number, setback, height, base height, and landscaping around the base, she stated, and added that three compliant, illuminated directional signs are also proposed. Ms. Fard outlined Plan Commission action and potential conditions to attach.

Commissioner Questions

Commissioner Cooper asked about the need for the number of parking spaces specified, to which Ms. Fard explained that Code doesn't distinguish between express car washes and those at which customers might park their cars for staff clean them. Commissioner Brown asked if Lot 5 will be separately staffed, to which Ms. Fard replied, "No." Expressing concern about potential loitering, the Commissioner then asked if Lot 5 would be safety surveilled, to which Ms. Fard deferred to the Petitioner. Chairperson Loftus asked if the business would be considered retail, to which Ms. Fard said it is considered a service, the definition of which was contemplated by Commission members. Commissioner Arango asked if detailing would be offered as a service, a query the Chairperson suggested be directed to the Petitioner.

Petitioner's Presentation

Sworn in, Dave Dalesandro, 590 Killdeer Drive, Bolingbrook, Ill., expressed pride in his business and its focus on maintenance and cleanliness. He said Lot 5 would be staffed, and named three employee functions at his car washes – customer guidance; cleaning and sweeping the vacuum area; and safety and traffic – stating that the Petitioner never wants traffic to back up onto the main street. Mr. Dalesandro explained that the entrance would be closed off (intermittently) on busy days to avoid backups, and noted that traffic can exit out to Taft. He said signs will direct folks to Taft vacuums.

When Commissioner Cooper asked how many vacuum stalls the Petitioner would install if there were no space constraints; citing competitive advantage, Mr. Dalesandro replied, "As many as we can." Mr. Wyant asked if the Petitioner's model (i.e., value proposition vs. high-touch) would resonate in affluent Glen Ellyn. "Absolutely!" replied Mr. Dalesandro, who said, "People like a great value." Citing golfer concerns about a "vacuum farm" up against The Links, Chairperson Loftus asked if the canopy configuration could help abate noise. While he said canopy angle has nothing to do with sound, Mr. Dalesandro insisted that the Petitioner doesn't want sound to spill on to the golf course. He said the new vacuums are quiet and will be in a bricked area, and any nozzle suction noise problem will be addressed. Commissioner Kreuzer perceived Jet Brite had been purchased by car wash enterprise, Zips. Mr. Dalesandro described the arrangement as an equity partnership allowing Jet Brite to retain operational control and branding. Commissioner Kreuzer asked if lights uniform with the town had been considered, and inquired about after-hour lighting. Mr. Dalesandro said lights have been toned down for this project, and for security, lighting would be kept at a minimum outside business hours (which are based on customer needs and preferences). Chairperson Loftus asked if the Petitioner would be willing to reduce the sign size on Lot 4, to which Mr. Dalesandro said the branding is smaller than on their other buildings, and here there is no front sign. Commissioner Dawson asked if there was a time limit on vacuum use and asked if customers could stick around post-wash to detail their cars. Mr. Dalesandro said there is no time limit, but the car wash is "not set up" for self-detailing. Chairperson Loftus asked if people vacuum cars without purchasing a wash. Mr. Dalesandro responded affirmatively, but the assumption is they got a car wash previously. Commissioner Brown asked how far people travel to Jet Brite washes. Not sure, Mr. Dalesandro said with more Jet Brite sites, customers don't have to go as far. Commissioner Cooper asked if the Police were concerned about cars shuttling across Taft. Ms. Fard said she believes such concerns would have been addressed in the Development Committee review.

Public comment

Sworn in, Tom Van Winkle, 28w677 Trillium Drive, Winfield, stated that he owns the property at 415 Taft – the property to the east of Lot 5 – operating the business, "Sign Identity." He said he is concerned that changing the Code from "Office" to "Automotive Repair" opens up other uses for that property besides vacuuming – conceivably, tire changing and other work. He also cited as a concern movement of traffic across the street to the vacuum areas. Sr. Planner Fard explained that only that being proposed is up for approval. Commissioner Brown asked if the Petitioner plans to expand services, to which Mr. Dalesandro replied, "No," citing staffing challenges in attaining a marketable price point.

A motion to close the Public Hearing was made by Commissioner Saeed; seconded by Commissioner Arango, the motion passed by voice vote.

Commissioner Discussion

With no opposition voiced to what Staff has recommended Commissioner Kreuzer moved for the following:

After conducting a public hearing and deliberating on the requests of the petitioner, JB Development, Inc. on behalf of MIKI Properties, LLC – Roselle, for approval of Amendments to the Preliminary Planned Unit Development with deviations, Final Planned Unit Development, a Zoning Code Text Amendment, Special Use Permits, and variations from the Sign Code to accommodate the redevelopment and operation of a new car wash at 375 Roosevelt Road and an accessory parking lot equipped with vacuum stalls at 401 Taft Avenue – Lots 4 and 5 of the 375-395 Roosevelt Road Subdivision, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on December 8, 2022, which are hereby incorporated into the Motion by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village. The Plan Commission makes this recommendation of approval with the following conditions:

1. That the petitioner construct, maintain, and operate the development in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees.
2. That Village Board approves an ordinance extending the expiration date of Ordinance No. 6546 and 6771 to November 13, 2023.
3. That no work on the project should commence until an IDOT right-of-way permit has been issued for the project.
4. That a stormwater management information and Stormwater Certification Application shall be submitted with permit plans for the project.

Seconded by Commissioner Brown, the motion passed by roll call vote, with Plan Commission members Kreuzer, Brown, Arango, Cooper, Dawson, Saeed, Thakkar, Wyant and Loftus voting, “Yes.”

Staff Report

Sr. Planner Fard said that currently no business is in sight for a January meeting.

Chairperson’s Report

Mr. Loftus confirmed that Plan Commission meetings will be going from two scheduled per month to one (which, he said, could run longer, though noted that special meetings could be set).

Trustee’s Report

Trustee Thompson reported that the budget and the levy were approved.

Adjournment

After wishing all a Merry Christmas, Chairman Loftus adjourned the meeting at 10:28 p.m., following voice vote passage of a motion by Commissioner Cooper and seconded by Commissioner Saeed.

Respectfully submitted,

Barbara Dutton-Thomas, *Recording Secretary*



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

Meeting 3/9/2023 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Public Hearing
Prepared By: Atrin Fard

**AGENDA ITEM (ID
2023-258)**

DOC ID: 2023-258

**Public Hearing – 1102 Hill Avenue: Special Use Permit to allow an
addition of DISH Wireless 5G capable antennas and support
equipment to existing cellular tower**

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

N/A

Contribution to Strategic Plan (if applicable)

Action Requested:

Please see attached.

Attachments:

1. PC Staff Report 1102 Hill SUP
2. 1. Zoning Map
3. 2. Aerial Map
4. 3. Public Hearing Notice
5. 4. Public Hearing Notification Map
6. 5. Ancel Glink's Memorandum, dated March 1, 2023
7. 6. Eligible Facility Request Cover Letter, dated February 1, 2023
8. 7. DISH Wireless Narrative Statement, dated February 2, 2023
9. 8. DISH Wireless RF Statement, dated September 14, 2022
10. 9. Construction Drawings, stamped received July 14, 2022
11. 10. Structural Analysis, stamped received July 14, 2022
12. 11. 5G Infographics
13. 12. Comprehensive Plan Excerpts
14. 13. Petitioners' SUP Application Packet, dated April 2, 2022
15. 14. Plat of Survey
16. 15. Lombard Ordinance 3565 – Conditional Use approval
17. 16. Ordinance 6164 – Annexation Agreement

18. 17. Ordinance 6207 – Creation of I1 Zoning District
19. 18. Ordinance 6631 – Annexation
20. 19. Ordinance 6632 – Zoning Map Amendment, change to I1
21. 20. Draft Minutes from December 8, 2022 Plan Commission Meeting
22. 21. Minutes from February 13, 2023 Village Board Meeting
23. 22. Draft Findings of Fact
24. 23. Draft Motion to Approve

STAFF REPORT

TO: Glen Ellyn Plan Commission

FROM: Atrian Fard, Senior Planner

DATE: March 3, 20223

FOR: March 9, 2023 Plan Commission Special Meeting

SUBJECT: OBO Crown Castle USA Inc. and DISH Wireless LLC – 1102 Hill Avenue – Special Use Permit

PETITIONER: The petitioners are Crown Castle and DISH Wireless, represented by Tony Phillips and Ariel Stouder of Fullerton Engineering, as licensee of a portion of the property located at 1102 Hill Avenue.

REQUEST: Crown Castle and DISH Wireless are requesting approval of a Special Use Permit in accordance with Sections 10-8-7 and 10-4-19(E)3 of the Glen Ellyn Zoning Code to allow an addition of DISH Wireless 5G capable antennas and support equipment to the existing cellular tower.

PUBLIC NOTICE: Notice of the public hearing was published in the February 21, 2023 edition of The Daily Herald advertising a public hearing to be held on Thursday, March 9, 2023. Notices were mailed to property owners within 350 feet of the subject property in addition to an expanded group of residential properties as shown in the attached Public Hearing Notification Map. A placard was also placed on the site.

**LOCATION/
SURROUNDING
USES:**

The subject structure is located on the north side of Hill Avenue between Route 53 and Walnut Road in the I1 Light Industrial District. The existing establishment on the site is currently occupied by Safe Seal – Chicago Basement Waterproofing. The surrounding zoning and land uses are as follows:

Surrounding Land Uses:

North: Churchill Woods and
Union Pacific Railroad

South: Industrial Equipment Supplier
East: Distribution Service Corporation
West: Electrician Service Corporation

Surrounding Zoning:

CR Conservation Recreation
and R-4 Unincorporated
DuPage County
I1, Light Industrial District
I1, Light Industrial District
I1, Light Industrial District

COMP**PLANS:**

According to the 2001 Glen Ellyn Comprehensive Plan, “this area should be improved and upgraded as a limited and self-contained business area. Compatible new light industrial and high-tech uses would also be appropriate” (pg 18). The 2023 Draft Comprehensive Plan recommends that the Village’s light industrial areas “should continue to be maintained to support the Village’s industrial base” (pg 10).

STRATEGIC**PLAN:**

The 2020-2022 Strategic Plan identifies an initiative of successful growth, development, annexation & business retention. One of the measures of success for that initiative includes the annexation of industrial properties on the south side of Hill Avenue, across the street from the subject site.

PROJECT**HISTORY:**

Historic Timeline: Parcel 05-12-207-033, currently addressed 1102 Hill Avenue, was previously located within the Village of Lombard corporate limits, and zoned I Limited Industrial District. In 1992, Village of Lombard granted a Special Use Permit to construct an 87-foot-tall monopole antenna at the rear of the subject property (Ordinance 3565). Sometime between 1992 to 2013, the subject property was de-annexed from Village of Lombard and the address was changed to 21W180 Hill Avenue, in unincorporated DuPage County. At this time, the property was zoned DuPage County I-1 Light Industrial District. The property owner signed an annexation agreement with the Village of Glen Ellyn in 2013 (Ordinance No. 6164). Consequently, in 2014, the Village of Glen Ellyn created a new zoning district, I1 Light Industrial District, to accommodate the incoming industrial use (Ordinance 6207). The property was officially annexed into the Village of Glen Ellyn in 2018 with the address 1102 Hill Avenue (Ordinance No. 6631). Upon annexation, consistent with the annexation agreement, a Zoning Map Amendment was approved (Ordinance 6632) rezoning the property to I1 Light Industrial District. Currently, the cellular tower’s height is 70 feet, which exceeds the maximum allowable height of 45 feet for structures located in the I1 Light Industrial District. As no Special Use Permit has been granted by the Village of Glen Ellyn, the cellular tower is considered legal nonconforming to Glen Ellyn Zoning Code.

December 8, 2022 Plan Commission: The Plan Commission discussed the addition of a 5G capable antenna to the tower and expressed concerns on the subject and their desire for the Village Board to be notified of this. Commissioners also clarified with staff that if another carrier wanted to co-locate on the tower alongside the DISH Wireless antenna, they would have to seek a separate Special Use Permit. Commissioners noted that the

granting of this Special Use Permit would serve as a reuse of a currently unused structure. No one from public spoke in favor or against of the request. By a vote of 7-1, the Plan Commission recommended approval of the request, subject to the following conditions:

1. That the new DISH Wireless antenna added to the existing cellular tower be operated in substantial conformance with the application materials submitted and testimony presented at the December 8, 2022 Plan Commission public hearing and before the Village Board of Trustees; and
2. That it be stated to the Village Board of Trustees that a purpose of the installation is for 5G.

After the Plan Commission meeting, staff spoke with the petitioner to seek further clarification on the topic and asked that the petitioner provide a Narrative Statement (attached) that explicitly outlines the use of 5G and the concerns that were expressed.

February 13, 2023 Village Board: The Village Board discussed the installation of the antennas, the safety of residents from 5G technology, and the legal jurisdiction of the Village Board to review and regulate such Special Use Permit requests. Nancy Perlman, a Glen Ellyn resident, spoke in opposition of the request and urged the Board to not approve or at least table the request until 5G's impacts on the community are further researched. One of the Trustees inquired whether the distributed public notice detailed the 5G capability of the proposed DISH Wireless, to which staff responded no. After deliberations, Village Board decided to remand the request back to the Plan Commission and requested re-notification of all properties within 350 feet of the subject site, with specific reference to the 5G installation, to give more people a chance to voice their opinions.

PROJECT SUMMARY:

At this time, the petitioners are proposing to replace the existing vacant carrier antennas and associated equipment on the existing cellular tower with new DISH Wireless entry port, antennas and radio equipment. At the base of the tower, within the fenced compound area, an ice bridge, a 5' by 7' metal platform, and an equipment cabinet will be installed. The proposed additions will neither increase the height of the tower nor the existing leased ground footprint. The proposed DISH Wireless antennas will be unmanned and will only require power and fiber connections that already exist on the site. It will require service by a technician approximately once a month.

In addition to the above-mentioned services, the proposed antenna

equipment would support 5G technology. The petitioner has provided a Radio Frequency (RF) interference statement provided by DISH RF Engineers to confirm that all frequencies utilized by DISH Wireless shall follow guidelines enforced by the Federal Communications Commission (FCC). The FCC grants licenses for the use of certain radio frequencies exclusively by wireless service providers, including DISH Wireless, which shall use certain frequencies (channels) on which to transmit and receive radio signals. Pursuant to these licenses, DISH is authorized to provide wireless service nationwide. Per petitioner's narrative statement, the proposed DISH antennas will comply with all FCC rules regarding interference to other radio services and human exposure to radio frequency energy and will not present any detrimental effect to the community public safety, health and/or welfare, even with the 5G technology capability.

The proposed antenna will be installed on top of the pole at approximately 67 feet high. According to the petitioner, the cellular tower at 1102 Hill Avenue has been selected to fill a gap in the DISH Wireless network as the tower's height and location are important factors in determining how network coverage can be expanded. The petitioner adds that the higher the structure is the farther the coverage will extend. Per Section 10-4-19(B)18, television and radio towers and antenna support structures that exceed district's maximum height, will require a Special Use Permit. Given the maximum allowable height of 45 feet in I1 District, the proposed antenna will require approval of a Special Use Permit. Section 10-4-19(E)3 confirms the requirement for a Special Use Permit stating that "the height of a television or radio tower, antenna support structure... shall be specified in the ordinance granting a special use permit". As proposed, the maximum height will be set as 70 feet in the associated ordinance.

Zoning Code Section 10-8-7 also states that the "lawfully existing, nonconforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued" subject to the provision stating the "nonconforming use of part of a building or structure shall not be expanded or extended". Given the legally nonconforming height and operation of the existing tower, the proposed work therefore triggers a need for a Special Use Permit, as the intended work expands upon the existing nonconforming use.

PLAN COMMISSION ACTION:

The Plan Commission is asked to consider the petitioner's request for a Special Use Permit to allow an addition of DISH Wireless 5G capable antennas to the existing cellular tower and the addition of support equipment at the base of the monopole in a licensed area.

The Plan Commission may make a recommendation to the Village Board for approval, approval with conditions, or denial of the request. The Village has consulted with Adam B. Simon of Ancel Glink Professional Corporation, regarding the certain factors the Plan Commission may consider in reviewing the current Special Use Permit proposal (please see Ancel Glink's Memorandum attached). Accordingly, the Plan Commission is legally directed to base its decision on the evidence limited to facts that tend to either support or undermine satisfaction of the criteria for granting approval of a Special Use Permit as set forth in Section 10-10-14 of the Glen Ellyn Zoning Code. Some permissible bases for decisions include height, setbacks, structural aspects, property value concerns, and community character. So long as the petitioner verifies that the FCC regulations for limiting RF emissions will be met, the Plan Commission is not authorized to further inquire about the general impact from radio frequency (RF) emissions or place further conditions on its Zoning decision.

Staff has prepared draft findings of fact for a recommendation of approval of the Special Use (attached). Plan Commissioners should feel free to modify the findings based upon information provided at the public hearing. If Commission members wish to recommend denial of the request and would like staff to prepare a motion to deny, please contact staff in advance of the meeting. A draft motion to approve has been attached for the Plan Commission's review and use.

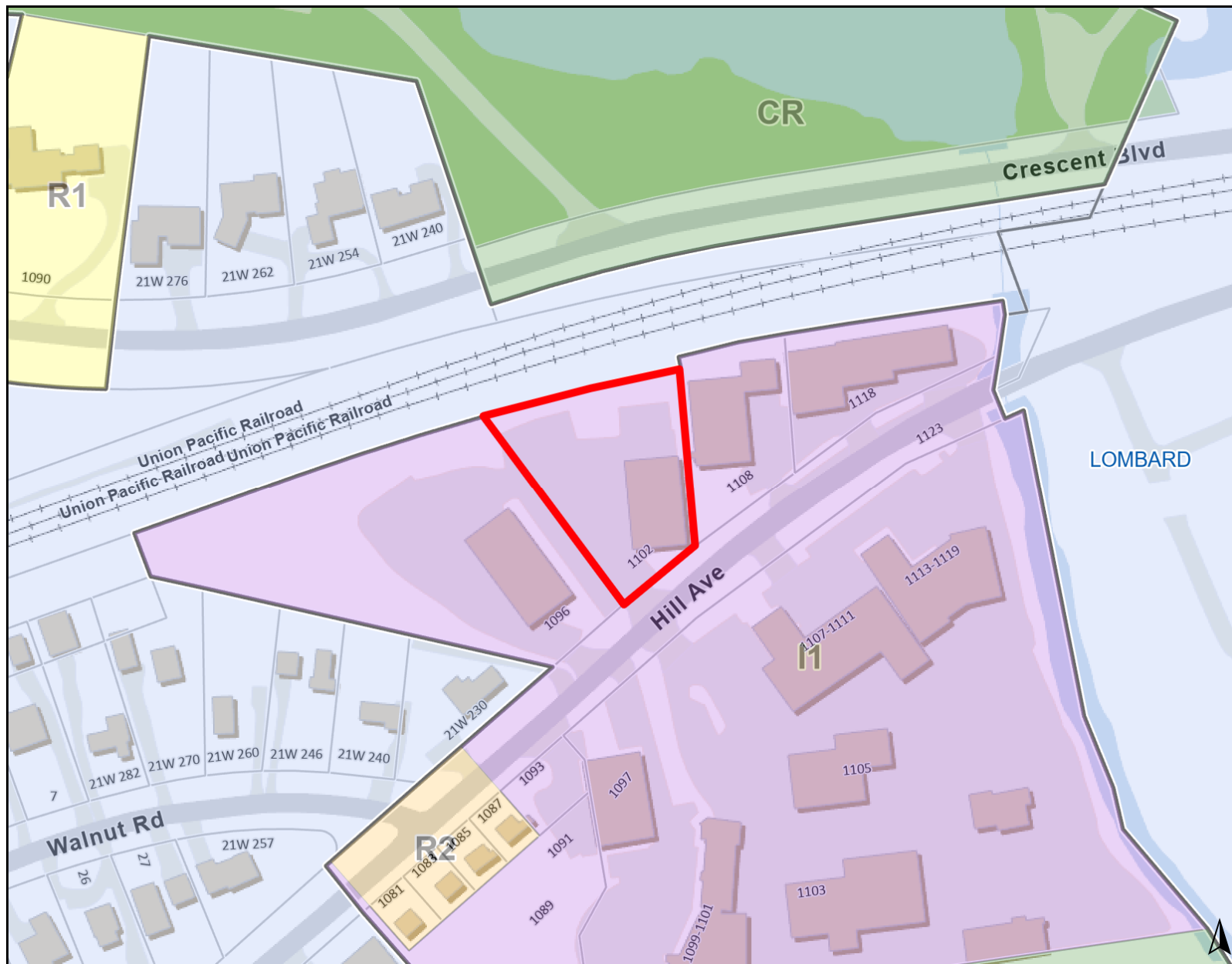
ATTACHMENTS:

1. Zoning Map
2. Aerial Map
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22. Draft Findings of Fact
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cc: Martin Scott, Director of Community Development
Tony Phillips, Fullerton Engineering Consultants
Ariel Stouder, Fullerton Engineering Consultants

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Legend

Zoning and Development

Zoning

- CR: Conservation/Recreation District
- I1: Light Industrial District
- R1: Single Family Residential District
- R2: Single Family Residential District

0 300 600
ft

Print Date: 6/2/2022

Notes

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



Legend

0 150 300
ft

Print Date: 6/2/2022

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NOTICE OF PUBLIC HEARING

Tony Phillips and Ariel Stouder of Fullerton Engineering Consultants, LCC, on behalf of DISH Wireless LLC and OBO Crown Castle USA Inc., are requesting approval of a Special Use Permit in accordance with Sections 10-4-19(E)-3 and 10-8-7 of the Zoning Code to allow an addition of DISH Wireless 5G capable antennas and support equipment to the existing cellular tower at 1102 Hill Avenue. The Glen Ellyn Plan Commission heard this case on December 8, 2022 and will conduct a second public hearing to consider the Special Use Permit on **Thursday, March 9, 2023, at 7:00 p.m.** in the Galligan Board Room on the 3rd floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois, 60137.

The property is located in the I1- Light Industrial District and legally described as follows:

A PARCEL OF LAND FOR AMCI LEASE SITE PURPOSES LOCATED WITHIN HERON SAID LOT 1 IN HLL OAKSUBDIVISION BEING A PARK OF LOT 12 OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY IN ASSESSMENT DIVISION OF SECTION 12, TOWNSHIP 39 NORTH RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAY OF SAID HILL OAK SUBDIVISION RECORDED May 11, 1970 AS DOCUMENT R70-14300 AND CERTIFICATE OF CORRECTION, RECORED MAY 21, 1970 AS DOCUMENT R70-15844.

BEGINNING AT A POINT OF INTERSECTION OF A LINE DRAWN 10.00 FEET WESTERLY OF THE EAST LINE OF SAID LOT 1 WITH A CURVED LINE DRAWN 15.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 05 DEGREES 06 MINUTES 42 SECONDS EAST PARALLEL WITH AND 10.00 FEET WESTERLY OF AS MEASURED PERPENDICULAR TO THE EAST LINE OF SAID LOT 1, A DISTANCE OF 54.00 FEET; THENCE SOUTH 84 DEGREES 53 MINUTES 18 SECONDS WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 05 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 47.41 FEET; THENCE ALONG A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 3306.38 FEET FOR A DISTANCE OF 50.43 FEET FORMING A CHORD BEARING OF NORTH 77 DEGREES 22 MINUTES 59 SECONDS EAST TO THE PLACE OF BEGINNIG, CONTAINING 2538.55 SQUARE FEET ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-12-207-033

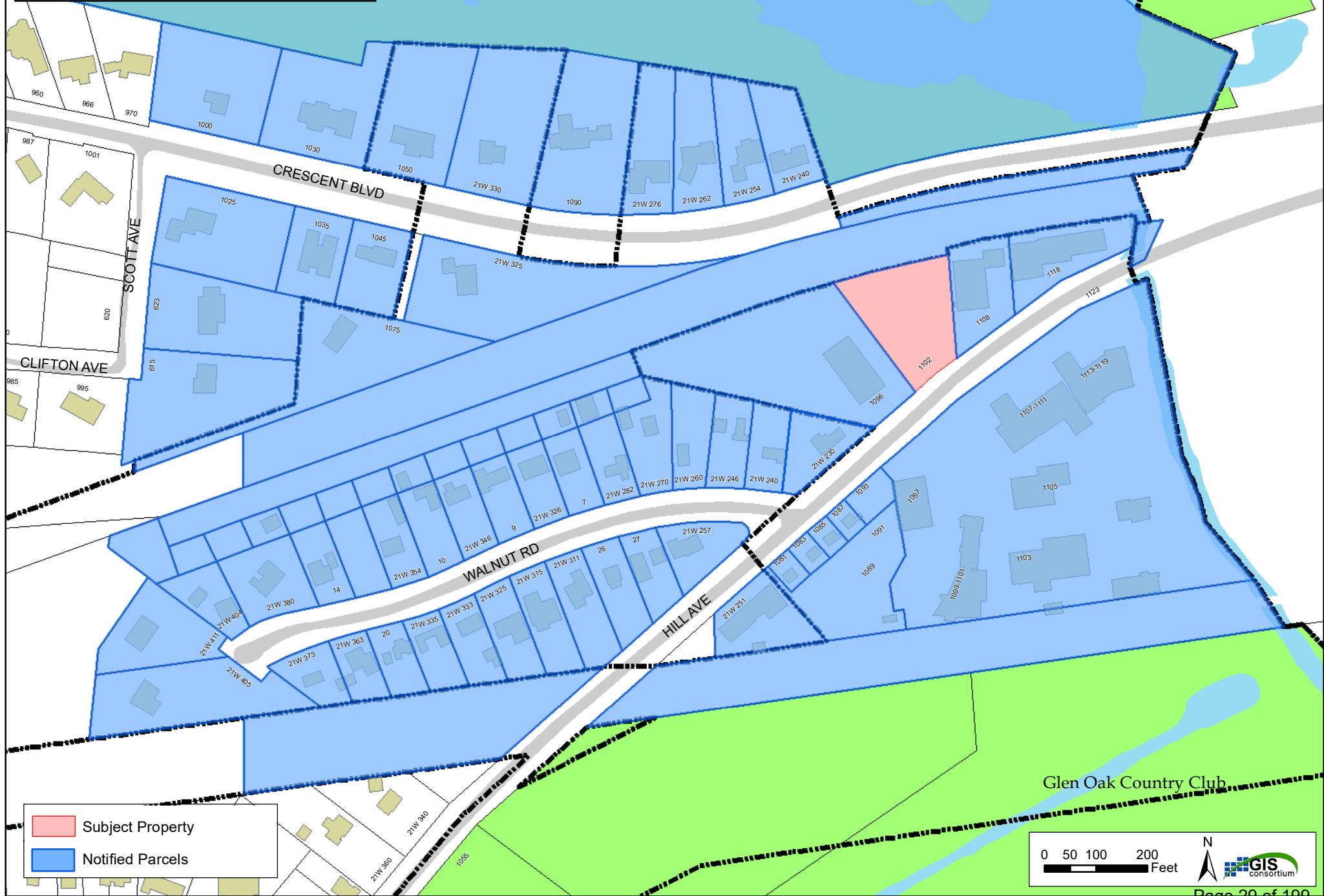
All persons who are interested are invited to attend the public hearing of the Plan Commission to listen and be heard. Information related to the request, including the plans for the proposed project are available for public review at any time before or after the meeting between the hours of 8:00am and 4:30pm in the Community Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the request should be directed to Atrian Fard, Senior Planner, afard@glenellyn.org. All public comments received by 4:30 pm on Thursday, March 9, 2023 will be read into the record at the public hearing.



Village of Glen Ellyn

1102 Hill Ave Notification

Churchill Woods Forest Preserve



- Subject Property
- Notified Parcels



A Professional Corporation
175 E. Hawthorn Parkway, Suite 145
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www.ancelglink.com

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asimon@ancelglink.com
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(F) 847.247.7405

MEMORANDUM

PRIVILEGED AND CONFIDENTIAL: ATTORNEY-CLIENT COMMUNICATION

To: Plan Commission
Village of Glen Ellyn

CC: Greg Mathews, Village Attorney

From: Adam B. Simon

Subject: Plan Commission Review of Applications to Collocate 5G Antennas

Date: March 1, 2023

The Village has requested that I provide an opinion regarding the factors the Plan Commission may consider in reviewing an application for installation of 5G wireless antenna(s) on an existing cell tower located on private property. As you know, the Village can only apply the zoning regulations which exist at the time the application is filed.

Background

There exists a monopole antenna support structure on the property located at 1102 Hill Avenue, Glen Ellyn, Illinois (the "Property"). I understand that the Property was formerly in the Village of Lombard, which in 1992 granted a special use permit for an 87-foot tall monopole antenna. The Property was subsequently disconnected from Lombard and the owner signed an Annexation Agreement with Glen Ellyn in 2013. The property was annexed to Glen Ellyn in 2018.

The Property is located within the I-1 Light Industrial District, which includes a height limit of 45 feet for structures in the District. Antenna support structures exceeding the 45-foot limit require approval of a special use permit. This support structure is 70 feet, and Section 10-4-19(B)(18), makes that a special use in the I-1 District. Likewise, Section 10-8-8 likewise expresses existing uses which are special uses shall not be nonconforming uses, but shall require a special use permit for any enlargement or extension or intensification or change of use.

The petitioners are Crown Castle and DISH Wireless.¹

¹ By way of background, one of the Federal government's conditions of approval of the merger of T-Mobile and Sprint was that they needed to sell a share of their cellular licenses to DISH Wireless so the consumer market would retain four national cellular carriers. As a result, DISH Wireless is building out its own network now.

Federal Law

Cellular communication is deemed to be a matter of interstate concern and the federal government has therefore interceded, to a limited degree, into zoning regulations, an area that is normally reserved for state and local control. Specifically, Section 704 of the Telecommunications Act of 1996 (Telecommunications Act)² creates a balance between the federal priority for expansion of cellular communications and the local authority to control zoning decisions. Accordingly, both the federal rules and the local standards that shape a local zoning authority's jurisdiction and discretion are of importance.

Characterized as an exercise in cooperative federalism, the Telecommunication Act reserves to local governments authority over zoning decisions related to cellular tower and antenna placement and construction. There are, however, several significant constraints on this authority enumerated in the Telecommunication Act:³

- (1) Nondiscrimination and Prohibition of Service: While state or local governments or instrumentalities may regulate the placement and construction of facilities, they shall not “discriminate among providers of functionally equivalent services,” nor “prohibit or have the effect of prohibiting the provision of personal wireless services.”
- (2) Timeliness of Government Action: Local governments must “act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed . . . taking into account the nature and scope of such request.”
- (3) Evidence and Written Records: All governmental denials of requests “must be in writing and supported by substantial evidence contained in a written record.”⁴
- (4) Environmental and Health Concerns: State and local governments or their instrumentalities may not “regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

² 47 U.S.C. §332(c)(7).

³ 47 U.S.C. §332(c)(7)(B).

⁴ This Federal requirement for a “closed record” applies despite the final decision being a legislative judgment reserved for the Village Board. Otherwise, under Illinois law a Village Board decision would be subject to de novo review on appeal. 65 ILCS 5/11-13-25(a).

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Additional Limitations on Local Government Zoning Authority

Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012⁵ (the “Collocation Law”), substantively amended the Telecommunications Act by limiting local government authority to control (a) the collocation of new facilities, and (b) the removal or replacement of facilities on existing towers or structures.

The pertinent language from Collocation Law states:

(a) FACILITY MODIFICATIONS. —

(1) IN GENERAL. — Notwithstanding section 704 of the Telecommunications Act of 1996⁶ (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that ***does not substantially change the physical dimensions of such tower or base station.***

(2) ELIGIBLE FACILITIES REQUEST.— For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves —

- (A) ***collocation of new transmission equipment;***
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

To rephrase this more simply, the Village shall approve any application for collocation of new wireless antennas which does not substantially change the size of the tower or base station.

State Law

Many times when an application references a 5G antenna it is related to the deployment of a “small wireless facility,” or “small cell,” as defined by the Small Wireless Facility Deployment Act.⁷ However, based on my review of the application the petitioner has described a conventional cellular installation which will operate in the “5G” radio band comprising an

⁵ Pub. L. No. 112-96, § 6409(a), 126 Stat. 156 (2012) (codified at 47 U.S.C. § 1455(a)).

⁶ Section 704 refers to 47 U.S.C. §332(c), the Federal law which sets the general limitations on local zoning authority as applied to personal wireless telecommunications facilities.

⁷ 50 ILCS 840/1, et seq.

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antenna platform and a set of three antennas that will cumulatively exceed six cubic feet in volume.⁸ For this reason, the narrow restrictions on zoning authority applicable to small wireless facilities do not apply to this application.⁹

Village Ordinances

Aside from the Small Wireless Facility Deployment Act, Illinois law does not contain any express limitations regarding the exercise of municipal zoning power over personal wireless service facilities. As a result, the general rules of substantive due process apply to these applications in the same manner as other zoning applications. The zoning regulations applicable to personal wireless service facilities must be clear, predictable and bear a rational relationship to legitimate zoning purposes. They must also be applied in a consistent, nondiscriminatory manner.

As mentioned above, the application is requesting approval of a special use permit for the existing antenna support structure to ratify approval of the structure above the maximum height in the I-1 district. The Village's Zoning Code does not contain any supplemental regulations nor any supplemental application requirements applicable to antenna support structures. As a result, the proper scope of review for the Plan Commission is limited to evidence and testimony which is germane to the findings of fact required to recommend a special use permit.

Under Section 10-10-14(E) of the Zoning Code, the findings of fact for a special use permit are presented below:

(E) The Plan Commission shall not recommend that a special use be granted nor shall the Village Board grant a special use, unless it shall find, based upon the evidence presented to the Plan Commission in each specific case, that the special use:

1. Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or this title;

⁸ Although all cellular operators advertise 5G service, each carrier operates on a unique set of frequencies licensed by the FCC within the 5G band of the radio spectrum. There should not be confusion that all 5G antennas share the same frequencies.

⁹ Caution should be observed when reviewing genuine small wireless facility applications because of the narrow restrictions on zoning authority and short decision deadlines permitted by the Small Wireless Facility Deployment Act. The Act provides that small wireless facilities shall be deemed permitted uses on property zoned for commercial or industrial use.

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2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighborhood uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village;
6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
7. Will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads;
8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief; and
9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community;

Based on the foregoing, the Plan Commission should only consider evidence and testimony which tends to support or dispute these findings of fact, subject to the restrictions contained in Federal law described above (e.g. exclusion of health effects of RF emissions).

As a reminder, the Plan Commission may recommend and the Village Board may require such conditions and restrictions upon the premises benefited by a special use as may be necessary in their opinion to comply with the foregoing standards and to reduce or minimize injurious effect of such special use upon other property in the neighborhood.

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Analysis

The review of this application should be bifurcated between the antenna support structure and the new DISH Wireless antenna attachment. As mentioned above, the monopole requires a special use permit because it exceeds the permitted height in the I-1 district. The Village is allowed to review the special use permit application because this facility has not previously received any zoning approval from Glen Ellyn. This application should follow the permitted scope of review described in the preceding section.

However, if the special use permit is granted to allow the monopole to be 70' tall, the new antenna attachment becomes a collocation, rather than a new structure, and falls within the scope of the Collocation Law.¹⁰ In reviewing the presentation packet filed by DISH Wireless, LLC, the application for the antenna attachment to the monopole seems to be an eligible facility request that does not substantially change the physical dimensions of the tower. The proposal does not (1) increase the height of the tower, (2) require installation of more than one new equipment shelter, (3) add an appurtenance to the tower which would protrude too greatly, or (4) involve excavation outside the boundaries of the current cellular compound or the related easements. Based on these findings, the application is one which the Village must approve.

Although the Village must approve the application to collocate the DISH Wireless antenna attachment, the Village may still apply reasonable conditions to enforce generally applicable public safety regulations (e.g. electric code, building code) to ensure the new antennas are erected safely.

Please let me know if you have any questions about the findings and opinions in this memorandum.

¹⁰ Moreover, Section 10-4-19(A)(24) would make all new antenna applications which do not exceed the height permitted for the monopole a permitted use.



9045 River Rd,
Indianapolis, IN 46240

Phone: (317) 249-2028
www.crowncastle.com

February 2, 2023

IL – Glen Ellyn
Village of Glen Ellyn
Community Development Department
535 Duane Street
Glen Ellyn, IL 60137

Via Mail

*******NOTICE OF ELIGIBLE FACILITIES REQUEST*******

RE: Request for Minor Modification to Existing Wireless Facility – Section 6409

Site Address: 21 W 180 Hill Avenue, Glen Ellyn, IL 60137S

Crown Site Number: 817173 / Crown Site Name: IL-CCI-T-817173

Customer Site Number: CHCHI00652A / Application Number: 570902

Dear Staff:

On behalf of DISH Wireless L.L.C. (“Dish Wireless” or “Applicant”), Crown Castle USA Inc. (“Crown Castle”) is pleased to submit this request to modify the existing wireless facility noted above through the collocation, replacement and/or removal of the Applicant’s equipment as an eligible facilities request for a minor modification under Section 6409¹ and the rules of the Federal Communications Commission (“FCC”).²

Section 6409 mandates that state and local governments must approve any eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Under Section 6409, to toll the review period, if the reviewing authority determines that the application is incomplete, it must provide written notice to the applicant within 30 days, which clearly and specifically delineates all missing documents or information reasonably related to whether the request meets the federal requirements.³ Additionally, if a state or local government, fails to issue any approvals required for this request within 60 days, these approvals are deemed granted. The FCC has clarified that the 30-day and 60-day deadlines begins when an applicant: (1) takes the first step required under state or local law; and (2) submits information sufficient to inform the jurisdiction that this modification qualifies under the federal law⁴. Please note that with the submission of this letter and enclosed items, the thirty and sixty-day review periods have started. **Based on the May 26th 2022 submission, the deadline for written notice of incomplete application was Monday June 28, 2022. Notification of an incomplete application was received on June 7th, 2022. Confirmation of a completed application to be added to the Village of Glen Ellyn Planning Commission was received on November 2, 2022. The updated timeline on the deadline for issuance of approval was December 20, 2022.**

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455).

² *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, 29 FCC Rcd. 12865 (2014) (codified at 47 CFR § 1.6100); and *Implementation of State & Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250 (June 10, 2020).

³ See 47 CFR § 1.6100 (c)(3). ⁴ See 2020 Upgrade Order at paragraph 16.

The Foundation for a Wireless World

CrownCastle.com



9045 River Rd,
Indianapolis, IN 46240

Phone: (317) 249-2028
www.crowncastle.com

The proposed scope of work for this project includes:

Collocation of antennas, ancillary equipment, and ground equipment as per plans for a new carrier on an existing wireless communication facility.

At the end of this letter is an updated checklist, as of February 1, 2023, of the applicable substantial change criteria under Section 6409. Additionally, please find enclosed the following information in support of this request:

- (1) Special Use Permit Application;
- (2) Existing Plat of Survey;
- (3) \$750.00 Non-Refundable Application Fee;
- (4) \$1,000.00 Escrow;
- (5) Proof of Ownership;
- (6) RF Statement from DISH RF Engineer;
- (7) Construction Drawings;
- (8) Structural Analysis; and
- (9) Section 6409 Substantial Change Checklist.

As these documents indicate, (i) the modification involves the collocation, removal or replacement of transmission equipment; and (ii) such modification will not substantially change the physical dimensions of such tower or base station. As such, it is an “eligible facilities request” as defined in the FCC’s rules to which the 60-day deadline for approval applies. Accordingly, Applicant requests all authorization necessary for this proposed minor modification under Section 6409.

Our goal is to work with you to obtain approvals earlier than the deadline. We will respond promptly to any request for related information you may have in connection with this request. Please let us know how we can work with you to expedite the approval process. We look forward to working with you on this important project, which will improve wireless telecommunication services in your community using collocation on existing infrastructure. If you have any questions, please do not hesitate to contact me.

Regards,

Crown Castle
Agent for Applicant

**Section 6409 Substantial Change Checklist
Towers Outside of the Public Right of Way**

The Federal Communications Commission has determined that a modification substantially changes the physical dimension of a wireless tower or base station under 47 U.S.C. § 1455(a) if it meets one of six enumerated criteria under 47 C.F.R. § 1.6100.

Criteria for Towers Outside the Public Rights of Way

YES/NO NO	Does the modification increase the height of the tower by more than the greater of: (a) 10% (b) or, the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna?
YES/NO NO	Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater?
YES/NO NO	Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets?
YES/NO NO	Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements?
YES/NO NO	Does the modification defeat the concealment elements of the eligible support structure?
YES/NO NO	Does the modification violate conditions associated with the siting approval with the prior approval the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)?

If all questions in the above section are answered “NO,” then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100.



3025 Highland Pkwy ySuite 510
Downers Grove, IL 60515

Phone: (630) 480-5164
www.crowncastle.com

February 2, 2023

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

Re: Narrative on 5G Concerns for Special Use Permit to allow the Installation and Operation of New DISH Wireless

Network Equipment to the Existing Tower at 1102 Hill Avenue
DISH Site CHCHI00652A / Crown Site 817173

To Whom It May Concern,

Fullerton Engineering on behalf of DISH Wireless, and Tower Owner Crown Castle, submit for review and approval, a Special Use Application for the proposed addition of DISH Wireless Antennas and Support Equipment to the tower at 1102 Hill Avenue. DISH Wireless is proposing to install their telecommunication equipment on the tower and on the ground within a leased space. Crown Castle is the owner of the telecommunications tower located at this referenced tower location. Currently, there are no carriers operating on this tower.

DISH Wireless would install their equipment on the top tower space for operation. This centerline for installation is located on the tower at the 67' high mark. The antenna equipment that DISH is proposing to install on the tower would support 5G technology. This is a key offering that their network would provide to their consumers. The proposed new Co-location of DISH antennas does not present any detrimental effect to the community public safety, health and/or welfare. Even with the 5G capable technology that the equipment would bring to the community.

DISH Wireless is a division of the company we all know to be the satellite television provider. In recent years, DISH has become one of the major wireless carriers. Their focus will be providing 5G wireless connectivity to power the Smart Cities of the future. Smart Homes, Factories, Driverless Cars, and Artificial Intelligence...in addition to the millions of wearables, sensors, devices, and robots that will support them. Additional information regarding the DISH Story is available on their web site at <https://about.dish.com/company-info>.

Wireless Communications have been designated Critical Infrastructure by the Federal Government and should be considered Essential Services in all Comprehensive Plans. Adding a New Carrier to an existing wireless support structure in the Industrial Zoning District should be considered at the top of a site hierarchy.

The Foundation for a Wireless World

CrownCastle.com



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As DISH Wireless is constructing this new network, every new facility in the network is essential to the seamless operation. This Crown Castle tower, located at 1102 Hill Avenue, was selected to fill a gap in the DISH Wireless network. The tower height and location are important factors in determining how network coverage can be expanded. Structure height is key in extending that coverage. The higher the structure the farther the coverage will extend.

On the Crown Castle tower, DISH Wireless would be installing their antennas, radio equipment, and associated cabling at top location on the tower. At the base of the tower, within the fenced compound area, DISH would install an ice bridge, a 5' x 7' metal platform, and an equipment cabinet. The proposed addition of DISH Wireless's equipment will not cause an increase in the height of the tower or in the existing leased ground space.

The new antenna equipment would support 5G technology. This would be in addition to other technologies that would the DISH network would offer to consumers. As an example, another technology supported by this antenna would be 4G. There is no hazard emission that is produced from the use of 5G technology. Consumers would only be able to utilize this 5G network if they should purchase a cellular device that has 5G capable technologies. The only way any individual would come to harm is if they were to stand directly in front of antenna located at the top of the tower. Which is why warning signs are posted in all telecommunication site entrances for safety.

Submitted with the Special Use Permit Application, we have included a radio frequency interference statement provided by DISH RF Engineers confirming that all frequencies utilized by DISH Wireless will follow guidelines enforced by the Federal Communications Commission. This is further confirmation the proposed new Co-location of DISH antennas does not present any detrimental effect to the community public safety, health and/or welfare. Even with the 5G technology capability provided by the new antennas.

It is also worth mentioning that the antenna equipment DISH Wireless is utilizing would be of similar make and models that other carriers are installing on their telecommunication towers to support their network. As technology improves for cellular networks there will always be the need for future equipment upgrades to DISH Wireless's network. This need would be the same for any carrier in the cellular market.

In the coming years, DISH Wireless will continue to expand their network. As mentioned previously, every new facility in the DISH network is essential to the seamless operation of this new network. This Crown Castle tower, located at 1102 Hill Avenue, was selected to fill a gap in the DISH Wireless network.



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The proposed addition of the DISH Wireless equipment at this location, even with the 5G technology offered by the antennas, this tower will not be hazardous to the community surrounding this property. As confirmed in the radio frequency statement provided by the DISH RF Engineering Manager, DISH Wireless shall comply with all FCC rules regarding interference to other radio services and human exposure to radio frequency energy.

If there are still any outstanding questions or concerns, please feel free to reach out using any of my contact information listed below in my signature. Addressing all concerns for this project is of utmost importance to myself, and Crown Castle.

Best regards,

Ariel Stouder
Senior Zoning and Permitting Specialist
Fullerton Engineering, on behalf of Crown Castle
M: 574-849-8420
Email: astouder@fullertonengineering.com



DISH Wireless L.L.C.
9601 S. Meridian Blvd.
Englewood, CO 80112
303.723.1000

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

9/14/2022

RE: Project Description and Location: DISH Site CHCHI00652A at 21 W, 180 Hill Ave, Glen Ellyn, IL
(the "Project")

To whom it may concern:

This letter responds to your request for information about the Project referenced above, specifically the potential to interfere with communication facilities located nearby and conformance with the Federal Communications Commission ("FCC") rules governing human exposure to radio frequency energy (see FCC OET Bulletin 65 guidelines). DISH Wireless L.L.C. ("DISH") shall comply with all FCC rules regarding interference with other radio services and all FCC rules concerning human exposure to radio frequency energy.

The FCC has granted licenses for the use of certain radio frequencies exclusively by wireless service providers, including DISH. Each wireless service provider uses specific frequencies (channels) on which to transmit and receive radio signals. Pursuant to these licenses, DISH is authorized to provide wireless service nationwide.

Wireless transmitters must be type-accepted by the FCC to ensure compliance with technical standards that limit the frequencies, output power, radio frequency emissions, spurious radio noise, and other technical parameters. Wireless licensees like DISH are required to use type-accepted equipment. The assignment of frequencies and the FCC rules keep cellular radio signals from interfering with, or being interfered with by, other radio transmissions and provide guidelines outlining the limits for permissible human radio frequency exposure.

DISH shall comply with all FCC rules regarding interference to other radio services and human exposure to radio frequency energy. In the unlikely event that interference does occur, DISH agrees to fully cooperate with the entity experiencing interference to identify and correct, to the extent reasonably possible, any issues caused by the DISH installation.

Very truly yours,

Imran Khan
RF Engineering Manager – Chicago



DISH Wireless L.L.C. SITE ID:

CHCHI00652A

DISH Wireless L.L.C. SITE ADDRESS:

**1102 HILL AVENUE
GLEN ELLYN, IL 60137**

ILLINOIS - CITY OF GLEN ELLYN CODE OF COMPLIANCE

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES

CODE TYPE	CODE
BUILDING	2019 IBC
ELECTRICAL	2011 NEC
MECHANICAL	2009 IMC

SHEET INDEX

SHEET NO.	SHEET TITLE
T-1	TITLE SHEET
LS1	SITE SURVEY
A-1	OVERALL AND ENLARGED SITE PLAN
A-2	ELEVATION, ANTENNA LAYOUT AND SCHEDULE
A-3	EQUIPMENT PLATFORM AND H-FRAME DETAILS
A-4	EQUIPMENT DETAILS
A-5	EQUIPMENT DETAILS
A-6	EQUIPMENT DETAILS
E-1	ELECTRICAL/FIBER ROUTE PLAN AND NOTES
E-2	ELECTRICAL DETAILS
E-3	ELECTRICAL ONE-LINE, FAULT CALCS & PANEL SCHEDULE
G-1	GROUNDING PLANS AND NOTES
G-2	GROUNDING DETAILS
G-3	GROUNDING DETAILS
RF-1	RF CABLE COLOR CODE
GN-1	LEGEND AND ABBREVIATIONS
GN-2	RF SIGNAGE
GN-3	GENERAL NOTES
GN-4	GENERAL NOTES
GN-5	GENERAL NOTES

SCOPE OF WORK

THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE. THE PROJECT GENERALLY CONSISTS OF THE FOLLOWING:

- TOWER SCOPE OF WORK:
- INSTALL (3) PROPOSED PANEL ANTENNAS (1 PER SECTOR)
 - INSTALL (1) PROPOSED ANTENNA PLATFORM MOUNT
 - INSTALL PROPOSED JUMPERS
 - INSTALL (6) PROPOSED RRUs (2 PER SECTOR)
 - INSTALL (1) PROPOSED OVER VOLTAGE PROTECTION DEVICE (OVP)
 - INSTALL (1) PROPOSED HYBRID CABLE
- GROUND SCOPE OF WORK:
- INSTALL (1) PROPOSED METAL PLATFORM
 - INSTALL (1) PROPOSED ICE BRIDGE
 - INSTALL (1) PROPOSED PPC CABINET
 - INSTALL (1) PROPOSED EQUIPMENT CABINET
 - INSTALL (1) PROPOSED POWER CONDUIT
 - INSTALL (1) PROPOSED TELCO CONDUIT
 - INSTALL (1) PROPOSED TELCO-FIBER BOX
 - INSTALL (1) PROPOSED GPS UNIT
 - INSTALL (1) PROPOSED SAFETY SWITCH (IF REQUIRED)
 - INSTALL (1) PROPOSED FIBER NID (IF REQUIRED)
 - INSTALL (1) PROPOSED METER SOCKET

SITE PHOTO



UNDERGROUND SERVICE ALERT
UTILITY NOTIFICATION CENTER OF ILLINOIS
(800) 892-0123
WWW.ILLINOIS1CALL.COM

CALL 2 WORKING DAYS UTILITY NOTIFICATION PRIOR TO CONSTRUCTION



GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE. NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

CONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS, AND CONDITIONS ON THE JOB SITE, AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.

SITE INFORMATION

PROPERTY OWNER: JAC PROPERTIES GE LLC
ADDRESS: 4554 E ECO INDUSTRIAL PLACE
TUCSON, AZ 85756

TOWER TYPE: MONOPOLE

TOWER CO SITE ID: 817173

TOWER APP NUMBER: 570902

COUNTY: DUPAGE

LATITUDE (NAD 83): 41° 52' 59.17" N
41.883111 N

LONGITUDE (NAD 83): 88° 2' 16.85" W
88.038028 W

ZONING JURISDICTION: GLEN ELLYN

ZONING DISTRICT: N/A

PARCEL NUMBER: 0512207033

OCCUPANCY GROUP: U

CONSTRUCTION TYPE: II-B

POWER COMPANY: COMED

TELEPHONE COMPANY: TBD

PROJECT DIRECTORY

APPLICANT: DISH Wireless L.L.C.
5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120

TOWER OWNER: CROWN CASTLE
2000 CORPORATE DRIVE
CANONSBURG, PA 15317
(877) 486-9377

SITE DESIGNER: INFINIGY ENGINEERS, PLLC
FIRM REGISTRATION# 84005973-0002
500 WEST OFFICE CENTER DRIVE
SUITE 150
FORT WASHINGTON, PA 19034

SITE ACQUISITION: SARAH PARSONS
SARAH.PARSONS@CROWNCastle.COM

CONSTRUCTION MANAGER: GEORGE DITCHMAN
GEORGE.DITCHMAN@DISH.COM

RF ENGINEER: CHRISTOPHER HOLMES
(224) 600-0546

DIRECTIONS

DIRECTIONS FROM CHICAGO O'HARE INTERNATIONAL AIRPORT:

DEPART AND HEAD NORTHEAST ON CHICAGO O'HARE INTERNATIONAL AIRPORT, KEEP STRAIGHT TO GET ONTO I-190 E / KENNEDY EXPY, HEAD RIGHT ON THE RAMP FOR I-294 SOUTH TOWARD INDIANA, HEAD RIGHT ON THE RAMP FOR I-290 WEST TOWARD ROCKFORD, TAKE THE RAMP ON THE RIGHT FOR I-355 S, TAKE THE RAMP ON THE RIGHT AND FOLLOW SIGNS FOR IL-64, TURN LEFT ONTO IL-64 / NORTH AVE, BEAR RIGHT, THEN BEAR RIGHT ONTO IL-53 / N COLUMBINE AVE, TURN LEFT ONTO W SAINT CHARLES RD, TURN RIGHT ONTO CRESCENT BLVD, TURN LEFT ONTO FINLEY RD, THEN IMMEDIATELY TURN RIGHT ONTO GLEN OAK RD, ROAD NAME CHANGES TO HILL AVE, TURN RIGHT, ARRIVE AT DESTINATION

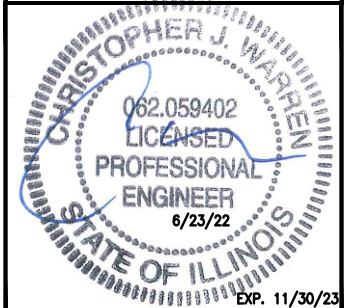
VICINITY MAP



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



2000 CORPORATE DRIVE
CANONSBURG, PA 15317



FIRM REGISTRATION: 184005973-0002

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DRAWN BY: CHECKED BY: APPROVED BY:

RCD SS CJW

RFDS REV #: N/A

CONSTRUCTION DOCUMENTS

SUBMITTALS		
REV	DATE	DESCRIPTION
A	06/30/2021	ISSUED FOR REVIEW
0	06/16/2022	ISSUED FOR CONSTRUCTION
1	06/23/2022	ISSUED FOR CONSTRUCTION

A&E PROJECT NUMBER
6039-Z0001-C

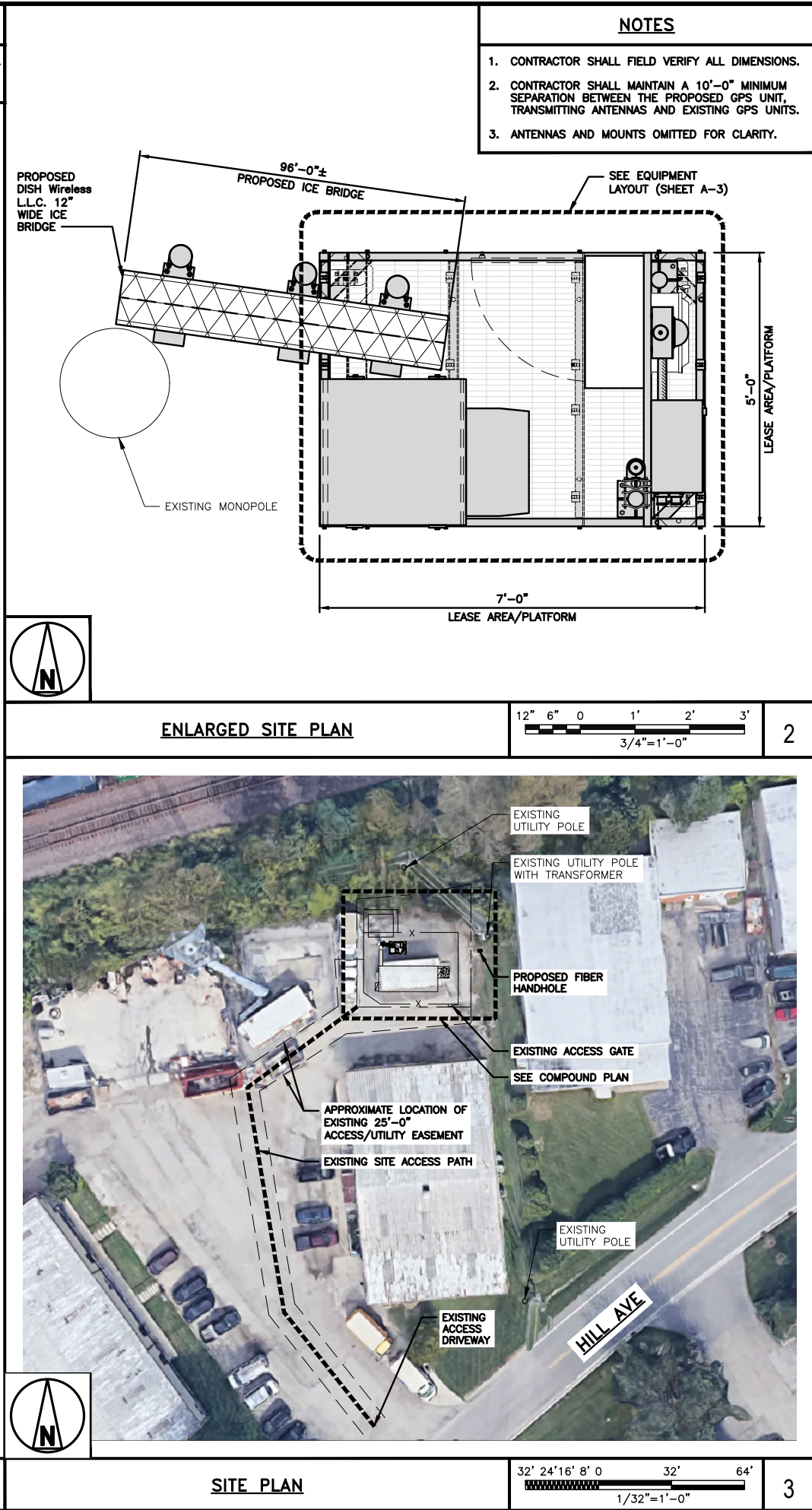
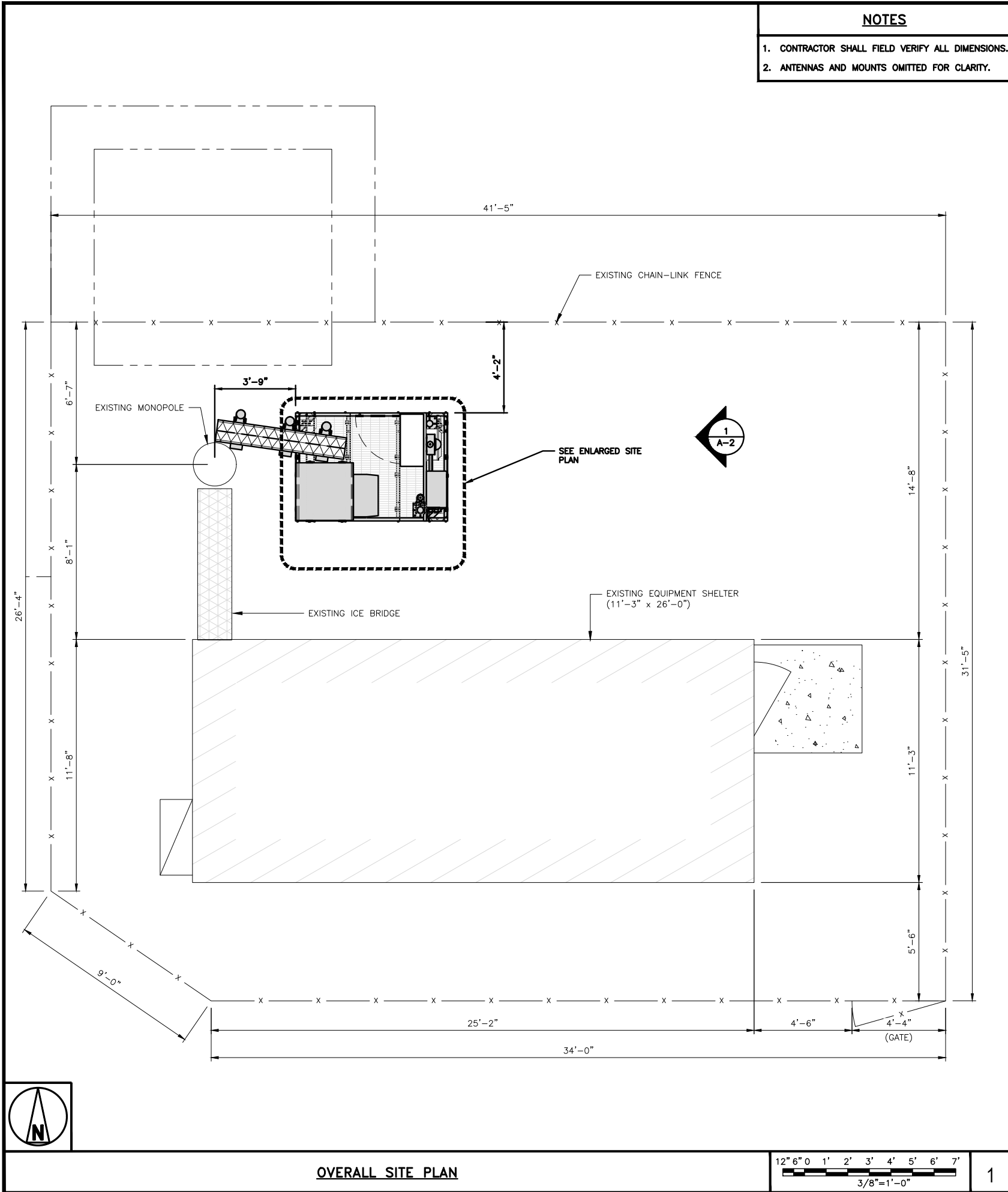
DISH Wireless L.L.C.
PROJECT INFORMATION

CHCHI00652A

1102 HILL AVENUE
GLEN ELLYN, IL 60137

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1



dish

wireless.

5701 SOUTH SANTA FE DRIVE
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CROWN
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CHRISTOPHER J. WARREN

062.059402

LICENSED

PROFESSIONAL

ENGINEER

6/23/22

STATE OF ILLINOIS

EXP. 11/30/23

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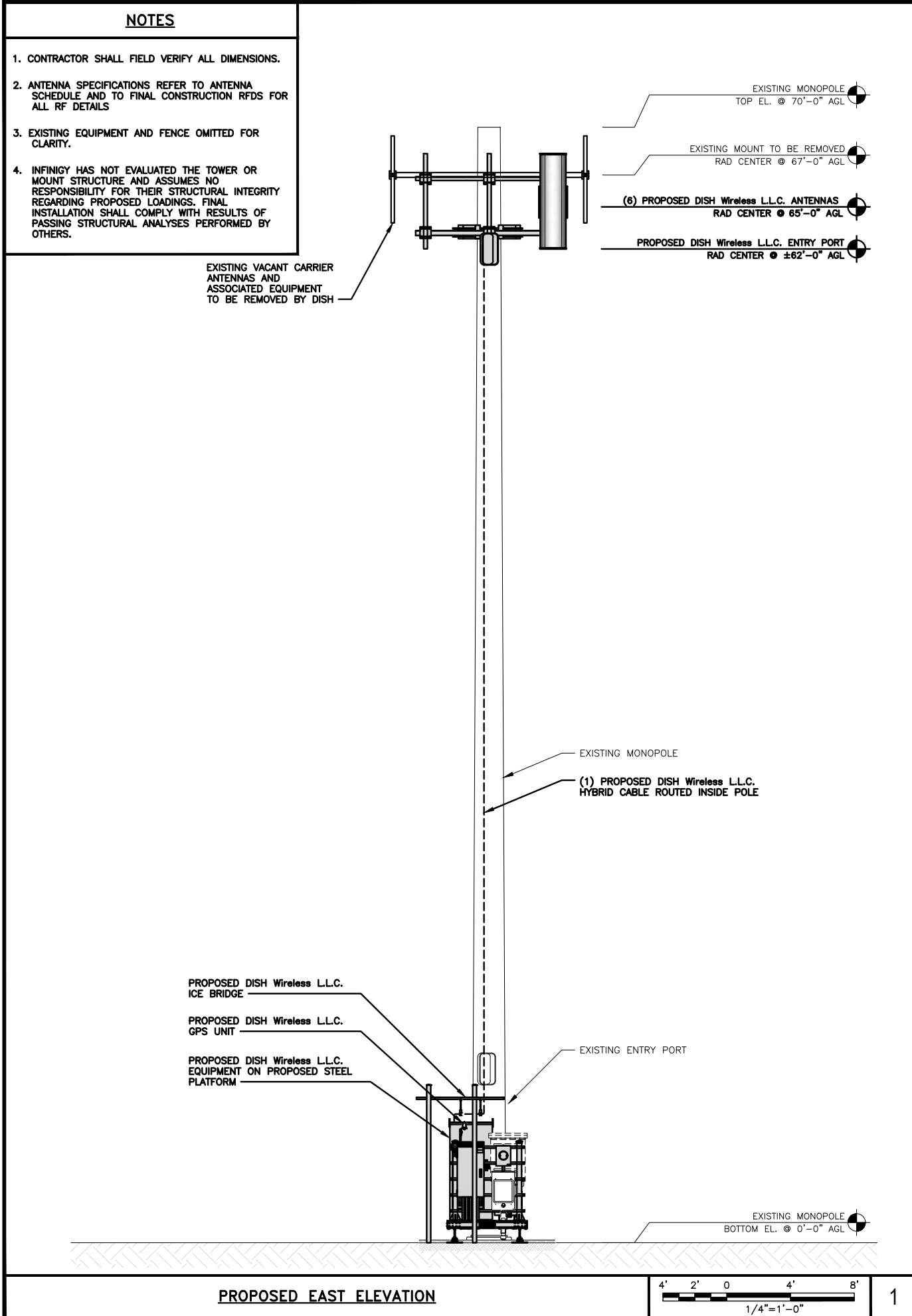
OVERALL AND ENLARGED SITE PLAN

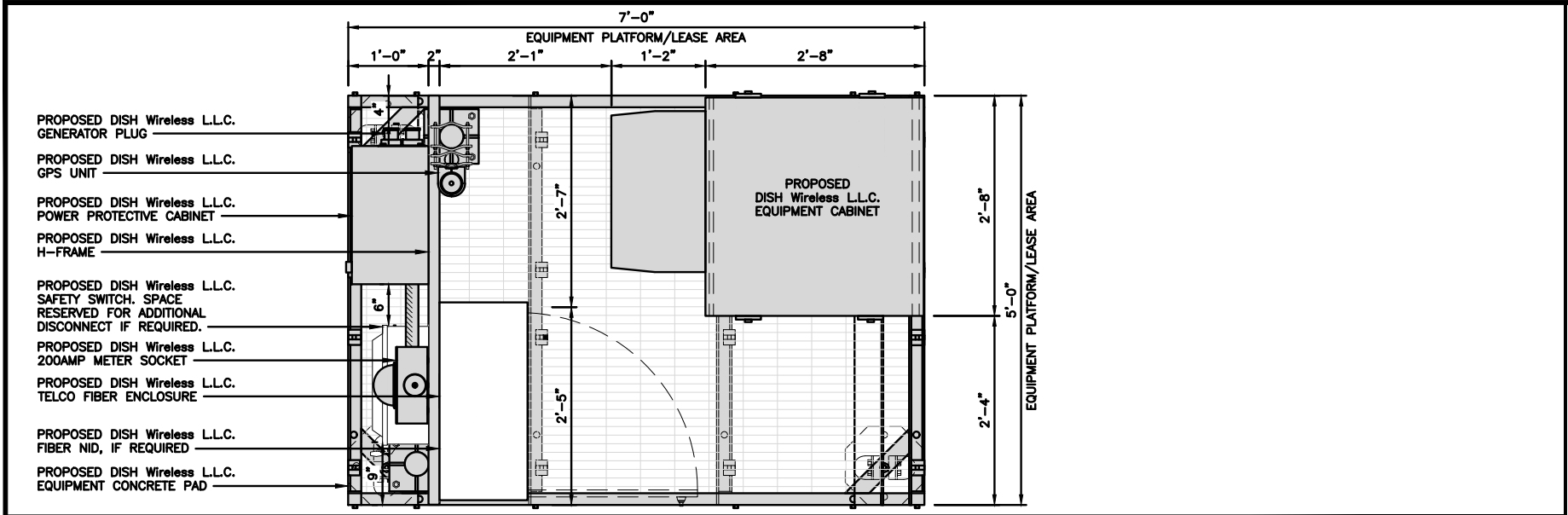
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A-1

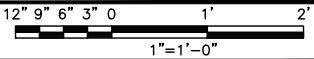
DISH Wireless L.L.C. TEMPLATE VERSION 49 - 5/05/2022

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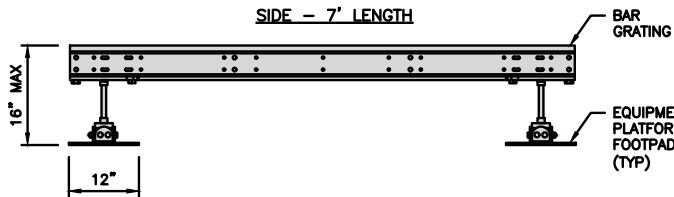
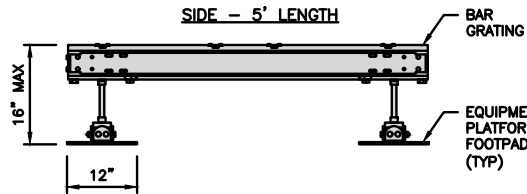
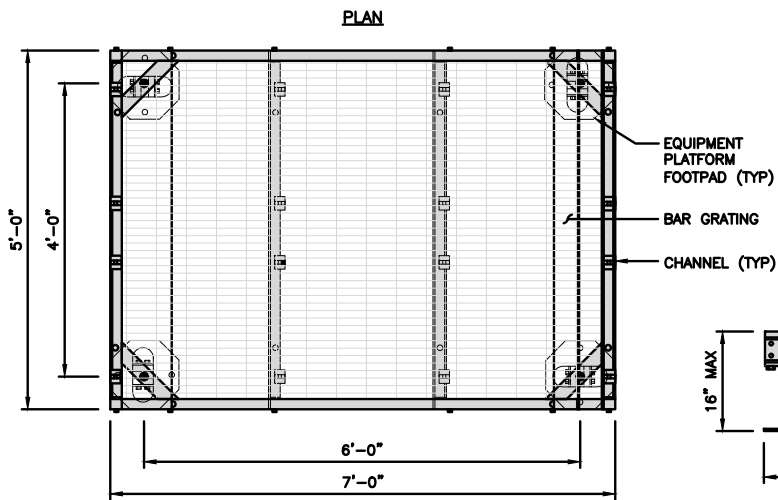
PLATFORM EQUIPMENT PLAN



1

COMMSCOPE MTC4045LP 5X7 PLATFORM	
DIMENSIONS (HxWxD)	16"x84"x60"
TOTAL WEIGHT	423 LBS

NOTE:
GC TO PROVIDE EXTENDED
THREAD FOR PLATFORM IF
REQUIRED HEIGHT EXCEEDS 17"

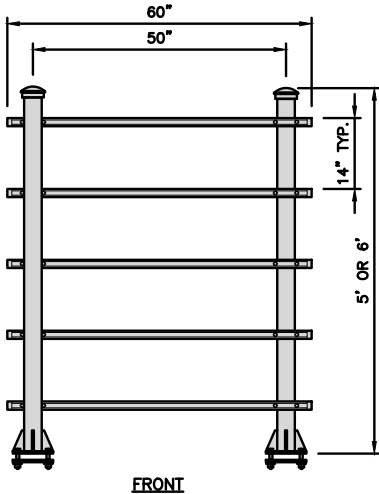
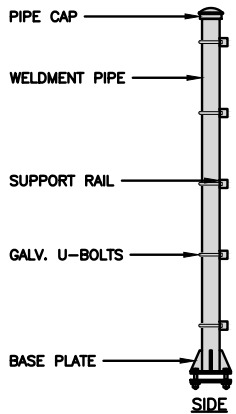


PLATFORM DETAIL

NO SCALE

3

COMMSCOPE MTC4045HFLD H-FRAME	
UNISTRUT/SUPPORT RAILS QTY	5
WEIGHT	59.74 lbs



NOTE:
OR DISH Wireless L.L.C.
APPROVED EQUIVALENT

H-FRAME DETAIL

NO SCALE

4

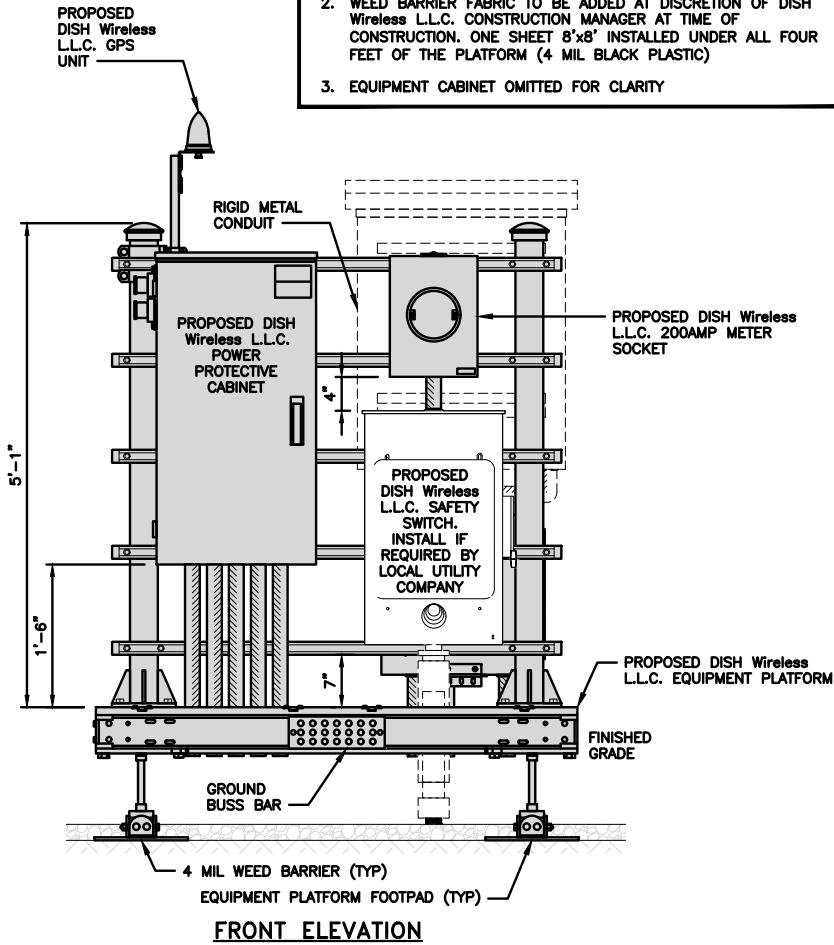
NOT USED

NO SCALE

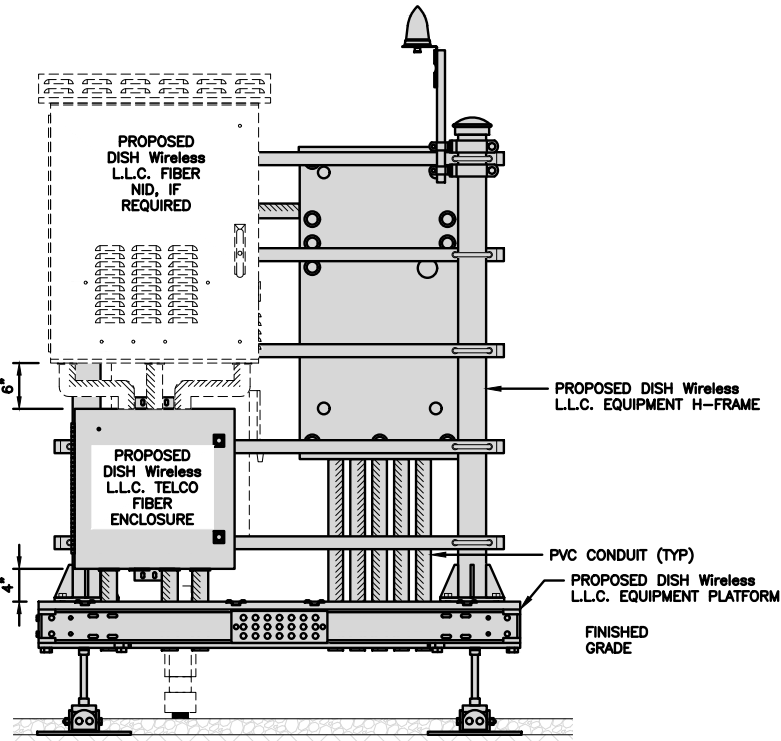
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NOTES

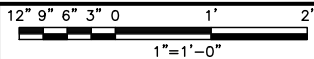
1. CONTRACTOR TO BURY PLATFORM FEET WITH A MINIMUM OF 2" OF FILL PER EXISTING SITE SURFACE
2. WEED BARRIER FABRIC TO BE ADDED AT DISCRETION OF DISH Wireless L.L.C. CONSTRUCTION MANAGER AT TIME OF CONSTRUCTION. ONE SHEET 8'x8' INSTALLED UNDER ALL FOUR FEET OF THE PLATFORM (4 MIL BLACK PLASTIC)
3. EQUIPMENT CABINET OMITTED FOR CLARITY



FRONT ELEVATION



BACK ELEVATION



5

H-FRAME EQUIPMENT ELEVATION

dish
wireless.

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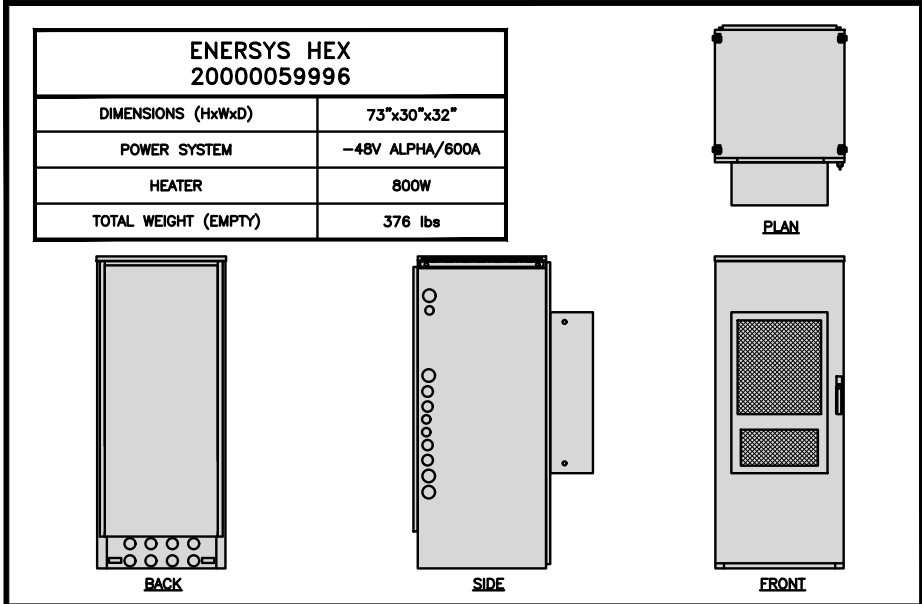
CHCHI00652A

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GLEN ELLYN, IL 60137

SHEET TITLE
EQUIPMENT PLATFORM AND
H-FRAME DETAILS

SHEET NUMBER

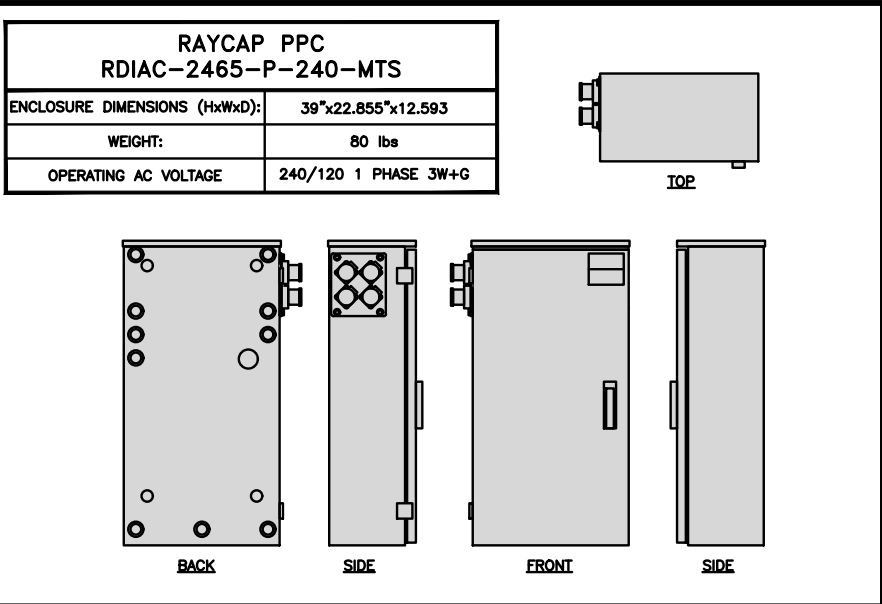
A-3



CABINET DETAIL

NO SCALE

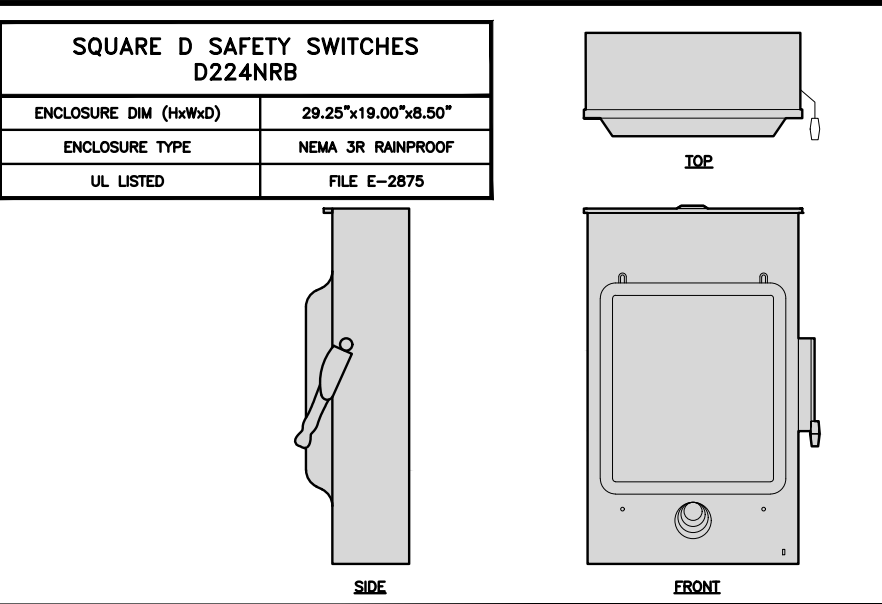
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POWER PROTECTION CABINET (PPC) DETAIL

NO SCALE

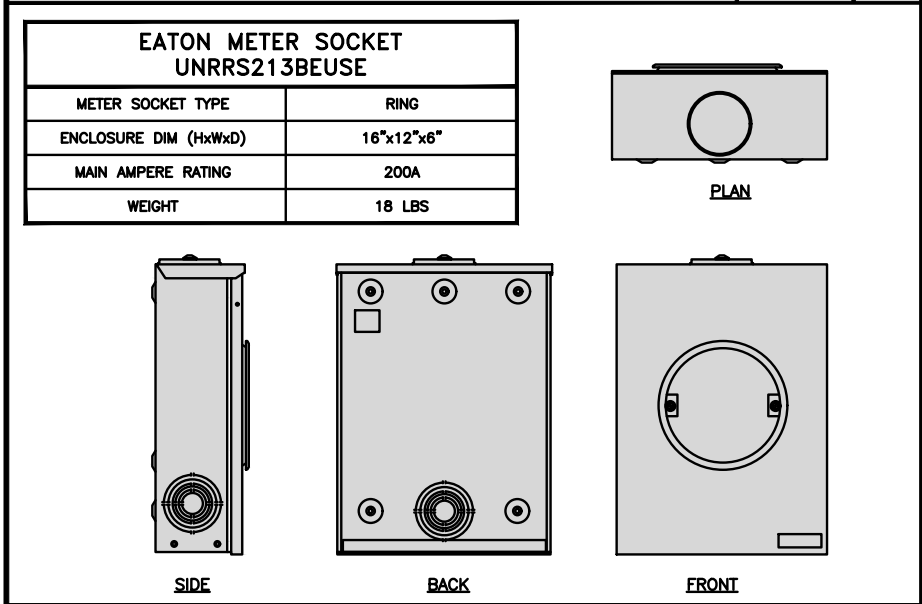
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SAFETY SWITCH DETAIL

NO SCALE

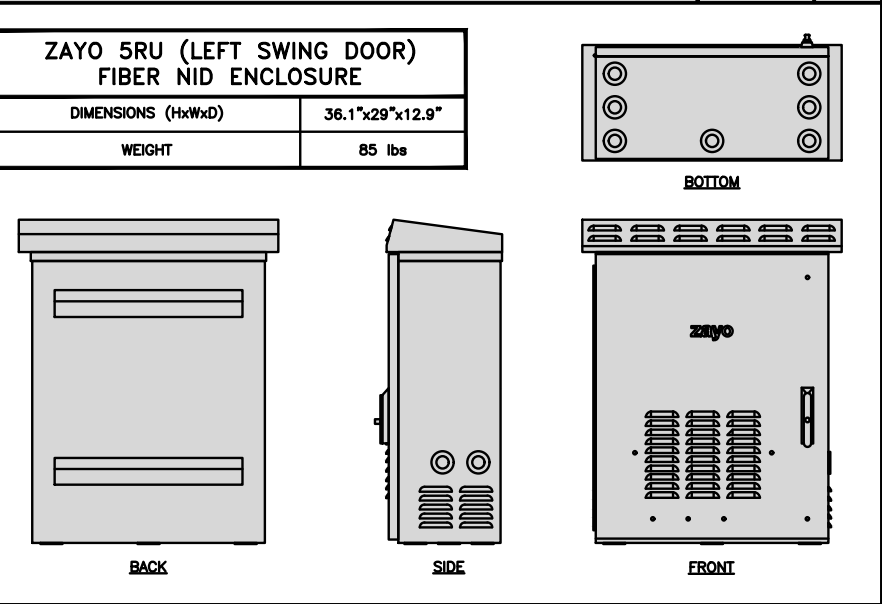
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METER SOCKET DETAIL

NO SCALE

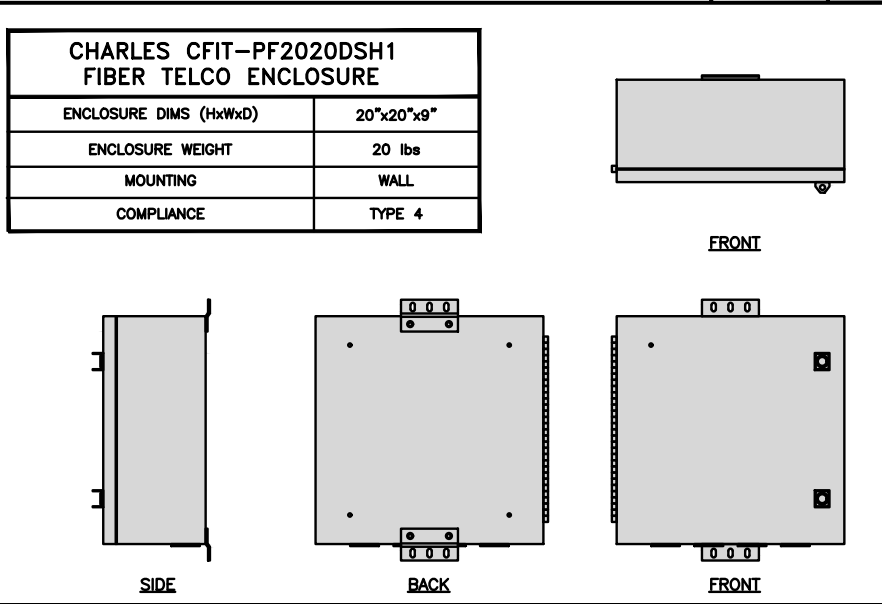
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FIBER NID ENCLOSURE DETAIL

NO SCALE

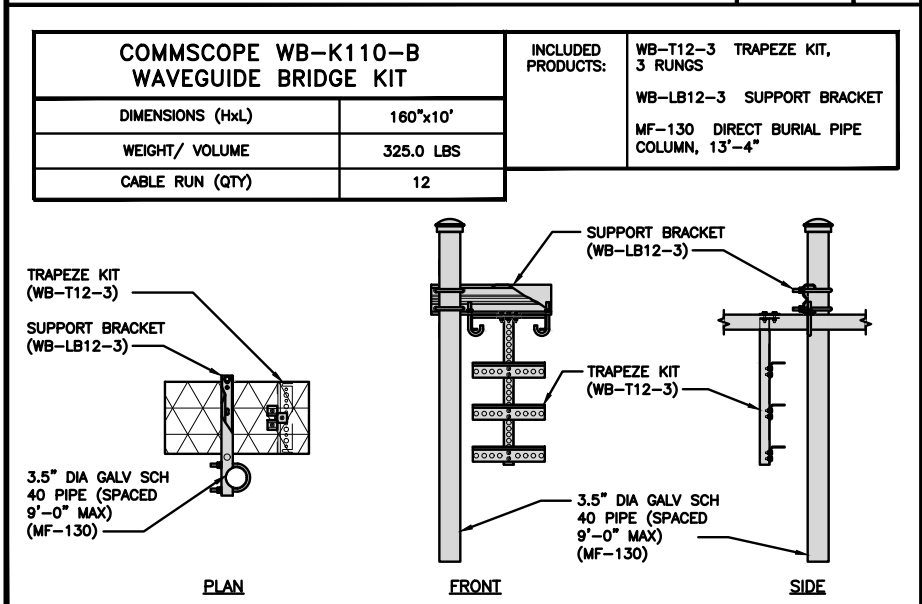
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FIBER TELCO ENCLOSURE DETAIL

NO SCALE

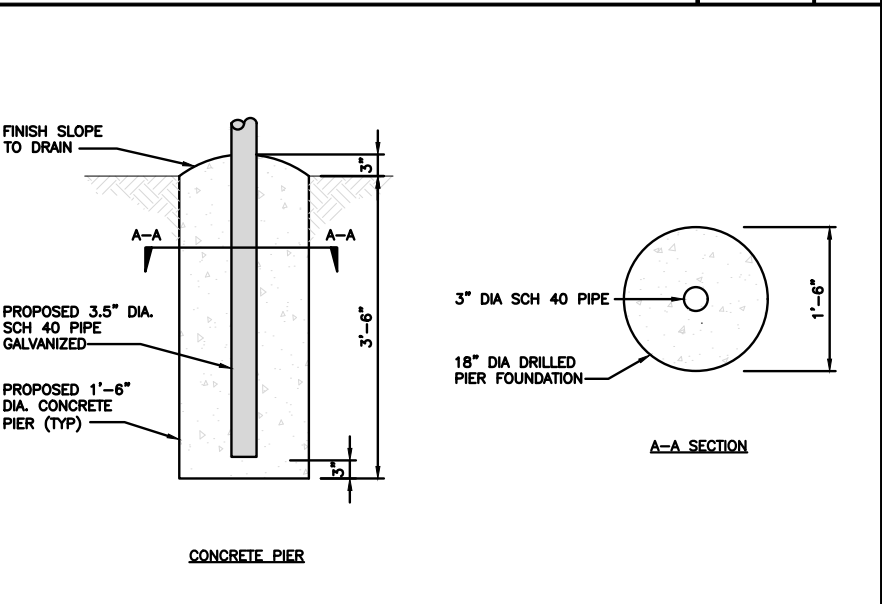
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ICE BRIDGE DETAIL

NO SCALE

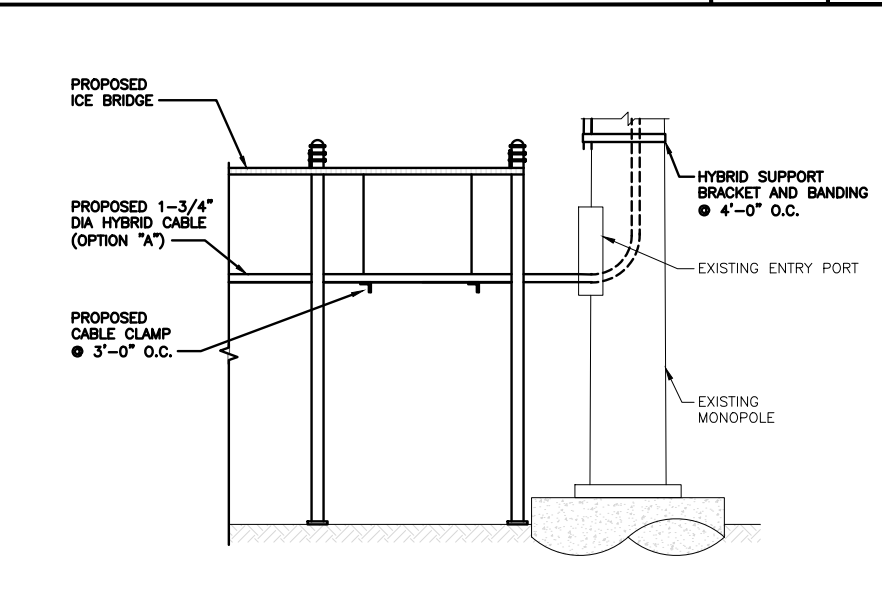
7



TYPICAL ICE BRIDGE CONCRETE PIER DETAIL

NO SCALE

8



HYBRID CABLE RUN

NO SCALE

9

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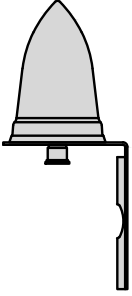
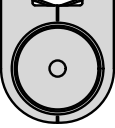
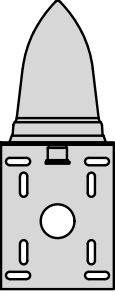
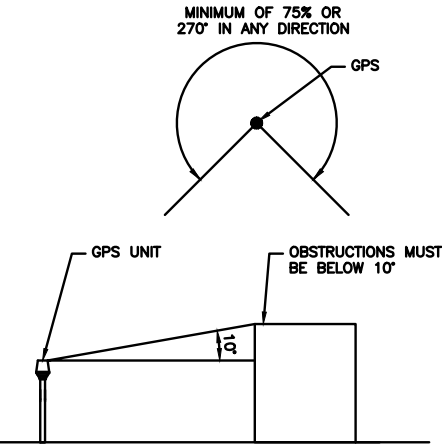
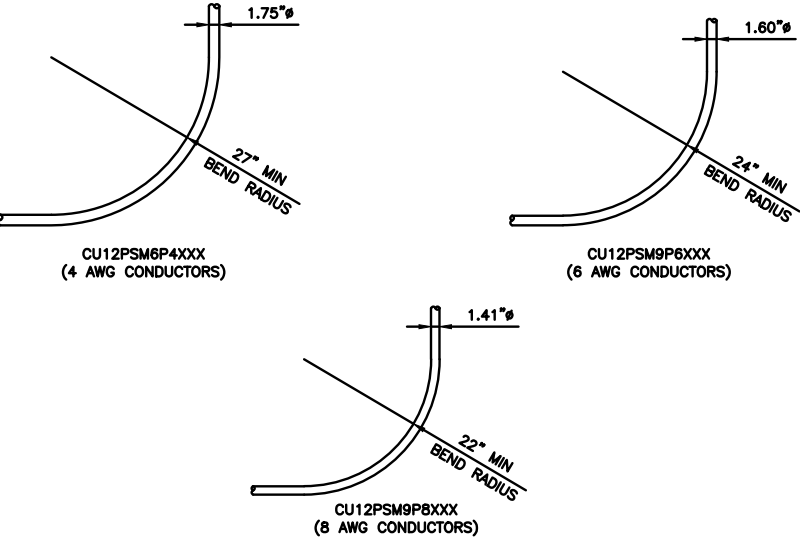
A&E PROJECT NUMBER
6039-Z0001-C

DISH Wireless L.L.C.
PROJECT INFORMATION
CHCHI00652A

1102 HILL AVENUE
GLEN ELLYN, IL 60137

SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER
A-4

<table><tr><td colspan="2">PCTEL GPSGL-TMG-SPI-40NCB</td></tr><tr><td>DIMENSIONS (DIAxH) MM/INCH</td><td>81x184mm 3.2"x7.25"</td></tr><tr><td>WEIGHT W/ACCESSORIES</td><td>075 lbs</td></tr><tr><td>CONNECTOR</td><td>N-FEMALE</td></tr><tr><td>FREQUENCY RANGE</td><td>1590 ± 30MHz</td></tr></table>  BACK  TOP  SIDE			PCTEL GPSGL-TMG-SPI-40NCB		DIMENSIONS (DIAxH) MM/INCH	81x184mm 3.2"x7.25"	WEIGHT W/ACCESSORIES	075 lbs	CONNECTOR	N-FEMALE	FREQUENCY RANGE	1590 ± 30MHz	 MINIMUM OF 75% OR 270° IN ANY DIRECTION GPS GPS UNIT OBSTRUCTIONS MUST BE BELOW 10°			 1.75"ø 27" MIN BEND RADIUS CU12PSM6P4XXX (4 AWG CONDUCTORS) 1.60"ø 24" MIN BEND RADIUS CU12PSM9P6XXX (6 AWG CONDUCTORS) 1.41"ø 22" MIN BEND RADIUS CU12PSM9P8XXX (8 AWG CONDUCTORS)										
PCTEL GPSGL-TMG-SPI-40NCB																										
DIMENSIONS (DIAxH) MM/INCH	81x184mm 3.2"x7.25"																									
WEIGHT W/ACCESSORIES	075 lbs																									
CONNECTOR	N-FEMALE																									
FREQUENCY RANGE	1590 ± 30MHz																									
GPS DETAIL			NO SCALE			1			GPS MINIMUM SKY VIEW REQUIREMENTS			NO SCALE			2			CABLES UNLIMITED HYBRID CABLE MINIMUM BEND RADIUSES			NO SCALE			3		
NOT USED			NO SCALE			4			NOT USED			NO SCALE			5			NOT USED			NO SCALE			6		
NOT USED			NO SCALE			7			NOT USED			NO SCALE			8			NOT USED			NO SCALE			9		



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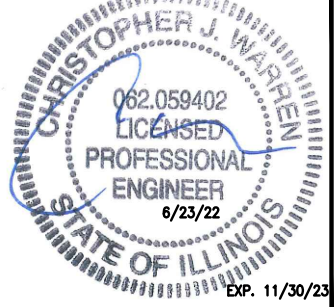
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PROJECT INFORMATION
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1102 HILL AVENUE
GLEN ELLYN, IL 60137

SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER
A-5

FUJITSU TRIPLE BAND
TA08025-B605

DIMENSIONS (HxWxD)	14.9"x15.7"x9"
WEIGHT	74.95 lbs
CONNECTOR TYPE	4.3-10 RF CONNECTOR
POWER SUPPLY	DC -58~-36V

BACK

SIDE

FRONT

PLAN

RRH DETAIL

NO SCALE

1

FUJITSU DUAL BAND
TA08025-B604

DIMENSIONS (HxWxD)	14.9"x15.7"x7.8"
WEIGHT	63.9 lbs
CONNECTOR TYPE	4.3-10 RF CONNECTOR
POWER SUPPLY	DC -58~-36V

BACK

SIDE

FRONT

PLAN

RRH DETAIL

NO SCALE

2

SABRE DOUBLE Z-BRACKET
C10123155

DIMENSIONS (HxWxD) (1 BRACKET)	5"x20"x1-13/16"
WEIGHT (FULL ASSEMBLY)	35.79 lbs
PACKAGE QUANTITY	4

#	DESCRIPTION
1	PLATE, CHANNEL BRACKET
2	RRH Z BRACKET, 3/16"
3	THREADED ROD ASSEMBLY 1/2"x12"

NOTE:
OR DISH Wireless L.L.C.
APPROVED EQUIVALENT

RRH MOUNT DETAIL

NO SCALE

3

RAYCAP RDIDC-9181-PF-48
DC SURGE PROTECTION (OVP)

DIMENSIONS (HxWxD)	18.98"x14.39"x8.15"
WEIGHT	21.82 LBS

SIDE

BACK

FRONT

PLAN

SURGE SUPPRESSION DETAIL (OVP)

NO SCALE

4

JMA
MX08FRO665-21

DIMENSIONS (HxWxD)	72"x20.0"x8.0"
RF PORTS, CONNECTOR TYPE	8 x 4.3-10 FEMALE
WEIGHT	64.5 lbs
WEIGHT WITH BRACKETS	82.5 lbs

SIDE

FRONT

PLAN

ANTENNA DETAIL

NO SCALE

5

JMA ANTENNA MOUNT BRACKET
#91900318

TOTAL WEIGHT (WITH BRACKETS)	18 lbs (8.18 Kg)
POLE DIAMETER RANGE	2.5" TO 4.5"

NOTE:
KIT #91900318: TOP AND BOTTOM BRACKETS
FOR 4-, 6-, AND 8-FOOT ANTENNAS
ANTENNA BRACKET NOT PART OF KIT

NOTE:
OR DISH Wireless L.L.C.
APPROVED EQUIVALENT

ANTENNA BRACKET DETAIL

NO SCALE

6

COMMSCOPE XP-2040
CROSSOVER PLATE

DIMENSIONS (HxW)	10"x12"
WEIGHT	11 lbs

PLAN U-BOLT

SIDE U-BOLT

NOTE:
OR DISH Wireless L.L.C.
APPROVED EQUIVALENT

RRH/OVP MOUNT DETAIL

NO SCALE

7

COMMSCOPE
MC-PK8-DSH

FACE WIDTH	96"
WEIGHT	1373.08 lbs

NOTE: 15" TO 38" O.D.

HORIZONTAL PIPE

ANTENNA PIPE

FACE PIPE

NOTE:
OR DISH Wireless L.L.C.
APPROVED EQUIVALENT

ANTENNA PLATFORM DETAIL

NO SCALE

8

NOT USED

NO SCALE

9

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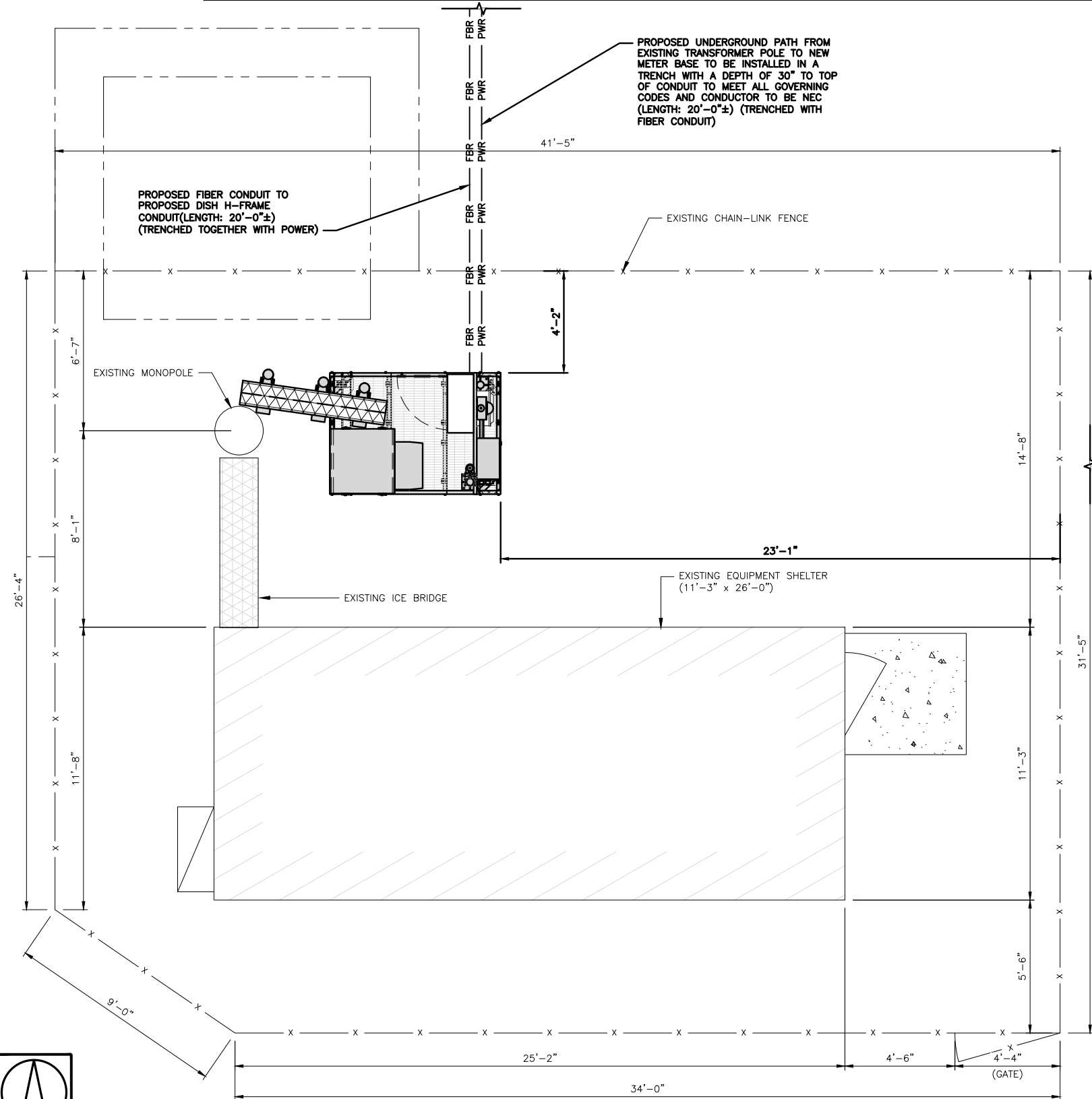
SHEET NUMBER
A-6

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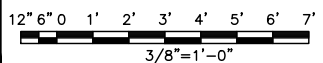
Page 49 of 199

NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL PROPOSED UNDERGROUND UTILITY CONDUIT ROUTE.
2. ANTENNAS AND MOUNTS OMITTED FOR CLARITY.
3. DUE TO UTILITY EASEMENT RIGHTS SPECIFIED IN THE GROUND LEASE, CUSTOMER MAY INSTALL EQUIPMENT WITHIN SPECIFIED UTILITY EASEMENT AREA. "PWR" AND "FBR" PATH DEPICTED ON A-1 AND E-1 REPRESENT PLANNED ROUTING BASED ON BEST AVAILABLE INFORMATION INCLUDING BUT NOT LIMITED TO A SURVEY, EXHIBITS, METES AND BOUNDS OF THE UTILITY EASEMENT, FIELD VERIFICATION, PRIOR PROJECT DOCUMENTATION AND OTHER REAL PROPERTY RIGHTS DOCUMENTS. WHEN INSTALLING THE UTILITIES PLEASE LOCATE AND FOLLOW EXISTING PATH. IF EXISTING PATH IS MATERIALLY INCONSISTENT WITH "PWR" AND "FBR" PATH DEPICTED ON A-1 AND E-1 AND SAID VARIANCE IS NOT NOTED ON CDa, PLEASE NOTIFY TOWER OWNER AS FURTHER COORDINATION MAY BE NEEDED.



UTILITY ROUTE PLAN



1

DC POWER WIRING SHALL BE COLOR CODED AT EACH END FOR IDENTIFYING +24V AND -48V CONDUCTORS. RED MARKINGS SHALL IDENTIFY +24V AND BLUE MARKINGS SHALL IDENTIFY -48V.

1. CONTRACTOR SHALL INSPECT THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID. ANY QUESTIONS ARISING DURING THE BID PERIOD IN REGARDS TO THE CONTRACTOR'S FUNCTIONS, THE SCOPE OF WORK, OR ANY OTHER ISSUE RELATED TO THIS PROJECT SHALL BE BROUGHT UP DURING THE BID PERIOD WITH THE PROJECT MANAGER FOR CLARIFICATION, NOT AFTER THE CONTRACT HAS BEEN AWARDED.
2. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH CURRENT NATIONAL ELECTRICAL CODES AND ALL STATE AND LOCAL CODES, LAWS, AND ORDINANCES. PROVIDE ALL COMPONENTS AND WIRING SIZES AS REQUIRED TO MEET NEC STANDARDS.
3. LOCATION OF EQUIPMENT, CONDUIT AND DEVICES SHOWN ON THE DRAWINGS ARE APPROXIMATE AND SHALL BE COORDINATED WITH FIELD CONDITIONS PRIOR TO CONSTRUCTION.
4. CONDUIT ROUGH-IN SHALL BE COORDINATED WITH THE MECHANICAL EQUIPMENT TO AVOID LOCATION CONFLICTS. VERIFY WITH THE MECHANICAL EQUIPMENT CONTRACTOR AND COMPLY AS REQUIRED.
5. CONTRACTOR SHALL PROVIDE ALL BREAKERS, CONDUITS AND CIRCUITS AS REQUIRED FOR A COMPLETE SYSTEM.
6. CONTRACTOR SHALL PROVIDE PULL BOXES AND JUNCTION BOXES AS REQUIRED BY THE NEC ARTICLE 314.
7. CONTRACTOR SHALL PROVIDE ALL STRAIN RELIEF AND CABLE SUPPORTS FOR ALL CABLE ASSEMBLIES. INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND RECOMMENDATIONS.
8. ALL DISCONNECTS AND CONTROLLING DEVICES SHALL BE PROVIDED WITH ENGRAVED PHENOLIC NAMEPLATES INDICATING EQUIPMENT CONTROLLED, BRANCH CIRCUITS INSTALLED ON, AND PANEL FIELD LOCATIONS FED FROM.
9. INSTALL AN EQUIPMENT GROUNDING CONDUCTOR IN ALL CONDUITS PER THE SPECIFICATIONS AND NEC 250. THE EQUIPMENT GROUNDING CONDUCTORS SHALL BE BONDED AT ALL JUNCTION BOXES, PULL BOXES, AND ALL DISCONNECT SWITCHES, AND EQUIPMENT CABINETS.
10. ALL NEW MATERIAL SHALL HAVE A U.L. LABEL.
11. PANEL SCHEDULE LOADING AND CIRCUIT ARRANGEMENTS REFLECT POST-CONSTRUCTION EQUIPMENT.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR AS-BUILT PANEL SCHEDULE AND SITE DRAWINGS.
13. ALL TRENCHES IN COMPOUND TO BE HAND DUG

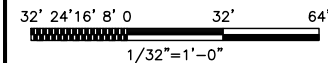
ELECTRICAL NOTES

NO SCALE

2



OVERALL UTILITY ROUTE PLAN



3

dish
wireless.

5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120

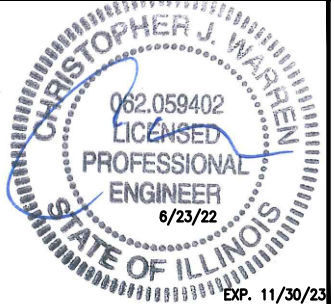
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CASTLE

2000 CORPORATE DRIVE
CANONSBURG, PA 15317

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SUITE 150 I FORT WASHINGTON, PA 19034
WWW.INFINIGY.COM



FIRM REGISTRATION: 184005973-0002

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: CHECKED BY: APPROVED BY:

RCD SS CJW

RFDS REV #: N/A

CONSTRUCTION
DOCUMENTS

SUBMITTALS		
REV	DATE	DESCRIPTION
A	06/30/2021	ISSUED FOR REVIEW
0	06/16/2022	ISSUED FOR CONSTRUCTION
1	06/23/2022	ISSUED FOR CONSTRUCTION

A&E PROJECT NUMBER
6039-Z0001-C

DISH Wireless L.L.C.
PROJECT INFORMATION

CHCHI00652A

1102 HILL AVENUE
GLEN ELLYN, IL 60137

SHEET TITLE
ELECTRICAL/FIBER ROUTE
PLAN AND NOTES

SHEET NUMBER

E-1

RECEIVED

JUL 14 2022

VILLAGE OF GLEN ELLYN



MORRISON HERSHFIELD

Morrison Hershfield
1455 Lincoln Parkway, Suite 500
Atlanta, GA 30346
(770) 379-8500

Date: August 19, 2021

Subject: Structural Analysis Report

Carrier Designation: DISH Network Co-Locate
Site Number: CHCHI00652A
Site Name: IL-CCI-T-817173

Crown Castle Designation: BU Number: 817173
Site Name: LOMBARD
JDE Job Number: 669731
Work Order Number: 1981651
Order Number: 570902 Rev. 2

Engineering Firm Designation: Morrison Hershfield Project Number: CN0-915R2 / 2101398

Site Data: 1102 Hill Avenue, Glen Elly, DuPage County, IL 60137
Latitude 41° 52' 59.17", Longitude -88° 2' 16.85"
70 Foot – Valmont Monopole Tower

Morrison Hershfield is pleased to submit this "Structural Analysis Report" to determine the structural integrity of the above-mentioned tower.

The purpose of the analysis is to determine acceptability of the tower stress level. Based on our analysis we have determined the tower stress level for the structure and foundation, under the following load case, to be:

LC5: Proposed Equipment Configuration

Sufficient Capacity

This analysis utilizes an ultimate 3-second gust wind speed of 115 mph as required by the 2015 International Building Code. Applicable Standard references and design criteria are listed in Section 2 - Analysis Criteria.

Respectfully submitted by:

Yan Wang, S.E. (IL License No.081-007465)
Senior Engineer



Digitally signed by Yan Wang
Date: 2022.08.08 15:43:22 -04'00'

LICENSE EXPIRES: 11/30/2022

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6) APPENDIX B

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7) APPENDIX C

Additional Calculations

1) INTRODUCTION

This tower is a 70 ft monopole tower designed by Valmont and mapped by P & D Antenna Seri in June of 2004.

2) ANALYSIS CRITERIA

TIA-222 Revision:	TIA-222-H
Risk Category:	II
Wind Speed:	115 mph
Exposure Category:	C
Topographic Factor:	1
Ice Thickness:	1.5 in
Wind Speed with Ice:	40 mph
Service Wind Speed:	60 mph

Table 1 - Proposed Equipment Configuration

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)
65.0	65.0	3	fujitsu	TA08025-B604	1	1-3/4
		3	fujitsu	TA08025-B605		
		3	jma wireless	MX08FRO665-21 w/ Mount Pipe		
		1	raycap	RDIDC-9181-PF-48		
		1	-	Commscope MC-PK8-DSH		

Table 2 - Non-Carrier Equipment To Be Removed

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)
67.0	67.0	1	-	Platform Mount [LP 604-1]	-	-

Table 3 - Other Considered Equipment

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)
67.0	67.0	-	-	-	1	1-5/8

3) ANALYSIS PROCEDURE

Table 4 - Documents Provided

Document	Reference	Source
4-GEOTECHNICAL REPORTS	335704	CCISITES
4-TOWER FOUNDATION DRAWINGS/DESIGN/SPECS	340906	CCISITES
4-TOWER MANUFACTURER DRAWINGS	334706	CCISITES
4-TOWER ELEVATION DRAWINGS	1013239	CCISITES

3.1) Analysis Method

tnxTower (version 8.1.1.0), a commercially available analysis software package, was used to create a three-dimensional model of the tower and calculate member stresses for various loading cases. Selected output from the analysis is included in Appendix A. When applicable, Crown Castle has calculated and provided the effective area for panel antennas using approved methods following the intent of the TIA-222 standard.

3.2) Assumptions

- 1) Tower and structures were maintained in accordance with the TIA-222 Standard.
- 2) The configuration of antennas, transmission cables, mounts and other appurtenances are as specified in Tables 1 and 2 and the referenced drawings.
- 3) Yield strengths of 50 ksi for the monopole shaft, 60 ksi for the base plate, and 50 ksi for the anchor bolts have been assumed based on experience with similar towers and are considered to be correct.
- 4) Necessary soil properties are not available in the geotechnical report. Presumptive soil parameters were taken from the Annex F of TIA-222-H, in combination with the referenced geotechnical report and is considered to be accurate.

This analysis may be affected if any assumptions are not valid or have been made in error. Morrison Hershfield should be notified to determine the effect on the structural integrity of the tower.

4) ANALYSIS RESULTS

Table 5 - Section Capacity (Summary)

Section No.	Elevation (ft)	Component Type	Size	Critical Element	P (K)	SF*P _{allow} (K)	% Capacity	Pass / Fail
L1	70 - 31.5	Pole	TP21.77x15.55x0.25	1	-5.54	802.19	25.9	Pass
L2	31.5 - 0	Pole	TP26.12x20.8403x0.25	2	-8.83	984.00	46.8	Pass
							Summary	
						Pole (L2)	46.8	Pass
						Rating =	46.8	Pass

Table 6 - Tower Component Stresses vs. Capacity – LC5

Notes	Component	Elevation (ft)	% Capacity	Pass / Fail
1	Anchor Rods	0	60.1	Pass
1	Base Plate		28.7	Pass
1	Base Foundation (Structure)	0	31.8	Pass
1	Base Foundation (Soil Interaction)		55.9	Pass

Structure Rating (max from all components) =	60.1%
---	--------------

Notes:

- 1) See additional documentation in "Appendix C – Additional Calculations" for calculations supporting the % capacity consumed.
- 2) *Rating per TIA-222-H, Section 15.5.

4.1) Recommendations

Once the equipment in Table 2 is removed, the tower and its foundation have sufficient capacity to carry the proposed load configuration. No modifications are required at this time.

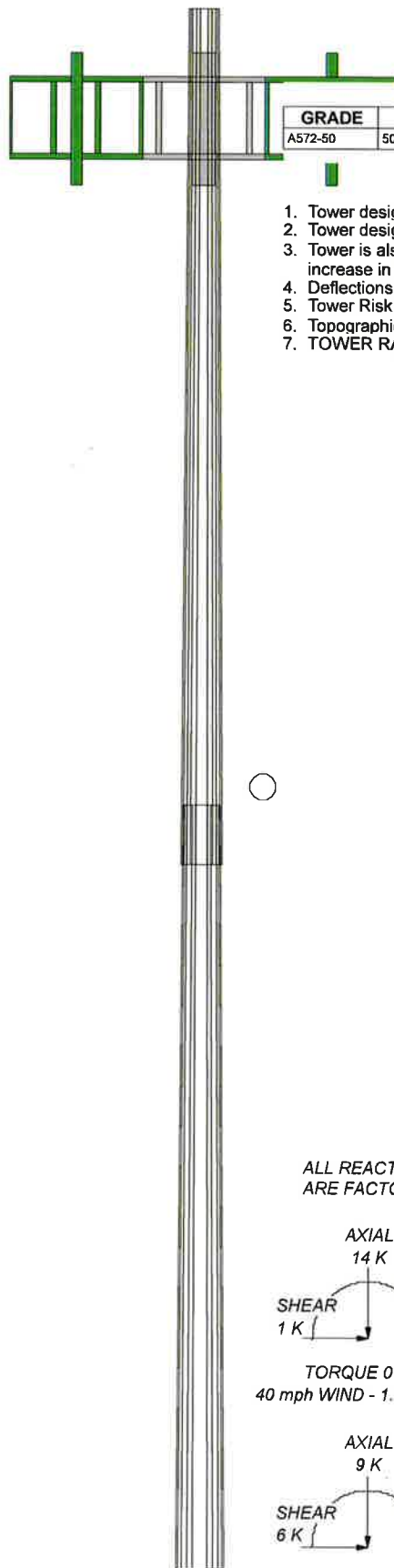
APPENDIX A
TNXTOWER OUTPUT

0.0 ft

Length (ft)	38.50
Number of Sides	12
Thickness (in)	0.2500
Socket Length (ft)	2.66
Top Dia (in)	15.5500
Bot Dia (in)	21.7700
Grade	A572-50
Weight (K)	1.9

31.5 ft

0.0 ft



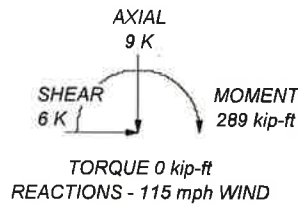
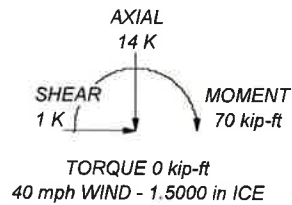
MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A572-50	50 ksi	65 ksi			

TOWER DESIGN NOTES

1. Tower designed for Exposure C to the TIA-222-H Standard.
2. Tower designed for a 115 mph basic wind in accordance with the TIA-222-H Standard.
3. Tower is also designed for a 40 mph basic wind with 1.50 in ice. Ice is considered to increase in thickness with height.
4. Deflections are based upon a 60 mph wind.
5. Tower Risk Category II.
6. Topographic Category 1 with Crest Height of 0.00 ft
7. TOWER RATING: 46.8%

ALL REACTIONS
ARE FACTORED



Consulting Engineers

Morrison Hershfield
1455 Lincoln Parkway, Suite 500
Atlanta, GA 30346
Phone: (770) 379-8500
FAX: (770) 379-8501

Job: **CN0-915R2 / 2101398**

Project: **817173 / LOMBARD**

Client: **Crown Castle USA**

Code: **TIA-222-H**

Path:

Drawn by: **MK**

Date: **08/19/21**

App'd:

Scale:

Drawn by:

5G: The next generation of wireless connectivity.

5G represents nothing short of a wireless revolution. It will usher in new technologies, new mobile experiences, and has the potential to fundamentally change the way we interact with each other—and the world. With the right infrastructure and technology in place, 5G will connect 100X more devices at up to 100X faster speeds¹—opening new possibilities for wearables, machine-to-machine communications, and internet of things technologies.

5G will make our communities smarter, safer, and more efficient.

A safer, healthier community.

Faster, improved communications will bring new efficiencies to diagnosing and treating illnesses and will make responding to emergencies more effective.

More efficient, faster-moving cities.

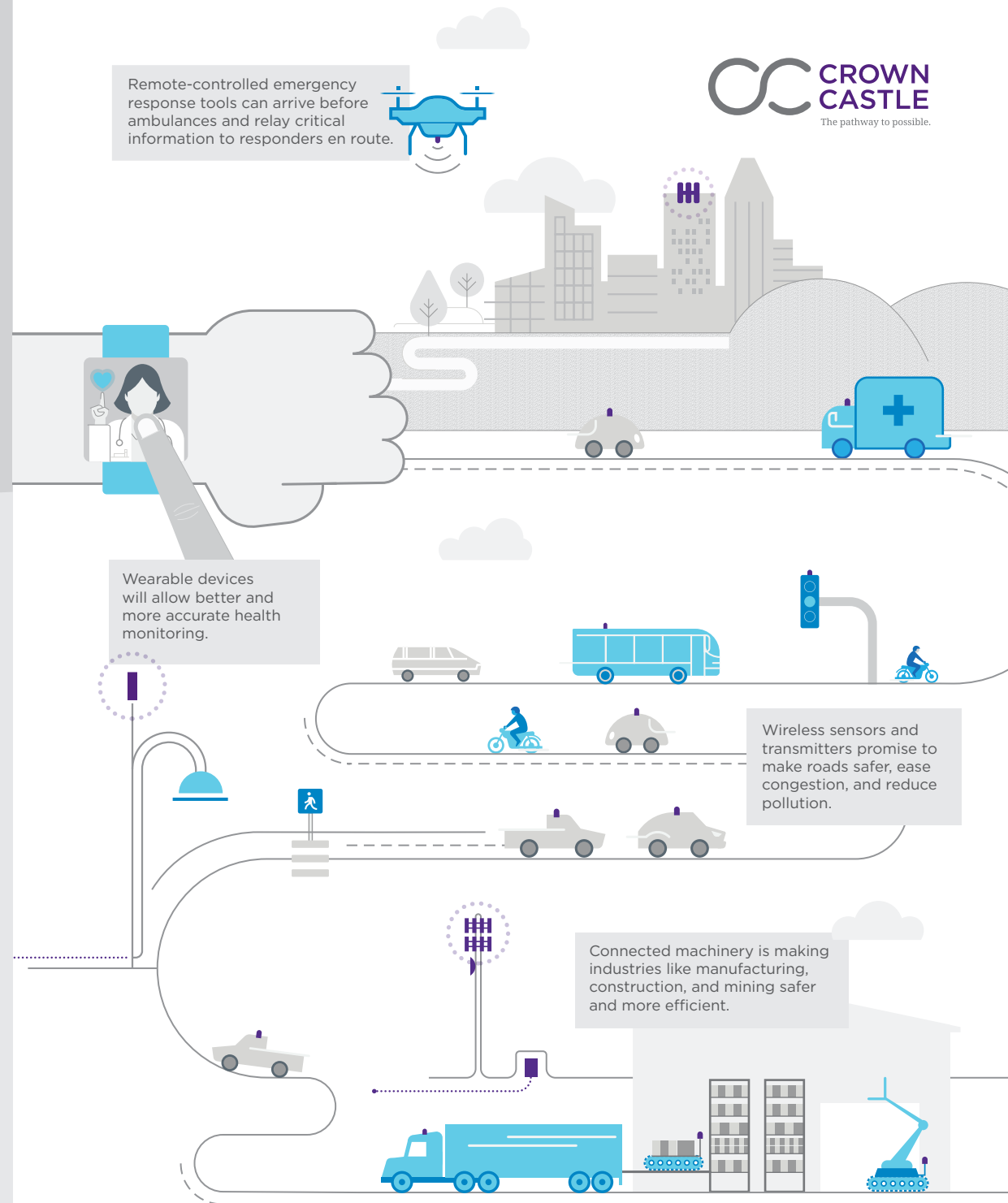
5G will support smart city technologies that allow traffic to move smoothly and efficiently, while responding to changing conditions.

New opportunities in business and commerce.

Advanced augmented reality and virtual reality technologies will support new and existing industries while changing the way we interact with the world.

To learn more about what 5G will bring, visit CrownCastle.com/5G

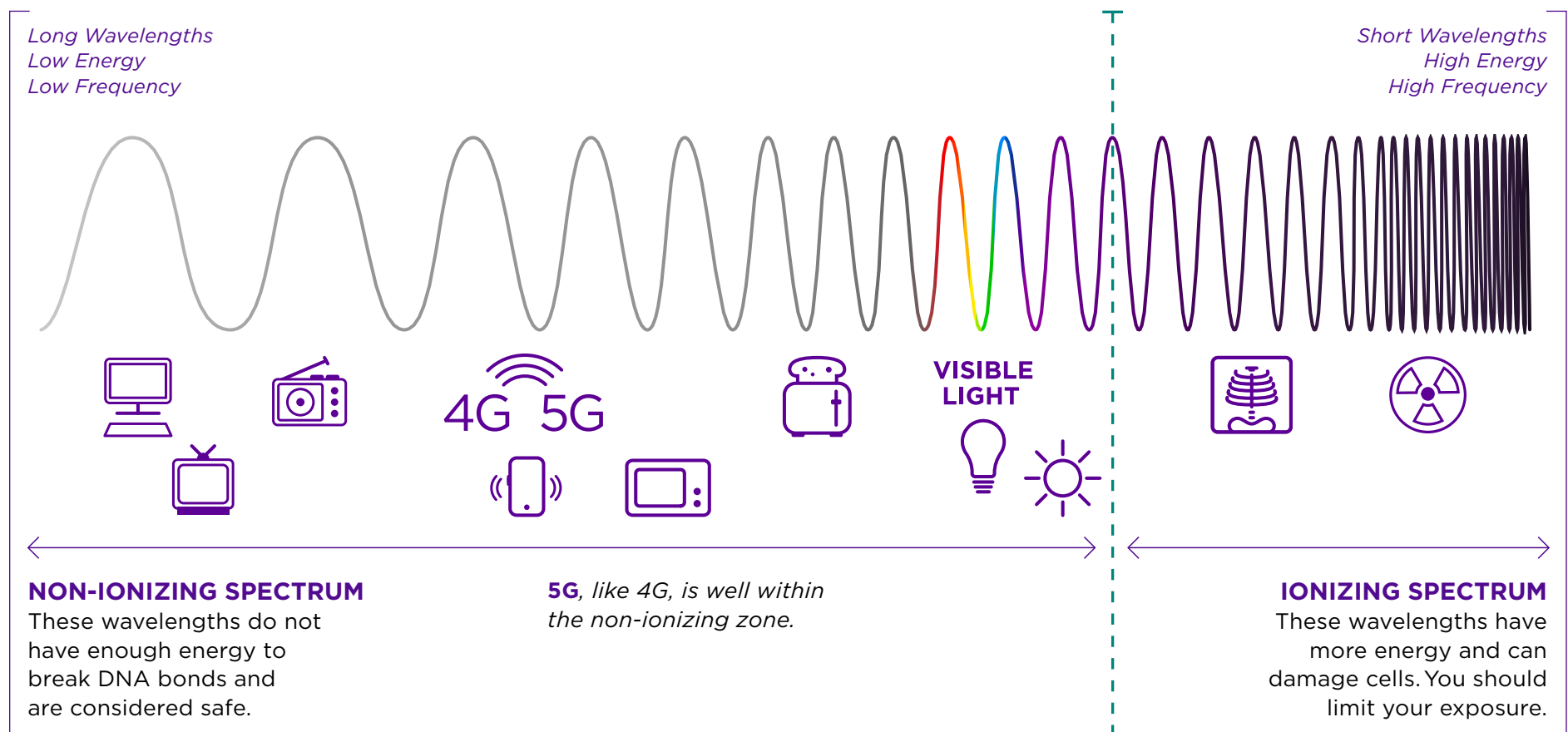
1. What is 5G: A Brief Explainer, CTIA, 2018.



Understanding the safety of 5G.

You've probably heard a lot about new 5G networks, and it's only natural to wonder about their safety. Much like the signals for your TV, radio or wi-fi router, 5G travels to your device using electromagnetic energy—one of the most ubiquitous and well-studied phenomena in the universe.

Where 5G fits on the electromagnetic spectrum.



5G builds on 4G.

5G is the next generation of wireless technology, but it works pretty much the same as current 4G networks. To expand 5G throughout the country, carriers are working hard to expand small cells and fiber. The good news is that over **154,000 small cells are already deployed**¹ throughout the US—powering many of the 4G and LTE networks in use today.

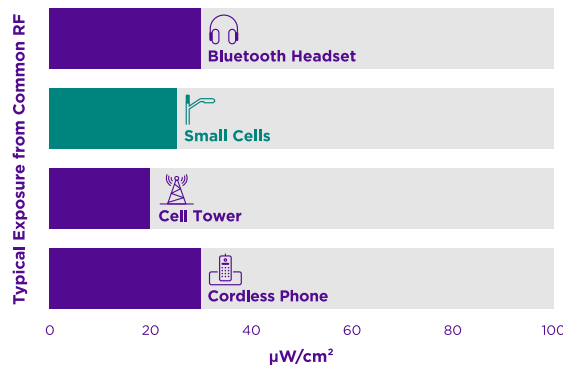


Small cells are low-powered, fiber-connected nodes that are usually located on existing structures like streetlights and utility poles.

[Read More →](#)

Low power minimizes exposure.

We're constantly surrounded by electromagnetic energy. Whether you're talking about 5G, 4G or your Bluetooth headset, the physics are the same, and the body's response is essentially identical. You can see in this chart how emission levels from small cells compare to other common radio frequencies (RF)—all many times below what the FCC considers safe.



Source: © 2018 Andrew H. Thatcher, Board Certified Health Physicist.

We encourage you to take a deeper dive if you'd like to know more.

The 5G Health Hazard That Isn't.

The *New York Times* shows how misinformation about wireless technologies has spread. [Read More →](#)

5G and Your Health.

A scientist who sets global guidelines for 5G explains how we know it's safe. [Read More →](#)

Key takeaways.

- 1 Studies show that cellular signals—including 5G—are safe.
- 2 5G is the next generation of cellular networks and builds on 4G.
- 3 5G emissions are similar to those from everyday technologies like TV, radio, wi-fi—even your toaster.

“The light produced by a light bulb is a form of electromagnetic radiation with energy and frequency that is approximately 17,000 greater than that of the highest frequencies used by 5G.”

Dr. Jerrold Bushberg,
Vice Chair of COMAR and Clinical Professor,
Radiology & Radiation Oncology, University
of California, Davis School of Medicine

¹<https://www.ctia.org/infrastructure-channel>

Commercial Area Policies

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

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

Improvement Guidelines:

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

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

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

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

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

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

Downtown Glen Ellyn:

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

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

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

Service Commercial Areas:

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

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

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

shared access drives, parking areas and pedestrian amenities.

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

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

Office and Industrial Areas:

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

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

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

Neighborhood Commercial Area:

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



Mixed Use

This category includes buildings with two or more distinct uses vertically stacked. Developments usually contain commercial on the ground floor and residential or office uses above. All mixed use developments are currently located within the Downtown. Higher-density mixed use development that complements the architecture of existing buildings should continue to be encouraged within Downtown to support street-level commercial activity while providing residential or office space above.



Office

This category consists of buildings dedicated to professional office spaces, including corporate headquarters, legal firms, and professional service providers. Medical establishments are also included in this land use category, including family physicians, eye care professionals, and medical campuses. Office uses should continue to be concentrated within Downtown and the Roosevelt Road Corridor, particularly along Taft Avenue, while encouraging the consolidation and comprehensive redevelopment of out-of-date office properties.



Public/Semi-Public

This category consists of institutions and community facilities that serve the residents of Glen Ellyn and contribute to quality of life and local culture. This includes the Village's highly-esteemed schools, Glen Ellyn Public Library, government buildings, police and fire facilities, historic centers, religious institutions, and non-profit organizations. Public/semi-public land use and policies are discussed in more detail in *Chapter 6: Community Facilities*.



Parks & Open Space

This category includes designated park spaces, nature reserves, golf courses, cemeteries, trails, playgrounds, and land used for sports recreation. The Village should continue to coordinate with local park districts and other partner organizations to preserve the community's large inventory of dedicated parks and open space and pursue opportunities to expand recreational amenities including trails and smaller neighborhood parks to ensure access for all residents. Components of the parks and open space category and relevant environmental features are discussed in *Chapter 7: Parks & Open Space*.



Light Industrial

This category includes light industrial businesses that have minimal impacts on adjacent uses. There are few light industrial uses in Glen Ellyn, the most prominent being Nicor Gas located off of Finley Road, and on Hill Avenue near Interstate 355. This category should continue to be maintained to support the Village's industrial base, while enhancing sites by providing proper screening from adjacent residential uses.



Utility & Transportation

This category focuses on land dedicated to transportation infrastructure or the production, storage, and maintenance of utilities, including the Union Pacific railroad right-of-way that passes through the center of Glen Ellyn. The Village should continue to ensure utility services meet the needs of the community. Unattractive facilities should be screened from neighboring uses to enhance the Village's appearance. Utilities and transportation are discussed in more detail in *Chapter 5: Transportation* and *Chapter 6: Community Facilities*.



Parking

This category includes land used for the parking of automobiles, including surface parking, parking structures, and garages. Properties identified within this category provide stand-alone parking and are not tied to a specific business or residence. Additional discussion of policies impacting parking areas, including areas of focus for the expansion of public parking and improvements to screening and landscaping, is located in *Chapter 4: Subarea Plans*.

APPLICATION FOR SPECIAL USE PERMIT

CLEAR PAGE

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

Date Filed: _____ Application No: _____

TONY PHILLIPS - FULLERTON ENGINEERING CONSULTANTS, LLC

Name of Applicant: **OBO CROWN CASTLE USA INC & DISH WIRELESS LLC**

Address of Applicant: **1100 E WOODFIELD RD., SUITE 500, SCHAUMBURG, IL 60173**

Business Phone: **847-331-3659** Fax: **N/A**

Home Phone: **N/A** Mobile Phone: **847-331-3659**

Email: **tphillips@fullertonengineering.com**

Property Interest of Applicant: **AGENT FOR CROWN CASTLE USA INC / DISH WIRELESS LLC**

(Owner, Contract Purchaser, Owner Representative)

Name of Owner: **JAC PROPERTIES GE LLC**

Address of Owner: **4554 E ECO INDUSTRIAL PLACE, TUCSON, AZ 85756**

Business Phone: _____ Fax: _____

Home Phone: _____ Mobile Phone: _____

Email: _____

Property Address: **1102 HILL AVENUE, GLEN ELLYN, IL 60137**

Legal Description of Property:

PENDING LEGAL DESC

Permanent Index No. (PIN): **0512207033** Zoning: **I-1 INDUSTRIAL**

Lot Dimensions: **265'x227'x202'x104'** Lot Area: **.85 ACRES**

Present Use:

WIRELESS FACILITIES & WAREHOUSE

Requested Use/Construction:

NO CHANGE IN USE

Estimated Date to Begin New Use/Construction: **TBD**

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

CLEAR PAGE

SITE DESIGNER:

CHRISTOPHER J. WARREN P.E.

INFINIGY

2500 W. HIGGINS RD. SUITE 500

HOFFMAN ESTATES, IL 60169

847-648-4068

Narrative Statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the requirements of paragraph (E) of Section 10-10-14 of the Zoning Code:

The proposed addition of new DISH Wireless antennas and ground equipment to the existing Wireless Facility is considered a Minor Modification and a preferred siting option for new wireless equipment. There will be no noise, glare, odor, fumes, or vibration that might effect adjoining properties. It will be unmanned and have no effect on traffic.

Responses to Paragraph E Section 10-10-14 of Zoning Code below.

Describe How the Special Use:

1. Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or this Zoning Code:

Wireless Communications have been designated Critical Infrastructure by the Federal Government and should be considered Essential Services in all Comprehensive Plans. Adding a New Carrier to an existing wireless support structure in the Industrial Zoning District should be near the top of the siting hierarchy.

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area:

The proposed addition of DISH Wireless antennas to an existing support structure without adding to the height of the structure, along with the addition of the proposed DISH Wireless ground support equipment within an existing equipment compound behind an industrial building adjacent to Railroad Tracks will not change the character and be harmonious.

3. Will not be hazardous or disturbing to existing or future neighborhood uses:

The proposed addition of the DISH Wireless equipment will not be hazardous or disturb future uses.

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services:

The proposed use will be unmanned and only require Power and Fiber connections that are already existing at the site. No other public services will be required or impacted.

5. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village:

As mentioned above, this will be an unmanned facility and will not be detrimental to the economic welfare of the Village.

6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors:

The proposed use will not be detrimental to any persons, property, or general welfare and will not create traffic, noise, smoke, fumes, glare, or odors.

7. Will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads:

The proposed use will be unmanned and not create interference to traffic. It will be serviced via an existing driveway by a single technician approximately once a month.

8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief:

The proposed use will not change the topography of the site or create any measurable run off. There will be absolutely zero increase in the potential for flooding.

9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community:

The proposed addition of the DISH Wireless equipment to an existing support structure within an existing equipment compound in a Industrial District behind a warehouse adjacent to railroad tracks will not result in destruction, loss, or damage of natural, scenic or historic features of major importance to the community.

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

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

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

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

4/2/2022	TONY PHILLIPS-FULLERTON	Tony Phillips Digitally signed by Tony Phillips DN: cn=Tony Phillips, o=Fullerton Engineering, ou=Zoning & Permitting, email=tony@fullertonengineering.com, c=US Date: 2022.04.02 20:54:43 -05'00'
Date	Print Name	Signature of Applicant
_____	_____	_____
Date	Print Name	Signature of Applicant
_____	_____	_____
Date	Print Name	Signature of Applicant
_____	_____	_____

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

AFFIDAVIT OF AUTHORIZATION

I, Jesika Streit, Crown Castle owner of the property described as

1102 HILL AVENUE, GLEN ELLYN, IL 60137

verify that FULLERTON ENGINEERING CONSULTANTS, LLC

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

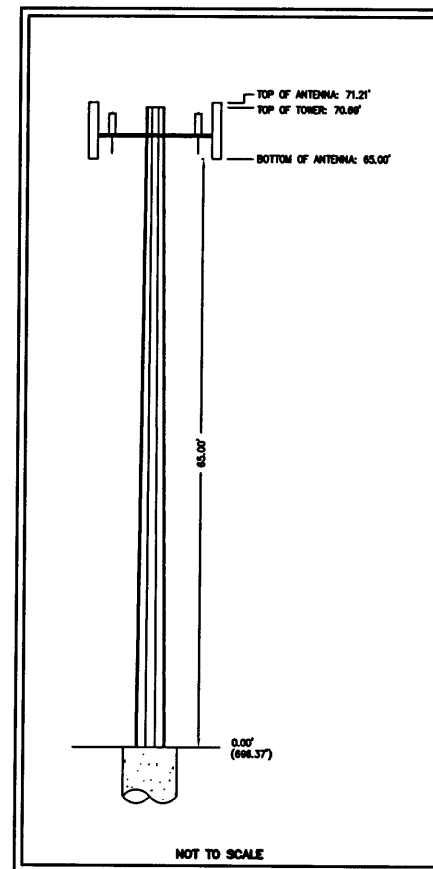
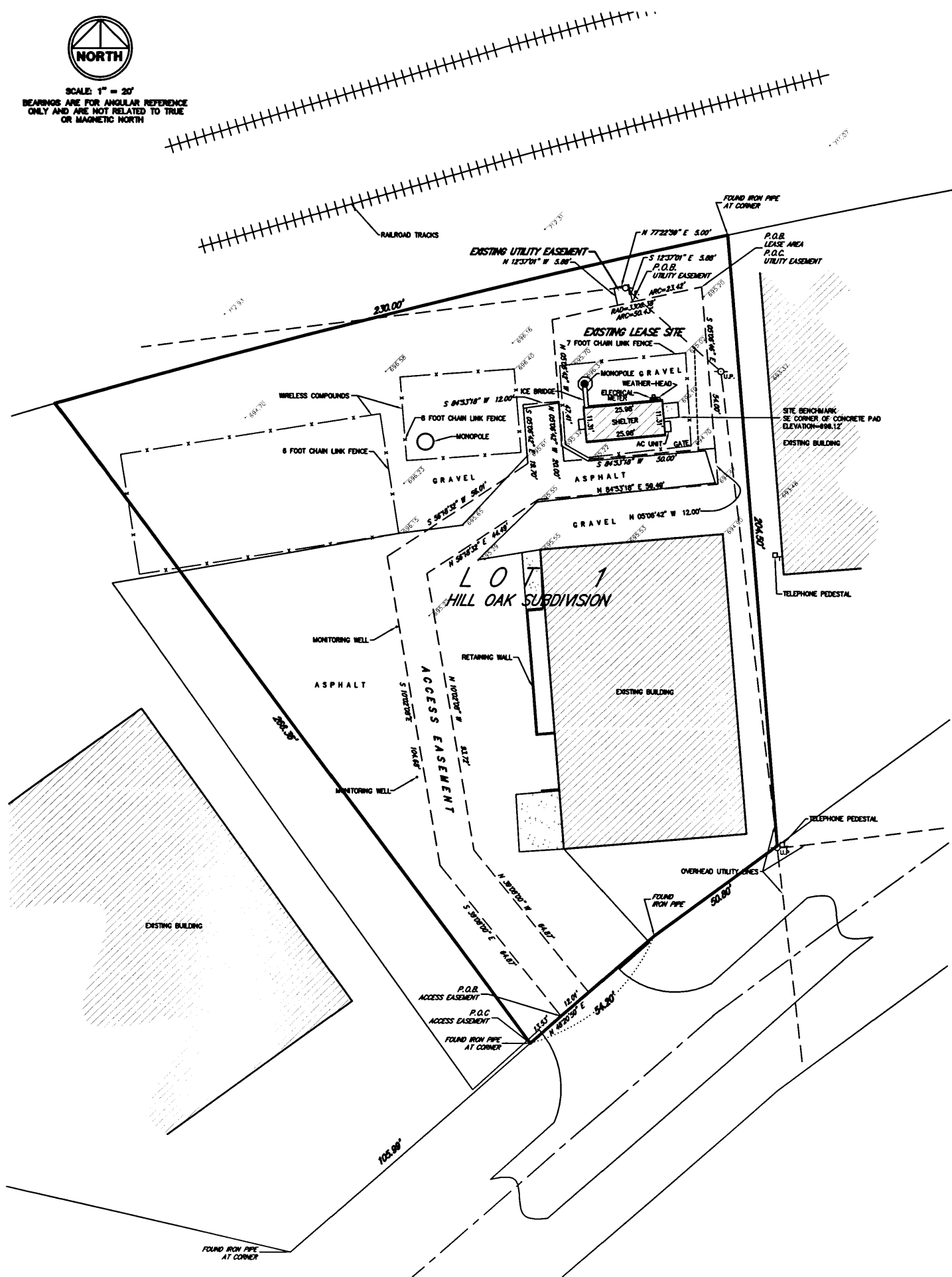
26th day of May, 2022
Clarice S. Gauer

Notary Public





SCALE: 1" = 20'
BEARINGS ARE FOR ANGULAR REFERENCE
ONLY AND ARE NOT RELATED TO TRUE
OR MAGNETIC NORTH



PLAT OF SURVEY

EXISTING AMCI LEASE SITE DESCRIPTION
A PARCEL OF LAND FOR AMCI LEASE SITE PURPOSES LOCATED WITHIN HEREON SAID LOT 1 IN HILL OAK SUBDIVISION BEING A PART OF LOT 12 OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY IN ASSESSMENT DIVISION OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID HILL OAK SUBDIVISION RECORDED MAY 11, 1970 AS DOCUMENT R70-14300 AND CERTIFICATE OF CORRECTION, RECORDED MAY 21, 1970 AS DOCUMENT R70-15844.
BEGINNING AT A POINT OF INTERSECTION OF A LINE DRAWN 10.00 FEET WESTERLY OF THE EAST LINE OF SAID LOT 1 WITH A CURVED LINE DRAWN 15.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 05 DEGREES 06 MINUTES 42 SECONDS EAST PARALLEL WITH AND 10.00 FEET WESTERLY OF AS MEASURED PERPENDICULAR TO THE EAST LINE OF SAID LOT 1, A DISTANCE OF 54.00 FEET; THENCE SOUTH 84 DEGREES 53 MINUTES 18 SECONDS WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 05 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 47.41 FEET; THENCE ALONG A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 3306.38 FEET FOR A DISTANCE OF 50.43 FEET FORMING A CHORD BEARING OF NORTH 77 DEGREES 22 MINUTES 59 SECONDS EAST TO THE PLACE OF BEGINNING, CONTAINING 2538.55 SQUARE FEET ALL IN DUPAGE COUNTY, ILLINOIS.

EXISTING AMCI UTILITY EASEMENT DESCRIPTION
A PARCEL OF LAND FOR AMCI UTILITY PURPOSES LOCATED WITHIN HEREON SAID LOT 1 IN HILL OAK SUBDIVISION BEING A PART OF LOT 12 OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY IN ASSESSMENT DIVISION OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID HILL OAK SUBDIVISION RECORDED MAY 11, 1970 AS DOCUMENT R70-14300 AND CERTIFICATE OF CORRECTION, RECORDED MAY 21, 1970 AS DOCUMENT R70-15844.
COMMENCING AT A POINT OF INTERSECTION OF A LINE DRAWN 10.00 FEET WESTERLY OF THE EAST LINE OF SAID LOT 1 WITH A CURVED LINE DRAWN 15.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 3306.38 FEET FOR A DISTANCE OF 50.43 FEET FOR A POINT OF BEGINNING; THENCE CONTAINING ALONG SAID ARC OF A CURVE TO THE LEFT FOR A DISTANCE OF 5.00 FEET; THENCE NORTH 12 DEGREES 37 MINUTES 01 SECONDS WEST, A DISTANCE OF 5.88 FEET; THENCE NORTH 77 DEGREES 22 MINUTES 59 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 12 DEGREES 37 MINUTES 01 SECONDS EAST, A DISTANCE OF 5.88 FEET TO THE PLACE OF BEGINNING, CONTAINING 29.38 SQUARE FEET ALL IN DUPAGE COUNTY, ILLINOIS.

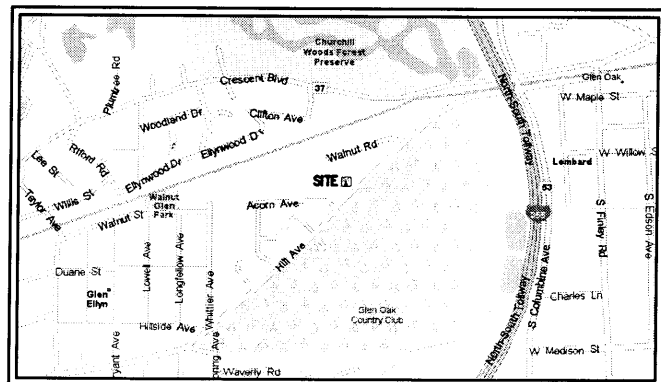
EXISTING AMCI ACCESS EASEMENT DESCRIPTION
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 48 DEGREES 20 MINUTES 50 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 13.53 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 12.01 FEET; THENCE NORTH 39 DEGREES 08 MINUTES 00 SECONDS WEST, A DISTANCE OF 61.24 FEET; THENCE NORTH 10 DEGREES 02 MINUTES 08 SECONDS WEST, A DISTANCE OF 93.72 FEET; THENCE NORTH 56 DEGREES 18 MINUTES 32 SECONDS EAST, A DISTANCE OF 44.49 FEET; THENCE NORTH 84 DEGREES 53 MINUTES 18 SECONDS EAST, A DISTANCE OF 59.49 FEET; THENCE NORTH 05 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 84 DEGREES 53 MINUTES 18 SECONDS WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 05 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 84 DEGREES 53 MINUTES 18 SECONDS WEST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 05 DEGREES 06 MINUTES 42 SECONDS EAST, A DISTANCE OF 19.70 FEET; THENCE SOUTH 56 DEGREES 18 MINUTES 32 SECONDS WEST, A DISTANCE OF 56.01 FEET; THENCE SOUTH 10 DEGREES 02 MINUTES 08 SECONDS EAST, A DISTANCE OF 104.68 FEET; THENCE SOUTH 39 DEGREES 08 MINUTES 00 SECONDS EAST, A DISTANCE OF 64.87 FEET TO THE PLACE OF BEGINNING, CONTAINING 3518.59 SQUARE FEET ALL IN DUPAGE COUNTY, ILLINOIS.

- NOTES:**
1. BENCHMARK: SOUTHEAST CORNER OF THE CONCRETE PAD AT THE ENTRANCE TO THE EXISTING EQUIPMENT SHELTER. ELEVATION=696.12'
 2. PERMANENT INDEX NUMBER - 05-12-207-033
 3. LATITUDE: N 41°32'59.17" (NAD83) LONGITUDE: W 088°02'16.85" (NAD83)
 4. THE LOCATION OF UNDERGROUND UTILITIES WAS DETERMINED BY FIELD OBSERVATION AND VISIBLE MARKINGS ONLY.
 5. FIELD COMPLETED ON 5/31/05
 6. THIS SURVEY WAS PREPARED FOR THE INSTALLATION OF WIRELESS COMMUNICATION EQUIPMENT ONLY.
 7. THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE COMMITMENT. PLEASE REFER TO A CURRENT TITLE FOR ANY EASEMENTS, SETBACKS OR RESTRICTIONS NOT SHOWN HEREON.

LEGEND			
	PROPERTY LINE		TELEPHONE VAULT
	CENTER LINE		GUARDRAIL
	EASEMENT LINE		UTL WIRE ANCHOR
	BUILDING SETBACK		CONTOUR LINE
	MEASURED DATA		TREE LINE / HEDGE LINE
	RECORD DATA		EDGE OF GRAVEL/STONE
	CALCULATED DATA		FENCE LINE
	TOP OF STRUCTURE, DIA		STORM SEWER
	AREA LIGHT		SANITARY SEWER
	CONCRETE		COMBO SEWER
	EVERGREEN/STAND TREE		WATER TRUNK LINE
	SHRUB		WATER MAIN
	MONITOR WELL		OVERHEAD GAS LINE
	GAS VALVE		CANISTER TRUNK LINE
			U.S. TELEPHONE LINE
			UTILITY ELECTRIC LINE
			UTILITY MANHOLE
			UTILITY METER
			UTILITY POLE
			UTILITY VALVE
			UTILITY WIRE
			UTILITY WIRE ANCHOR
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W-T LAND SURVEYING, INC.
LAND AND CONSTRUCTION SURVEYORS
30 EAST SCULLY DRIVE
SCHAMBURG, ILLINOIS 60193
PH. (847) 895-3640 FAX. (847) 895-1854
IL LICENSE NO. 184-001108 EXPIRES 4/30/07

STATE OF ILLINOIS)
COUNTY OF COOK)
WE, W-T LAND SURVEYING, INC. DO HEREBY DECLARE THAT WE HAVE SURVEYED THE ABOVE DESCRIBED LEASE AND CONVEYED THE SAME TO THE CLIENT. THIS IS A CORRECT REPRESENTATION OF THE SURVEY.
35-3556
GIVEN UNDER OUR HAND AND SEAL THIS 7th DAY OF JUNE, A.D. 2005.
AT SCHAMBURG, ILLINOIS.
W-T LAND SURVEYING, INC.
SCHAMBURG, ILLINOIS
ILLINOIS PROFESSIONAL DESIGN PROFESSIONAL NO. 184-001108



LOCATION MAP

Crown Castle
USA Inc.
Great Lakes Area

9450 W. Bryn Mawr Avenue
Suite 340
Rosemont IL 60018

APPROVALS
LANDLORD _____
LEASING _____
R.F. DESIGN _____
ZONING _____
CONSTRUCTION _____
CONSTRUCTION _____
CELL SITE ENG. _____
OPERATION _____

DRAWINGS PREPARED FOR:
W-T
W-T COMMUNICATION
DESIGN GROUP, LLC
2500 W. HIGGINS RD., SUITE 965
HOFFMAN ESTATES, IL 60195
PH. (847) 490-8275 FAX. (847) 895-9955
WWW.WTENGINEERING.COM

PROJECT NO: 805184
DRAWN BY: KCB/MWO
CHECKED BY: FIM
FIELD WORK BY: BSA

817173
LOMBARD 2
21 W 180 HILL AVENUE
GLEN ELLYN, ILLINOIS

SHEET TITLE
LAND SURVEY

SHEET NUMBER
LS-1

Revised 6/29/92

ORDINANCE NO. 3565

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR AN 87 FOOT TALL
MONOPOLE ANTENNA PURSUANT TO SUBSECTION F-2 (c) (2)
IN SECTION 3 OF THE LOMBARD ZONING ORDINANCE, NO. 3274**

(PC 92-14: 714 West Hill Avenue, Lombard, IL)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Ordinance No. 3274; and,

WHEREAS, the subject property is zoned I Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval of a Conditional Use to provide for the construction of an 87 foot tall monopole antenna on the property described in Section 2 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 10, 1992 pursuant to appropriate and legal notice; and,

WHEREAS, THE President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

Section 1: That a Conditional Use is hereby granted for the property described in Section 2 below and pursuant to Subsection F-2 (c) (2) in Section 3 of the Village of Lombard Zoning Ordinance No. 3274 so as to allow said property to be used for the construction of an 87 foot tall monopole antenna within an I Limited Industrial District .

Section 2: That this ordinance is limited and restricted to the property generally located at 714 West Hill Avenue, Lombard, Illinois and legally described as follows:

Lot 1 in Hill Oak Subdivision of that part of Lot 12 lying northerly of the northerly line of Hill Avenue and southerly of the Chicago and Northwestern Railroad Right-of-way in Assessment Division of Section 12, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat of said Hill Oak Subdivision recorded May 11, 1970 as Document R70-14300 and Certificate of Correction recorded May 21, 1970 as Document R70-15844, in DuPage County, Illinois.

Parcel No. 05-12-207-033

Section 3: This ordinance shall be granted subject to compliance with the following conditions:

1. All site development shall generally comply with the site plan prepared by PAL Popowych Associates, LTD received by the Department of Community Development on May 7, 1992.
2. This conditional use shall be null and void unless a building permit is obtained within one year and a Certificate of Occupancy is obtained within 18 months of the approval of this ordinance.
3. Landscaping is subject to the approval of the Director of Community Development.

Ordinance No. 3565
Re: PC 92-14
Page 2

Section 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 1992.

First reading waived by action of the Board of Trustees this 25th day of June, 1992.

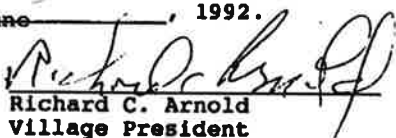
Passed on second reading this 25th day of June, 1992.

Ayes: TRUSTEES KRISCH, VAZQUEZ, BIRD, GATZ, MACKETT

Nayes: TRUSTEE TROSS

Absent: NONE

Approved this 25th day of June, 1992.


Richard C. Arnold
Village President

ATTEST:


Lorraine G. Gerhardt
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney

Published by me in pamphlet form this 1st day of July, 1991.


Lorraine G. Gerhardt
Village Clerk

LOCATION MAP

N

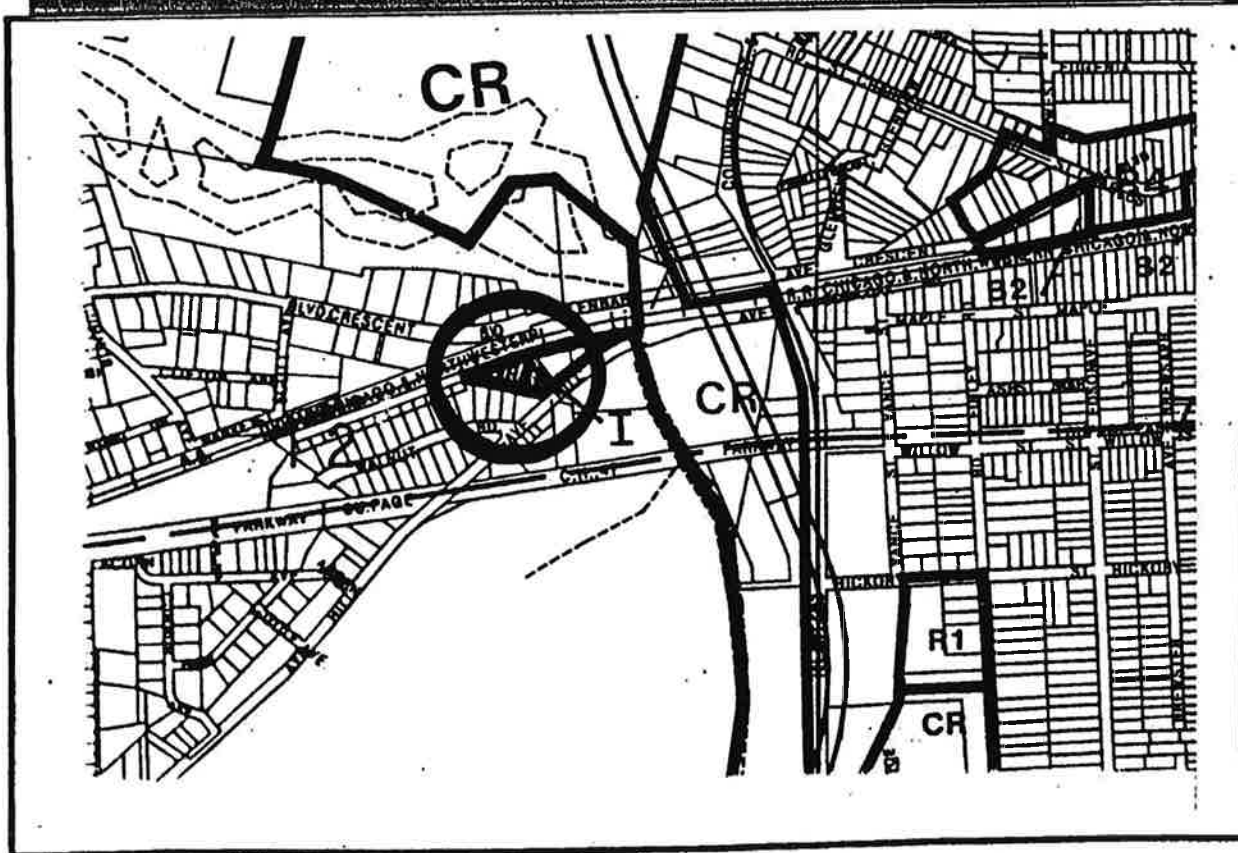


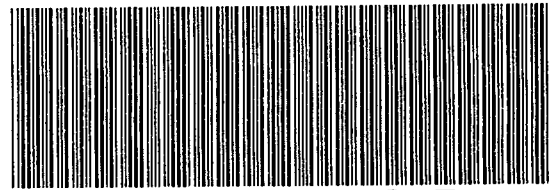
Lombard Zoning Map

Scale 1" = 1000'

PC 92-14

220 West Hill Avenue: Requests a conditional use to provide for an 87 foot tall monopole antenna tower.





FRED BUCHOLZ

DUPAGE COUNTY RECORDER

OCT. 30, 2013

10:56 AM

OTHER

05-12-207-032

035 PAGES

R2013-149932

Village of Glen Ellyn

Ordinance No. 6164

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

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

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

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

Ordinance No. 6164

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

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

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

21W180 Hill Avenue

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

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

21W200 HILL AVENUE

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

AND ALSO:

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

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

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

PARCEL 2:

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

AND, ALSO:

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

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

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

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

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

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

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

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

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

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

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

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

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

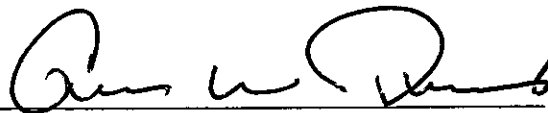
Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 9th day of September, 2013.

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

Nays: 0

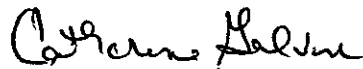
Absent: Trustee O'Shea

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



Village President of the
Village of Glen Ellyn, Illinois

Attest:



Village Clerk of the
Village of Glen Ellyn, Illinois

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

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



CERTIFICATION

I, Catherine Galvin, duly elected Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is a true and correct copy of Ordinance No. 6164, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Board Meeting of said Board held on the 9th day of September 2013, and that the same was signed and approved by the President of said Village on the 9th day of September 2013.

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

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

Catherine Galvin

Village Clerk

CORPORATE SEAL

ANNEXATION AGREEMENT

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

RECITALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. General Provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

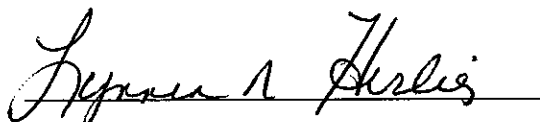
IN WITNESS WHEREOF, the parties have caused this Annexation Agreement to be executed by their duly authorized officers or individually, as the case may be, on _____, 2013.

VILLAGE OF GLEN ELLYN
A Municipal Corporation:

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

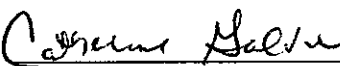
BY: 
Village President

OWNER:

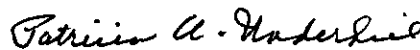


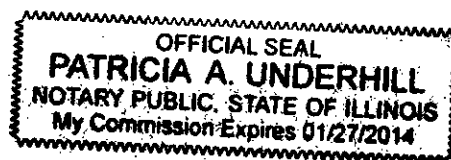
BY: _____

ATTEST:

BY: 
Village Clerk

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


Notary Public



STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

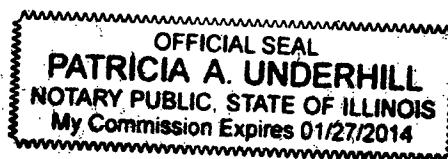
I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that ALEXANDER W. DEMOS personally known to me to be the President of the Village of Glen Ellyn, an Illinois municipal corporation, and CATHERINE CALVIN, personally known to me to be the Clerk of said corporation,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

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

Patricia A. Underhill

Notary Public

My Commission Expires: 01/27/2014



STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

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

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

Patricia A. Underhill
Notary Public

My Commission Expires: 01/27/2014



**EXHIBIT A
LEGAL DESCRIPTION**

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

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

Commonly known as 21W180 Hill Avenue

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

EXHIBIT B

PETITION FOR ANNEXATION
VILLAGE OF GLEN ELLYN, ILLINOIS

TO THE GLEN ELLYN VILLAGE BOARD:

Petitioners on oath state as follows:

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

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

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

Owner of Record of Subject Property:

Signature: _____

Print Name: _____

Date: _____

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

NOTARY PUBLIC

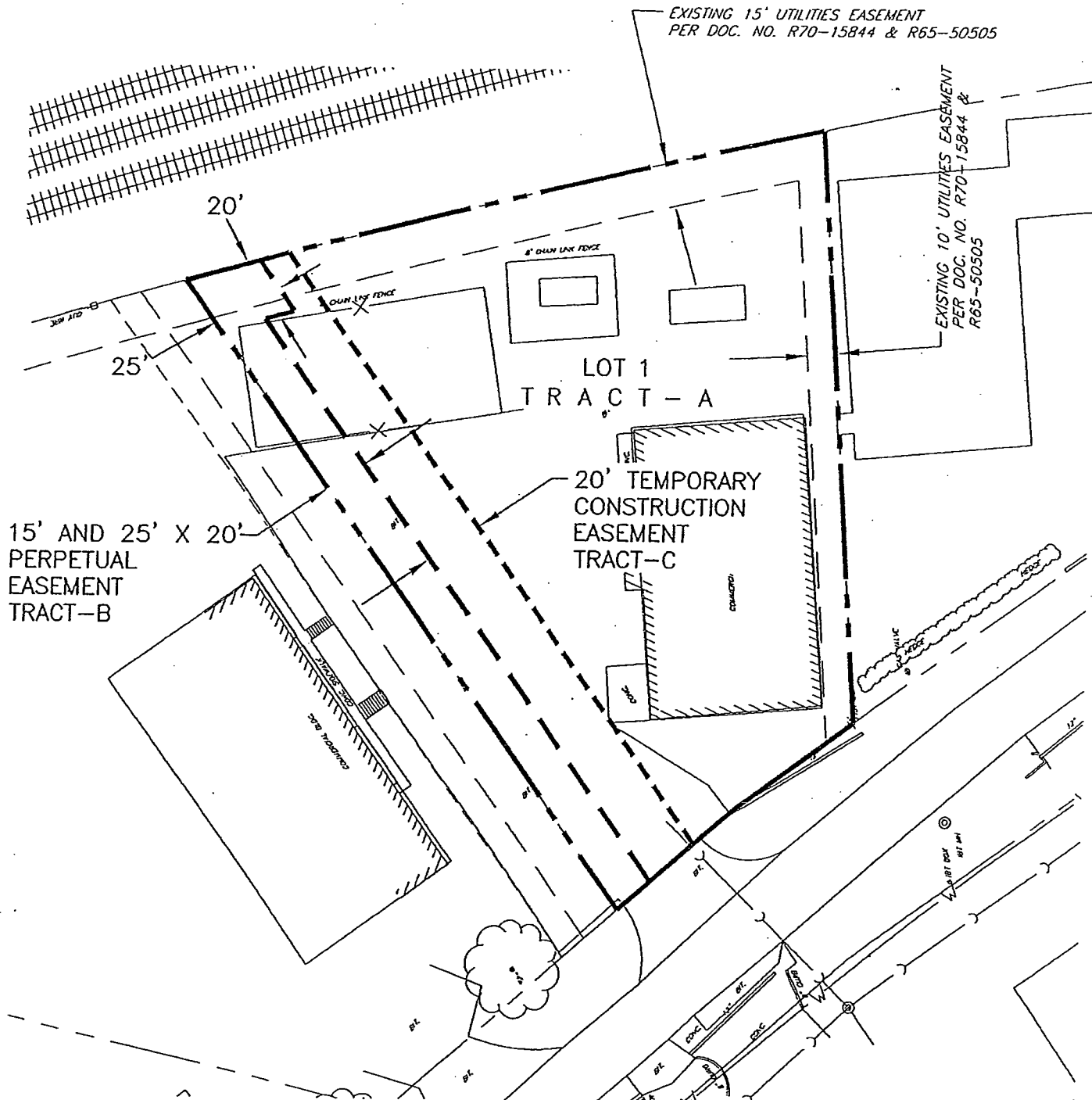
Signature: _____

Print Name: _____

Date: _____

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

NOTARY PUBLIC

$$1'' = 50'$$


SHEET	1
OF	2

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

LEGAL DESCRIPTIONS

TRACT A (PARENT TRACT):

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

TRACT B (PERPETUAL EASEMENT):

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

TRACT C (TEMPORARY CONSTRUCTION EASEMENT):

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

STATE OF ILLINOIS
COUNTY OF DUPAGE

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

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

ILLINOIS PROFESSIONAL DESIGN
CORPORATION NO. 1830

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

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

SHEET	2
OF	2

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

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

ANNEXATION AGREEMENT

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

RECITALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. General Provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

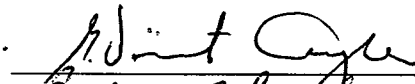
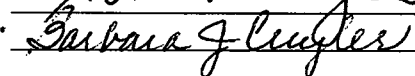
IN WITNESS WHEREOF, the parties have caused this Annexation Agreement to be executed by their duly authorized officers or individually, as the case may be, on _____, 2013.

VILLAGE OF GLEN ELLYN
A Municipal Corporation:

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

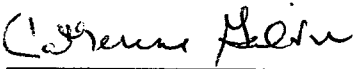
BY: 
Village President

OWNERS:

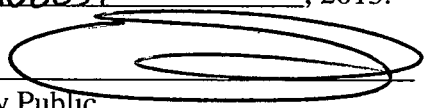



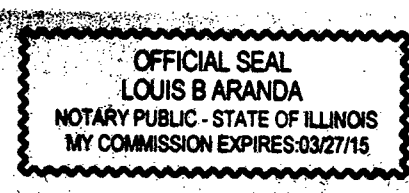
BY: _____

ATTEST:

BY: 
Village Clerk

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


Notary Public



STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

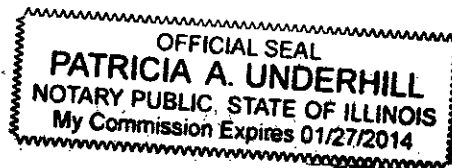
I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO
HEREBY CERTIFY, that ALEXANDER W. DEMOS personally known to me to be the
President of the Village of Glen Ellyn, an Illinois municipal corporation, and
CATHERINE CALVIN, personally known to me to be the Clerk of said corporation,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

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

Patricia A. Underhill

Notary Public

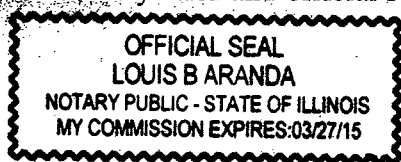
My Commission Expires: 01/27/2014

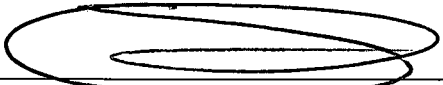


STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

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

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





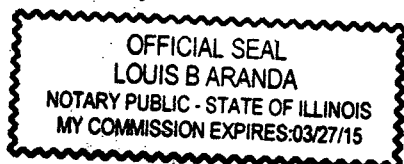
Notary Public

My Commission Expires: 3/27/15

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

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

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





Notary Public

My Commission Expires: 3/27/15

**EXHIBIT A
LEGAL DESCRIPTION**

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

AND ALSO:

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

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

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

PARCEL 2:

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

AND, ALSO:

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

PARTICULARLY DESCRIBED AS FOLLOWS:

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

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

COMMONLY KNOWN AS 21W200 HILL AVENUE

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

EXHIBIT B

**PETITION FOR ANNEXATION
VILLAGE OF GLEN ELLYN, ILLINOIS**

TO THE GLEN ELLYN VILLAGE BOARD:

Petitioners on oath state as follows:

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

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

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

Owners of Record of Subject Property:

Signature: _____

Print Name: _____

Date: _____

Signature: _____

Print Name: _____

Date: _____

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

NOTARY PUBLIC

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

NOTARY PUBLIC

Village of Glen Ellyn

Ordinance No. 6207 VC

**An Ordinance Approving Zoning Code Text Amendments
to Create a New I1 Light Industrial Zoning District**

**Adopted by the
President and the Board of Trustees
of the**

**Village of Glen Ellyn
DuPage County, Illinois**

This 13th Day of January, 2014.

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this 14th
day of January 14th, 2014.

Ordinance No. 6207-VC

**An Ordinance Approving Zoning Code Text Amendments
to Create a New I1 Light Industrial Zoning District**

Whereas, the Village of Glen Ellyn recently entered into annexation agreements with properties commonly known as 21W180 and 21W200 Hill Avenue; and

Whereas, the aforementioned properties were previously located in the Village of Lombard and zoned to Lombard's light industrial district; and

Whereas, said properties were disconnected from Lombard and are currently located in DuPage County and zoned to DuPage County's I-1 Light Industrial district; and

Whereas, the annexation agreements for 21W180 and 21W200 Hill Avenue require the Village of Glen Ellyn to create a new light industrial zoning district to be applied to these properties upon annexation to Glen Ellyn; and

Whereas, in accordance with this provision, following due and proper publication of notice in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on December 12, 2013, at which hearing the Plan Commission considered a variety of zoning code text amendments related to the creation of a new light industrial zoning district; and

Whereas, no persons spoke at the public hearing either in favor of or in opposition to the proposed amendments; and

Whereas, after having considered the evidence, testimony and exhibits presented at the December 12, 2013 Plan Commission public hearing, by a vote of six (6) "yes" and zero (0) "no", the Plan Commission recommended approval of the proposed zoning code text amendments as set forth in the minutes of their December 12, 2013 meeting, a draft of which is attached hereto as

Exhibit "A"; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn have reviewed the evidence and testimony presented at the December 12, 2013 Plan Commission hearing and find that the proposed zoning code text amendments are consistent the Glen Ellyn's 2001 comprehensive plan and would promote the public health, safety, and general welfare of the Village and, therefore, deem it in the best interest of the Village to accept the recommendation of the Plan Commission and to amend the Glen Ellyn Zoning Code to create a new I1 light industrial zoning district classification.

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

Section One: The draft minutes from the December 12, 2013 Glen Ellyn Plan Commission meeting, a copy of which is attached hereto as Exhibit "A", is hereby accepted by the Village Board, and the findings of fact and conclusions set forth therein and in the preambles above are hereby adopted by the President and Board of Trustees.

Section Two: The Glen Ellyn Zoning Code is hereby amended as set forth in Exhibits "B" attached hereto.

Section Three: The Director of Planning and Development is hereby directed to cause the text of the Glen Ellyn Zoning Code to be amended as approved by this Ordinance. Said amendments shall be inserted in proper order into the Zoning Code, and said Zoning Code and shall be published and made available for inspection and purchase by the general public.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 13th day of January, 2014.

Ayes: Trustees Burkett, Clark, Elliott, Ladesic, McHenry and O'Shea

Nays: Ø

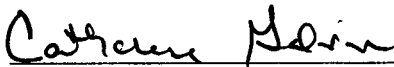
Absent: Ø

Approved by the Village President of the Village of Glen Ellyn, Illinois, this 13th day of January, 2014.



Village President of the
Village of Glen Ellyn, Illinois

Attest:



Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 14th day of January, 2014).

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EXHIBIT "A"

Plan Commission

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December 12, 2013

workers. Ms. Stegall responded to Plan Commissioner Lannen that an item, if appropriate, can be forwarded to the Planning and Development Director for her authority to determine that a use is similar to other uses that are allowed in a district in terms of the impacts they would have and to allow those uses. Ms. Stegall responded to Plan Commissioner Allen that the country club would most likely be zoned to the Conservation Recreation District. Plan Commissioner Whalen suggested adding "indoor" to the salt storage facility item (no. 23) and Ms. Stegall agreed.

Persons in Favor of or in Opposition to the Proposed Request

No persons spoke in favor of or in opposition to the proposed request.

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Allen, to close the public hearing. The motion carried unanimously by voice vote.

Motion

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Mansfield, to create a Light Industrial Zoning District Standards with the following changes: Add Micro-Beverage and Food Manufacturing as a permitted Special Use, add "noise" and "odors" as Factors 4 and 5 to the PUD Evaluation Factors, remove No. 6, church and temple, from Special Uses, add "Indoor" to no. 23, Salt Storage Facility, and add Private Utility Substation as a special use.

The motion carried unanimously with six (6) "yes" votes and zero (0) "no" votes as follows: Plan Commissioners Allen, Heming-Littwin, Lannen, Mansfield, Whalen and Vice Chairman Strayer voted yes.

PUBLIC HEARING – ZONING CODE TEXT AMENDMENTS

PUBLIC HEARING REGARDING PROPOSED ZONING CODE TEXT AMENDMENTS RELATED TO SUCH THINGS AS FENCE SPACING AND HEIGHT, GENERATOR SETBACKS, DEVELOPER DONATIONS, OUTDOOR SEATING AND PERMITTED USES.

Plan Commissioner Mansfield moved, seconded by Plan Commissioner Heming-Littwin, to open the public hearing. The motion carried unanimously by voice vote.

Staff Presentation

Village Planner Michele Stegall stated that a variety of Zoning Code text amendments are being presented to the Plan Commission for their consideration. She pointed out some of the changes that have been made to the list of amendments since the Plan Commission received the draft as follows: Ms. Stegall stated that the fence regulations have been amended in response to a comment by a Plan Commissioner who stated that fences often need to be located above ground because the ground slopes, drainage needs to be allowed under the

Plan Commission

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December 12, 2013

fence or the wood would rot if it was allowed to touch the ground. She stated that an allowance has been added to allow the fence to be located up to 4 inches above ground to accommodate those situations and added that the 4 inches is not included in the height calculations. Ms. Stegall also stated that photos were submitted showing the caps on masonry columns located at intervals on fences that are located a foot or two above the height of the fence. She added that in an effort to allow creativity, no limitation has been created to limit the height of those columns.

Questions/Comments from the Plan Commission

Plan Commissioner Whalen asked that staff research whether or not there should be a limitation on the height and spacing of masonry fence caps. Plan Commissioner Mansfield suggested leaving the height at 8 feet and having staff research this item and return with a text amendment, if necessary. He added that there should be a height limitation regarding caps, and Plan Commissioner Heming-Littwin suggested that the height of a cap located on top of a masonry column should be no higher than the height of the masonry column up to the height of the post or no more than a total of 9 feet. The Plan Commissioners agreed with that recommendation. Ms. Stegall also stated that a proposed change was previously made to allow a fence to be 33 percent open as opposed to 50 percent open for the front and corner side yard, and she displayed some photographs of various types of fence spacing. Ms. Stegall responded to Vice Chairman Strayer that an additional 6 inches is allowed for a fence of any size but she was unsure how long the 50 percent open fence has been in effect in the Village. Plan Commissioner Whalen pointed out that in b. Height: 3), 6 feet should be the maximum for a fence located no closer to the street than the principal structure on a lot, and Ms. Stegall agreed that should be corrected. Ms. Stegall also stated that a change has been proposed to allow generators as a permitted use in a required side yard and corner side yard. She added that generators would need to be screened from view from the public way. Ms. Stegall responded to Plan Commissioner Whalen that as proposed generator testing could be done between 9:00 a.m. and 5:00 p.m. seven (7) days per week. Ms. Stegall also stated that staff would like to withdraw No. 8 Developer Donations at this time as many communities only apply developer's donations to PUDs and subdivisions.

Plan Commissioner Whalen requested that generators be allowed a minimum of 2 feet 6 inches (perhaps 2 feet) off of the lot line for all lots and that, if necessary, generators be allowed in the front yard with a review per staff. He explained that on a 50-foot wide lot, most manufacturers

require a generator to be 18 inches from the home and the units are approximately 27 inches wide; therefore the unit would be a couple of inches into the 3-foot setback. Ms. Stegall explained for Plan Commissioner Heming-Littwin that accessory structure setback requirements, in general, are 5 percent of the lot width. She also stated that air conditioners are allowed in front yards. Plan Commissioner Whalen also requested that the Planning and Development Director be allowed to permit a generator in a front yard if there is no other viable location on the lot. Vice Chairman Strayer was not in favor of generators in the Plan Commission

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December 12, 2013

front yard although the other Plan Commissioners were supportive of generators in the front yard. Ms. Stegall responded to Plan Commissioner Allen that sump pump discharge is covered in the Stormwater Ordinance.

Persons in Favor of or in Opposition to the Proposed Request

No persons spoke in favor of or in opposition to the proposed amendments.

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Allen, to close the public hearing. The motion carried unanimously by voice vote.

Motion

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Mansfield, to amend the Zoning Code as follows: Remove Section 8, change fence height in 11b.3) to a maximum of 6 feet, change fence in C3 to include no more than the height of the column or a maximum of 9 feet, to change 21B to not less than 2.5 feet from the side or rear property line provided it is tested only between the hours of 9:00 a.m. and 5 p.m. once per week for a maximum of 30 minutes, if time allows prior to this item being presented to the Village Board that staff research masonry columns from a design standpoint, and to allow the Planning and Development Director authority to allow generators in front yards.

The motion carried unanimously with six (6) "yes" votes and zero (0) "no" votes as follows: Plan Commissioners Heming-Littwin, Mansfield, Allen, Lannen, Whalen and Vice Chairman Strayer voted yes.

Staff Report

Ms. Stegall reminded the Plan Commissioners about the holiday party next Thursday evening at 7:30 p.m.

There being no further business before the Plan Commission, the meeting was adjourned at 9:19 p.m.

Respectfully submitted,

Michele Stegall
Village Planner

Barbara Utterback
Recording Secretary

PROPOSED LIGHT INDUSTRIAL ZONING DISTRICT STANDARDS
12/31/13

Bold = New Text

~~Strike Through~~ = Deleted Text

10-3-1: INTENT

Insert new Section 10-3-1(Q) to read as follows:

(Q) **I1 – Light Industrial Zoning District: The I1 District is intended to provide an environment suitable for industrial activities that do not create appreciable nuisance or hazards and which can be located harmoniously on the same lot with office uses and in relatively close proximity to residential areas.**

10-2-2: DEFINITIONS:

Add a new definition for “Animal Day Care” to read as follows:

Animal Day Care: A facility that provides same day short-term keeping, boarding or maintaining of animals that do not require medical treatment and which does not include overnight boarding.

Micro Food and Beverage Manufacturing: An establishment not exceeding 5,000 square feet in floor area where food, beverages, and/or alcohol are processed or otherwise prepared and which may include the distribution of such items.

Private Utility Use or Facility. Utilities that are not subject to Village acceptance for operation or maintenance. For purposes of this Code, private utilities may include such things as natural gas lines or facilities, power lines and plants, communication lines and facilities (with the exception of telecommunication uses) and similar uses and facilities.

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Insert a new Section 10-4-19 to read as follows:

10-4-19: I1 – LIGHT INDUSTRIAL DISTRICT

(A) **PERMITTED USES***

1. **Artist Studio**
2. **Automobile car wash**
3. **Automobile repair and service**
4. **Automotive vehicle rental**

5. Building material sales establishment; plumbing, heating, ventilating and electrical equipment and fixture service and repair; machinery and equipment sales, service and rental; household appliance repair; cabinet making and custom woodworking uses
6. Business, medical or professional office, including contractor's offices
7. Commercial or trade school
8. Community support services uses such as: mail order store, newspaper office, office supply, catering, laundry retail and mortuary
9. Compounding of cosmetics, toiletries, dyes and pharmaceuticals
10. Dry cleaning and/or commercial laundry establishments including dry cleaning plants and operations primarily serving satellite drop-off dry cleaning establishments in other districts
11. Engraving, printing, publishing, lithography, blue printing, film processing and photocopying establishments
12. Exterminating services
13. Furniture upholstery
14. Greenhouse, including retail and wholesale sale of plants
15. Ice sales and storage
16. Light manufacturing assembly of previously manufactured parts, fabricating, cleaning, testing, assembling, repairing and servicing
17. Overnight and weekend parking
18. Radio and television: service, repair and studios
19. Research laboratory
20. Indoor self storage facility
21. Sheet metal shop
22. Veterinarian and animal hospital
23. Antenna attachments to existing antenna towers, buildings or other structures which do not exceed the permitted height in the zoning district or the height established by special use permit
24. Accessory retail use associated with another permitted use where the floor area taken up by retail does not exceed 25%.

(B) SPECIAL USES*

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Animal day care
2. Cartage, express or parcel delivery
3. Church, temple or other religious institution
4. Club or lodge – private, fraternal or religious
5. Compost collection facility
6. Concrete and cast stone fabrication and molding, including monument establishments
7. Contractor's yard for storage of vehicles and materials
8. Glass products production
9. Indoor amusement

10. Indoor recreation facility
11. Kennel or cattery
12. Micro Food and Beverage Manufacturing
13. Outdoor storage
14. Private utility use or facility
15. Public use
16. Public utility and public service use
17. Recycling collection center
18. Television and radio tower, antenna support structure, water and fire tower, cooling tower, etc which exceed the maximum height
19. Vehicle storage yard
20. Warehouse
21. Wholesale merchandising and storage warehousing

*All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplemental District Regulations" as well as all other pertinent regulations in this Code.

(C) ACCESSORY BUILDINGS, STRUCTURES AND USES

See Section 10-5-4 "ACCESSORY STRUCTURES AND USES" and 10-5-5 "YARDS".

(D) MINIMUM YARD AND LOT REQUIREMENTS*

1. Front or corner side yard: 30' in depth. The front 10' shall be landscaped.
2. Rear yard: 20' in depth. The rear 10' shall be landscaped if adjacent to a residential zone or use or property located in the CR zoning district.
3. Side yard: 20', such yard shall be landscaped if adjacent to a residential zone or use.
4. Lot area: 20,000 sq. ft.
5. Lot width: 100 ft.
6. Lot depth: 200 ft.

(E) MAXIMUM HEIGHT

1. 45'
2. Churches and temples may be erected to a height not exceeding 75', if the building is set back from each yard line at least 2' 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 flag pole shall be specified in the ordinance granting a special use permit.

(F) SIGNS AND FENCES

1. Signs as per Sign Ordinance.
2. Screening required pursuant to Section 10-5-13(L).
3. See Section 10-5-5: YARDS.

(G) PARKING AND LOADING REQUIREMENTS

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

Amend Section 10-5-13 of the Supplemental Regulations to read as follows:

10-5-13: PERFORMANCE STANDARDS AND OTHER REQUIREMENTS FOR **INDUSTRIAL USES**, COMMERCIAL USES, PLANNED UNIT DEVELOPMENTS, SPECIAL USES, AND NON-RESIDENTIAL USES IN RESIDENTIAL ZONING DISTRICTS:

The following standards shall apply to **industrial uses**, commercial uses, planned unit developments, special uses (excluding single family residences) and non-residential uses in residential zoning districts. The property owner shall be responsible for submitting documentation prepared by a professional in the applicable area of expertise upon written request of the Village to verify that any standard has been satisfied.²⁰

Amend the follows Sections in Chapter 7 "Planned Unit Developments" to read as follows:

10-7-2: PROVISIONS GOVERNING ALL PLANNED UNIT DEVELOPMENTS:

- (A) Planned Unit Developments may be authorized as a Special Use within the R1 through R4 and C2 through C5 ~~Zoning Districts~~ **and I1 Zoning Districts**. All unimproved land, redevelopments or additions to existing structures in the C5 District shall be developed only by the Planned Unit Development procedures. Any development within the R5 and C6 Zoning Districts shall be accomplished only by Planned Unit Development procedures;

10-7-7: EVALUATION FACTORS:

The Planned Unit Development may be authorized as a Special Use, provided that it fulfills the intentions of the following factors, which shall be considered by the Plan Commission and the Village Board, among other factors, when evaluating a Special Use for Planned Unit Development:

- (A) Factors Affecting the Community as a Whole, including:

1. Uses or use;
2. Intensity of use; and
3. Traffic;
4. **Noise and odors;**

- (B) Factors Affecting the Neighborhood:

1. Heights;
2. Front, side and rear yard definitions and uses where they occur at the development periphery;

- (C) Factors Affecting the Development Itself:

1. Bulk;
2. Gross residential, ~~and/or~~ commercial, **and/or industrial** building areas; . .

10-7-9: COMMERCIAL **AND INDUSTRIAL** PLANNED UNIT DEVELOPMENT STANDARDS:

- (A) Allowable Uses: Within the C2 through C6 **and I1** Zoning Districts, uses within commercial, ~~and/or~~ office, **and/or industrial** planned developments may only

include any of the permitted or Special Uses allowed in the district in which the planned development is located;

(B) Arrangement of Commercial and Industrial Uses:

1. Commercial **and industrial** buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the sides of the development abutting areas occupied or likely to be occupied by residences;
2. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential development;

(C) Designated Open Areas: Except within the C5 **and I1** Zoning Districts, at least ten percent (10%) of the land area of the development designated as common open area shall be developed for open plazas, pedestrian malls, tot lots, passive or active recreational facilities, trails and other quasi-public spaces and uses with adequate arrangement, design and planting;

(D) Intensity of Use: The coverage of all principal and accessory buildings and structures shall not exceed fifty percent (50%) of the lot area, except that the percentage of coverage may be increased two percent (2%) for each ten percent (10%) of required off-street parking which is located either below grade or in a parking structure, up to a maximum lot coverage of sixty-five percent (65%).

FILED
NOV 16 2018

Paul Harris DuPage County Clerk



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

NOV. 16, 2018

11:38 AM

PLAT

\$48.00 05-12-207-032

PLAT PAGE COUNT: 1

010 PAGES R2018-107029

Village of Glen Ellyn

Ordinance No. 6631

An Ordinance Annexing
Property Located at 21W180 Hill Avenue
(Proposed Addresses: 1096 Hill Avenue and 1102 Hill Avenue) and
21W200 Hill Avenue (Proposed Addresses: 1108 Hill Avenue and 1118 Hill Avenue)
Glen Ellyn, IL 60137

Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This 8 Day of Oct, 2018.

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County, Illinois,
this 9 day of Oct, 2018.

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

Ordinance No. 6631

**An Ordinance Annexing
Property Located at 21W180 Hill Avenue
(Proposed Addresses: 1096 Hill Avenue and 1102 Hill Avenue) and
21W200 Hill Avenue (Proposed Addresses: 1108 Hill Avenue and 1118 Hill Avenue)
Glen Ellyn, IL 60137**

Whereas, Joseph A. Coghill, III, manager of JAC Properties GE, LLC, owner of 21W180 Hill Avenue, and G. Vincent and Barbara Cuyler, owners of 21W200 Hill Avenue, entered into annexation agreements with the Village of Glen Ellyn on September 9, 2013 pursuant to Ordinance No. 6164; and

Whereas, the owners each submitted a petition to annex the aforementioned properties to the Village of Glen Ellyn pursuant to and in accordance with Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8; and

Whereas, these annexation petitions, signed by the owners of record of the property hereinafter described, have been filed with the Village Clerk of the Village of Glen Ellyn, DuPage County, Illinois, copies of which are attached hereto as Exhibit "A"; and

Whereas, said properties are not within the corporate limits of any municipality but are contiguous to the Village of Glen Ellyn; and

Whereas, the properties to be annexed, commonly known as 21W180 Hill Avenue (with proposed new addresses of 1096 Hill Avenue and 1102 Hill Avenue) and 21W200 Hill Avenue (with proposed new addresses of 1108 Hill Avenue and 1118 Hill Avenue) are legally described as follows:

21W180 Hill Avenue

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

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

21W200 Hill Avenue

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

AND ALSO:

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

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

BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

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

PARCEL 2:

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

AND, ALSO:

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

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

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

Whereas, the properties to be annexed are identified on the Plat of Annexation, a reduced copy of which is attached hereto as Exhibit "B"; and

Whereas, legal notices regarding the intention of the Village to annex the properties have been sent to all persons and public bodies required to receive such notice by State statute; and

Whereas, all petitions, documents, and other necessary legal requirements are in full compliance with the statutes of the State of Illinois, specifically Chapter 65, Sections 5/7-1-1 and 5/7-1-2 of the Illinois Compiled Statutes; and

Whereas, it is deemed to be in the best interest of the Village of Glen Ellyn that said properties be annexed thereto.

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

Section One: The findings of fact set forth hereinabove in the recitals are hereby adopted by the President and Board of Trustees of the Village of Glen Ellyn.

Section Two: Pursuant to Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8, the subject properties, legally described herein above, and the adjacent right-of-way are hereby annexed to the Village of Glen Ellyn, DuPage County, Illinois.

Section Three: The Village President and Village Clerk are hereby authorized to execute the Plat of Annexation for the properties, a reduced copy of which is attached hereto as Exhibit "B".

Section Four: The Village of Glen Ellyn Zoning Map shall be and is hereby amended to show the properties as incorporated within the Village limits.

Section Five: The Village Clerk shall be and is hereby authorized and directed to cause a certified copy of this Ordinance and the Plat of Annexation to be recorded in the Office of the DuPage County Recorder.

Section Six: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, each in the manner provided by law.

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

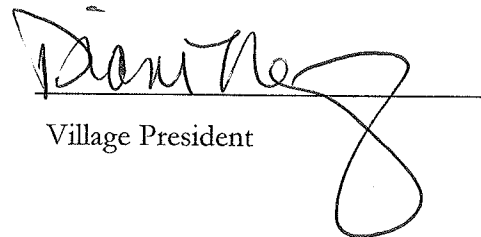
8 day of Oct 18.

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

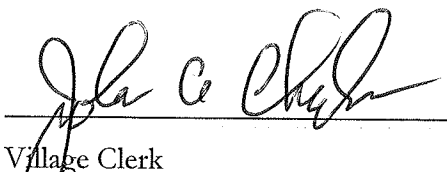
Nays: ☐ Diane McGinley ☐ Pete Ladesic ☐ Mark Senak
☐ Craig Pryde ☐ Bill Enright ☐ Gary Fasules
☐ John Kenwood

Absent: ☐ Diane McGinley ☐ Pete Ladesic ☐ Mark Senak
☐ Craig Pryde ☐ Bill Enright ☐ Gary Fasules
☐ John Kenwood

Approved by the Village President of the Village of Glen Ellyn, Illinois this 8 day of Oct 2018.


Village President

Attest:

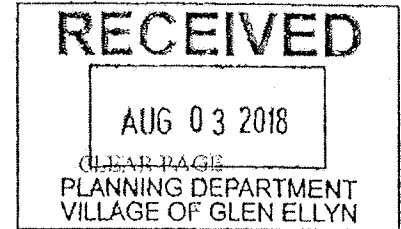

Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the 9 day of Oct, 2018.)

EXHIBIT "A"

PETITION FOR ANNEXATION VILLAGE OF GLEN ELLYN, ILLINOIS



TO THE GLEN ELLYN VILLAGE BOARD:

Petitioners on oath state as follows:

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

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

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

Owners of Record of Subject Property:

Signature: G. Vincent Cuyler
Print Name: G. Vincent Cuyler
Date: August 3, 2018

Signature: Barbara J. Cuyler
Print Name: Barbara J. Cuyler
Date: August 3, 2018

Signature: _____
Print Name: _____
Date: _____

Subscribed and sworn to before me this
3 day of August, 2018

NOTARY PUBLIC

Subscribed and sworn to before me this
3 day of August, 2018

NOTARY PUBLIC

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

NOTARY PUBLIC

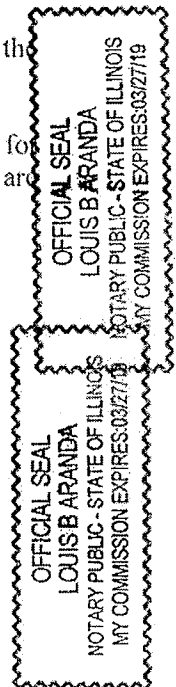
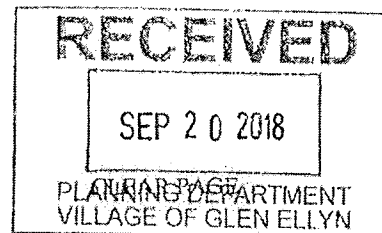


EXHIBIT "A"

PETITION FOR ANNEXATION VILLAGE OF GLEN ELLYN, ILLINOIS



TO THE GLEN ELLYN VILLAGE BOARD:

Petitioners on oath state as follows:

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

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

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

Owners of Record of Subject Property:

Signature: [Signature] member
Print Name: JAC Properties GE, LLC
Date: September 19, 2018

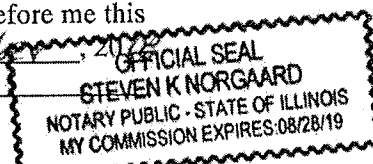
Signature: _____
Print Name: _____
Date: _____

Signature: _____
Print Name: _____
Date: _____

Subscribed and sworn to before me this

19th day of September, 2018

[Signature]
NOTARY PUBLIC



Subscribed and sworn to before me this

_____ day of _____, 20__

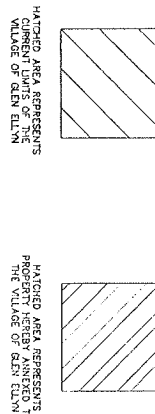
NOTARY PUBLIC

Subscribed and sworn to before me this

_____ day of _____, 20__

NOTARY PUBLIC

Page 128 of 199

[illegible][illegible]

LOT 2 IN WILLY PARK, KITCHENS RESUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1927 UNDER RECORD NUMBER R72-47323, IN DU PAGE COUNTY, ILLINOIS.

[illegible]

COMMONLY KNOWN AS: 214260 MIL. AIRCRAFT OIL FLTR, ILINOS
CONTAINING: 48,141.45 SQ. FT., 111 AC.
-AND ALSO-

[illegible]

SENATOR
STATE OF ILLINOIS
COUNTY OF DUPAGE | 55

WE, GEORGE AUB ASSOCIATES INC. HEREBY CERTIFY THAT THIS DOCUMENT HAS BEEN PREPARED AND SIGNED BY DIRECTION (THAT MAY BE RECORDED) OF THE PROPERTY DESCRIBED FOR THE PURPOSES OF ANNEXATION TO THE VILLAGE OF GLEN ELLEN, ILLINOIS.

A.D. 20

BY : _____
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2923
MY LICENSE EXPIRES NOVEMBER 30, 2018

ORDERED BY: VILLAGE OF GLEN ELLYN
535 DUANE ST.
GLEN ELLYN, ILLINOIS 60137

RETURN TO: VILLAGE OF GLEN ELLYN
535 DUANE ST.
GLEN ELLYN, ILLINOIS 60137

THIS INSTRUMENT NUMBER _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF
DADE COUNTY, FLORIDA, AFORESAID, ON THE _____ DAY OF _____ A.D. 20____
AT _____ O'CLOCK _____ M.
DADE COUNTY RECORDER OF DEEDS _____

CERTIFICATION

I, John Chereskin, duly elected Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is a true and correct copy of Ordinance No. 6631, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Meeting of said Board held on the 8 day of October 2018, and that the same was signed and approved by the President of said Village on the 8 day of October 2018.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Glen Ellyn, Illinois, this 8 day of October, 2018.


Village Clerk

CORPORATE SEAL



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

NOV. 16, 2018

11:38 AM

OTHER

\$42.00 05-12-207-032



016 PAGES R2018-107030

Village of Glen Ellyn

Ordinance No. 6632

**An Ordinance Approving
A Zoning Map Amendment for
1096 Hill Avenue, 1102 Hill Avenue,
1108 Hill Avenue and 1118 Hill Avenue
Glen Ellyn, Illinois 60137**

**Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This 8 Day of Oct, 2018.**

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County, Illinois,
this 9 day of Oct, 2018.

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

Ordinance No. 6632

**An Ordinance Approving
A Zoning Map Amendment for
1096 Hill Avenue, 1102 Hill Avenue,
1108 Hill Avenue and 1118 Hill Avenue
Glen Ellyn, Illinois 60137**

Whereas, Joseph A. Coghill, III, manager of JAC Properties GE, LLC, owner of 1096 Hill Avenue and 1102 Hill Avenue, and G. Vincent and Barbara Cuyler, owners of 1108 Hill Avenue and 1118 Hill Avenue, have petitioned the Village President and Board of Trustees for approval of a Zoning Map Amendment in accordance with Section 10-10-13 of the Glen Ellyn Zoning Code to rezone the subject properties to I1 Industrial District; and

Whereas, the subject properties are located on the north side of Hill Avenue between I-355 and Walnut Road; and

Whereas, the subject properties are legally described as follows:

1096 Hill Avenue and 1102 Hill Avenue

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

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

1108 Hill Avenue

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

AND ALSO:

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

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

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

1118 Hill Avenue

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

AND, ALSO:

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

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18

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

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

Whereas, the petitioners heretofore each entered into a valid and binding annexation agreement for the subject properties, and said annexation agreements were approved by the President and Board of Trustees pursuant to Ordinance No. 6164 on September 9, 2013; and

Whereas, the annexation agreements required the Village to create a new light industrial zoning district for the subject properties to be zoned upon annexation; and

Whereas, the Village created a new light industrial zoning district on January 13, 2014 pursuant to Ordinance 6207; and

Whereas, the Properties have been annexed by the Village Board by Ordinance No. 6631 on October 8, 2018; and

Whereas, following due and proper publication of notice in The Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on September 13, 2018 at which hearing the Plan Commission considered the petitioners' request for a Zoning Map Amendment to I1 Industrial; and

Whereas, at the September 13, 2018 public hearing of the Plan Commission, the petitioners presented evidence, testimony, and exhibits in support of the request and no one spoke in favor of

Whereas, at the September 13, 2018 public hearing of the Plan Commission, the petitioners presented evidence, testimony, and exhibits in support of the request and no one spoke in favor of or in opposition to the request and one (1) person asked general questions about the request for a Zoning Map Amendment to I1 Industrial; and

Whereas, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings of fact and recommendations and by a vote of six (6) “yes” and zero (0) “no”, the Plan Commission recommended approval of the request for a Zoning Map Amendment to I1 Industrial as set forth in the September 13, 2018 minutes of the Plan Commission, a draft of which is attached hereto as Exhibit “A”; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the September 13, 2018 Plan Commission public hearing and have considered the recommendations of the Plan Commission; and

Whereas, the President and Board of Trustees hereby make the following findings of fact in regard to the request for a Zoning Map Amendment to I1 Industrial for the properties:

1. The existing uses within the general area of the subject properties consist of industrial to the south, the Union Pacific Railroad, residential, and the Churchill Woods Forest Preserve to the north, residential to the west and the Glenbard Wastewater Authority plant to the east.
2. The zoning classification to the south is I-1 Industrial in unincorporated DuPage County, Conservation Recreation to the north in Glen Ellyn and R-4 Residential in Unincorporated DuPage County, R-4 Residential to the west in Unincorporated DuPage County, and Conservation Recreation to the east in the Village of Lombard.
3. The subject properties are suitable for the I1 Industrial District. These properties have been in use as industrial for many years and were previously zoned as industrial when located within the Village of Lombard.
4. The property immediately to the south is zoned and used for industrial purposes in unincorporated DuPage County. The property to the east is industrial in nature as the Glenbard Wastewater Authority plant. The Union Pacific railroad is adjacent to the north.

5. The Comprehensive Plan designates these properties for light industrial and recommends the area be improved and upgraded as a limited self-contained business area.
6. The properties are not vacant and have been improved with industrial uses for several years. The use of the properties will remain as industrial with the new zoning classification.
7. The properties will not be diminished based on the particular zoning restrictions. When the Village adopted a new I1 Industrial zoning district, the existing uses and conditions on the properties were taken into account as well as the industrial provisions contained in the Village of Lombard and DuPage County's zoning codes.

Whereas, based on the aforementioned findings of fact, the President and Board of Trustees have determined that granting the requested Zoning Map Amendment is consistent with the goals of the Glen Ellyn Comprehensive Plan and the Glen Ellyn Zoning Code and find it to be in the best interest of the Village to approve the request for a Zoning Map Amendment to I1 Industrial.

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

Section One: The draft minutes from the September 13, 2018 Plan Commission public hearing, attached hereto as Exhibit "A", and the findings of fact therein, as well as in the preambles above, are hereby adopted as the findings of fact of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the September 13, 2018 public hearing of the Plan Commission.

Section Two: Based upon the findings of fact and recommendation of the Plan Commission, as adopted herein, and the findings of fact and conclusions set forth in the preambles above, the Village President and Board of Trustees hereby approve the request for a Zoning Map Amendment to I1 Industrial for the properties located at 1096 Hill Avenue, 1102 Hill Avenue, 1108 Hill Avenue, and 1118 Hill Avenue.

Section Three: The Village Clerk is hereby authorized and directed to cause a copy of this Ordinance approving the request for a Zoning Map Amendment to I1 Industrial to be recorded with the DuPage County Recorder of Deeds.

Section Four: The Director of the Planning and Development Department shall cause the Zoning District Map of the Village of Glen Ellyn to be amended to place the Properties in the I1 Industrial District. A map indicating the location of the properties is attached hereto and identified as Exhibit "B".

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

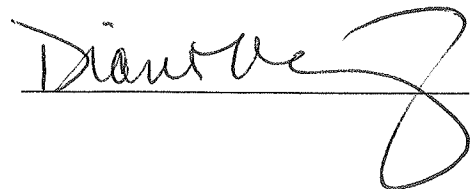
Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois this 8 day of OCT 2018.

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

Nays:	☐ Diane McGinley	☐ Pete Ladesic	☐ Mark Senak
	☐ Craig Pryde	☐ Bill Enright	☐ Gary Fasules
	☐ John Kenwood		

Absent:	☐ Diane McGinley	☐ Pete Ladesic	☐ Mark Senak
	☐ Craig Pryde	☐ Bill Enright	☐ Gary Fasules
	☐ John Kenwood		

Approved by the Village President of the Village of Glen Ellyn, Illinois this 8 day of OCT 2018.



Village President

Attest:



Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the 9 day of OCT, 2018.)

EXHIBIT “A”

DRAFT MINUTES REGULAR PLAN COMMISSION MEETING SEPTEMBER 13, 2018

Call to Order

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

A quorum was present.

Public Comment

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

Approval of Plan Commission Draft Minutes

1. Commissioner Vondruska, seconded by Commissioner Rodemann, to approve the minutes of the June 14, 2018 Plan Commission meeting. The motion carried with six (6) yes votes as follows: Plan Commissioners Fanella, Hartweg, Rodemann, Saeed, Vondruska and Chairperson Loch voted “yes.”
2. Commissioner Fanella, seconded by Commissioner Vondruska, to approve the minutes of the August 9, 2018 Plan Commission meeting. The motion carried with six (6) yes votes as follows: Plan Commissioners Fanella, Hartweg, Rodemann, Saeed, Vondruska and Chairperson Loch voted “yes.”

Public Hearing – 21W180 Hill Avenue and 21W200 Hill Avenue - Zoning Map Amendment to I1 Light Industrial

On the agenda was a public hearing to consider the application for a Zoning Map Amendment for 21W180 Hill Avenue and 21W200 Hill Avenue.

PUBLIC HEARING – 21W180 HILL AVENUE AND 21W200 HILL AVENUE - ZONING MAP
AMENDMENT TO I1 LIGHT INDUSTRIAL

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF A ZONING MAP AMENDMENT TO I1 LIGHT INDUSTRIAL FOR THE PROPERTIES AT 21W180 HILL AVENUE AND 21W200 HILL AVENUE.

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

Staff Introduction

Village Planner Sterrett was sworn in and showed an overview map of the properties. Village Planner Sterrett stated the subject properties are located on the north side of Hill Avenue, west of I-355 and east of Walnut Road. Village Planner Sterrett stated the properties are currently in unincorporated DuPage County zoned as R-4 Single Family Residential and are proposed to be annexed into the Village. Village Planner Sterrett stated the surrounding zoning and land use are CR Conservation Recreation to the north and east, I1 Light Industrial to the south and R4 Single Family Residential to the west.

Village Planner Sterrett stated notice of the public hearing was published in the August 10, 2018 edition of the Daily Herald. Village Planner Sterrett stated property owners within 250 feet of the subject properties were notified by mail of the public hearing and a placard was placed on each of the properties.

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

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

Village Planner Sterrett stated the Plan Commission met on December 12, 2013 to hold a public hearing on the Zoning Text Amendment for the creation of a light industrial zoning district. Village Planner Sterrett stated the proposed I1 district was created specifically to accommodate the subject properties. Village Planner Sterrett stated following the Public Hearing the I1 Light Industrial Zoning District was adopted by the Village Board on January 13, 2014.

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

Petitioner's Presentation

There was no presentation from the Petitioner.

Questions from the Plan Commission

There were no questions from the Plan Commissioners

Persons in Favor of or in Opposition to the Request

Jeffrey Svien, who resides at 14 Walnut Road, stated he is in unincorporated Glen Ellyn and is an interested party in this. Mr. Svien stated Walnut Road is now surrounded by annexed properties and asked when Walnut Road might be annexed into the Village. Chairperson Loch stated the Plan Commission does not handle this so Mr. Svien would need to talk to the Village Board and the Glen Ellyn Planning and Development Department about this.

Mr. Svien stated there are cars parked along Walnut Road often and asked if the parking would be lessened once there are be different ordinances after the annexation. Village Planner Sterrett stated this is maintained by the Village of Lombard currently, and once the properties are annexed into Glen Ellyn, the Village's parking requirements would apply. Village Planner Sterrett stated once these properties are annexed, the existing uses, the condition of the

properties and the building setbacks are considered non-conforming; however, any other laws or nuisance ordinances would now apply.

Commissioner Fanella moved, seconded by Commissioner Vondruska, to close the public hearing at 7:08 p.m. The motion carried unanimously by voice vote.

Comments from the Plan Commission

Commissioner Vondruska stated he has no issues with this as it seems straight forward. The other Plan Commissioners agreed with this.

Motion

Commissioner Fanella moved, seconded by Commissioner Vondruska to recommend the following:

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

1. The existing uses within the general area of the subject properties consist of industrial to the south, the Union Pacific Railroad, residential, and the Churchill Woods Forest Preserve to the north, residential to the west and the Glenbard Wastewater Authority plant to the east.
2. The zoning classification to the south is I-1 Industrial in unincorporated DuPage County, Conservation Recreation to the north in Glen Ellyn and R-4 Residential in Unincorporated DuPage County, R-4 Residential to the west in Unincorporated DuPage County, and Conservation Recreation to the east in the Village of Lombard.
3. The subject properties are suitable for the I1 Industrial District. These properties have been in use as industrial for many years and were previously zoned as industrial when located within the Village of Lombard.
4. The property immediately to the south is zoned and used for industrial purposes in unincorporated DuPage County. The property to the east is industrial in nature as the Glenbard Wastewater Authority plant. The Union Pacific railroad is adjacent to the north.

5. The Comprehensive Plan designates these properties for light industrial and recommends the area be improved and upgraded as a limited self-contained business area.
6. The properties are not vacant and have been improved with industrial uses for several years. The use of the properties will remain as industrial with the new zoning classification.
7. The properties will not be diminished based on the particular zoning restrictions. When the Village adopted a new I1 Industrial zoning district, the existing uses and conditions on the properties were taken into account as well as the industrial provisions contained in the Village of Lombard and DuPage County's zoning codes.

The motion carried with six (6) yes votes and zero no votes as follows: Plan Commissioners Fanella, Vondruska, Hartweg, Rodemann, Saeed and Chairperson Loch voted "yes."

Trustee's Report

Village Trustee Pryde stated the Village Board did the First Reading of the 1.5% food and beverage tax which there are no major objections to. Village Trustee Pryde stated the majority of the Village Board is in favor of this tax which will go toward future Capital Projects, such as the Central Business District Streetscape, a Parking Garage, HVAC improvements at the Civic Center, improvements on Roosevelt Road and a possible update at the Train Station with a Pedestrian Underpass.

Chairperson's Report

None

Staff Report

Village Planner Sterrett stated in October or November, the Plan Commission will consider an application for the former Giesche property. Village Planner Sterrett stated there will also be the first public meeting regarding an update to the Village's Comprehensive Plan. Village Planner Sterrett stated the goal is to have the Comprehensive Plan updated by March 2019.

Other Business

None

Adjournment

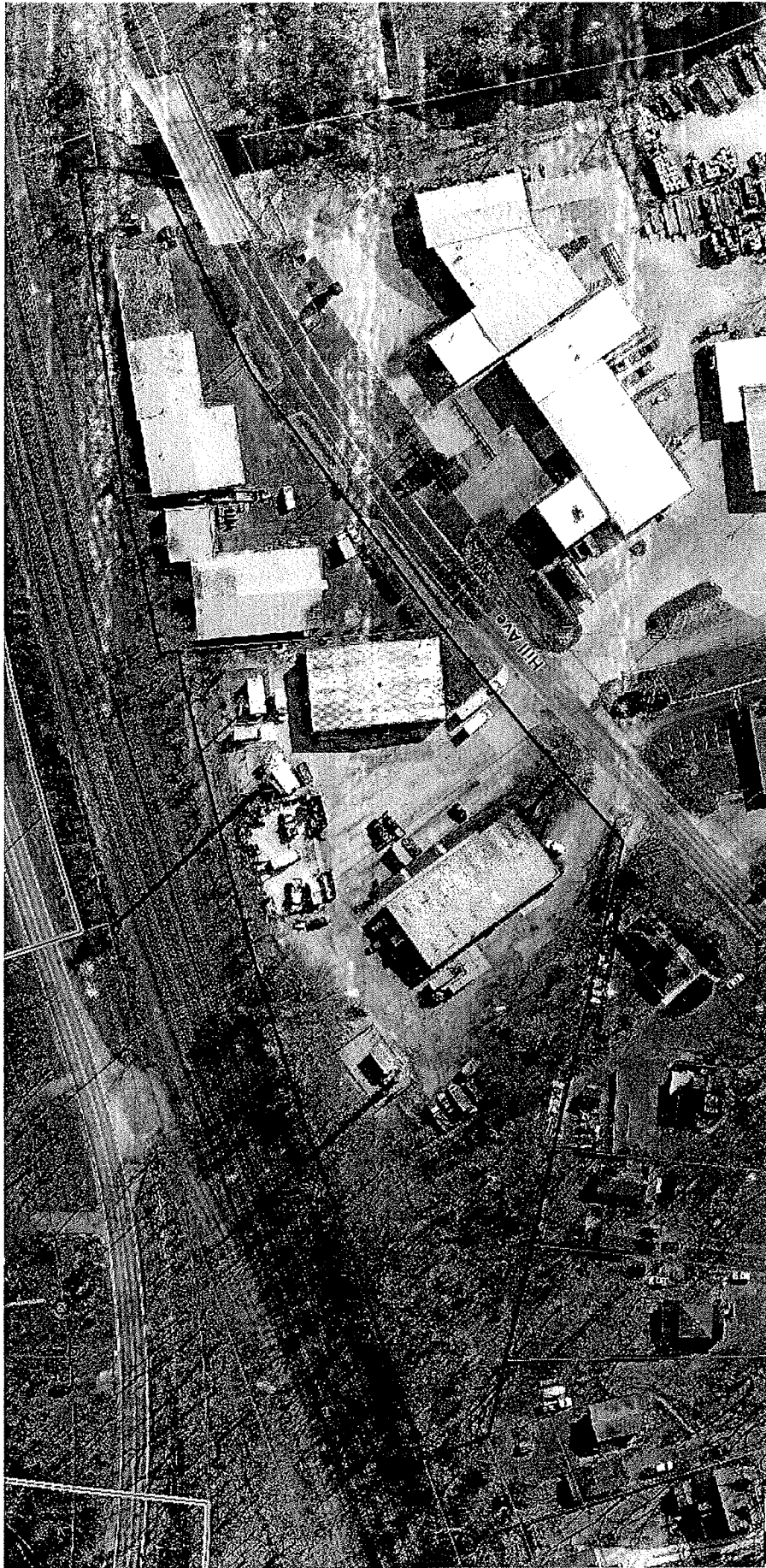
Commissioner Hartweg moved, seconded by Commissioner Fanella, to adjourn the meeting at 7:14 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary

EXHIBIT "B"

Map of 1096 Hill Avenue, 1102 Hill Avenue, 1108 Hill Avenue and 1118 Hill Avenue

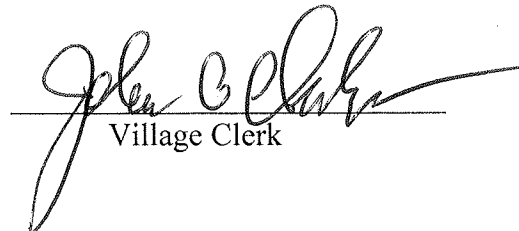


CERTIFICATION

I, John Chereskin, duly elected Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is a true and correct copy of Ordinance No. 6632, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Meeting of said Board held on the 8 day of October 2018, and that the same was signed and approved by the President of said Village on the 8 day of October 2018.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Glen Ellyn, Illinois, this 8 day of October, 2018.


Village Clerk

CORPORATE SEAL

DRAFT MINUTES
REGULAR PLAN COMMISSION MEETING
December 8, 2022

Call to Order and Roll Call

Chairman Tim Loftus called the meeting to order at 7:00 p.m., and explained the Plan Commission's advisory function and operating procedure relative to its deliberation. He went over protocol for public comment, announced that the meeting would be recorded, and introduced Village Board Trustee Liaison Steve Thompson, Director of Community Development Marty Scott, Associate Planner Taylor Gendel, Senior Planner Atrian Fard and Recording Secretary Barbara Dutton-Thomas. Roll was called. Chairperson Loftus, Plan Commissioners Arango, Brown, Cooper, Dawson, Kreuzer, Saeed and Thakkar announced their presence, while Commissioner Wyant joined the meeting later.

Public Comment Non-Agenda Items

None.

Approval of Minutes

Commissioner Kreuzer moved to approve the draft minutes of the November 10, 2022 Plan Commission meeting; seconded by Commissioner Saeed, the motion passed by voice vote.

Commissioner Cooper moved to open the Public Hearing to consider a Special Use Permit (SUP) to allow an addition of DISH Wireless antennas and support equipment to existing cellular tower. Seconded by Commissioner Dawson, the motion passed by voice vote.

Public Hearing – 1102 Hill Avenue

Staff Introduction

Sworn in, Taylor Gendel, Associate Planner, 535 Duane, stated that the Petitioners, Crown Castle and DISH Wireless, represented by Tony Phillips of Fullerton Engineering, as licensee of a portion of the property located at 1102 Hill Avenue request approval of a SUP to allow an addition of DISH Wireless antennas and support equipment to the existing cell tower. The subject structure is located on the north side of Hill Avenue between Route 53 and Walnut Road in the I1 Light Industrial District, explained Associate Planner Gendel, who noted that the surrounding zoning and land uses are CR Conservation Recreation, Union Pacific Railroad and R-4 Unincorporated (DuPage), and Light Industrial. Ms. Gendel reviewed annexation/zoning history of the subject property, noting that the current cellular tower is height is 70 ft., which exceeds the maximum allowable height of 45 feet for structures located in the I1 Light Industrial District. As no Special Use Permit has been granted by the Village, she explained, the cellular tower is considered legal nonconforming. At this time, continued Associate Planner Gendel, the Petitioners are proposing to replace the existing vacant carrier antennas and associated equipment on the existing cellular tower with new DISH Wireless entry port, antenna and ground equipment.

The new antenna will be installed on top of the pole at approximately 67-ft. high, she said, adding that television and radio towers and antenna support structures that exceed district's maximum height will require a SUP. Given the maximum allowable height of 45 f.t in the I1 District, the proposed antenna will require approval of a SUP, she explained, adding that Code also specifies that the "lawfully existing, nonconforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued" subject to the provision stating the "nonconforming use of part of a building or structure shall not be expanded or extended." Given the legally nonconforming height and operation of the existing tower, she said, the proposed work and expansion triggers a need for a SUP. Ms. Gendel stated that the proposed addition of new DISH Wireless antennas will not add to the height of the existing structure, will be unmanned and will only require power and fiber connections that already exist on the site, and will require service by a technician approximately once a month. She listed Commission action.

Commissioner Questions

Chairperson Loftus asked what the Petitioner is broadcasting over the equipment; Ms. Gendel deferred to the Petitioner. Commissioner Brown asked if the tower is servicing any users; Ms. Gendel thought not.

Petitioner's Presentation

Sworn in, Ariel Stouder, Fullerton Engineering, 3648 W. Belle Plaine Ave., Chicago, Ill., stated that there are no carriers up there and that any equipment will be dismantled and replaced. She said that the proposed is a buildout of the DISH network and will be bringing 5G. Chairperson Loftus asked why the equipment is being installed outside the hut. The Petitioner responded that consideration is more on the leasing side, and said she's not entirely aware of whose is located in the shelter. The Chairperson asked if there are plans to fix the fencing around the site. The Petitioner replied that she is not aware of any, but is happy to make a note of it for potential address. Commissioner Brown asked the Petitioner if there were issues with presenting the proposed as a 5G tower instead of as a DISH tower. Ms. Stouder replied that the tower is tall enough to accommodate multiple carriers, and that Crown Castle is the owner and will be able to support all services, 5G just being the newest technology that's being built out. While admitting that she might have missed mention of 5G in the packet, Commissioner Brown expressed concern in that 5G is "a touchy subject." Ms. Stouder stated that the 5G frequency about which there were issues at the airport is not one they'll be utilizing. Chairperson Loftus asked if it would be possible to add other carriers below the existing, to which the Petitioner replied, "Absolutely." Mr. Loftus asked if per Code another carrier would be mounted below the existing, to which Ms. Gendel replied that the special use is just for the height of the monopole (but that one below wouldn't need a special use). Sworn in, Atrian Fard, Sr. Planner 535 Duane, explained that if other equipment will be there above 45 ft., another special use would be required. Commissioner Thakkar observed that the proposed doesn't look that different from the current set-up. Commissioner Kreuzer moved to close the Public Hearing; seconded by Commissioner Arango, the motion passed by voice vote.

Discussion

Perceiving a replacement of abandoned antennas with newer, Chairperson Loftus said he doesn't see any reason the application should be denied. Commissioner Arango asked if 70 ft. was determined to provide greater coverage and better reception than 45 ft. Commissioner Cooper observed that cell service has become an issue of infrastructure – in the same way as cable or electric lines – and that citizens expect cellular coverage, hence a reason for expanding the use. Commissioner Arango asked whether then the 45 ft. zoning is a detriment. Commissioner Cooper said he doesn't think the Commission has heard evidence to that one way or the other, while Chairperson Loftus noted that tower height is dependent upon location (e.g., terrain) and coverage area. Commissioner Thakkar, who said his initial thought was whether there are any safety concerns, sees the proposed as reuse of an existing unused structure. Commissioner Brown said she is concerned about the range of public notification of the meeting, as neighbors outside the 350-ft. legally-obligated buffer might not know what is happening, and that some people might have questions about the 5G. She said that if the Commission recommends approval she'd like to see the Village, prior to the Board meeting for which the subject is slated for discussion, specify that this is a 5G tower. Commissioner Kreuzer noted that the community does have a population concerned about 5G and its environmental and health effects. He said 5G was "completely omitted" from the notice and the package, and that hopefully the Board will be aware of this and improve notice. Chairperson Loftus said he understands the remark, but noted that the Village didn't do anything different for this petition than others. Commissioner Kreuzer argued, however, that exposure goes beyond the notice requirement, saying the technology is "more pervasive." Commissioner Cooper moved for the following:

After conducting a public hearing and deliberating on the request of the petitioner, Tony Phillips of Fullerton Engineers Consultants LLC, on behalf of Crown Castle USA Inc. and DISH Wireless LLC, for approval of a Special Use Permit to allow an addition of DISH Wireless antennas and support equipment to the existing cellular tower at 1102 Hill Avenue in the I1 Light Industrial District, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on December 8, 2022, which are hereby incorporated into the Motion by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village. The Plan Commission makes this recommendation of approval with the following conditions:

1. That the new DISH Wireless antenna added to the existing cellular tower be operated in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees.
2. That it be stated to the Village Board of Trustees that a purpose of the installation is for 5G.

Seconded by Commissioner Thakkar, the motion passed with Plan Commissioners Cooper, Thakkar, Arango, Dawson, Kreuzer and Saeed and Chairperson Loftus voting, "Yes," and Commissioner Brown voting, "No." (Commissioner Wyant had yet to join the meeting.)

Pre-Application – 750 Roosevelt Road

Staff Introduction

Senior Planner Fard explained that a pre-application meeting is requested to discuss the redevelopment of the property at 750 Roosevelt to construct of a Popeye's restaurant. The Petitioner, she said, is Woolpert Company on behalf of Aby Groups, represented by Jake Cooke and Ryan Walter. The Petitioner is in the process of negotiating a contract for the purchase of the property, she noted. The proposed project consists of the demolition of the existing 3,831SF building, and the construction of a new one-story-3,050SF Popeye's restaurant building with a drive-through, explained Ms. Fard. The project also calls for the redevelopment of the parking lot and undergrounding public utilities, she said, adding that the subject site is located on the northwest corner of Roosevelt Road and Taylor Avenue, approximately 145 ft. east of Roosevelt Road's intersection with Nicoll Avenue.

The subject site is currently located in the C4 Office District, which does not allow restaurants and drive-through facilities by right or by way of a Special Use Permit, continued Ms. Fard. Hence, she explained, the Petitioner is requesting approval of a Zoning Map Amendment to rezone the subject property to the C3 Service Commercial District, which allows for a range of uses including restaurants permitted by right and drive-through facilities by way of special use permits. The senior planner noted that Danby's Station Café has been operating at this location for many years as a legal nonconforming use. Since the majority of properties fronting on Roosevelt Road, between the Wheaton border and IL Route 53, are currently zoned C3 Service Commercial, including the properties immediately south of the subject property, and given the long history of the site being used as commercial, she said, Staff is supportive of this request and believes that C3 District is the most appropriate zoning for the site. The new building is compliant with all setback requirements of the C3 District, she stated. The Zoning Code requires 10-ft. landscape setbacks along Roosevelt Road and Taylor Avenue and an impervious surface setback of approximately 6.74 ft. around all four sides of the property, stated Ms. Fard. Although the project will not increase the amount of impervious area on the lot, to meet the current Code, Ms. Fard predicted, the Petitioner will be requesting approval of variations from landscape and impervious surface setbacks. It is important to note, she said, that the Development Committee requested the existing concrete sidewalk across the main frontage be moved further away from the Roosevelt Road's edge of the curb to enhance the safety of the pedestrians. To address this issue, the sidewalk needs to be placed within the limits of the property, leading to variations from the required landscape and impervious surface setbacks along the south property line. Sr. Planner Fard related that there will be a drive-through wrapping around the north side of the building, related Ms. Fard, who said that the new drive-through contains two lanes for ordering, merging into one lane at the service area on the west side of the building. Code, she said, requires five stacking spaces per drive-through lane for restaurants. While it seems approximately eight to nine cars would fit on this drive-through, which does not meet the minimum number of 10 stacking spaces required, she said, a variation will probably be required based on the current design. Under the Development Committee's direction, the petitioner modified the layout by shifting the building north and widening the one-way drive aisle to the south of the building to accommodate drive-through queue

and prevent conflicts with cars entering the parking lot. There will be a one-way escape lane around the drive-through, to allow internal circulation and exit from the drive-through. A SUP is required for a drive-through in the C3 Zoning District. Currently, access to the site is provided via a two-way drive on Roosevelt Road and a cross access from the US Bank site and Nicoll Avenue. The Petitioner, reported Ms. Fard, plans to utilize the existing access points and add a new two-way drive on Taylor Avenue. The main Roosevelt Road access drive will be restricted to a right-in/right-out only, which will need Illinois Department of Transportation (IDOT) approval for the location and design of the access drive. Verification should be made of the cross access, potential easement, and agreement between the two lots to allow future traffic travel from or to Nicoll Avenue. As part of the formal application process, stated Ms. Fard, the Petitioner will be required to submit a traffic study. Code, indicated Ms. Fard, requires that a driveway approach be separated from an adjacent intersection of a major arterial street with another arterial or collector street either 200 ft., or length of full left turn storage on the arterial (in this case 330 ft.), whichever is greater. Approval of a Zoning variation will be required to allow the Roosevelt Road access drive to be located approximately 170 ft. from the adjacent intersection of Roosevelt Road and Nicoll Avenue to the west, she said. The proposed restaurant will be served by 12 parking stalls, including one accessible parking space proposed on the south side of the parking lot in front of the building entrance. The Site Plan indicates that the restaurant would have 36 seats, which satisfies the minimum requirement of one space for every three seats, said Ms. Fard, who added that although compliant with the Village minimum parking requirement, Staff believes additional parking would be needed due to the high demand for the Popeye's restaurant. The plans show landscape islands at the end of every parking row, except the northernmost end, where the trash enclosure will be placed. Also, said Ms. Fard, the size of the landscape islands along north-south parking row is less than the size of the parking spaces. Code requires landscaped islands to be provided at the end of every row of parking stalls with a minimum width and length equal to the size of the parking spaces in the subject lot. The Plan Commission may wish to encourage the Petitioner to amend the plans to provide landscape islands that are at least equal to the size of the parking spaces on the property as required by Code. A new trash enclosure and refuse area will be placed at the north end of the north-south parking row, within the required 30-foot corner side yard setback. Trash enclosures are not permitted obstructions in a corner side yard, she said, therefore, a variation will be needed. Ms. Fard said the Petitioner has indicated that all existing overhead utility lines located within the property limits will be undergrounded as part of the project. The proposed sign package incorporates the Popeye's corporate brand identity throughout, she said, which consists of six wall signs, one monument sign, three traffic directional signs, and two drive-through (clearance) canopy information signs. Ms. Fard described the wall signs: an internally illuminated orange one on the south elevation (fronting Roosevelt Road), reading "Popeye's Louisiana Kitchen;" one on the west elevation in corporate orange color; one mounted to the east elevation, reading "Louisiana Kitchen" and business establishment date of "1972," accompanied by a chicken logo; also a halo-lit wall sign on the south elevation displaying a vinyl walnut-toned chicken logo outlined by a white LED color; and a non-illuminated wall sign mounted to the east elevation and one to the west elevation, featuring white acrylic text in the corporate font.

Corner lots with single-tenant non-residential establishments in C3 District are allowed to have a maximum of two wall signs, explained Sr. Planner Fard: one mounted on the front and one on the corner side building elevations. The maximum sign area shall be limited to 1SF per linear ft. of establishment frontage for each sign, she said, adding that the proposed Popeye's establishment will have a 39.2- and 83-linear-ft. of establishment frontage on Roosevelt Road and Taylor Avenue, respectively. The proposal calls for six wall signs, one of which exceeds the maximum allowable sign area calculated based on the linear footage of the establishment, she continued, and said therefore, two variations for the maximum number and area of wall signs will be required. The proposed monument sign features an internally illuminated (LED) vertical box consisting of two sign cabinets, explained Ms. Fard. The base features walnut-toned, wood-grain skin with raised white channel letters reading "Popeye's," and exceeds the maximum allowable base height of 5 ft., she said, concluding that a variation will be required. The top sign cabinet displays a logo on a corporate orange background. The Sign Code restricts the total combined area of all signs on a corner lot improved with a nonresidential single tenant building to be 150SF, said Ms. Fard. The total area calculation takes into account all wall, freestanding and awning signs. As proposed, there will be approximately 277SF of wall and freestanding signage on the lot, which exceeds the requirement. Therefore, a variation will be required. She noted also proposed are three non-illuminated rectangular double-faced traffic directional signs, and two drive-through canopy informational signs that she said are excluded from the total sign area calculation. The proposal calls for several architectural elements, including decorative shutters, a partially covered entrance canopy, a trellis structure, and a partially covered drive-through awning, she noted. The project, stated Sr. Planner Fard, will not likely require any new stormwater detention or Post-Construction Best Management Practices measures because the site is largely comprised of impervious surfaces today. However, she added, the regulatory FEMA floodplain associated with the detention pond north of the site extends across the north half of the existing site. The proposed development calls for re-grading the site to properly elevate the new building and parking lot above the floodplain as required, she noted. The developers are required to provide compensatory floodplain storage, and if they are relocating the floodplain storage to the northernmost portion of the site; a floodplain volume in the amount of 150 percent of the existing floodplain volume will need to be provided, concluded Ms. Fard, who outlined Plan Commission action to be taken in response to this pre-application case.

Commissioner Discussion

Chairperson Loftus asked why the site was never (at least since 1988) a C3 district. Ms. Fard said she doesn't know. Mr. Loftus asked whether the project could move forward without the rezoning, to which Ms. Fard replied that it could not. Mr. Loftus asked about easement history vis-à-vis the US Bank property. Ms. Fard said a temporary easement was granted to Danby's Station many years ago, but further research will ensue with upon project application. Mr. Loftus asked the reason for the third entrance (off of Taylor, which he said is not designed for regular traffic). Ms. Fard said it is to ease traffic on the site and thinks it could be an exit only. Mr. Loftus said perhaps it could be a right-turn-only out.

The Chairperson asked if the parking plan takes into account any employee parking, to which Ms. Fard indicated it's not required in C3. Observing that westbound traffic can come over the hill "pretty quickly," Commissioner Kreuzer thought the proposed might create a safety concern. Commissioner Cooper asked the number of parking spaces the Village would recommend, to which Ms. Fard replied that it depends on the traffic impact study, but said she believes an additional two or three would do. Commissioner Brown observed that Raising Cane's (another chicken meal proprietor) has 32 parking spaces; Ms. Fard said its development was before her time with the Village, so she doesn't have information about it. Ms. Brown wondered about operating hours' impact on lighting, to which Ms. Fard said the Village doesn't regulate hours of operation for restaurants, but that conditions of approval could govern lighting. Commissioner Saeed articulated limitations of consideration sans a traffic study. Saying she fears creating "a Starbuck's situation" with traffic, Commissioner Arango expressed concern about a dangerous Roosevelt entrance with traffic backing up into 5 o'clock commuter traffic. Mr. Cooper wondered if entrances off of Nicoll and Taylor but not Roosevelt might help address the situation while making room for more parking. Chairperson Loftus advised that this could be recommended based on traffic studies. Commissioner Arango urged this, while Commissioner Saeed pressed for measures to alleviate stormwater risk. Ms. Fard disclosed that she'd conservatively reviewed the stacking configuration for what she anticipates will be a busy restaurant and concludes that the layout, in general, isn't bad.

Though he complimented the building's "beautiful design," Commissioner Kreuzer expressed concern about the lighting – particularly the lack of bulb shielding – calling the drive-through a "white nightmare." He encouraged less color temperature in line with Village standards, to which Ms. Fard said lighting would be examined. Roosevelt Road, Chairperson Loftus speculated about moving the eastern entrance south should the entrance from Roosevelt be scrapped, to which Ms. Fard said a speed limit requirement would dictate the distance to the drive approach, and suggested that the Village Engineer would need to evaluate this scenario, if proposed. To a suggestion from Commissioner Kreuzer to reduce the westbound speed limit on Roosevelt, Sr. Planner Fard responded that the road is not under Village jurisdiction, but rather IDOT's, which would evaluate impacts. Chairperson Loftus asked if the property owner would need to grant an easement to put in sidewalk. Ms. Fard replied, "Probably, yes." Endorsing "less is more," Commissioner Dawson opined the proposed has too much illuminated signage.

Petitioner's Presentation

Jacob Cook, Brian Walter (with Woolpert) and Chris Ludwig introduced themselves. Mr. Cook related that IDOT was consulted and deemed the right-in/right-out access way acceptable. He also said the dumpster could be relocated to the northeast corner, accommodating another parking stall or two. He reported that the sign vendor has already revised their plan per Code, which will be reflected in the submittal. Wondering about the size and location of the monument signs, Chairperson Loftus asked expressed concern about signage blocking the view of a driver trying to pull out of the lot, to which Mr. Cook replied that this will be taken into consideration. Noting the existing site is not compliant with

respect to the impervious area and landscape setbacks, Mr. Walter said the Petitioner is increasing the green space.

Mr. Ludwig said the building lighting is part of a value engineering effort eliminating the “hockey sticks” at the drive-through being. Commissioner Kreuzer advocated for “moody” amber lighting, expressing the hope that the globe lights will be better shielded. Mr. Ludwig explained that the globes represent the current brand standard expressing a “Mardi Gras” aesthetic, but said the Petitioner could see if there is an alternative. Commissioner said he’s walked Louisiana, observing more of an amber color in New Orleans. Senior Planner Fard said the Village requires shielding. Saying that she doesn’t want the dumpster in the northeast corner, Commissioner Brown said she’d prefer the space be converted to a walking path. Chairperson Loftus asked if the Petitioner had done due diligence on easements, to which Mr. Walter said it performed the survey but didn’t see such notation. Though advising the Petitioner tone down the lighting and reduce the size of signage, the Chairperson commented that the modern architecture seems to blend in, and that the food and beverage tax would benefit the town. Mr. Walter said that the Petitioner could find extra parking stalls, but that 80 percent of the business is drive-through. Citing safety concerns, Commissioner Cooper asked if the restaurant could operate without a Roosevelt exit/entrance. Mr. Walter indicated that this could be explored in coordination with IDOT. Chairperson Loftus said the Commission doesn’t like to do spot zoning, and asked if an easement granted from the bank would get rezoned. Sr. Planner Fard said there’d be no change. Commissioner Kreuzer said he has no problem with rezoning the property, saying it’s long overdue. To a query from Commissioner Brown, Mr. Ludwig said mobile ordering is not part of the program. Commissioner Wyant asked if the business owner will also own the real estate, to which Mr. Ludwig replied, “Yes.”

Public Comment

Norris Eber, 701 Kingsbrook, said that while he doesn’t anticipate lighting problems, he lamented losing a breakfast option in the Village. He said he agrees with the proposed “right in-right out” design, saying it will take pressure off Nicoll, since use of Taylor Avenue is merely a “nice fantasy.”

Public Hearing – 375 Roosevelt Road & 401 Taft Avenue

Commissioner Brown moved to open the Public Hearing to consider approval of Amendments to the Preliminary Planned Unit Development with deviations, Final Planned Unit Development (PUD), a Zoning Code Text Amendment, Special Use Permits, and variations from the Sign Code to accommodate the redevelopment and operation of a new car wash at 375 Roosevelt Road and an accessory parking lot equipped with vacuum stalls at 401 Taft Avenue – Lots 4 and 5 of the 375-395 Roosevelt Road Subdivision. Seconded by Commissioner Thakkar, the motion passed by voice vote.

Staff Introduction

Sworn in, Atrian Fard, Senior Planner, 535 Duane, stated that the Petitioner, JB Development represented by Dave Dalesandro, Sam Youssef, and Professional Engineer Lauren Kucinski from Veenstra & Kimm. Ms. Fard explained that the subject property is comprised of two lots for a total area of

75,111SF and is part of the five-lot commercial development at 375-395 Roosevelt Road located between Lambert Road and Main Street. To proceed with the project, she continued, the Petitioner will need approval of a Zoning Text Amendment, amendments to a preliminary PUD for Lots 4 and 5 with zoning deviations, approval of Final PUD, a special use permit for Lot 4 to allow a car wash, a special use permit for Lot 5 to allow automobile services, and variations from the sign code. She noted that a preliminary PUD for the entire site expired in November 2021, and as part of the entitlement process, a deviation needs to be granted by the Village Board. The Petitioner will also need exterior appearance approval from the AAC, which is to meet next week. The entire development site is made up of 4.19 acres, which was formerly used for Leslie Car Wash and Enterprise Rent-A-Car rental service, related the senior planner. In November 2017, she said, the Village Board granted approval for a Major Subdivision to re-subdivide the property to create five new lots and a Preliminary PUD to redevelop three restaurant establishments on Lots 1-3 and an office building on Lot 5. The western parcel on the site, Lot 4, was occupied by Leslie Car Wash at the time and intended to remain as an ongoing business until its redevelopment, she related. Now, she continued, the Petitioner is proposing to demolish the existing car wash on Lot 4 to construct a new 5,200SF one-story car wash with vacuum stations, automated pay stations and designated stacking lanes. The proposal also calls for improvement of the existing parking lot on Lot 5, to accommodate a new parking lot with additional offsite vacuum stalls and employee parking spaces.

The northern parcel at 375 Roosevelt in the C3 Service Commercial District and the southern parcel at 401 Taft is in the C4 District, said Ms. Fard. Lot 4 in C3 will be used for a car wash, which is allowed in the C3 District with the approval of a Special Use Permit. Supplementary vacuum stalls will be proposed on Lot 5 located in the C4 District. As C4 District does not regulate automobile services such as vacuum stalls, a text amendment to the list of special uses in the C4 District will be required to accommodate the standalone vacuum operations on Lot 5. The proposed car wash facility and associated vacuum stalls would operate from 7:00 a.m. to 9:00 p.m. seven days a week. The facility would be staffed at any given time with two to three employees. At maximum capacity, the facility would serve up to five cars. It is estimated that the car wash and pay stations could service 140 cars per hour. Sr. Planner Fard explained that customers will enter the car wash establishment on Lot 4 from the three north-south lanes proposed on the west side of the building, where three separate pay booth stations are located under a canopy. Once payment is completed, staff will guide customers onto the car wash entrance on the south side of the building. The Jet Brite facility will offer an express wash that allows customers to remain in their vehicles as cars enter a 150-ft.-long conveyORIZED car wash tunnel, where cars are cleaned and heat dried. Cleaned vehicles will exit the tunnel from the north end of the building, where customers can turn left and leave the site or turn right to either go to Lot 3 (Buona Beef) or loop around to the east side of the car wash building to use the available vacuum stations. The vacuum station on Lot 4 will be sourced from a central vacuum system located inside the car wash building. If all vacuum stalls on Lot 4 were in use, she said, customers would be directed south across Taft Avenue to use the additional vacuums available on Lot 5. Lot 5 vacuum stations on will be serviced by enclosed freestanding vacuum stations

on-site. While Lot 4 complies with the minimum lot requirements in the C3 District, Lot 5, with a depth of 132 ft., is considered shallow and does not comply with the C4 District's minimum lot depth requirement of 140 ft. Therefore, explained Sr. Planner Fard, a deviation from the C4 District's lot depth regulation will be required to allow improvements on a nonconforming lot.

Accessory structures serving Lot 4 include three pay booth stations west of the car wash building with an arched canopy, an arched vacuum canopy east of the building, and a combined vending/trash enclosure at the southeast corner of the building. There will be no principal building on Lot 5 but three arched vacuum canopies: at the center of the lot; along the south property line; and along the east property line. Also planned, she indicated, is a combined vending/vacuum mechanical enclosure on the central island, a vacuum mechanical enclosure on the south of the lot, and a combined trash/vacuum/electrical enclosure on the southeast of the lot. Per Code, related Ms. Fard, an accessory structure shall be located no closer to the front property line than the principal building. Lot 4 is considered a through lot with two front yards fronting Roosevelt Road and Taft Avenue. According to the PUD Plans, the pay booths, their canopy, and the vending/trash enclosure on Lot 4 will be located closer to Taft Avenue than the car wash building. Therefore, deviations will be required. Furthermore, the trash enclosure encroaches 15 ft. into the required front yard setback of 40 ft., where trash enclosures are not permitted obstructions in the required front yard, hence an additional deviation will be required for the location of the trash enclosure on Lot 4. The proposed car wash building on Lot 4 and accessory structures on Lot 5 comply with the setback requirements, stated Ms. Fard. The Zoning Code requires an impervious surface setback of 7.44 ft. around all sides of Lot 4. The Petitioner is requesting approval of a zoning deviation to allow an impervious surface setback of as little as 1 ft. from the western property line to allow for as much vehicular maneuvering area as possible.

The Petitioner is also requesting a deviation to allow an impervious surface setback of 11 ft. along the southern property line on Lot 5 in lieu of the minimum 13.87 ft. of requirement. The C4 District further requires a minimum of a 10-ft. landscape setback along any adjacent roadway. An 8.5-foot setback is proposed along Taft Avenue that will require approval of a deviation. Given Lot 5's limited, or nonconforming, lot depth, explained Ms. Fard, the Petitioner had to modify the plans several times to achieve compliant drive isle and parking space dimensions, resulting in a reduction of southern impervious surface setback and northern landscape setback. The Zoning Code requires one space for each two employees, plus reservoir parking space or stacking space equal to five times the maximum capacity of the washing unit. According to the Petitioner, the maximum capacity of the washing unit is four cars, translating to a 20 parking spaces requirement, plus two spaces needed for car wash employees. The Petitioner plans to construct 10 parking spaces on Lot 4 and 42 on Lot 5, totaling 52 parking spaces on the subject property, said Ms. Fard, which exceeds the minimum 22 required. Unlike Lots 1-3, she noted, the car wash will not share parking with the other uses in the development. Ms. Fard added that 49 of 52 parking spaces will be covered by canopies and equipped with vacuums, including two accessible parking spaces on each lot, and said that three regular employee parking spaces will be located on Lot 5.

The net area of the principal building on Lot 4 requires one 12 ft. by 50 ft. loading area, continued the senior planner. The Petitioner is proposing a loading space at the northwest corner of the car wash building on Lot 4. The proposed loading space will comply with the number, size and setback requirements, but a deviation will be required as the loading zone will be visible from the public right-of-way (Roosevelt Road). Loading will take place outside of operational hours, she noted. Access to Lot 4 will be provided via full three-lane access off Roosevelt Road and outbound-only access to Taft Avenue in addition to one cross-access connection to Lot 3. The IDOT has jurisdiction over Roosevelt Road, and any redevelopments in the IDOT Right-of-Way will require a Permit from the agency. The Plan Commission may wish to consider a condition requiring IDOT approval of the proposed Roosevelt Road access prior to issuing any building permit for Lot 4. No new points of access are proposed for Lot 5, and the two existing access drives along Taft Avenue will be redeveloped and continue to operate as full access drives. According to the traffic impact study, the impact of the proposed car wash on the roadway network is small and levels of service at the nearby intersections of Roosevelt with Lambert, Main, Hillcrest and Greenwood, as well as Taft's intersection with Lambert and Main, will remain acceptable and adequately accommodate the projected traffic volume. The study states that the use of Lot 5 as a supplemental space for the car wash vacuums will result in various routes for ingress and egress, minimize turning movement conflicts, and further disperse traffic, which limits the development's impact on the area. Ms. Fard added that the Village's Traffic Consultant does not have any issues with the study's analysis.

Sr. Planner Fard related that the Petitioner is requesting approval of a Zoning deviation to allow the Roosevelt Road access drive to have approximately 153 ft. and 150 ft. of spacing from the adjacent drives to the east and west, respectively, in lieu of the 180 ft. required between driveway approaches located on arterials with 35 mph speed limit. Three queueing lanes to the car wash will be located on the west side of the building, with three pay booth stations at the southwest corner of the building. The proposed drive-through and stacking spaces will be compliant with the Code and will not interfere with internal circulation of the site. The Petitioner, continued Ms. Fard, is requesting approval of a deviation to allow the absence of a landscape island at the southern end of the parking row on Lot 4, where a landscaped island shall be provided at the end of every row of parking stalls with a minimum width and length equal to the size of the parking spaces in the subject lot. Other landscaped islands proposed throughout the subject site will comply with the Zoning Code, she noted. The Petitioner is providing a significant amount of landscaping throughout Lots 4 and 5 with a mixture of shrubs, ornamental trees, deciduous plants, and evergreens, stated Ms. Fard. The proposed landscaping complies with all regulations of the Zoning Code, she said, adding that further review of the Landscape Plan will be done by the Architectural Appearance Commission (AAC). The Petitioners have submitted a photometric plan indicating that the maximum illumination levels at all property lines will be compliant with Code. She added that all light fixtures will be fully shielded and the height of light poles will be less than the overall height of the building and in accordance with Code.

PUD regulations, explained Ms. Fard, require 15 percent of the total development area be dedicated to open space. Of the 15 percent being provided as open space, 10 percent must be provided for quasi-public open space. The Petitioner is providing a total of 25.1 percent open space on Lot 4, with 40.2 percent of the quasi-public open space on Lot 4. As a public amenity in the quasi-public open space, related Ms. Fard, the Petitioner is proposing a patio northeast of the building and two separate public sitting areas on the northeast and southwest corners of the lot. The Village Stormwater Engineer, related Ms. Fard, reviewed the plans and indicated that the Petitioner should be able to comply with the Stormwater Ordinance and that they are comfortable addressing any outstanding engineering issues as part of the building permit process. (A condition requiring all remaining engineering issues be finalized and approved prior to the issuance of any building permit might be considered, advised Ms. Fard.) Several signs are proposed for the car wash on Lots 4 and 5, including two internally illuminated wall signs on the building, said Sr. Planner Fard, who described these as a 104.8SF one on the north elevation, slightly tilted with yellow lettering; and a secondary wall sign on the east elevation that is 93.6SF in area and require a variation due to the building size. Another variation, she stated, will be needed to allow a total combined sign area of 198.4SF on Lot 4, where the total square footage of signage permitted on the site is 120SF. One double-faced, internally illuminated, freestanding monument sign is proposed at the northeast corner of Lot 5, continued Ms. Fard, who said its 1.4-ft. base will be constructed with the same material and color to match the accessory structures and retaining wall on Lot 5. The freestanding sign will meet all requirements, including number, setback, height, base height, and landscaping around the base, she stated, and added that three compliant, illuminated directional signs are also proposed. Ms. Fard outlined Plan Commission action and potential conditions to attach.

Commissioner Questions

Commissioner Cooper asked about the need for the number of parking spaces specified, to which Ms. Fard explained that Code doesn't distinguish between express car washes and those at which customers might park their cars for staff clean them. Commissioner Brown asked if Lot 5 will be separately staffed, to which Ms. Fard replied, "No." Expressing concern about potential loitering, the Commissioner then asked if Lot 5 would be safety surveilled, to which Ms. Fard deferred to the Petitioner. Chairperson Loftus asked if the business would be considered retail, to which Ms. Fard said it is considered a service, the definition of which was contemplated by Commission members. Commissioner Arango asked if detailing would be offered as a service, a query the Chairperson suggested be directed to the Petitioner.

Petitioner's Presentation

Sworn in, Dave Dalesandro, 590 Killdeer Drive, Bolingbrook, Ill., expressed pride in his business and its focus on maintenance and cleanliness. He said Lot 5 would be staffed, and named three employee functions at his car washes – customer guidance; cleaning and sweeping the vacuum area; and safety and traffic – stating that the Petitioner never wants traffic to back up onto the main street. Mr. Dalesandro explained that the entrance would be closed off (intermittently) on busy days to avoid backups, and noted that traffic can exit out to Taft. He said signs will direct folks to Taft vacuums.

When Commissioner Cooper asked how many vacuum stalls the Petitioner would install if there were no space constraints; citing competitive advantage, Mr. Dalesandro replied, "As many as we can." Mr. Wyant asked if the Petitioner's model (i.e., value proposition vs. high-touch) would resonate in affluent Glen Ellyn. "Absolutely!" replied Mr. Dalesandro, who said, "People like a great value." Citing golfer concerns about a "vacuum farm" up against The Links, Chairperson Loftus asked if the canopy configuration could help abate noise. While he said canopy angle has nothing to do with sound, Mr. Dalesandro insisted that the Petitioner doesn't want sound to spill on to the golf course. He said the new vacuums are quiet and will be in a bricked area, and any nozzle suction noise problem will be addressed. Commissioner Kreuzer perceived Jet Brite had been purchased by car wash enterprise, Zips. Mr. Dalesandro described the arrangement as an equity partnership allowing Jet Brite to retain operational control and branding. Commissioner Kreuzer asked if lights uniform with the town had been considered, and inquired about after-hour lighting. Mr. Dalesandro said lights have been toned down for this project, and for security, lighting would be kept at a minimum outside business hours (which are based on customer needs and preferences). Chairperson Loftus asked if the Petitioner would be willing to reduce the sign size on Lot 4, to which Mr. Dalesandro said the branding is smaller than on their other buildings, and here there is no front sign. Commissioner Dawson asked if there was a time limit on vacuum use and asked if customers could stick around post-wash to detail their cars. Mr. Dalesandro said there is no time limit, but the car wash is "not set up" for self-detailing. Chairperson Loftus asked if people vacuum cars without purchasing a wash. Mr. Dalesandro responded affirmatively, but the assumption is they got a car wash previously. Commissioner Brown asked how far people travel to Jet Brite washes. Not sure, Mr. Dalesandro said with more Jet Brite sites, customers don't have to go as far. Commissioner Cooper asked if the Police were concerned about cars shuttling across Taft. Ms. Fard said she believes such concerns would have been addressed in the Development Committee review.

Public comment

Sworn in, Tom Van Winkle, 28w677 Trillium Drive, Winfield, stated that he owns the property at 415 Taft – the property to the east of Lot 5 – operating the business, "Sign Identity." He said he is concerned that changing the Code from "Office" to "Automotive Repair" opens up other uses for that property besides vacuuming – conceivably, tire changing and other work. He also cited as a concern movement of traffic across the street to the vacuum areas. Sr. Planner Fard explained that only that being proposed is up for approval. Commissioner Brown asked if the Petitioner plans to expand services, to which Mr. Dalesandro replied, "No," citing staffing challenges in attaining a marketable price point.

A motion to close the Public Hearing was made by Commissioner Saeed; seconded by Commissioner Arango, the motion passed by voice vote.

Commissioner Discussion

With no opposition voiced to what Staff has recommended Commissioner Kreuzer moved for the following:

After conducting a public hearing and deliberating on the requests of the petitioner, JB Development, Inc. on behalf of MIKI Properties, LLC – Roselle, for approval of Amendments to the Preliminary Planned Unit Development with deviations, Final Planned Unit Development, a Zoning Code Text Amendment, Special Use Permits, and variations from the Sign Code to accommodate the redevelopment and operation of a new car wash at 375 Roosevelt Road and an accessory parking lot equipped with vacuum stalls at 401 Taft Avenue – Lots 4 and 5 of the 375-395 Roosevelt Road Subdivision, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on December 8, 2022, which are hereby incorporated into the Motion by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village. The Plan Commission makes this recommendation of approval with the following conditions:

1. That the petitioner construct, maintain, and operate the development in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees.
2. That Village Board approves an ordinance extending the expiration date of Ordinance No. 6546 and 6771 to November 13, 2023.
3. That no work on the project should commence until an IDOT right-of-way permit has been issued for the project.
4. That a stormwater management information and Stormwater Certification Application shall be submitted with permit plans for the project.

Seconded by Commissioner Brown, the motion passed by roll call vote, with Plan Commission members Kreuzer, Brown, Arango, Cooper, Dawson, Saeed, Thakkar, Wyant and Loftus voting, “Yes.”

Staff Report

Sr. Planner Fard said that currently no business is in sight for a January meeting.

Chairperson’s Report

Mr. Loftus confirmed that Plan Commission meetings will be going from two scheduled per month to one (which, he said, could run longer, though noted that special meetings could be set).

Trustee’s Report

Trustee Thompson reported that the budget and the levy were approved.

Adjournment

After wishing all a Merry Christmas, Chairman Loftus adjourned the meeting at 10:28 p.m., following voice vote passage of a motion by Commissioner Cooper and seconded by Commissioner Saeed.

Respectfully submitted,

Barbara Dutton-Thomas, *Recording Secretary*



Minutes
Village of Glen Ellyn
Regular Village Board Meeting
Monday, February 13, 2023
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order – 7:00 PM

B. Pledge of Allegiance

C. Roll Call

Upon roll call by Clerk Cosby, President Senak and Trustees Christiansen, Fasules, Gould, and Thompson answered “Present.” Trustee Payne was absent.
Trustee Kalinich arrived after roll call.

Also in attendance: Village Manager Franz, Assistant Village Manager Rodman, Village Attorney Mathews, Public Works Director Buckley, Finance Director Noller, Community Development Director Scott, General Manager Vesevick, Deputy Chief of Police Vavra, and Fire Chief Clark.

D. Audience Participation

Billy Joe Mills, Village resident representing the group, Hen Ellyn, spoke on wanting to be able to raise chickens within the Village. His reason for wanting this is to connect his children with the land. He wants the opportunity to teach his children where food comes from and feel the hens are a great way to teach this.

Will Weicher, Village resident representing Hen Ellyn, spoke on the proposal to allow chickens within the Village. He pointed out that the group, Hen Ellyn, is a diverse group with a common goal. He emphasized that keeping hens helps reduce waste as they eat food scrapes.

Emily Henkels, Village resident representing Hen Ellyn, gave her views on allowing henkeeping in the Village. She also read another supporter’s reasons for wanting the Village to permit raising chickens.

Mary Eileen Gaudette, Village resident representing Hen Ellyn, gave her perspective of why hen keeping would be a positive activity for the Village, especially in teaching children about the real world. She emphasized the desire to add life cycle lessons to her children’s education. Her son Paul spoke about wanting fresh eggs and how fun it would be to keep chickens.

David Firchau, Village resident, gave his views on affordable housing on the Roosevelt/Taft property. He spoke unfavorably about his experience growing up near the now-closed hotel and felt that the space should remain retail or commercial.

Nicolas Nelson presented a petition to keep the entire Roosevelt/Taft site commercially developed. He gave several reasons for the petitioners' belief that commercial is the best use of the site, highlighting increased funding for District 89. Among other points, he reiterated that Roosevelt Road is not zoned for residential and should be treated as the gateway to Glen Ellyn.

Renie Atchison, Village resident, believes that IDD housing and group homes need to be added to the comprehensive plan. She also explained what this type of housing is and who it involves. She believes the community would support this type of housing.

Patrick Vantiem, Village resident, gave his thoughts on the redevelopment of the Roosevelt/Taft property and his belief it should be a commercial development for the tax revenue.

Pete Ladesic, Village resident, submitted an on-line comment regarding the development of the Roosevelt/Taft property and the importance of the site for tax revenue.

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

RESULTS:	APPROVED [5 to 0]
MOVER:	Trustee Thompson [Items 1 – 4]
SECONDER:	Trustee Kalinich
AYES:	Thompson, Kalinich, Fasules, Christiansen, Gould
NAYS:	

Motion to approve the following items including Payroll and Vouchers totaling \$3,440,429.65. These agenda items have been reviewed by the Management Team and Village Attorney and are consistent with the Village's purchasing policy (Trustee Thompson).

- 1) Total Expenditures (Payroll and Vouchers) - \$3,440,429.65
- 2) Motion to Approve the Recommendation of Village President Mark Senak for the Appointment of Nancy McKee as a Commissioner to the Community Relations Commission for a term ending July 31, 2025
- 3) Motion to Approve Ordinance No. 7020, An Ordinance Amending (Liquor Control Code) Chapter 19 of Title 3, Section 11 (Classification of Licenses) of the Village Code of Glen Ellyn, Illinois, by Amending the Class B-7 Liquor License Classification and Amending Chapter 19 of Title 3, Section 3-19-11 (B) (Village Attorney Mathews)

Trustee Fasules asked General Manager Vesevick about allowing people to bring in liquor when alcohol is its best revenue stream at Reserve 22. General Manager Vesevick replied it was just to allow BYOB is January and February when sales are slow.

Trustee Gould asked a follow-up for clarification.

President Senak asked if this allowance would be at the discretion of General

Manager Vesevick as to who can bring in alcohol. General Manager Vesevick replied.

- 4) Motion to Approve a Plat of Easement for the Purpose of Stormwater Management - Glen Oak Country Club, 21W451 Hill Avenue, Glen Ellyn, IL (Community Development Director Scott)

**F. Special Use Permit – Dish Wireless (Community Development Director Scott)
(Trustee Thompson) PERMIT NOT APPROVED**

RESULTS:	APPROVED [4 to 2] Re-Notice/Public Hearing/Plan Commission/ Board Review
MOVER:	Trustee Thompson
SECONDER:	Trustee Gould
AYES:	Thompson, Gould, Christiansen, President Senak
NAYS:	Fasules, Kalinich

- 1) Motion to Approve Ordinance No. 7021, An Ordinance Granting Approval of a Special Use Permit to Allow an Addition of DISH Wireless Antennas and Support Equipment to the Existing Cellular Tower at 1102 Hill Avenue, Glen Ellyn, IL

Community Development Director Scott gave an overview of the proposal and details of the special use. He gave a brief history of the need for a special use permit. Ariel Stouder from Fullerton Engineering was available to answer questions.

President Senak asked how the installation is configured to protect the safety of the residents from 5G. Ms. Stouder replied, explaining the science of 5G and how to keep 5G safe for the public.

Trustee Thompson asked if there were existing 5G antennas in the Village. Community Development Director Scott replied.

Trustee Thompson asked about the legal reports necessary for 5G and if they have been completed. Attorney Mathews replied, explaining the legal logistics of frequencies under TelCom rules and regulations and the Village's responsibilities.

Trustee Gould asked about what first phase is for this application. Attorney Mathews replied. Ms. Stouder explained how the height of the tower limits the number of towers needed as well as the difference between small cell and the tower.

Trustee Kalinich asked if residents had come forward either in favor or against. Scott replied, "no."

Trustee Gould asked if this was because the notice wasn't detailed and distributed widely enough for people to know about it. Attorney Mathews replied.

Trustee Fasules commented that it's just spot coverage to fill coverage in this area, not to stream massive amounts of information.

Trustee Thompson asked if it was for cellular products. Ms. Stouder replied.

President Senak added that because it's an existing tower the physical dimension does not change, the Board may have no jurisdiction to regulate the special use.

Nancy Perlman, Village resident and expert of wireless service, urged the Board to not allow this special permit, or at least to table it, to research 5G, and its effect of the community, more thoroughly before making any decisions. She was concerned it would encourage the operators to add more carriers to the tower.

Trustee Thompson asked if a NEPA review should be required. Attorney Mathews replied to it and gave details about why it is not required.

Ms. Stouder gave her views on the NEPA review and that its purpose is to protect the environment and historic areas.

President Senak reiterated that he wanted his question answered about jurisdiction as to whether tabling for more information would matter in this case. Attorney Mathews replied.

Ms. Perlman added that no one has proved that 5G is safe. She added that the reasons for needing it should be researched to confirm the current service is necessary.

Ms. Stouder replied with more information about Dish Cellular.

President Senak asked Ms. Stouder if a further statement about the special use as a condition of the permit being issued.

Trustee Gould suggested getting the statement, reviewing it, and then debating the approval – in other words, re-notice and remanded back to the Plan Commission.

President Senak noticed requirements seem inadequate and should be extended to give more people a chance to voice their opinions.

Assistant Village Manager Rodman asked what the notice radius should be for the re-notice. Village Manager Franz suggested using the distance that is used in practice - 350 feet. The Board agreed with this distance, provided that the notice specifically referenced that this was a 5G installation.

Ms. Stouder added that it is just an evolution of the technology, from 4G... LTE... and now 5G.

In an unrelated issue, Trustee Gould asked for a Workshop to reconsider the zoning of vape stores in the Roosevelt Road corridor.

G. Reminders

- 1) Village Board Special Workshop, Thursday, February 16, 2023 - 7:00 pm
- 2) Village Board Workshop, Tuesday, February 21, 2023 - 7:00 pm
- 3) Village Board Meeting, Monday, February 27, 2023 - 7:00 pm

H. Motion to adjourn for Closed Executive Session to discuss the setting of a price for sale or lease of property owned by the public body, pursuant to 5 ILCS 120/2 (c)(6), and collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees, pursuant to 5 ILCS 120/2(c)(2), and the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity pursuant to 5 ILCS 120/2 (c)(1), without returning to open session thereafter

RESULTS:	APPROVED [5 to 0]
MOVER:	Trustee Kalinich
SECONDER:	Trustee Gould
AYES:	Kalinich, Gould, Thompson, Fasules, Christiansen
NAYS:	

Adjourned – 8:32 PM

**(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO RECOMMEND
APPROVAL OF A SPECIAL USE PERMIT TO ALLOW AN ADDITION OF DISH
WIRELESS 5G CAPABLE ANTENNAS AND SUPPORT EQUIPMENT TO THE
EXISTING CELLULAR TOWER AT 1102 HILL AVENUE**

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

1. The proposed use will be harmonious and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or Zoning Code, because the cellular tower is existing and is a compatible use within the Light Industrial District in which it's located. Wireless communications including 5G have been designated critical infrastructure by the federal government and the expansion of a new carrier to an existing wireless support structure supports this.
2. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area because the DISH Wireless antennas construction will be consistent with the existing cellular tower at the site and therefore will remain harmonious and appropriate with the existing character of the vicinity. DISH Wireless's antennas and ground equipment will not increase the height or footprint of the existing structure.
3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses of the property because the addition will be similar to the carriers previously operating at the site. The location of the existing tower also provides the adequate buffer from surrounding neighborhood uses and therefore poses no hazard or disturbance. The installation of the new DISH Wireless will comply with all applicable Building and Electrical Codes. The DISH Wireless and 5G technologies will also meet all the FCC rules regarding interference to other radio services and human exposure to radio frequency energy.
4. The proposed use will be served adequately by existing public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water, sewers and schools because as constructed the existing tower is currently covered by local emergency services and does not require any sewer, water, refuse disposal or school services. The expansion will change neither the nature of this facility nor its public services requirements.
5. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because as noted in the above response, this proposal will not significantly change the use and nature of the existing tower and therefore will not create excessive additional requirements at a public cost. The new 5G technologies will meet all the FCC rules regarding interference to other radio services and human exposure to radio frequency energy.

6. The use will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare and odors because the facility and new Wireless DISH with 5G will not generate any noise, smoke, fumes, glare, or odors and all FCC rules and regulations will be met. It will generate nominal traffic for scheduled maintenance visits.
7. The development will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads because the existing cellular tower is and will continue to be unmanned and will be serviced via the existing driveway by a single technician approximately once a month.
8. The development will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief because the expansion of equipment will not change footprint which will pose no increase in potential for flood damage to adjacent property. Nor will it require additional public expenses for flood protection, rescue or relief.
9. The development will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community because there are no major changes proposed to the structure or the site that would cause any damage to the character, environment, or community resources. As part of installation of 5G technology, all FCC requirements will be met.

**(DRAFT) MOTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO
ALLOW AN ADDITION OF DISH WIRELESS ANTENNAS 5G CAPABLE AND
SUPPORT EQUIPMENT TO THE EXISTING CELLULAR TOWER AT 1102 HILL AVE.**

After conducting a public hearing and deliberating on the request of the petitioner, Tony Phillips of Fullerton Engineers Consultants LLC, on behalf of Crown Castle USA Inc. and DISH Wireless LLC, for approval of a Special Use Permit to allow an addition of DISH Wireless antennas 5G capable and support equipment to the existing cellular tower at 1102 Hill Avenue in the I1 Light Industrial District, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on March 9, 2023, which are hereby incorporated into the Motion by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village. The Plan Commission makes this recommendation of approval with the following conditions:

1. That the new DISH Wireless antenna with 5G technology added to the existing cellular tower be operated in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees.

Motion by: _____ Seconded by: _____



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

Meeting 3/9/2023 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Public Hearing
Prepared By: Derek Rockwell

**AGENDA ITEM (ID
2023-259)**

DOC ID: 2023-259

**Public Hearing – Text Amendments: Proposed Amendments
regarding outdoor dining and platforms, food trucks, tobacco, vape
and smoke shops, and keeping of hens to the Glen Ellyn Zoning
Code, Public Ways and Property Regulations, and Police
Regulations**

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

N/A

Contribution to Strategic Plan (if applicable)

Action Requested:

Please see attached.

Attachments:

1. PC Memo - Village Code Text Amendments
2. 1. Public Hearing Notice
3. 2. Outdoor Dining - Draft Text Amendment
4. 3. Outdoor Dining Notable Changes Summary
5. 4. Outdoor Dining - Other Affected Code Sections
6. 5. Food Trucks - Draft Text Amendment
7. 6. Tobacco, Vape, and Smoke Shops - Draft Text Amendment
8. 7. Keeping of Hens - Draft Text Amendment
9. 8. Keeping of Hens - Other Affected Code Sections
10. 9. Keeping of Hens - Peer Community Survey Table
11. 10. Draft Motions to Approve

STAFF REPORT

TO: Glen Ellyn Plan Commission
FROM: Derek Rockwell, AICP, Planner
DATE: March 3, 20223
FOR: March 9, 2023 Plan Commission Special Meeting
SUBJECT: Various Village Code Text Amendments

PETITIONER: The Village of Glen Ellyn

REQUEST: Village staff is requesting review of a suite of text amendments to the Village Code at a public hearing and subsequent recommendations to the Village Board.

PUBLIC NOTICE: Notice of the public hearing was published in the February 21, 2023 edition of The Daily Herald advertising a public hearing to be held on Thursday, March 9, 2023.

SUMMARY: As a component of the Village's ongoing efforts to modernize and streamline various portions of the Village Code, as well as to respond to ever-evolving market conditions and demands, a suite of text amendments is being brought forward to the Plan Commission for consideration at a public hearing so that a recommendation on each of the topics outlined below can be provided to the Village Board.

Outdoor Dining Regulations

Building on a pilot program implemented in 2022, staff has drafted a comprehensive outdoor dining text amendment. This is in an effort to formalize and standardize the requirements and regulation of the pilot program into a permanent set of standards. This amendment regulates outdoor dining both on public and private property, throughout the entirety of the Village. The amendment also regulates outdoor dining platforms, such as those constructed in the past at locations such as A Toda Madre. The draft language would replace the current outdoor dining regulations located in Section 10-5-15 (Outdoor Seating for Restaurants) of the Zoning Code. In order to assist the Commission with review of the proposed amendment, staff has prepared a summary of notable changes to the current code language (attached).

Food Truck Regulations

In an effort to respond to evolving market conditions and trends, as well as to standardize and modernize relevant code requirements throughout the Village, staff has drafted the attached text amendment related to food truck regulations.

Tobacco, Vape, and Smoke Shop Regulations

At a recent meeting, the Village Board directed staff to prepare a draft text amendment which would designate tobacco, vape, and smoke shops as only being allowed via the special use process within the Village. Currently, the only zoning district to allow these uses is the C3 Service Commercial District, where they are permitted.

Staff has drafted the attached text amendment to the Zoning Code to remove these uses as permitted within the C3 district, and instead to designate them as special uses within that district. The C3 district is the Village's primary commercial zoning district, largely located along the Roosevelt Road corridor.

Keeping of Hens

At a recent meeting, the Village Board directed staff to prepare a draft text amendment regarding the potential keeping of hens within the Village. Staff has drafted the attached text amendment. The language of the amendment was prepared utilizing prior staff experience with this issue in other municipalities, as well as peer community research and best practices research. A local community group in support of hen keeping, named Hen Ellyn, also attended the Village Board meeting and provided draft code language as well. Also attached are the results of a peer community review of 16 surrounding communities. Of the communities surveyed, 8 allow hen keeping in some form with a variety of conditions, and 8 do not allow hen keeping at all.

PLAN COMMISSION ACTION:

The Plan Commission should review and discuss the attached proposed Zoning Code text amendments. The Commission may recommend approval, approval with revisions, or denial of the proposed amendments. The Commission may also recommend approval of some of the regulations and not others.

ATTACHMENTS:

1. Public Hearing Notice
2. Outdoor Dining – Draft Text Amendment
3. Outdoor Dining Notable Changes Summary
4. Outdoor Dining – Other Affected Code Sections
5. Food Trucks – Draft Text Amendment
6. Tobacco, Vape, and Smoke Shops – Draft Text Amendment
7. Keeping of Hens – Draft Text Amendment
8. Keeping of Hens – Other Affected Code Sections
9. Keeping of Hens – Peer Community Survey Table
10. Draft Motions to Approve

cc: Martin Scott, Director of Community Development
Atrian Fard, Senior Planner



NOTICE OF PUBLIC HEARING

The Village of Glen Ellyn will be conducting a public hearing regarding proposed amendments to Chapter 2 (Definitions), Chapter 4 (District Regulations), and Chapter 5 (Supplementary Regulations) of the Zoning Code as well as Title 8 (Public Ways and Property) and Title 6 (Police Regulations) of the Glen Ellyn Village Code, and any other necessary adjustments to the Village Code in order to allow for the proposed amendments. Before the Glen Ellyn Village Board can consider these amendments, the Glen Ellyn Plan Commission must conduct a public hearing. The Plan Commission will consider these amendments on **Thursday, March 9, 2023 at 7:00 p.m.** in the Galligan Board Room, on the third floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The public is welcome to attend.

The proposed text amendments pertain to potential updated regulations regarding outdoor dining and platforms, food trucks, keeping of hens, and the designation of tobacco, vape and smoke shops as special uses.

A detailed copy of the proposed text amendments will be available for public review not less than seven days prior to the hearing in the Community Development Department, Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The Plan Commission reserves the right to add, delete or change the proposed regulations based on the deliberations and testimony at the public hearing.

Questions or comments pertaining to the proposed Zoning Code text amendments can be directed to Derek Rockwell, Planner at drockwell@glenellyn.org. All public comments received by 4:30 pm on Thursday, March 9, 2023, will be read into the record at the public hearing.

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

10-5-15. Outdoor Dining

(A). Eligibility:

1. Outdoor dining is allowed as a temporary use in the C2, C3, C5A, C5B and C6 zoning districts on private and public property, provided that the proposed operator secures authorization to use the property from the property owner. Proof of such authorization (letter, lease, etc.) shall be provided to the Community Development Director as a component of the application.
2. The use of public or private property for outdoor dining areas shall only be permitted incidental to the restaurant that operates the outdoor dining area. The outdoor dining area shall be located immediately adjacent to the building that contains the operating restaurant. All outdoor seating must be located on private property unless the owner has entered into a license agreement with the Village Board to allow outdoor seating on public property. The license agreement shall only be necessary for initial Village Board review of proposed outdoor dining platforms or temporary wind blocks.

(B). Approval Process:

1. Initial applications for outdoor dining on Village property shall be reviewed by the Community Development Director or his designee, and other appropriate departments as necessary, with a staff recommendation forwarded to the Village Board, and in compliance with subsection A(2) of this Section. Upon receipt of the staff recommendation, the application shall be approved or denied by the Village Board at a public meeting.
2. Applications for permit or license agreement renewals, provided no or minimal changes are requested, shall be approved by the Community Development Director, unless the previous operation of the outdoor dining area constituted a nuisance, or the operator otherwise refused to comply with the applicable Village Code provisions. In the event the Village Board decides that the previously approved operating rules, location, or layout require changes or alterations in order to meet the health, safety or general welfare criteria set forth in subsection (C)3 of this section, the application for permit or license agreement renewal is subject to approval by the Village Board.
3. Requests for outdoor dining areas on private property shall only be subject to permit approval unless the underlying zoning district requires a Special Use Permit for an outdoor dining area. A license agreement will be only required for outdoor dining areas on public property.
4. The Village reserves the right to impose, as part of approval of a permit or license agreement, such other regulations on the operation of an outdoor dining area as are deemed necessary and appropriate under the circumstances.

(C). Outdoor Dining Regulations:

1. All tables, chairs and other appurtenances shall be removed during the period between November 1st to March 31st each year, or if required by the Village at any other time. This period may be extended on a case-by-case basis by the Village Manager or Community Development Director, who shall consider extenuating factors such as unseasonable weather. During cold or inclement weather, an outdoor dining area may be fully or partially enclosed by temporary wind blocks, provided that the temporary structure is approved and inspected by the Village. It is the permit holder's responsibility to be aware of severe weather, to provide evacuation directions if necessary, and secure outdoor dining area items.
2. The operation of an outdoor dining area shall comply with all applicable provisions of federal, state or county law in addition to the Village Code. These regulations include but are not limited to those of the DuPage County Health Department, the Illinois Accessibility Code, and the Americans with Disabilities Act (ADA).
3. The operation of outdoor dining shall not create a nuisance and shall not be detrimental to the health, safety or general welfare of persons residing or working nearby. Outdoor dining areas may, if deemed necessary, be visually screened by fencing, landscaping, or other appropriate structures, that can serve as a buffer to minimize the trespass of noise and light onto the street and/or adjacent residential properties.
4. No food may be stored, cooked, or otherwise prepared in the outdoor dining area.
5. The operation of outdoor dining areas shall conform to Section 3-1-11 of the Village Code. Prior to the opening time and after the closing times listed within this section, patrons shall not occupy the outdoor dining area.
6. All outdoor dining permits shall be subject to review and approval by the Village, and such permits may be revoked by action of the Village Board at any time with thirty (30) days' notice or immediately by the Village Manager, Community Development Director, Public Works Director, or Chief of Police in the event of a public health or safety issue as determined by the Village.
7. If utilizing the public right of way, the applicant must enter into a license agreement with the Village. This agreement shall include:
 - (a) Hold harmless and indemnification provisions.
 - (b) A Certificate of Liability insurance that names the Village and its appointed and elected officials, employees, agents, attorneys, engineers, and volunteers (Village affiliates) as named additional insureds.
 - (c) Minimum coverage shall be two million dollars (\$2,000,000.00) per occurrence for general liability insurance.
8. Outdoor dining platforms:
 - (a) May not be bolted to the street nor affixed to the curb or sidewalk unless a full restoration plan has been approved by the Village.

- (b) Shall not result in a loss of more than the equivalent of two parking spaces, as deemed appropriate based on safety, location, and available parking within the area.
 - (c) Shall at all times not interfere with the safe flow of vehicle traffic.
 - (d) All platform access points must be level with the sidewalk, with no greater than a 1/2" gap from the curb.
 - (e) May only be designed to be accessed from the sidewalk and conform to ADA accessibility requirements.
 - (f) Shall not hang banners or other signage from the platform.
9. If the outdoor dining area is located on private property, the applicant must still maintain the above insurance coverage, with the Village and Village affiliates named as additional insureds and must submit proof of such coverage to the Village as a component of permit eligibility.
 10. The service or consumption of alcoholic beverages within an outdoor dining area is prohibited unless the Village Board has created a liquor license for such activity and a liquor license has been issued to the outdoor dining area operator by the local liquor control commissioner per Section 3-19 (Liquor Control Code).
 11. Smoking within the outdoor dining area is prohibited.
 12. The amplification of sound is permitted at a level which does not cause disturbance or nuisance to adjacent properties or the public.
 13. Portable outdoor gas-fired heating appliances are permitted, subject to compliance with all applicable Village building and life safety regulations.
 14. All items placed on the public right-of-way for the operation of the outdoor dining area shall be located so that a clear path of at least five (5) contiguous feet is provided.
 15. All items placed in the public right-of-way for the operation of the outdoor dining area shall not be located in pedestrian crosswalk access aisles.
 16. If the restaurant is located in a shopping center, such seating shall only be permitted in front or on the side of the subject establishment unless otherwise approved as part of a special use permit, planned unit development or variation.
 17. Maintenance and Upkeep:
 - (a) Maintenance of the public right of way and any private property associated with the operation of the outdoor dining area shall be the sole responsibility of the owner/operator of the associated restaurant.

- (b) Maintenance includes cleanup of tables, chairs, trash, litter and washing of sidewalks, and the repair or replacement of damaged public or private property.
- (c) The owner/operator shall provide and maintain in a clean and neat manner at least one covered trash receptacle within the outdoor dining area. The covered trash receptacle(s) shall be emptied once full, and also each day upon closing of the outdoor dining area.
- (d) Tables, chairs, umbrellas, and barriers are permitted to remain on the public right-of-way overnight during the active license agreement period. Umbrellas shall be closed. No items shall be secured to public property overnight unless permitted as part of the license agreement.
- (e) Materials and finishes for all furniture, fencing, planters, and other appurtenances shall be selected for their durability and wear as well as for their appearance. Proper measures shall be taken to correct damage or decline due to the elements, neglect, or abuse.

18. Lighting:

- (a) As required per Section 10-5-13(M) of the Village Code, the maximum intensity of light (at lot line as measured at ground level) shall be no greater than 3-foot-candles if adjacent to a nonresidential use, and 0.5 foot-candles if adjacent to a residential use.

(D). Submittal Requirements:

1. Completed Application for Outdoor Dining Form shall be filed by the applicant with the Community Development Department.
2. An application fee of one hundred dollars (\$100). If an outdoor dining platform is included, the fee shall be two hundred dollars (\$200).
3. A narrative statement describing the layout and operation of the outdoor dining area.
4. Proof of insurance listing the Village and its affiliates as additional insureds. Minimum coverage shall be two million dollars (\$2,000,000.00) per occurrence for general liability insurance.
5. A signed license agreement for outdoor dining areas on the public property, prepared by the Village Attorney, containing hold harmless and indemnification provisions.
6. A site plan drawn to scale, including:
 - (a) Location of the outdoor dining area in relation to the building.
 - (b) Distances to the property lines.

- (c) Dimensions and square footage of the outdoor dining area.
 - (d) Number of tables and chairs.
 - (e) A lighting plan, if applicable. All light fixtures within the outdoor dining area shall be depicted on the plans.
 - (f) If the outdoor dining area is proposed to be located on the public right of way, the drawings must also include the location of existing public improvements, including fire hydrants, freestanding signs, streetlights, traffic signals, mailboxes, trash cans, benches, trees and shrubs, planters, or any other street furniture.
7. Cut sheets of the lighting fixtures, planters, fence, borders, awnings, and furniture and other appurtenances to be located within the outdoor dining area.
 8. For outdoor dining platforms, an approved permit is required, and submittal of sealed architectural plans may also be requested, as determined by the Village Building Official. In all cases, such platforms shall be designed and constructed in a safe and workman like manner and shall conform to all applicable Village building and life safety codes and regulations in addition to the Illinois Accessibility Code.

Notable Changes Summary

The following table provides a summary of the notable changes associated with the draft text amendment regarding Section 10-5-15 Outdoor Seating for Restaurants

<u>Section</u>	<u>Change</u>	<u>Reasoning</u>
10-5-15 Title	Changes title from “Outdoor seating for restaurants” to “Outdoor Dining”	Modernization of terms
10-5-15(A)-1	Clarifies that outdoor dining is a temporary use in the C2, C3, C5A, C5B and C6 zoning districts on private and public property	Clarification of eligible properties
10-5-15(B)-1	Clarifies that Community Development is responsible for application review	Clarification
10-5-15(B)-2	Allows for annual renewal of permits and licenses if no major issues have arisen with the operation	Streamlining of process, flexibility
10-5-15(C)-1	Allows Village Manager or Community Development Director to extend duration of outdoor dining in cases of favorable November weather	Streamlining, flexibility to businesses
10-5-15(C)-2	Requires compliance with outside agencies (County / State / Federal)	Modernization, safety
10-5-15(C)-6	Allows for revocation of permits by Village Board, or senior staff in case of emergencies	Safety, flexibility
10-5-15(C)-8	Codifies outdoor dining platforms as permitted structures and provides design standards	Formalization of existing practices, safety
10-5-15(C)-12	Allows for sound amplification at reasonable levels	Flexibility, allows for Village action in case of nuisance
10-5-15(C)-17	Outlines maintenance standards	Modernization, safety, aesthetics
10-5-15(C)-18	Permits outdoor lighting in accordance with existing code requirements	Modernization, allows for Village action in case of nonconforming lighting
10-5-15(D)	Outlines and updates submittal requirements	Modernization, codification of process
10-5-15(D)-8	Requires building permits for platforms and provides design drawing flexibility	Safety, flexibility, streamlining

Other Affected Zoning Code Sections

Section 10-2-2 Terms defined.

OUTDOOR DINING AREA: An area set up outside the confines of a commercial structure which may include, but not be limited to, tables, chairs, and other furnishings for the purpose of selling, offering for sale, and serving food and beverages by an adjoining restaurant in which the same food and beverages are offered for sale, sold, and served. An outdoor dining area may include an Outdoor Dining Platform.

OUTDOOR DINING PLATFORM: A raised level surface on which persons or items can be placed and that allows an outdoor dining area to serve as an extension of an adjacent sidewalk. Typical elements of an outdoor dining platform may include a base, railings, and other durable materials that shall withstand wear and tear of weather elements, and surface materials textured or treated to ensure a safe walking surface. Such platforms shall be designed and constructed in a safe and workmanlike manner and shall conform to all applicable Village building and life safety regulations.

Title 8-1-13(A) Encroachments on public ways.

Notwithstanding the provisions of Section 10-5-15 (Outdoor Dining) of the Village Code, No person shall erect, maintain or continue any private building or private structure which encroaches on or into any public street, way or grounds, except an awning securely affixed to a building abutting a public street and constructed in full compliance with all Village codes and ordinances, unless a license agreement for a business to place tables and chairs, vestibules, vendor carts, or other similar structures on the public sidewalk in the downtown has been approved by the Village Manager or Village Board.

Section 10-5-8(C) Use of off street spaces.

Use of off-street spaces: Except as may otherwise be provided for the parking of trucks, ~~or~~ for special uses, or the provisions of Section 10-5-15 (Outdoor Dining) of the Village Code, required off street parking facilities required as accessory to uses listed herein, shall be solely for the parking of passenger automobiles of patrons, occupants or employees;

10-5-20. Food trucks.

(A) Food trucks shall be permitted to operate on ~~public~~ private property in the CR, CC, C1, C2, C3, C4, C5, C5A, C5B, and C6 zoning districts with the exception of ~~school-owned property properties owned by governmental bodies, or~~ the public right-of-way, or as part of a special event approved by the Village, and shall operate in accordance with the following provisions:

1. The operator must obtain permission from the property owner of record prior to establishing a location for the food truck.
2. Food trucks shall only be used for the sale of food and beverages. The sale of other merchandise or goods from a food truck shall not be permitted. The sale of alcohol is prohibited, unless expressly permitted as part of a special event approved by the Village.
3. Food truck operators must be at least 18 years of age and neither the owner nor any of his/her employees shall be a registered sex offender as defined by the sex offender license act.
4. Food trucks shall be operated in compliance with all requirements of the DuPage County Health Department. A copy of a valid permit issued by the DuPage County Health Department shall be available on site at all times and furnished to the Village upon request.
5. Food trucks must be operated in compliance with all Village codes and ~~ordinances~~the Illinois Accessibility Code.
6. A trash receptacle adequate in size for containing the waste produced by the truck and its patrons must be provided by the operator, and the area immediately surrounding the food truck shall be maintained free of any garbage or debris and any garbage or debris disposed of. The operator shall be responsible for any additional cleanup costs associated with the operation of the truck.
7. The use of electronic or sound amplification equipment in association with the operation of a food truck shall be prohibited.
8. Food trucks shall not be located in such close proximity to a vehicular access drive or the railroad tracks so as to create a safety hazard as determined by the Village. If a food truck is located on or adjacent to a sidewalk, a five-foot wide clear area must be maintained for pedestrian use and accessibility.
9. Food trucks shall only be permitted to park in a designated parking space.

10. Food trucks must be self-contained. If power is drawn from an external source, the food truck owner or operator must obtain the permission of the property owner in advance. Power shall not be provided by an off-site source.
11. Food trucks shall be attended by the licensed operator or his/her employees when on site.
12. No flags, balloons or other attention getting devices shall be permitted in association with a food truck and all signage must be affixed to the truck.
13. The operator shall obtain a sales tax ID number from the state and furnish a copy of the same to the Village.
14. The food truck must be stored off site when not in operation. No food trucks shall be left unattended on public property, nor remain on public property outside of their permitted hours of operation.
15. Food truck operators must have a valid peddler's license as required by this Code, which, among other things, requires the submittal of a fingerprint based background check to the Glen Ellyn Police Department.
16. Food truck hours of operation shall be limited to no more than eight (8) hours per day and no more than two (2) days in any seven (7) day period.
17. License Fees:
 - (a) Applicants must obtain a license for either a three- or six-month period at a cost of \$150.00 for three months or \$270.00 for six months, which in either case shall include the cost of one fingerprint background check.
 - (b) All license issued pursuant to this Chapter shall expire on December 31st of each year.
 - (c) No applicant fee shall be charged of a food truck sponsored by governmental bodies, religious, education, or charitable organizations where such organization is entirely nonprofit and who must furnish the Village with a tax exempt and any other written proof of its tax-exempt status.
18. Food trucks must be parked only on improved surfaces as approved by the Village.

10-4-15. C3 Service Commercial District.

(A) *Permitted uses:*

1. Animal daycare.
2. Animal grooming.
3. Animal training.
4. Automobile and automotive sale and service use, including open sales lots, parking lots and public garages and storage garages.
5. Bakery where not more than 50 percent of the floor area is devoted to processing.
6. Bank, loan office, and financial institution but not including payday lending service, check cashing service, or currency exchange.
7. Building material sales establishment; plumbing, heating, ventilating and electrical equipment and fixture service and repair uses; machinery and equipment sales, service and rental; cabinetmaking and custom woodworking uses.
8. Commodities sales uses for basic living needs of a neighborhood, such as: art and school supply store; bicycle sale and repair shop; bookstore; camera and photographic supply store; candy and beauty shop; furniture, upholstery, carpet, china or glass store; clothing store; department store; toy and hobby shop; hardware store; jewelry or leather goods store; liquor store; garden supply shop; electrical and household appliance sales; coin and philatelic store; interior decorating including making of draperies, slip covers and other similar articles; sporting goods; musical instrument sales and repair; paint and wallpaper store; variety store; video sales and rental store.
9. Community support service uses such as: music and dance school; antique shop; health spa; mail order store; newspaper office; office supply; pet shop; indoor theater; catering; laundry retail; mortuary; photographic and art studio; food store; and employment agency.
10. Drugstore and pharmacy, retail.
11. Engraving, printing, publishing, lithography, blueprinting and photocopying establishment.
12. Greenhouse, including retail and wholesale sale of plants.
13. Hotel or motel.
14. Indoor recreational facility.
15. Laundry, commercial.
16. Mail order house, retail.
17. Medical or dental clinic.

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18. Monument establishment.
 19. Movie theater.
 20. Nail salon.
 21. Office, business, medical or professional.
 22. Research activity.
 23. Restaurant and eating place, including outdoor seating on private property as an accessory use provided such outdoor seating complies with the provisions in section 10-5-15 of this title.
 24. Service uses performed on premises for needs of a neighborhood, such as: barber and beauty shop; dressmaking; tailoring; shoe repair; household appliance repair; radio or television sales, service and repair; frozen food locker; locksmith; millinery shop; travel agency; telegraph office; furrier storage, conditioning and sales; picture framing.
 25. Telephone exchange.
 - ~~26. Tobacco, Vape, and Smoke Shop.~~
 - ~~26.~~ Used car, trailer or boat sales.
 - ~~27.~~ Veterinarian or animal hospital.
 - ~~28.~~ Antenna attachments to existing antenna towers, buildings or other structures which do not exceed the permitted height in the zoning district or the height established by a special use permit.

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. Automobile car wash.
2. Automobile repair.
3. Automotive vehicle rental.
4. Cartage, express, parcel delivery or motor freight terminal.
5. Church or temple.
6. Commercial planned development in accordance with the provisions of the "planned unit development regulations".
7. Compounding of cosmetics, toiletries, dyes and pharmaceuticals.
8. Contractor's yard for storage of vehicles and materials.

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9. Drive-in commercial facility.
 10. Garage/service station.
 11. Kennel or cattery.
 12. Light manufacturing assembly of previously manufactured parts, fabricating, cleaning, testing, assembling, repairing or servicing.
 13. Outdoor amusement establishment.
 14. Outdoor merchandise, storage, promotional activities, or tents.
 15. Payday lending service, check cashing service, and currency exchange.
 16. Private school.
 17. Public park and playground.
 18. Public use.
 19. Public utility and public service use.
 20. School, commercial or trade.
 21. 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.

22. Tobacco, Vape, and Smoke Shop.

23. Vehicle storage lot.
24. Wholesale merchandising and storage warehousing.

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:*

1. Storage garage and parking lot.
2. Accessory buildings may be located in a rear yard but not occupy more than 30 percent of a rear yard. If within ten feet of a principal building, then it must observe the same side yard requirements for a principal building. If more than ten feet from a principal building, then it must be at least 60 feet from the front street line and three feet from both the side and rear yards.

(D) *Minimum yard and lot requirements:*

1. *Front yard:* 40 feet in depth.
2. *Rear yard:* 30 feet in depth.

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3. *Side yard:* Ten feet; a 20 foot side yard is required when the property adjoins or is across the alley from a residential district; and such transitional yard shall be appropriately landscaped; a side yard abutting a street (corner side yard) shall be 30 feet in depth.
 4. *Lot area:* 10,000 square feet.
 5. *Lot width:*
 - (a) Interior lot: 80 feet;
 - (b) Corner lot: 100 feet.
 6. *Lot depth:* 140 feet.
 7. *Landscaping:* An area ten feet wide along the front lot line and any side lot line abutting a street shall be reserved for open space and appropriately planted and landscaped.

(E) *Maximum height:*

1. Forty five feet, except that by special use a building may be erected to a height not exceeding 55 feet if the building is set back from each yard line at least two additional feet for each additional foot of building height above 45 feet. Churches and temples may, by special use permit, be erected to a height not exceeding 75 feet if such structure is set back from each yard line at least two additional feet for each additional foot of building height above 45 feet.
2. 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. Screening required pursuant to subsection 10-5-13(L) of this title.
3. See section 10-5-5, "Yards", of this title.

(G) *Parking and loading requirements:*

1. The following design standards shall apply within this district:
 - (a) No vehicle shall be parked within ten feet of the front property line, and such unobstructed ten foot setback shall be appropriately planted and landscaped;
 - (b) All parking areas shall be appropriately landscaped;
 - (c) Driveways shall be located no closer than 40 feet to another driveway, or an intersecting street.
2. All buildings except those specified below: One space for each 250 square feet of gross floor area.

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3. *Automobile sales*: Three spaces for each 1,000 square feet of gross floor area, plus one space for each 2,000 square feet of gross land area.
 4. *Car wash*: One space for each two employees, plus reservoir parking space or stacking space equal to five times the maximum capacity of the washing unit.
 5. *Commercial or trade school*: One space for each two students, based on design capacity.
 6. *Hotel and motel*: One space for each lodging unit.
 7. *Indoor theater*: One space for each three seats.
 8. *Light manufacturing*: Two spaces for each three employees.
 9. *Medical and dental clinic*: One space for each 200 square feet of the gross floor area.
 10. *Private school*: One space for each four students, based on design capacity.
 11. *Bowling alley*: Four spaces for each bowling lane.
 12. *Other indoor recreation*: One space for each 200 square feet of gross floor area.
 13. *Outdoor amusement establishment*: Three spaces for each 1,000 square feet of gross land area.
 14. *Restaurant (drive-in and/or carryout where the restaurant has no inside seating)*: One space for each 100 square feet of gross floor area.
 15. *Restaurant (sit down)*: One space for each three seats provided in eating or drinking areas.
 16. Additional off street parking and loading requirements are found in chapter 5, "Supplementary Regulations", of this title.

10-5-23. Keeping Of Hens

(A). Definition:

1. Hen: the female of the species *Gallus gallus domesticus* (chicken), female *Anas platyrhynchos* (duck), or females from the family *Odontophoridae* (quail).

(B). Regulations:

1. The keeping of hens is permitted on any single-family residentially zoned property in the Village.
2. Hens shall not be permitted to run at large in the Village.
3. No person shall keep or harbor more than eight (8) hens on any residential lot.
4. No person shall keep or harbor any rooster.
5. Hens may be allowed outside in a fenced rear yard area or other permanently fenced area or temporarily fenced area while in the presence of their owners or keepers.
6. There shall be no slaughtering of any poultry outdoors on any residential lot.
7. When left unattended, hens shall be kept in a covered outside enclosure or inside a residence, which shall at all times maintain a habitable temperature.
8. Hen Shelter Regulations:
 - (a) Hen shelter areas shall be subject to all applicable zoning requirements, including but not limited to, lot coverage restrictions, maximum accessory structure area, etc.
 - (b) Confinement enclosures are prohibited within all front, corner side, or side yard areas.
 - (c) A maximum of one hundred fifty (150) square feet will be permitted for both the hen shelter and associated outdoor area.
 - (d) Maximum shelter ridge height shall not exceed 8 feet (8').
 - (e) An outdoor shelter shall be located only in the rear yard of a lot and no closer than ten feet (10') of either side yard lot line and no closer than ten feet (10') from any rear yard lot line.
 - (f) The interior area of any shelter and the rear yard area shall be maintained in a sanitary condition.
 - (g) Outdoor shelters shall be designed to be architecturally compatible with the principal residence or any existing accessory structure or the principal

residence's rear yard landscape theme and shall be constructed of quality, durable building materials.

- (h) Outdoor shelters shall be constructed in a workmanlike manner and maintained to be weatherproof in order to withstand inclement and extreme weather.
- (i) All shelters shall be designed and constructed with adequate ventilation and in a manner that allows them to be easily cleaned.
- (j) All feed shall be maintained in rodent-proof containers.

Other Affected Zoning Code Sections

Section 6-3-8. - Prohibited animals.

It shall be unlawful to stable or house horses, ponies, burros, mules, goats, cattle, swine, sheep, ~~hens~~ or other similar animals within the Village.

TABLE 10-5-5(B)4-30

30. Shed (see subsection 10-5- 4(A)2(b) of this chapter)	X	X	(a) Limitations: Used for storage purposes only, <u>except as provided in Section 10-5-23 (Keeping Of Hens)</u> (b) Height: 15' maximum ridge
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Hen Keeping
COMMUNITY SURVEY

Municipality		Hen Keeping Permitted?	Max # of Hens	Approval Type	Zoning District Regulations	Requirements	Year Approved
1.	Arlington Heights	No					
2.	Carol Stream	No					
3.	Darien	Yes	6	Administrative	Single-family zoned lots with a minimum of 6,000 square feet	- Roosters are prohibited - Coops permitted in rear yard only - Maximum area of 150 square feet for hen keeping - Minimum setback of 20' 6' minimum screening required	2020
4.	Downers Grove	Yes	4	Administrative	Single-family zoned lots	- Roosters are prohibited - Coops permitted in rear yard only - Minimum setback of 7' - Written approval from all adjacent property owners and tenants is required	2014
5.	Elmhurst	No					
6.	Geneva	No					
7.	Glendale Heights	No					
8.	LaGrange	No					

Municipality		Hen Keeping Permitted?	Max # of Hens	Approval Type	Zoning District Regulations	Requirements	Year Approved
9.	Lisle	Yes	4	Administrative	Permitted in all districts	- Roosters are prohibited 10' setback from all property lines - Permitted in rear yard only	2022
10.	Lombard	Yes	6	Administrative	Single-family zoned lots	- Roosters are prohibited - Maximum area of 150 square feet for hen keeping - Minimum setback of 10' - Maximum height of 8' - Permitted in rear yard only	2022
11.	Naperville	Yes	8	Administrative	Permitted in all districts	- Roosters are prohibited - Coops must be minimum of 30' from any residence other than owner - Screening to a height of 6' is required	2012
12.	St. Charles	Yes	6	Administrative	Single-family zoned lots	- Roosters are prohibited - Permitted in rear yard only - Minimum setback of 5' - Screening to a height of 5' is required	2014
13.	West Chicago	No					

Municipality		Hen Keeping Permitted?	Max # of Hens	Approval Type	Zoning District Regulations	Requirements	Year Approved
14.	Western Springs	Yes	4	Administrative	Residentially zoned lots	- Roosters are prohibited - Permitted in rear yard only - Minimum setback of 10' from side lot lines and 5' from rear lot line - Maximum height of 8'	2012
15.	Westmont	Yes	6	Administrative	Single-family zoned lots	- Roosters are prohibited - Permitted in rear yard only - Minimum setback of 20' - Maximum area of 50 square feet for hen keeping - Maximum height of 7' - Minimum distance of 10' from a dwelling unit	2015
16.	Wheaton	Only for educational projects (i.e., 4-H, etc.)				Written certification from educational institution of authorized school project is required	1999

**(DRAFT) MOTIONS TO RECOMMEND APPROVAL OF PROPOSED
AMENDMENTS TO CHAPTER 2 (DEFINITIONS), CHAPTER 4 (DISTRICT
REGULATIONS), AND CHAPTER 5 (SUPPLEMENTARY REGULATIONS) OF THE
ZONING CODE AS WELL AS TITLE 8 (PUBLIC WAYS AND PROPERTY) AND
TITLE 6 (POLICE REGULATIONS) OF THE GLEN ELLYN VILLAGE CODE.**

After conducting a public hearing and deliberating on the requests of the petitioner, the Village of Glen Ellyn, for approval of proposed amendments to Chapter 2 (Definitions), Chapter 4 (District Regulations), and Chapter 5 (Supplementary Regulations) of the Zoning Code as well as Title 8 (Public Ways and Property) and Title 6 (Police Regulations) of the Glen Ellyn Village Code, the Plan Commission hereby recommends:

1. Approval as discussed or amended at the Plan Commission public hearing on March 9, 2023, which are hereby incorporated into the Motions by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village, of proposed amendments to Chapter 2 (Definitions) and Chapter 5 (Supplementary Regulations) of the Zoning Code as well as Title 8 (Public Ways and Property) of the Glen Ellyn Village Code, all relating to outdoor dining regulations.
2. Approval as discussed or amended at the Plan Commission public hearing on March 9, 2023, which are hereby incorporated into the Motions by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village, of proposed amendments to Chapter 5 (Supplementary Regulations) of the Zoning Code, relating to food truck regulations.
3. Approval as discussed or amended at the Plan Commission public hearing on March 9, 2023, which are hereby incorporated into the Motions by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village, of proposed amendments to Chapter 4 (District Regulations) of the Zoning Code, relating to tobacco, vape, and smoke shop regulations.
4. Approval as discussed or amended at the Plan Commission public hearing on March 9, 2023, which are hereby incorporated into the Motions by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village, of proposed amendments to Chapter 5 (Supplementary Regulations) of the Zoning Code as well as Title 6 (Police Regulations) of the Glen Ellyn Village Code, relating to keeping of hens regulations.

Motion by: _____ Seconded by: _____



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

Meeting 3/9/2023 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Discussion Item
Prepared By: Atrin Fard

**AGENDA ITEM (ID
2023-260)**

DOC ID: 2023-260

Discussion Item – Adoption of the 2023 Official Zoning Map: Staff has prepared a staff report and attachments describing changes to the Zoning Map which were approved in 2022

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

N/A

Contribution to Strategic Plan (if applicable)

Action Requested:

Please see attached.

Attachments:

1. Official Zoning Map Adoption 2023 - PC Staff Report
2. Draft 2023 Zoning Map
3. Draft 2023 Address & Zoning Map with Changes Highlighted

STAFF REPORT

TO: Glen Ellyn Plan Commission

FROM: Atrian Fard, Senior Planner
Taylor Gendel, Associate Planner

DATE: March 2, 2023

SUBJECT: March 9, 2023, Plan Commission Meeting
Consideration of the Draft Glen Ellyn Zoning Map of 2023

BACKGROUND: The Illinois Compiled Statutes require that the Village publish an updated Zoning Map by April 1st of each year. This update typically includes annexations, zoning map amendments, and the correction of any scrivener's errors. Staff is requesting that the Plan Commission review and make a recommendation regarding the Official Zoning Map of 2023 to the Village Board.

PUBLIC HEARING: Public hearings were held before any annexations or zoning map amendments were approved. Since the public has already had an opportunity to comment on these changes, a public hearing is not required for approval of the Official Zoning Map of 2023.

MAP AMENDMENTS: The following changes were adopted by the Village Board in 2022. A map highlighting the changes to the map has been attached for the Commission's review.

Harding Glen Townhomes

On January 24, 2022, the Village Board adopted Ordinance 6937 which approved a Zoning Map amendment for a 23-unit residential townhome development to be known as Harding Glen Townhomes and to be located at 737 Harding Avenue, 138 IL State Route 53, and on two vacant parcels. In accordance with Section 10-10-13 of the Zoning Code, the property was rezoned from R2 Residential to R4 Residential after it was subdivided.

413 N. Main Street

On February 28, 2022, the Village Board adopted Ordinance 6943 which approved a Zoning Map amendment to accommodate the redevelopment of a portion of the building located at 413 N. Main Street, to allow the redevelopment of the back half of the existing building on the property to accommodate 12 loft-style apartments. The ordinance rezoned approximately 45.5 feet of the building from the C5A Zoning District to the C5B Zoning

District, so that the entire scope of work for the apartment project would be within the same zoning district, in accordance with Section 10-10-13(E) of the Zoning Code.

Glen Estates Subdivision

On September 26, 2022, the Village Board adopted Ordinance 6981 which approved preliminary and final major subdivision plats for a detached single-family residential development to be known as Glen Estates Subdivision with an existing address of 982-992 Hill Avenue, and a proposed address of 982-994 Hill Avenue. This property was zoned R2 Residential and remained R2 Residential after subdivision.

Arboretum Estates East

On December 12, 2022, the Village Board adopted Ordinance 7007 which approved the annexation of 28 properties located on the east side of S. Park Boulevard and the North side of Butterfield Road commonly known as the Arboretum Estates East Subdivision. Between 2004 and 2001 the Village had entered into annexation agreements with the properties, pursuant to Ordinances 5234, 5247, 5250, 5251, 5367, 6305 and 6888. Upon annexation, the properties were automatically zoned RE Residential Estates zoning district as permitted by Section 10-3-3 of the Zoning Code.

<u>Former Address</u>	<u>New Address</u>
1. 22W210 Stanton Road	670 Stanton Road
2. 22W230 Stanton Road	660 Stanton Road
3. 22W261 Ahlstrand Road	645 Ahlstrand Road
4. 22W270 Stanton Road	640 Stanton Road
5. 22W274 Ahlstrand Road	640 Ahlstrand Road
6. 22W277 Stanton Road	639 Stanton Road
7. 22W280 Butterfield Road	630 Butterfield Road
8. 22W301 Ahlstrand Road	635 Ahlstrand Road
9. 22W314 Ahlstrand Road	630 Ahlstrand Road
10. 22W315 Stanton Road	629 Stanton Road
11. 22W316 Stanton Road	630 Stanton Road
12. 22W320 Butterfield Road	620 Butterfield Road
13. 22W321 Ahlstrand Road	625 Ahlstrand Road
14. 22W327 Ahlstrand Road	615 Ahlstrand Road
15. 22W340 Ahlstrand Road	620 Ahlstrand Road
16. 22W340 Stanton Road	620 Stanton Road
17. 22W341 Stanton Road	619 Stanton Road
18. 22W350 Stanton Road	610 Stanton Road
19. 2S530 Stanton Road	690 Stanton Road
20. 2S540 Arboretum Road	686 Arboretum Road
21. 2S541 Arboretum Road	679 Arboretum Road
22. 2S610 Arboretum Road	704 Arboretum Road
23. 2S611 Arboretum Road	715 Arboretum Road
24. 2S645 Arboretum Road	737 Arboretum Road
25. 2S675 Arboretum Road	755 Arboretum Road
26. 2S680 Arboretum Road	754 Arboretum Road
27. 2S726 Arboretum Road	772 Arboretum Road

28. 22W500 Ahlstrand Road

545 Ahlstrand Road

**PLAN
COMMISSION
ACTION:**

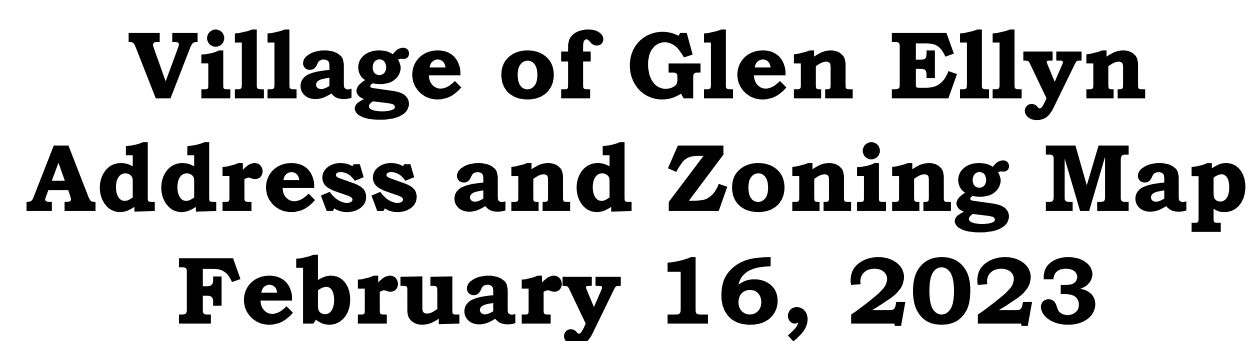
The Plan Commission is being asked to review the proposed 2023 Zoning Map and make a recommendation to the Village Board regarding its adoption as the Official Glen Ellyn Zoning Map of 2023. The Board is expected to act on the updated Zoning Map at their March 9, 2023 meeting.

ATTACHMENTS:

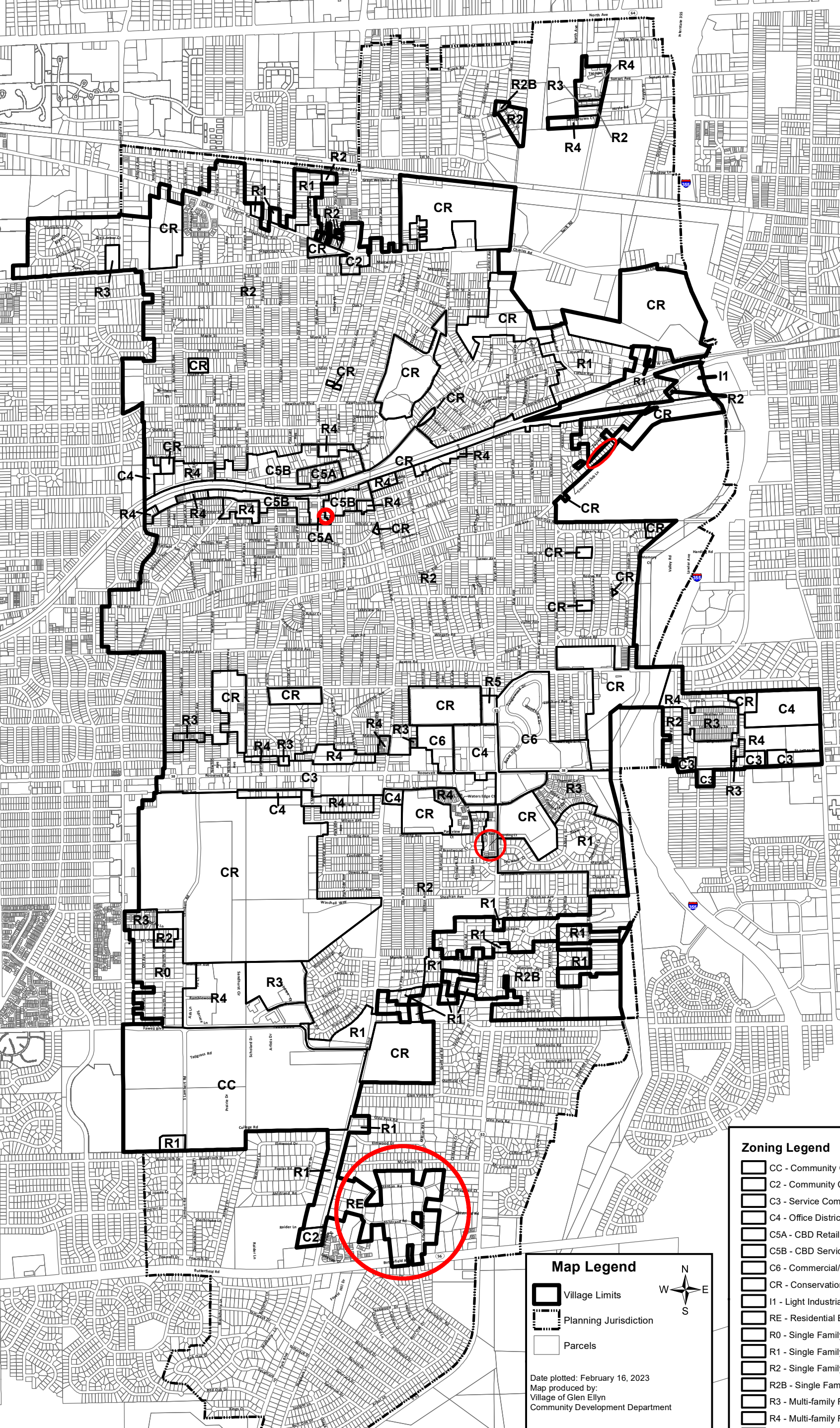
- Draft 2023 Zoning Map
- Draft 2023 Address & Zoning Map with Changes Highlighted

CC:

Marty Scott, AICP, Community Development Director



Village of Glen Ellyn 2023 Zoning Map



Map Legend

Village Limits

Planning Jurisdiction

Parcels

Date plotted: February 16, 2023
Map produced by:
Village of Glen Ellyn
Community Development Department

06251,2502,500

Feet

N

W

E

S

Zoning Legend

CC - Community College

C2 - Community Commercial

C3 - Service Commercial

C4 - Office District

C5A - CBD Retail Core

C5B - CBD Service

C6 - Commercial/Multi-use

CR - Conservation Recreation

I1 - Light Industrial

RE - Residential Estate

R0 - Single Family Residential

R1 - Single Family Residential

R2 - Single Family Residential

R2B - Single Family Residential

R3 - Multi-family Residential

R4 - Multi-family Residential

R5 - Planned Residential

Parcel_Overlay_POLY