



Agenda
Village of Glen Ellyn
Plan Commission Meeting
Thursday, August 22, 2024
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room

Visitors are most welcome to attend all public meetings and can find copies of the Agenda online at www.glenellyn.org prior to the meeting. Any individual with a disability requiring reasonable accommodation in order to participate in a meeting should contact the Village of Glen Ellyn ADA Coordinator, 630-469-5000, at least five (5) business days in advance of the next scheduled meeting.

- A. Call to Order**
- B. Public Comment**
- C. Approval of Minutes**
 - 1) Approval of the July 25, 2024, Plan Commission Minutes
- D. New Business**
 - 1) Public Hearing - 599 Roosevelt Road - Jewel Osco Special Use Permit
- E. Trustee Liaison's Report**
- F. Chairman's Report**
- G. Staff Report**
- H. Other Business**
- I. Adjourn**

DRAFT MINUTES
Glen Ellyn Plan Commission
Thursday, July 25, 2024 at 7:00 PM
Glen Ellyn Civic Center
Galligan Board Room
535 Duane Street

A. Call to Order and Roll Call

Chairperson Tim Loftus called the meeting to order at 7:02 PM and explained the Plan Commission's function and operating procedure as an advisory board. He described the public hearing protocol including for public comment and announced that comments would be recorded.

Roll was called.

PRESENT: Chairperson Tim Loftus, Plan Commissioners Connie Arango, Peter Cooper, Ian Dawson, Adam Kreuzer and Robert Wyant

ABSENT: Commissioners Sumita Mukherjee, Parag Thakkar, Laura Brown and Student Plan Commissioner Smith.

Also in attendance: Trustee Donna Jean Simon; Emily Rodman, Assistant Village Manager; Daniel Harper, Planning Manager; Jordan Frahm, Associate Planner; and Julie Settles, Recording Secretary.

B. Public Comment (non-agenda items)

None

C. Approval of Minutes

Commissioner Kreuzer moved to approve the draft minutes of May 23, 2024 Plan Commission meeting; seconded by Commissioner Wyant, the motion passed by voice vote.

Commissioner Dawson moved to approve the draft minutes of June 6, 2024 Plan Commission meeting with the correction of Haper to Harper in the Staff Introduction section; seconded by Commissioner Kreuzer, the motion passed by voice vote.

D. New Business

1. Public Hearing – 599 Roosevelt Road Jewel Special Use Permit

Commissioner Arango moved to open the Public Hearing. Commissioner Kreuzer seconded the motion and the motion passed by voice vote.

Staff Introduction

Sworn in, Jordan Frahm, Associate Planner for the Village of Glen Ellyn, introduced the request: 599 Roosevelt Road Jewel Special Use Permit. Jewel Food Stores, Inc. has previously been approved for two special use permits for outdoor merchandising and this application submitted seeks to expand on the 2020 ordinance. The 2024 special use application seeks a reconfiguration of the outdoor display areas to add three display rack areas. One area addressed as Display Areas 1 through 7 on the site plan will be for seasonal plants and produce from April through July and holiday décor from September through December. The second display area addressed as Area 8 would allow for outdoor storage and merchandising of firewood and charcoal and the third display addressed as Area 9 would allow for the outdoor storage and sale of propane canisters. Placement of these display racks is similar to the locations approved in 2020, however racks are added within the middle of the building frontage where previously no racks were requested for approval. Concerns raised by the Village pertain to the pedestrian walkway and fire lane in front of the building. Limited space within this walkway. According to the submitted plan, the sidewalk is 6'3" wide from the curb to the front wall. With display areas proposed in Display Area A having a width of 3', this would leave 39" of walkway. Previously pallets did not have the 3" of clearance needed and the Village will need to continually enforce that. To the east in Area B, the proposed fenced cart storage area measures a width of 3'1". This indicates a 1" difference from the minimum width of a walkway per ADA requirements.

Commissioner Wyant asked if there is now a partial pickup section in the striped area on the west side in the front. Mr. Frahm answered that was the fire lane. Commissioner Wyant asked if the fire lane was also a pickup area.

Sworn in, Emily Rodman, Assistant Village Manager for the Village of Glen Ellyn, answered that the striped area is the fire lane and that cars are not allowed to be parked and no car should be left unattended. It is common that people stop and wait there. They shouldn't, but do.

Commissioner Cooper stated that there is signage there that says partial pickup no parking. He stated he doesn't know a time where he didn't see a car in that area and his concern is a car parked there acts as a barrier to traffic. Ms. Rodman answered that during COVID-19 stores placed signage without Village approval. She stated the Village will revisit that with Jewel and have them remove the signage since the area on the west side of the building is for pickup so it's in the proper clearance.

Chairperson Loftus asked who is responsible for parking enforcement. He also asked how can the Commission vote positive when they are deficient in their setup now. Mr. Frahm stated that he agreed and that enforcement is driven by complaints. The Village received the application in April. The application is in front of the commission now because they weren't in compliance and changes needed to be made. Chairman Loftus stated that since there are no Jewel representatives in attendance to defend what's happening why would he approve the application.

Sworn in Daniel Harper, Planning Manager for the Village of Glen Ellyn, stated the Commission could deliberate and come to vote on the application or table to the next meeting.

Commissioner Wyant asked if the landlord, North American, has approved Jewel's application. Mr. Frahm answered that they signed off on it. Commissioner Wyant asked if Jewel had given any rational as to why they wanted to add more displays. He asked if it would drive up their sales. Mr. Frahm stated they received nothing quantitative from Jewel.

Commissioner Kreuzer asked if Management had a position on this application. Chairperson Loftus answered that the Village represents both sides so if they have a position, it's their own private thoughts. He stated they need to remain neutral. All they need to do is make sure the application meets the Village Code. He also stated that he didn't see any reference to a hardship that they need this special use permit. Mr. Harper answered that it is an amendment and not a variance so a hardship wouldn't be the judgment.

Commissioner Kreuzer asked if the plan complies with all applicable laws. Mr. Frahm answered as long as the displays don't become obstructions.

Chairperson Loftus asked if there were any public comments or written comments. Mr. Harper answered no to each.

Commissioner Arango stated that she is concerned because Jewel hasn't been in compliance in the past and adding more merchandise is only going to complicate matters.

A motion was made by Commissioner Cooper to close the Public Hearing; Commissioner Dawson seconded the motion; which passed by voice vote.

Commissioner Deliberation and Recommendation

Commissioner Cooper stated that he wants to grant the application but is troubled by the sidewalk clearance and would like to hear from the petitioner on how they can create more space. If people are stopping to look at the merchandise, they will block the ADA accessible area. He stated he would like to table the application.

Chairperson Loftus stated that he agreed with Commissioner Cooper. He stated that there is no reason to deny the request because it meets the Village Code. He stated that the Commission needs to judge the request on the information provided and the Building Department will have to do the enforcement. He stated he agrees that Jewel is not providing the proper clearance but based on what they submitted, he'd support. Enforcement of the Code is not in the Plan Commission's purview. It's the purview of the Building Department to enforce the Code. He then asked if the Commission wants to table the item.

A motion was made by Commissioner Cooper to table the 599 Roosevelt Rd. Jewel Special Use Permit to the August 22nd Plan Commission Meeting; Commissioner Arango seconded the motion; which did not pass by voice vote due to a tie vote.

Commissioner Kreuzer stated that Jewel is in compliance. He stated that he doesn't agree with it and as a lawyer he sees a liability, but he doesn't see a justifiable reason to table the item.

Commissioner Cooper stated that they have met the requirements, but are not in compliance as of now. He stated that when a Petitioner comes with an application and is currently not compliant now and wants to add more, he thinks that's a reason to vote no. He stated with this sort of thing you don't want a lot of pedestrian traffic and is concerned about people falling off the curb. Commissioner Kreuzer stated that the Jewel on Geneva Rd. does not have a curb and has a designated area for items. He stated the proposal is in compliance, and the responsibility is on the owner if anything happens.

Mr. Harper stated that the Commission could move to table the item, deny the motion or do more deliberations and vote again.

A motion was made by Commissioner Kreuzer to table the 599 Roosevelt Rd. Jewel Special Use Permit to the August 22nd Plan Commission Meeting; Commissioner Cooper seconded the motion; which passed by voice vote.

2. Public Hearing – Proposed Text Amendments Regarding the Keeping of Hens within the Village.

Commissioner Dawson moved to open the Public Hearing. Commissioner Arango seconded the motion and the motion passed by voice vote.

Staff Introduction

Mr. Frahm stated that Village staff is requesting review of proposed text amendments regarding the keeping of hens to the Village Code at a public hearing and subsequent recommendations to the Village Board. He stated Plan Commission reviewed previous proposals for hen keeping in the Village twice in 2023. In April of this year the Village Board compelled staff to revisit this topic with the Plan Commission. He stated that previous iterations of this proposal have received feedback regarding perceived nuisances including but not limited to: odor, noise and social wellbeing. He stated in the Village Code under General Regulations there are three sections where text was added: 2. Hens shall be kept only in a covered outside enclosure (coop). 3. Hens shall be allowed to roam in fully enclosed rear yards only in the presence of an owner or keeper. 7. Keeping of hens shall be in compliance with all relevant sections of Title 6 Chapter 3 Animal Control and Title 7 Health and Sanitation. He stated regarding flock size, a flock of at least two hens is required. Lots under 10,000 square feet may keep a maximum of four hens, lots 10,000-15,000 square feet may keep six hens and lots greater than 15,000 square feet may keep eight hens. In regards to Title 6 under 6-3-8 prohibited animal code will be amended to affirm the keeping of chickens and to create a distinction by adding rooters to the list of prohibited animals. Under 6-3-3 sound will not be monitored by a decibel level but the following: ten minutes or more in any one-hour interval between 7am-11pm and five minutes or more between 11:01pm-6:59am. In regards to Title 7 dead animals and animal waste is added to refuse section. In regards to yard requirements the following text was added: C. no closer than 10' of either side lot

line and no closer than 10' from any rear lot line. D. within 30' of any occupied residence other than that of the owner. F. may be constructed within 5' of a detached garage or shed and does not exceed the maximum size for a detached garage or shed. Under Coop Construction Requirements text added: A. Coops shall not exceed 100 square feet in area and the total area including any secured and attached confinement such as a chicken run may not exceed 150 square feet and the maximum coop ridge height shall not exceed 10'. Under Submittal Requirements text added: 1. Complete application for a small building permit. 3. In addition to permit application, owner must submit a hen-keeping plan to address the number of hens that will be kept on the property, and to assure that any product of hens (eggs) is reserved for personal consumption and not sale. 5. When necessary, construction plans and cut sheets for the purposes of electrical review.

Chairperson Loftus asked if someone built a building with 50' storage, 50' coop and 50' run would that meet the 150' requirement. Mr. Harper answered it would have to be two separate structures.

Commissioner Cooper asked regarding the submittal requirements C3 regarding submitting a hen-keeping plan, is it just submitted or is there discussion. Mr. Frahm answered it's his vision to have a worksheet and discussion of the plan with the petitioner and if there are any deficiencies, it wouldn't be approved.

Chairperson Loftus asked regarding 10-2-2 what defines a female or male. Mr. Harper answered the Oxford dictionary definition would be used. Chairperson Loftus stated his evaluation of the Code is vague and should be made clearer.

Commissioner Dawson asked how the amount of chickens allowed based on lot size was determined. Mr. Frahm stated no specific research was done to determine that.

Commissioner Wyant stated that the notion of 10' from the property line is an illogical measure. The homeowner could put the coop closer to the neighbor's property line. Other structures needs to be thought of like pools, decks, etc.

Commissioner Dawson stated how four, six and eight chickens were determined when three dogs are allowed. He stated the Village has bee requirements and asked if that was looked in to. Ms. Rodman stated that Glen Ellyn does not allow bee keeping. She stated she found the form that Commissioner Dawson was referring to and that could have been from a pilot program the Village once had but it is not part of the Village Code.

Chairperson Loftus asked if someone submitted plans for a certain amount of hens and after approval wanted more, would they need to resubmit. Mr. Frahm answered yes. Chairperson Loftus stated that is not reflected in the Code and the Code needs to be more specific.

Commissioner Wyant asked what the presence of the owner means. He also asked if a fence height should be determined. He also asked if the Commission should submit all their questions then make the Village go back and make the changes.

Chairperson Loftus stated that this is the third meeting regarding this and that this has to be moved along.

Commissioner Wyant stated he senses the Village is working hard to advocate for this. Ms. Rodman answered that she disagrees with that statement. She stated that this has been brought before the Plan Commission, the Village Board had a workshop and decided they wanted the Plan Commission to review this one more time. The Board is looking for this Commission to discuss and bring modifications to the the Board. She also stated that there are residents at this meeting so they should have their chance to talk.

Chairperson Loftus asked if there were any written comments received by the Village. Mr. Frahm stated he received various written statements from residents in favor of keeping hens in the Village. Various statements were read to the Commission.

Sworn in, Jacquelyn Casazza, 386 N Main, Glen Ellyn, stated she is a member of the Environmental Concerns Commission, but is here as a Glen Ellyn resident. She noticed the recommendation from the Environmental Concerns Commission is not included in the packet but they are in favor. She brought copies of the minutes from their meeting. She stated in the Comprehensive Plan the Village has a goal of sustainability to enhance Glen Ellyn's natural resources. Having a local source of food in backyards meets this goal and increases our connection with nature. In Objective Three of the Comprehension Plan, chickens will help with reducing food waste. She stated she encourages the Commission to support keeping hens.

Sworn in, Heidi Anderson, 501 Turner, Glen Ellyn, stated that the volume of hens seems to be an obstacle and that hens are very quiet. She stated she was at an unincorporated house where there were hens and she had to be right next to them to hear them. She stated that house had twenty chickens. She stated that she understands people want to have their leisure space, but pools are loud as well. She stated that she is not going to have chickens, but in support of them.

Sworn in, Kathy Osgood, 335 Hillside, Glen Ellyn, stated this is her first time at this meeting and feels strongly about keeping hens in the Village. She stated she has a friend in Bartlett who has hens and they are good because they eat insects and their manure is used.

Sworn in, Billy Joe Mills, 611 Maiden, Glen Ellyn, stated to Chairperson Loftus that they were not laughing at him about trans-chickens. He stated at the Board Workshop it was stated that there were 589 signatures in favor of keeping hens. He stated he hopes there is a viable path forward. He stated he thinks the new text amendment is wonderful.

Ms. Rodman stated she has a handout from Hen Ellyn who did a short survey with towns that do have hens. She referenced a copy of the results. The results showed a small handful of complaints and Village staff had positive things to say. She stated this is the hope of herself and Hen Ellyn that this will address some concerns so the Commission can move forward.

Chairperson Loftus stated that Commissioner Brown sent an email with her concerns and stated that Downers Grove has neighbors fill out a consent form. Mr. Frahm stated a consent form was not included in this text amendment because it would be too hard to codify a consent form.

Commissioner Wyant stated that it seems to be working in Downers Grove. Ms. Rodman stated the Commission could address what the general concerns are as a condition of approval and then staff would have to go back and address. Chairman Loftus stated that if the Village is asking him to vote on something so vague and leave it up to someone else to change, he'd vote no.

Commissioner Kreuzer stated the Commission needs to have faith in Village staff and our community. Commissioner Wyant asked what happens when an owner loses interest after a few years. He asked if the coop just stays there. Mr. Frahm answered that if the coop is falling apart, it would go against Code and have to be rectified.

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

Commissioner Deliberation and Recommendation

Chairperson Loftus asked the Commission what conditions they want added to the motion. Commissioner Kreuzer stated fully fenced enclosed yard, human presence, locations and chicken runs enclosed.

Commissioner Cooper asked if 10-5-23(a)(3) is where the fencing and presence verbiage should be. Mr. Harper stated yes. Commissioner Cooper asked if 10-5-23(b)(1)(d) is where the location verbiage should be. Mr. Harper answered yes. Commissioner Cooper asked if the verbiage should include pool, patio, etc. Commissioner Wyant answered yes.

Commissioner Wyant asked if Glen Ellyn should include neighbors consent like Downer Grove has. Mr. Frahm stated he is not in support of that. That he doesn't like the slippery slope.

Chairperson Loftus stated 10-5-12 (a)(3) should read fully enclosed fence. He stated the last sentence says fences are not included so that sentence should be stricken.

Commissioner Arango made the motion:

After conducting a public hearing and deliberating on the proposed text amendment regarding the keeping of hens, the Plan Commission hereby recommends approval based on findings of fact, as discussed or amended at the Plan Commission public hearing on July 25, 2024, 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 make this recommendation of approval with the following conditions:

1. That section 10-5-23(a)(3) be revised to require that hens may only be allowed to roam in a rear yard that is fully enclosed by an approved fence and only in the attentive presence of an owner or keeper.
2. That section 10-5-23(B)(1)(d) be revised that all coops, enclosures, or confinements used for the purpose of keeping shall be closer in proximity to the principal structure of the lot of which they are permitted than any principal structures, or the following accessory structures: patios, porches, in-ground swimming pools, decks, and recreational equipment of any neighboring residential lot.
3. That chicken runs shall be fully enclosed and secured.
4. That capons be included as a prohibited animal.
5. That section 10-5-23(C)(5) be revised to include the word “utility” when requiring electrical review.

Commissioner Dawson seconded the motion. Chairperson Loftus asked for a roll call vote. The motion passed on a roll call vote.

D. Trustee Liaison’s Report

Trustee Simon stated that the new Village Attorney was sworn in Monday. She stated the Board made a decision regarding the parking on Crescent Boulevard. Angled parking will be on the north side and there will be no parking on the south side. She stated that Glen Ellyn is one in sixteen Villages congratulated on our affordable housing.

E. Chairman’s Report

None.

F. Staff Report

None.

G. Other Business

None.

H. Adjournment

Commissioner Arango made a motion to adjourn the meeting: Commissioner Cooper seconded the motion and the motion passed by voice vote at 10:36 PM.



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

Meeting 8/22/2024 7:00 PM
Department: Community Development
Department Head: Emily Rodman
Category: Public Hearing
Prepared By: Daniel Harper

**AGENDA ITEM (ID
2024-554)**

DOC ID: 2024-554

Public Hearing - 599 Roosevelt Road - Jewel Osco Special Use Permit

Statement of the Issue:

UPDATE: This application was reviewed by the Plan Commission at the July 25, 2024, Plan Commission Meeting. The Plan Commission asked questions to Village staff regarding the current condition and placement of the outdoor display areas and the site design conditions located in front of the Jewel-Osco retail center. Representatives of the application were not present to speak on the application's behalf and the Plan Commission voted to table the application to the August 22, 2024, Plan Commission Meeting. The text of the staff report has remained unchanged from the July 25, 2024 Plan Commission Meeting.

Analysis:

A Special Use Permit application was submitted by Jewel Food Stores, Inc for an expansion of previously approved outdoor storage, display and merchandising. The attached exhibits illustrate the current and proposed use for outdoor merchandising at 599 Roosevelt Road. This permit application was submitted in March 2024, and updated site plans were received on April 22, 2024. Due to outdoor merchandising locations being in noncompliance in accordance with the currently approved ordinance (Ordinance No. 6791), processing of the special use permit application in question was delayed until these deficiencies were corrected.

Jewel Food Stores, Inc has previously been approved for two special use permits for outdoor merchandising, and this application seeks to expand on the 2020 Ordinance. The original 2005 ordinance (Ordinance No. 5347) permitted Display Areas B through E as depicted in the "Current Approved Area" diagram. These display areas are marked in green and can be seen in the recessed areas along the frontage of the building on the west (Display Area C) and east (Display Area B), and at the east/southeast of the store (Display Areas D and E). Outdoor merchandising, sale and display in these areas were limited to Seasonal Garden Tools and Watermelon from April through July and Holiday Decor September through December. Salt and propane, and cart storage were approved for year-round use in Display Areas C and D respectively, while "Bag Goods Storage" was permitted in Display Area E from April to July. In 2020, Jewel Food Stores, Inc sought an expansion of this outdoor merchandising also depicted in the "Current Approved Area" Diagram. The Display Areas

approved in 2020 (Ordinance No. 6791) are shown in red as Display Areas F, G, and H to be utilized April through July and September through December for seasonal displays in the following categories: seasonal plants and produce, summer items (e.g. charcoal, firewood), water or beverage displays, and holiday decor. These added displays are present immediately at the frontage of the building, placed within recessions between columns at the front of the store.

The 2024 special use permit application seeks a reconfiguration of these outdoor display areas. The two proposed uses are separated between Areas A and B: with Area A containing Display Areas 1 through 7 for seasonal plants and produce from April through July, and holiday decor from September through December. Display Area 8 would allow for outdoor storage and merchandising of firewood and charcoal, while Display Area 9 would allow for the outdoor storage and sale of propane canisters. Display Area A is marked in red at the north and northeast of the store. Placement of these display racks is similar to the locations approved in 2020. However, racks are added within the middle of the building frontage where previously no racks were requested for approval. Display Area B is marked in green at the east of the building and proposes seasonal display in addition to cart storage in Area 10 and "cart storage fence (all year)" in Area 11. Concerns raised by the Village pertain to the pedestrian walkway and fire lane in front of the building. As indicated by the site plan, "displays must always be kept neat and presentable, to ensure customers are able to safely walk in and out of the store with or without shopping carts." However, limited space exists within this walkway. According to the submitted site plan, the sidewalk is 6 feet and 3 inches wide from the curb to the front wall. With display areas proposed in Display Area A having a width of 3 feet, this would leave 39 inches of walkway, just 3 inches from the ADA minimum walkway width for a continuous path of 36 inches. To the east in Display Area B, the proposed fenced cart storage area measures a width of 3 feet and 1 inch. At 37 inches, this indicates a 1-inch difference from the minimum width of a walkway per ADA requirements.

Budget Impact:

N/A

Contribution to Strategic Plan

Action Requested:

The Plan Commission should consider the petitioner's request for Special Use Permit and make a recommendation to the Village Board for approval, approval with conditions or denial.

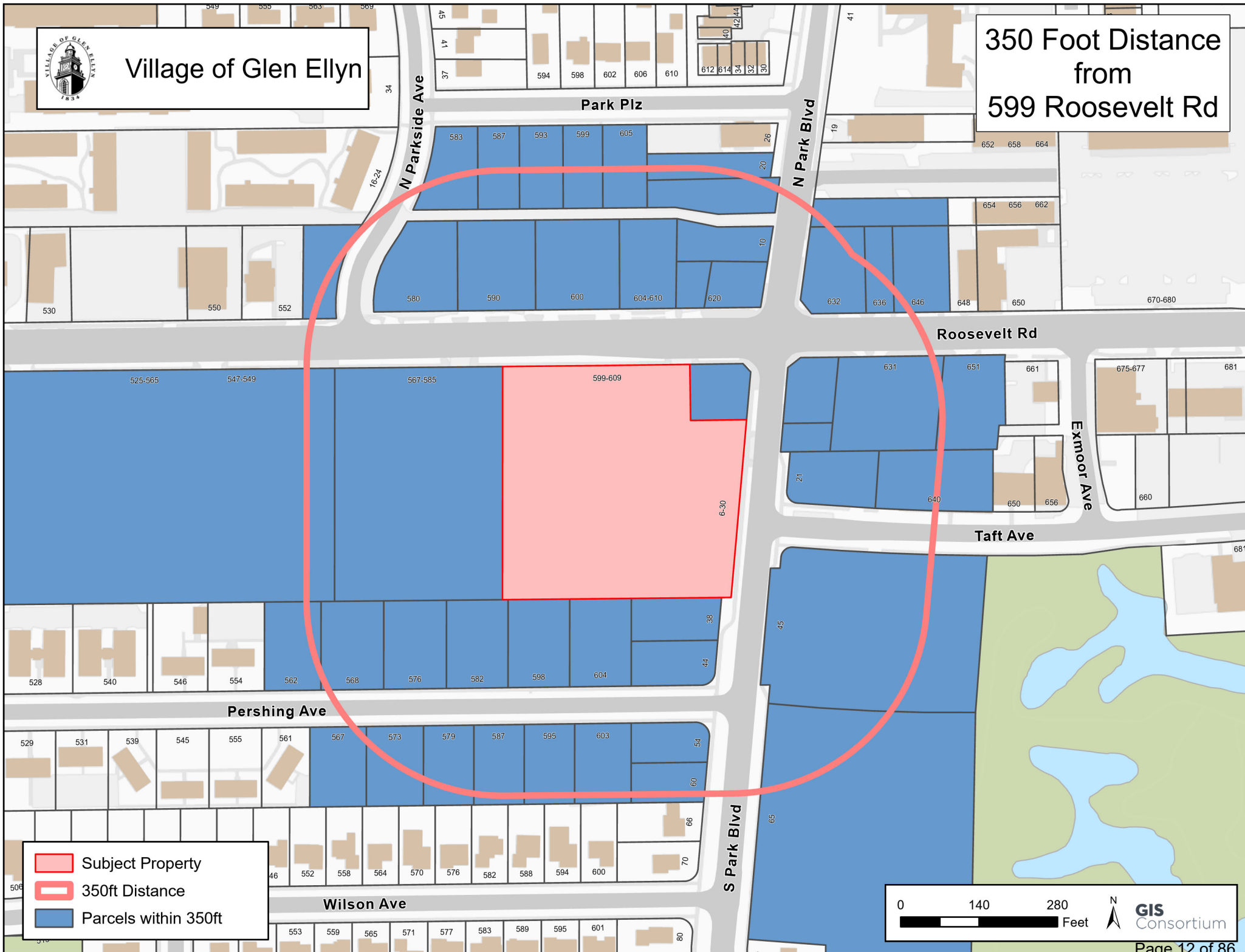
Attachments:

1. Public Notice Map
2. Jewel-Osco SUP Application
3. Outdoor Merchandising Current and Proposed Use Exhibits
4. Ordinance No. 5347
5. Ordinance No. 6791



Village of Glen Ellyn

350 Foot Distance
from
599 Roosevelt Rd





April 1, 2024

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

Re: **Special Use Permit Application Packet**
Jewel-Osco #3340- 599 E. Roosevelt Road, Glen Ellyn, IL 60137

To Whom It May Concern,

Enclosed please find the application packet for a Special Use Permit and location maps for seasonal displays.

Should you have any additional questions or concerns, feel free to contact me at 630-948-6017 Karen.Doran@jewelosco.com or Johanna Chacon at 630-948-6010 johanna.chacon@jewelosco.com, Thank you for your help and assistance.

Sincerely,

Karen Doran
Albertsons Companies
Corporate Legal Licensing





VILLAGE OF GLEN ELLYN

Special Use Permit Application Packet

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

SPECIAL USE PERMIT PROCEDURE OUTLINE

1. Pre-application meeting with Planning and Development Department;
2. Preparation of application packet;
3. Review of packet by Planning and Development Department staff (recommended);
4. Formal application (submission of packets and fee);
5. Notice in newspaper, notice by letter to surrounding property owners, sign on site;
6. Review by Plan Commission at a public hearing;
7. Preparation of public hearing transcripts or minutes;
8. Review by Village Board at workshop;
9. Action by Village Board at meeting;
10. Adoption of ordinance.

SPECIAL USE PERMIT PROCEDURE

1. **Pre-Application Meeting:** The petitioner should meet with the Village Planner or Director of Planning and Development for a pre-application meeting to informally discuss the proposed Special Use prior to filling out a formal application. At the pre-application meeting, the petitioner should provide general information that describes or outlines the existing conditions of the site and the proposed Special Use. A request to informally discuss the proposed Special Use with the Plan Commission may be made at this time. The Planning and Development Department staff will also review the types of required submittals (see item #2), the number of copies required and the approximate length of review time required by the Village.

The petitioner is encouraged to become familiar with the appropriate provisions of the Zoning Code.

2. **Required Submittals:** The petitioner shall prepare the following items for submittal to Village staff:
 - a. **Application:** Completed application for Special Use Permit (form attached and associated fee);
 - b. **Reimbursement of Fees Agreement:** Signed agreement consenting to reimburse the Village for out of pocket expenses incurred in processing the application.
 - c. **Plat of Survey:** A current Plat of Survey of the property, prepared by a land surveyor registered with the State of Illinois, with contour lines depicting the existing grade and a statement that the property is or is not in the floodplain;
 - d. **Site Plan:** A plan or plat drawn to scale, including a north arrow, address of the site, name of the preparer and date, showing:
 1. Lot line dimensions and lot area;
 2. Existing or proposed grades with contour intervals not in excess of two feet;
 3. Location of any existing and proposed structures on the lot;
 4. Street locations, right-of-way widths and pavement widths;
 5. Location, width and materials of sidewalks, curb cuts and driveways;
 6. Location and size of any sanitary sewer and water lines or septic systems and wells, location of storm sewers;
 7. Location and width of easements;
 8. Location of parking areas, type of surface, dimension of parking spaces and drive aisles;
 9. Location of loading areas, types of surface, dimensions, striping and signing, type of screening;
 10. On-site traffic access and circulation delineated by directional arrows and signs;
 11. Open spaces;
 12. Location of existing and proposed signs;
 13. Location, height and type of existing and proposed lighting;
 14. Location, size and species of existing and proposed landscaping;

- 15. Zoning of subject property and adjacent properties;
- 16. Other data that may be necessary for the review of the application, as determined by the Planning and Development staff;

- d. Proof of Ownership: A copy of a Guarantee Title Policy or other proof of ownership as approved by the Planning and Development Department staff;
- e. Disclosure of Interest: If the subject property is held in a trust, a complete disclosure of interest of the ownership, including the names of trustees and beneficial owners, shall be provided. If the subject property is owned by a corporation, a disclosure of the shareholders, including the names of the officers and directors, should be provided (form attached);
- f. Affidavit of Authorization: A document signed by the owner of the subject property which authorizes the petitioner to represent them for the Special Use request shall be provided (form attached);
- g. Narrative Statement: A description of the existing and proposed use(s) of all structures and land. The statement should evaluate the economic effects of the proposed Special Use and the impacts of such elements as noise, glare, odor, fumes, and vibration on adjoining property. The statement should discuss the general compatibility with existing and proposed uses in the general vicinity and with the recommendations of the Comprehensive Plan; and
- h. Land Use Opinion: A Land Use Opinion from the Kane DuPage Soil and Water Conservation District Board, if required.

NOTE: Waiver of the required documentary evidence can be granted by the Director of Planning and Development provided staff determines that the information is insignificant or unnecessary.

NOTE: If the plans accompanying the Special Use application are required to be recorded with the DuPage County Recorder of Deeds, the petitioner should have the surveyor sign a Letter of Authorization (form attached) which designates a representative from the Village of Glen Ellyn as the agent to record the plan.

NOTE: The petitioner should be aware that the requirements outlined herein are the minimum requirements for processing an application for Special Use and that, from time to time, the Plan Commission may require such other information that it deems necessary to determine if the proposed Special Use meets the intent and requirements of the Zoning Code.

- 3. Preliminary Staff Review: When the petitioner has plans in substantially completed form, it is recommended that a draft copy of all application documents shall be submitted for preliminary review by the Planning and Development staff. Staff will review the project for compliance with all applicable Village ordinances and will raise any concerns or issues with the proposal. Following review by staff, the petitioner may wish to modify the proposal to respond to staff comments.
- 4. Escrow Account for Consultants: The Village utilizes consultants for engineering, legal and Plan Commission secretarial services. Prior to involving these individuals in the

review of a proposed Special Use Permit, the Village requires a petitioner to establish an escrow account to pay the Village consultant costs. The minimum amount of an escrow account is five hundred dollars (\$500). The Director of Planning and Development may set a higher minimum based on an evaluation of the size of the project and likely expenses associated with the review process. Once the escrow account is established, the Village involves its consultants in the review process as necessary. When invoices are received from the consultants, the Village draws on the account. The developer receives a monthly accounting of the invoices and is requested to replenish the escrow account back to the original amount, when the balance is less than five hundred dollars (\$500). The escrow account is maintained throughout the review and building processes. Once the project is complete, any remaining funds in the escrow account are returned to the petitioner.

5. **Formal Application:**

- a. Special Use requests require an application fee. Staff will identify the amount of the fee, as determined by the Village Board, at the pre-application meeting. This fee is applied toward project review costs. The fee is payable when formal application is made for a Special Use Permit;
- b. Upon receipt of the required number of copies of all of the items enumerated above and the application fee, the Planning and Development staff shall set a date for a public hearing before the Plan Commission on the application for Special Use Permit. The application must be received a minimum of 21 days in advance of the proposed public hearing date;
- c. Not more than 30 days nor less than 15 days before the public hearing before the Plan Commission, the Planning and Development staff will place a legal notice in The Glen Ellyn News which will describe the petitioner's request, location of the subject property and the time, date, and location of the public hearing. The staff will also mail a notice of the Special Use request to property owners within 250 feet of the subject property and will cause a sign to be placed on the subject property not less than 15 days prior to the public hearing which announces that a public hearing regarding the subject property will be held. The sign shall remain until completion of the public hearing, after which it will be removed. Jurisdiction of the Plan Commission to hold the public hearing shall not be affected by the absence of a sign, if such absence is not the result of the petitioner; and
- d. The Director of Planning and Development, if he/she considers it necessary, may call upon any Village department or official for their review of the proposed Special Use prior to any public hearing. Such review shall be in writing and take no more than ten days.

6. **Staff Review:** The Village Planner or Director of Planning and Development will review the request for compliance with the provisions of the Comprehensive Plan, Zoning Code and other applicable codes. Staff will also visit the subject property. A staff report, which summarizes the request and presents staff concerns, will be prepared and submitted to the Plan Commission. The petitioner will be provided a copy of the staff report and the agenda of the Plan Commission meeting.

7. Public Hearing:

- a. The Planning and Development staff will submit the application, staff report and any other supporting documents to the Plan Commission to conduct the public hearing thereon. The Plan Commission meets on the second and fourth Thursday of each month, at 7:00 p.m. in the Glen Ellyn Civic Center, 535 Duane Street;
- b. The petitioner or his/her representative must attend the public hearing. It is the responsibility of the petitioner to present an argument supporting the request for a Special Use Permit in a complete and logical manner and to have available all evidence necessary to support the request. It is advisable, but not required, for the petitioner to prepare color versions of the plans (site plan, landscaping, building drawings), mounted for presentation purposes;
- c. The Plan Commission may make a decision at one meeting or choose to continue the public hearing to another date for a variety of reasons, including but not limited to: additional information is deemed necessary; Plan Commissioners desire an opportunity to visit the site or request staff to conduct further research; or insufficient time remains on the night of the public hearing to conclude the hearing. If the hearing is continued, no additional public notice is required to be published, however the sign remains on the subject property;
- d. At the close of the public hearing, the Plan Commission will take a roll call vote on the requested Special Use. The Plan Commission may recommend approval, approval with conditions, or denial. In making its recommendation, the Plan Commission must find that the requested Special Use:
 1. Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan or the Zoning Code;
 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 structure, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed Special 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 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.

8. **Final Action:**

- a. Within 90 days after the close of the public hearing, the Plan Commission will submit to the Village Board the minutes or transcripts which contain the Commission's recommendations to the Village Board and summarize what occurred at the public hearing, the exhibits presented and the citizens and witnesses heard;

NOTE: Before the Village Board takes final action and votes on the request, the petitioner must have the escrow account balance brought back to the original amount.

- b. After receiving the minutes or transcripts and supporting documents, the Village Board will schedule the request on a Village Board agenda. The Village Board meets on the 2nd, 3rd, and 4th Monday of each month. The third Monday is a workshop, and the second and fourth Mondays are formal meetings. There is a pre-board meeting before the formal meeting on the 2nd Monday. At the workshop and pre-board meetings, the Village Board discusses and decides what action will be taken on the agenda items for the formal meeting. The petitioner will be informed by Planning and Development staff at which Village Board workshop or pre-board meeting and formal meeting they are scheduled to be heard. The petitioner or his/her representative must be in attendance at these meetings.
- c. The meeting of the Village Board is not a public hearing. The Village Board may decide to approve, approve with conditions, or deny the requested Special Use. Any proposed Special Use that fails to receive the approval of the Plan Commission may be approved by a favorable vote of two-thirds of the Village Board. If a proposed Special Use receives the approval of the Plan Commission, a favorable vote of the majority of the members of the Village Board is sufficient to grant the Special Use. Conditions or restrictions may be required to reduce or minimize injurious effects of Special Uses on other property or to implement the general purpose and intent of the Zoning Code. Action on the requested Special Use will be by an ordinance which is adopted by the Village Board.
- d. After the Village Board votes on the petition, Director of Planning and Development, Building and Zoning Official and Director of Public Works are informed of the action. If the decision is to approve the Special Use Permit, the

petitioner may seek building permits after the ordinance has been approved and signed. A building permit must be applied for within 18 months from the date of the ordinance or the Special Use Permit will become null and void. The Planning and Development Department will compare plans submitted for permits to the plans that were approved by the Village Board and any conditions applied to the Special Use Permit.

Questions may be directed to the Village Planner at phone number 630-547-5250.

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: 03/02/2024 Application No: _____

Name of Applicant: Jewel Food Stores, Inc dba Jewel Food Store #3340

Address of Applicant: 599 E. Roosevelt Road, Glen Ellyn IL 60137

Business Phone: 630-858-9096 Fax: n/a

Home Phone: n/a Mobile Phone: n/a

Email: johanna.chacon@jewelosco.com

Property Interest of Applicant: Manager/Representative

(Owner, Contract Purchaser, Owner Representative)

Name of Owner: NARE Market Plaza, LLC

Address of Owner: 27 N. Green St., Chicago IL 60707

Business Phone: 847-882-0471 Fax: 847-882-0490

Home Phone: n/a Mobile Phone: 224-795-3457

Email: angela@naregroup.com

Property Address: 599 E. Roosevelt Road, Glen Ellyn IL 60137

Legal Description of Property:

The North 467.0 feet (except the West 1166.82 feet thereof) of the Northeast Quarter of the Northwest Quarter of Section 23 and the North 467.0 feet of that part of the Northwest Quarter of the Northeast Quarter lying West of the Center Line of Park Boulevard of Section 23, Township 39 North, Range 10, East of the Third Principal Meridian, said parcel also known as Tract 1 of John S. Wagner's Plat of Survey, according to the Plat thereof recorded May 31 1956 as Document 798962, in DuPage County, Illinois.

Excepting from the above those portions of the premises lying in the Roosevelt (Route 38) Road and Park (Joliet Road) Boulevard right-of-ways.

Permanent Index No. (PIN): 05-23-104-037 Zoning: Property Class C

Lot Dimensions: See attached Lot Area: 3.84 acres

Present Use:

Retail Food Store

Requested Use/Construction:

Permission to temporarily display seasonal/holiday product outside of the store.

Estimated Date to Begin New Use/Construction: 03/02/2024

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

CLEAR PAGE

n/a

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:

Please see attached document

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:

Display set up will meet the applicable requirements and will not cause obstruction to the users or neighbors.

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:

Display area will be maintain clean and organized.

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

Displays will not block or disturb Jewel-Osco customers or its neighbors.

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:

Display areas will be treated in the same manner as any other area within the store.

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:

Displays will not create additional cost or services

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:

Displays will not produce excessive noise or conditions detrimental to Jewel-Osco customers or its neighbors.

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:

Displays will not have the need for vehicle use.

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

Displays will not increase potential for flood damage to the property or adjacent properties.

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

Display areas will not cause damage to any feature.

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.

<u>03/01/24</u>	<u>Johanna Chacon - POA</u>	<u></u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant

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

OWNERSHIP BY LAND TRUST

CLEAR PAGE

Date: _____

Address: _____

Legal Description:

The North 467.0 feet (except the West 1166.82 feet thereof) of the Northeast Quarter of the Northwest Quarter of Section 23 and the North 467.0 feet of that part of the Northwest Quarter of the Northeast Quarter lying Westerly of the Center Line of Park Boulevard of Section 23, Township 39 North, Range 10, East of the Third Principal Meridian, said parcel also known as Tract 1 of John S. Wagner's Plat of Survey, according to the Plat thereof recorded May 31 1956 as Document 798962, in DuPage County, Illinois. Excepting from the above those portions of the premises lying in the Roosevelt (Route 38) Road and Park (Joliet Road) Boulevard right-of-ways.

TRUSTEE: _____ TRUST NO.: _____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

OWNERSHIP BY A CORPORATION

CLEAR PAGE

Date: 03/13/2024

Address: 599 E. Roosevelt Road, Glen Ellyn IL 60137

Legal Description:

The North 467.0 feet (except the West 1166.82 feet thereof) of the Northeast Quarter of the Northwest Quarter of Section 23 and the North 467.0 feet of that part of the Northwest Quarter of the Northeast Quarter lying Westerly of the Center Line of Park Boulevard of Section 23, Township 39 North, Range 10, East of the Third Principal Meridian, said parcel also known as Tract 1 of John S. Wegner's Plat of Survey, according to the Plat thereof recorded May 31 1956 as Document 798962, in DuPage County, Illinois. Excepting from the above those portions of the premises lying in the Roosevelt (Route 38) Road and Park (Joliet Road) Boulevard right-of-ways.

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

Name: <u>Savas Er</u>	Address: <u>27 N. Green St., Chicago IL 60607</u>	% <u>100</u>
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____

AFFIDAVIT OF AUTHORIZATION

CLEAR PAGE

I, **NARE Market Plaza, LLC**

owner of the property described as

The North 467.0 feet (except the Nest 1166.82 feet thereof) of the Northeast Quarter of the Northwest Quarter of Section 23 and the North 467.0 feet of that part of the Northwest Quarter of the Northeast Quarter lying Westerly of the Center Line of Park Boulevard of Section 23, Township 39 North, Range 10, East of the Third Principal Meridian, said parcel also known as Tract 1 of John S. Wagner's Plat of Survey, according to the Plat thereof recorded May 31 1956 as Document 798962, in DuPage County, Illinois.

Excepting from the above those portions of the premises lying in the Roosevelt (Route 38) Road and Park (Joliet Road) Boulevard right-of-ways.

verify that **Jewel Food Stores #3340**

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.

BARIS OZAR
Official Seal
Notary Public - State of Illinois
My Commission Expires Apr 1, 2025

Simon G. G.
OWNER SIGNATURE

Subscribed and sworn to before me this

13th day of MARCH, 2024

Baris Ozar
Notary Public

LETTER OF AUTHORIZATION

CLEAR PAGE

I, _____, Registered Land Surveyor
with the State of Illinois, hereby authorize a representative from the Village of Glen Ellyn to
record the plat(s) or plan(s) prepared by me for:

Signature

Date

IDNR ENDANGERED SPECIES CONSULTATION

An Endangered Species Consultation may be required for your project. If an Endangered Species Consultation is required as part of your application, the Online Ecological Compliance Assessment Tool (EcoCAT) must be completed and a copy of the final report from the Illinois Department of Natural Resources (IDNR) should be included in your Special Use Permit application packet. The online EcoCAT information and application can be found at <https://dnr.illinois.gov/ecopublic/>.

Below is information directly from the EcoCAT Frequently asked Questions, regarding which actions require consultation and which are exempt from consultation.

What actions require consultation?

Any action that will change existing environmental conditions, i.e. anything that disturbs the land, water, or air. Examples include:

- construction
- discharge of pollutants or application of chemicals into the air, water, or land
- dredging any naturally occurring materials
- re-zoning from a non-urban classification to an urban classification (e.g. from agricultural to residential) or a change from one urban classification to another on land not used in its entirety for the original classification
- subdivision and other development plats
- infrastructure alterations (utilities, roads, sewers)
- land management
- alteration, removal, excavation or plowing of non-farmed, non-cultivated areas
- altering existing topography
- annexations
- parks, stream, or lake modifications

What actions are exempt from consultation?

Unless it is evident that they could directly or indirectly affect an endangered or threatened species or a Natural Area, the following actions are exempt from consultation:

- mowing within maintained highway rights-of-way
- routine resurfacing and application of oil and gravel to existing roads
- maintenance or repair of existing structures
- actions under a Department-approved management plan undertaken to maintain or improve natural ecosystem conditions or to re-establish pre-settlement vegetation conditions (such as prescribed burns, spot application of herbicides or brush clearing)
- maintenance of existing lawns, yards, and ornamental plantings
- routine cultivation of agricultural lands
- change of zoning requests for land currently zoned, developed, and used in its entirety for commercial, industrial, or residential purposes

KANE DUPAGE SOIL AND WATER CONSERVATION DISTRICT LAND USE OPINION

A Land Use Opinion from the Kane DuPage Soil and Water Conservation District may be required to be submitted with an application for approval of a Special Use Permit. If a Land Use Opinion is required for your project, the required fee and application should be submitted directly to the Kane DuPage Soil and Water Conservation District. A link to this typing enabled form can be found at <http://www.kanedupageswcd.org/pdfs/LUO/LandUseOpinionApp13.pdf>.

REIMBURSEMENT OF FEES AGREEMENT

CLEAR PAGE

Village of Glen Ellyn Acct: # _____
Initial Deposit Amount: _____

- I. DESCRIPTION OF PROJECT: Jewel-Osco Outdoor Display Special Use Permit
- II. OWNER:
- A. Owner of Property: NARE Market Plaza, LLC
- B. Owner's Address: 27 N. Green St., Chicago IL 60707
- C. Owner's Home Phone Number: n/a Fax: 847-882-0490
- D. Owner's Work Phone Number: 847-882-0471
- E. Owner's E-mail: angela@naregroup.com
- F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.
- III. PERSON MAKING REQUEST (Petitioner):
- A. Name of Petitioner: Johanna Chacon
- B. Petitioner's Address: 150 E. Pierce Road, Itasca IL 60143
- C. Petitioner's Home Phone Number: n/a
- D. Petitioner's Work Number: 630-948-6010
- E. Petitioner's E-mail: johanna.chacon@jewelosco.com
- IV. LOCATION OF PROPERTY:
- A. General Location of Property: 599 E. Roosevelt Road, Glen Ellyn
- B. Acreage of Parcel: 3.84 acres
- C. Permanent Index Number(s): 05-23-104-037 and 05-23-104-038
- D. Legal Description (Please attach)
- V. REIMBURSEMENT OF FEES:

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

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

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

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

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

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

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

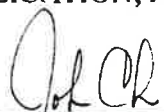
Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct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

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

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

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

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



Petitioner



Owner

Date: _____

Village of Glen Ellyn

By: _____
Planning and Development Director

Date: _____



CURRENT APPROVED AREA

Previously approved Areas (B), (C), (D) and (E)

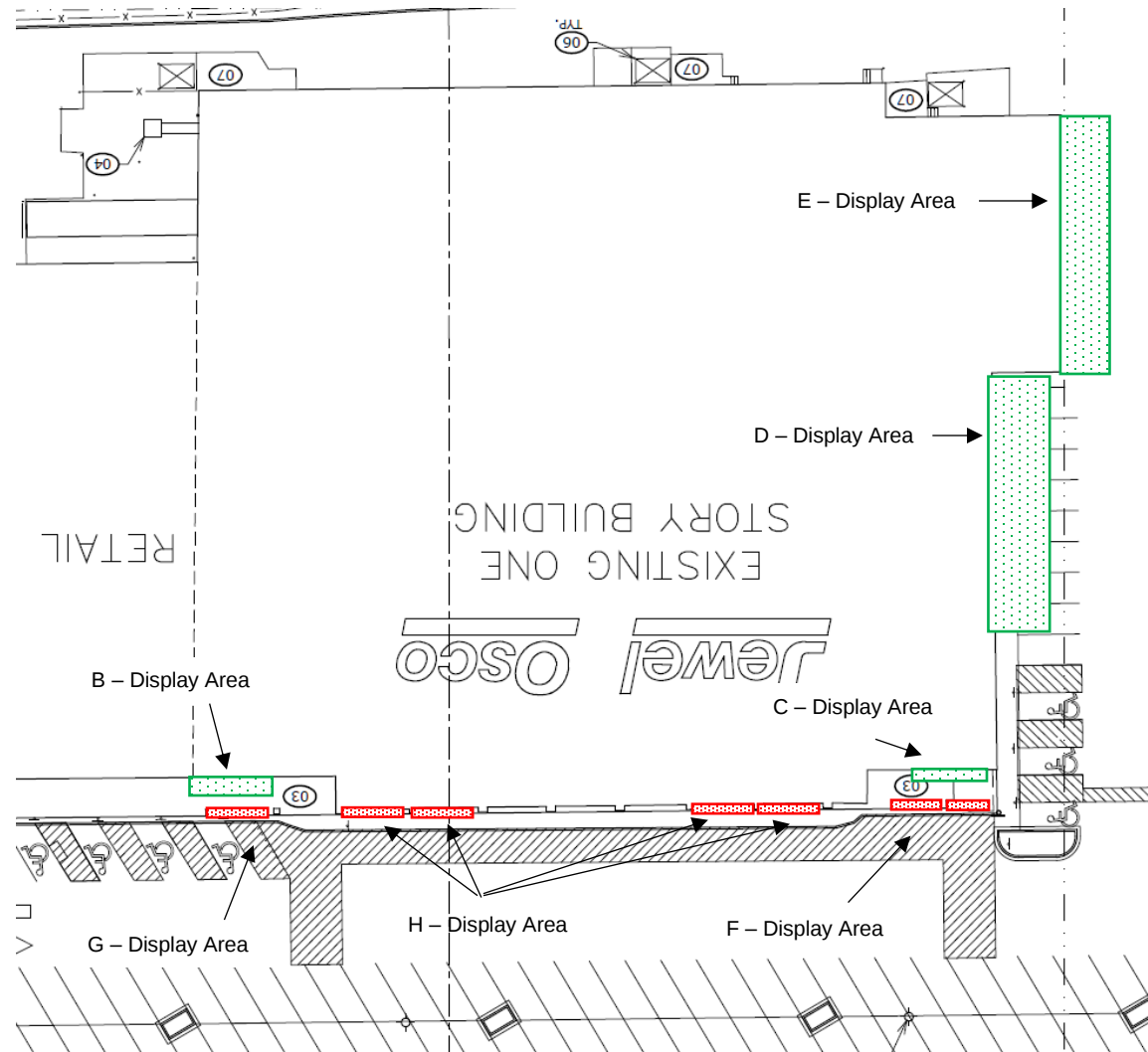
- (B) Seasonal Garden Tools, Watermelon (April-July)
Holiday Décor (September – December)
- (C) Salt, Propane (All Year)
- (D) Cart Storage (All Year)
- (E) Bag Goods Storage (April-July)

Recently approved Area (F), (G) and (H) to be utilized for Seasonal Displays between April thru July and September thru December.

Example:

- Seasonal Plants & Produce (April thru July)
 - i.e. Hydrangeas, Watermelon
- Summer Items (April thru July)
 - i.e. Charcoal, Firewood
- Water/Beverage Displays (April thru July)
- Holiday Décor (September thru December)
 - i.e. Pumpkins, Wreath, Firewood

All approved areas can be kept out all night. Displays must always be kept neat and presentable, to ensure customers are able to safely walk in and out of the store with or without shopping carts.

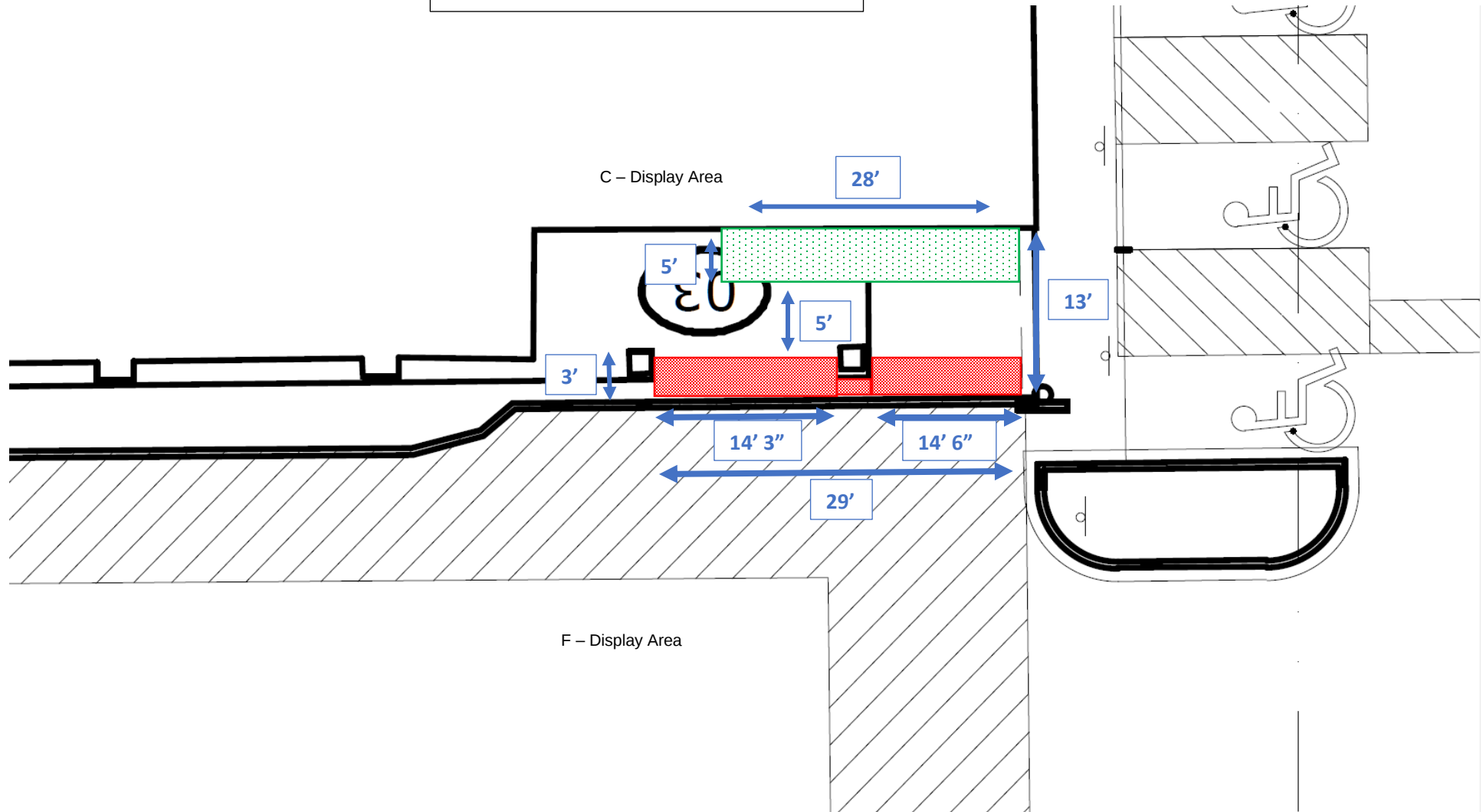


DISPLAY AREA (B)

- 5' (H) x 28' (W) x 5' (L)

DISPLAY AREA (F)

- 5' (H) x 29' (W) x 3' (L)

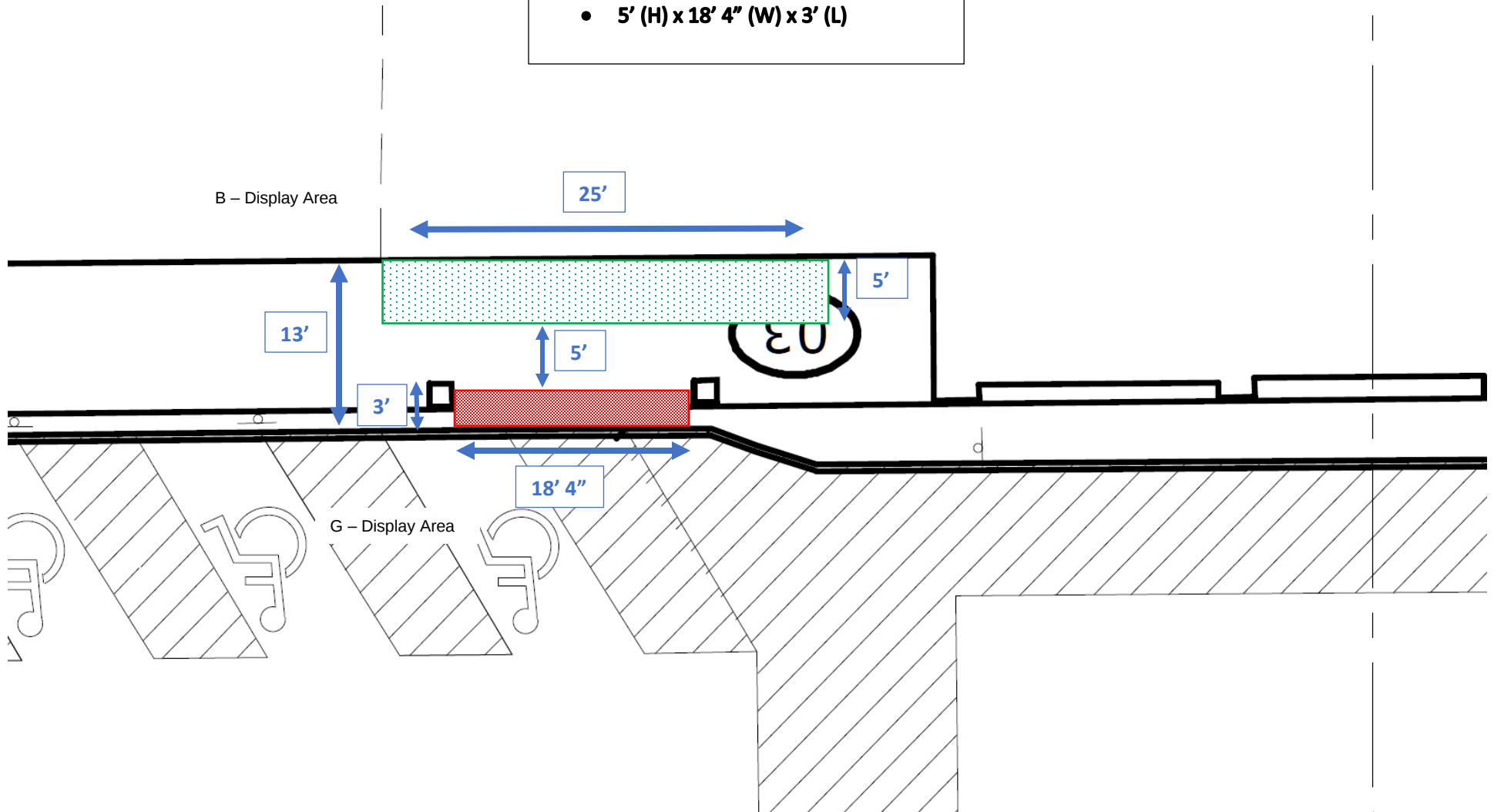


**DISPLAY AREA (B)**

- 5' (H) x 25' (W) x 5' (L)

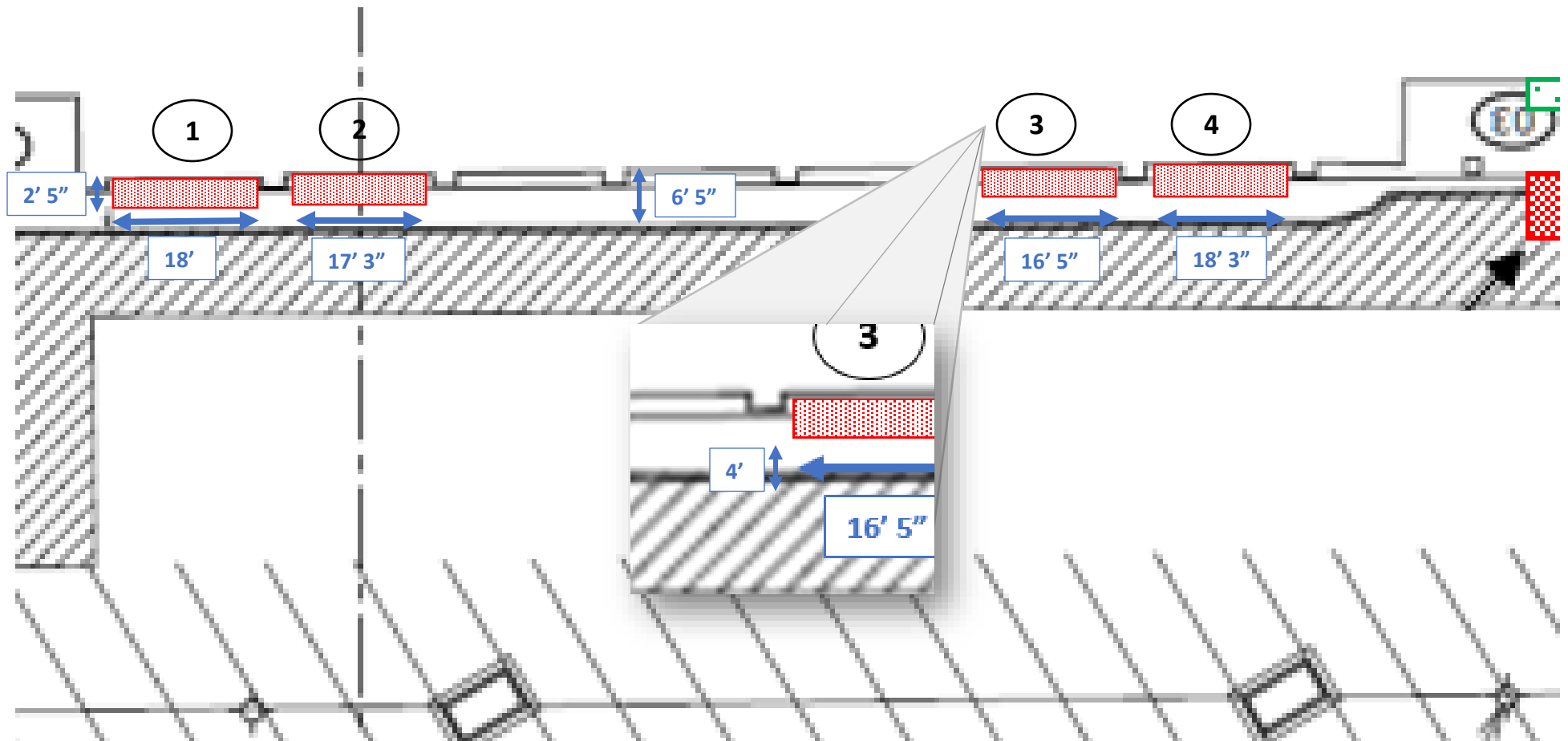
DISPLAY AREA (G)

- 5' (H) x 18' 4" (W) x 3' (L)



DISPLAY AREA (H)

- (1) 5' (H) x 2' 5" (W) x 18' (L)
- (2) 5' (H) x 2' 5" (W) x 17' 3" (L)
- (3) 5' (H) x 2' 5" (W) x 16' 3" (L)
- (4) 5' (H) x 2' 5" (W) x 18' 3" (L)



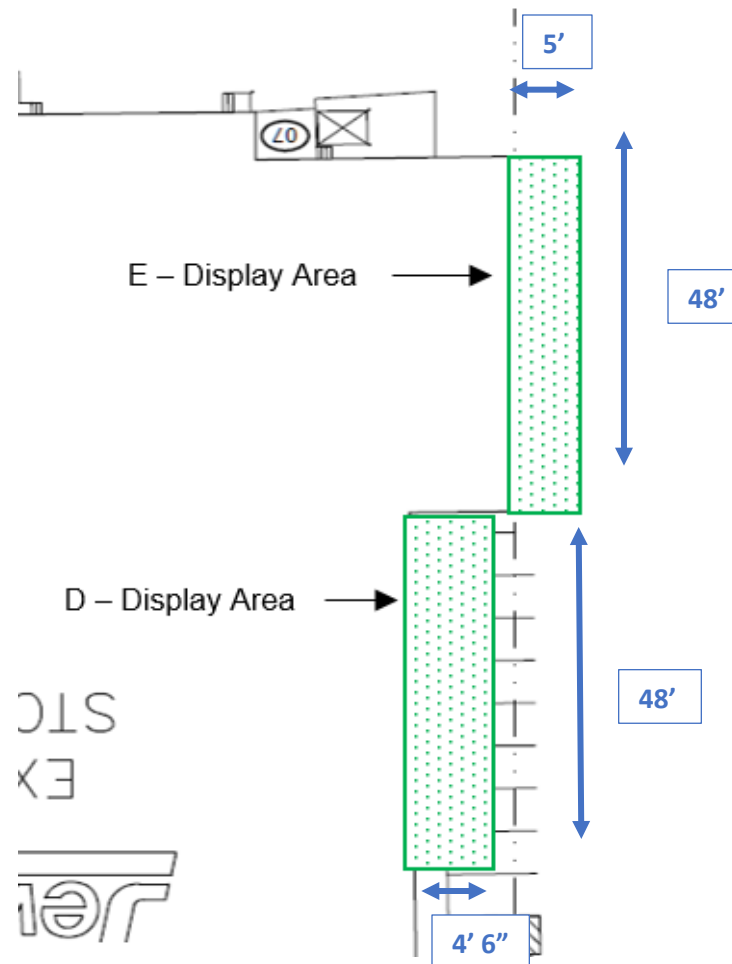


DISPLAY AREA (D)

- 4' 6" (W) x 48' (L)

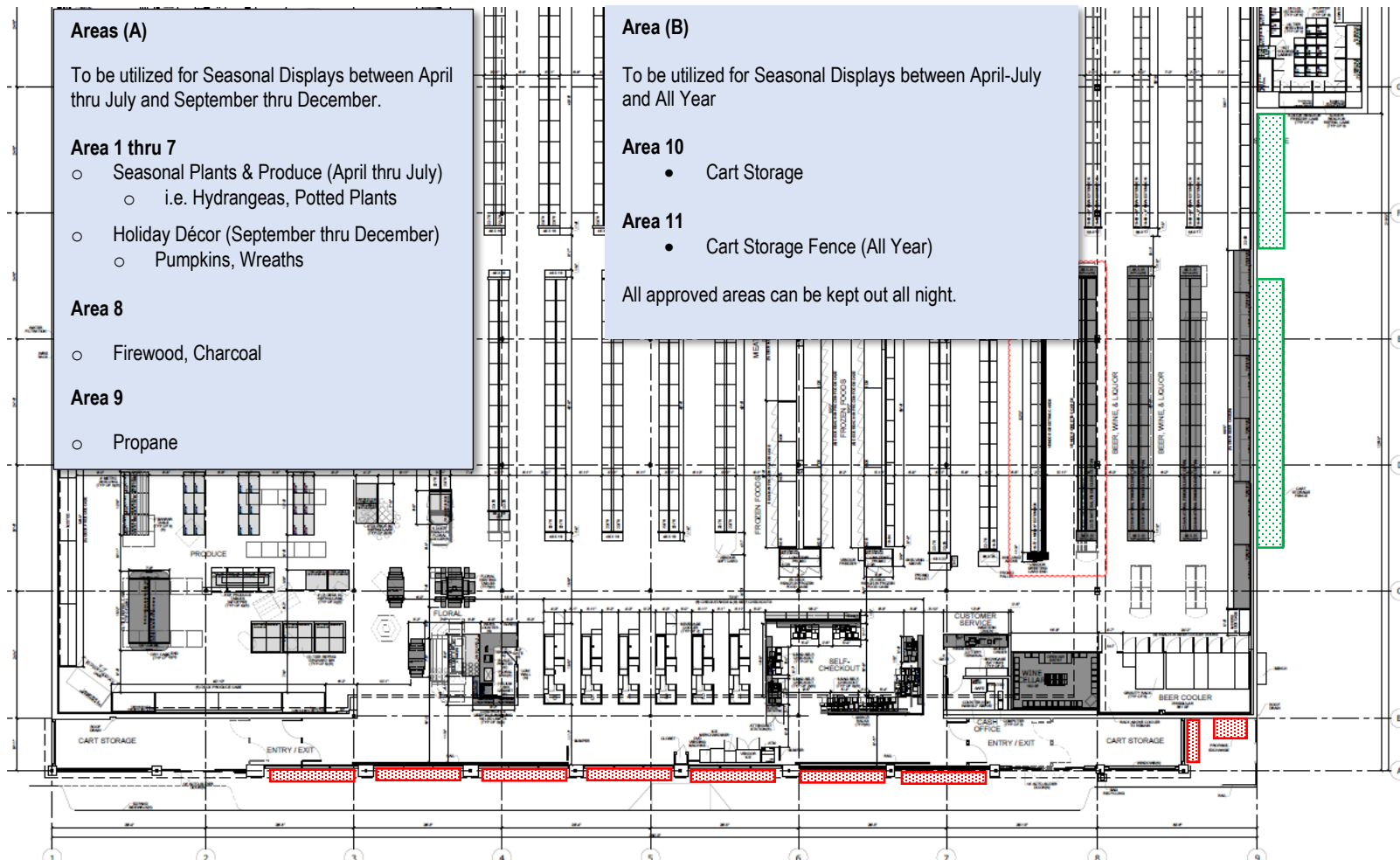
DISPLAY AREA (E)

- 5' (W) x 48' (L)



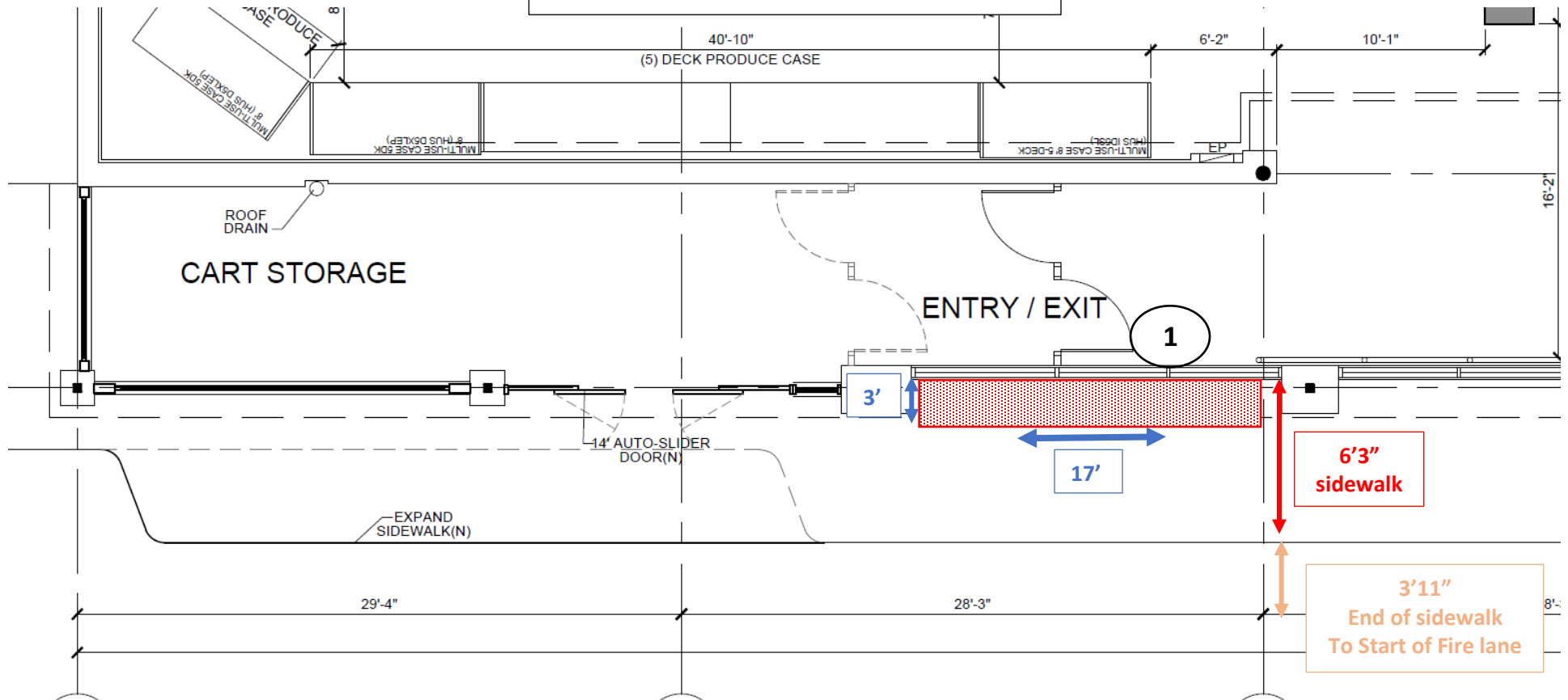


PROPOSED NEW AREA



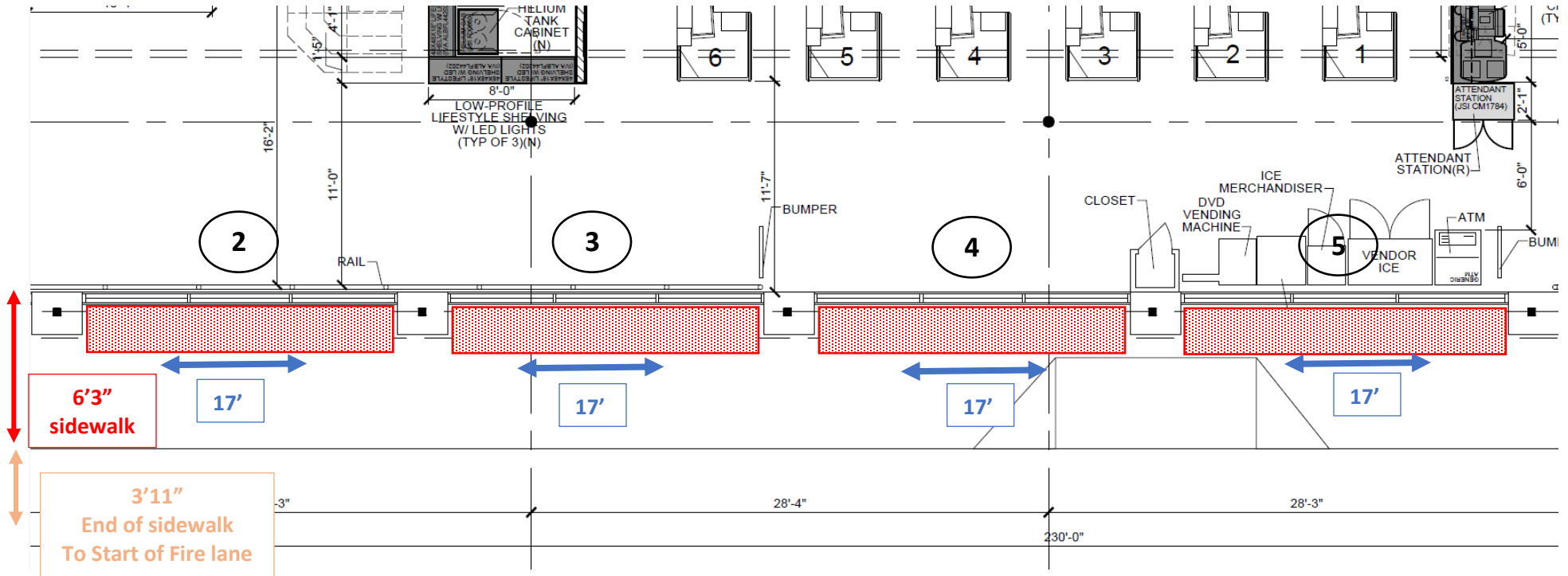


(1) 6' (H) x 3' (W) x 17' (L)



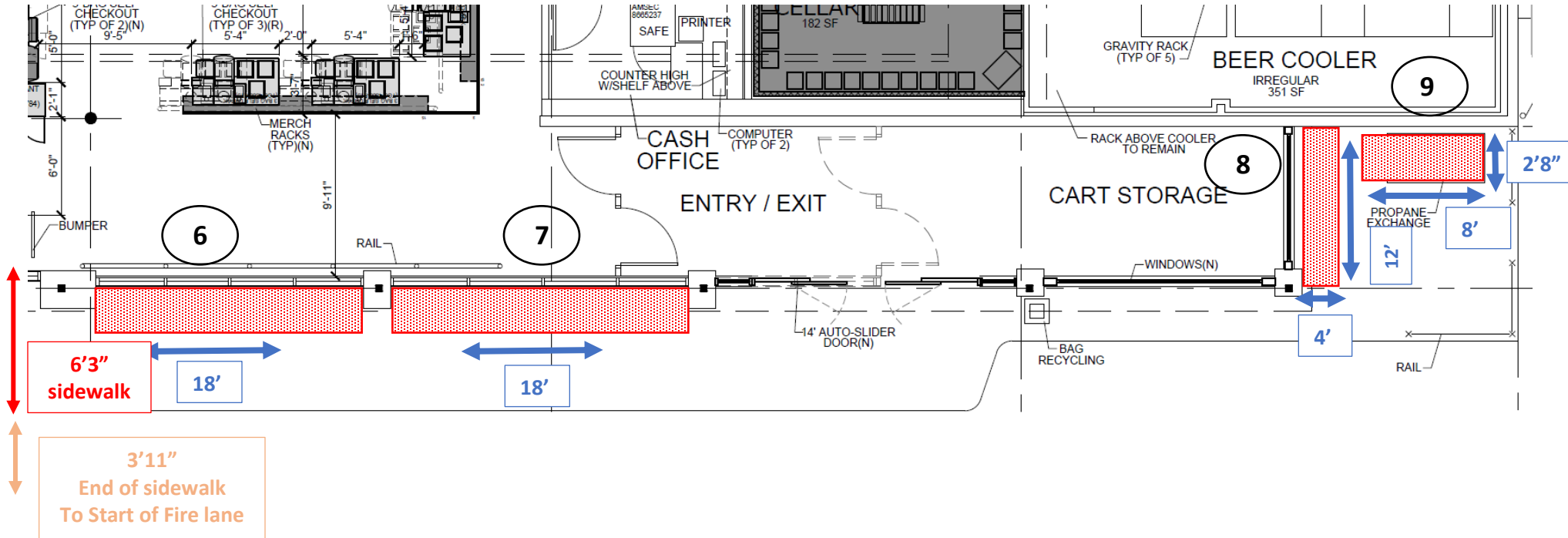
DISPLAY AREA (A)

- (2) 6' (H) x 3' (W) x 17' (L)
- (3) 6' (H) x 3' (W) x 17' (L)
- (4) 6' (H) x 3' (W) x 17' (L)
- (5) 6' (H) x 3' (W) x 17' (L)



DISPLAY AREA (A)

- (6) 6' (H) x 3' (W) x 18' (L)
- (7) 6' (H) x 3' (W) x 18' (L)
- (8) 6' (H) x 4' (W) x 12' (L)
- (9) 6' (H) x 2'8" (W) x 8' (L)

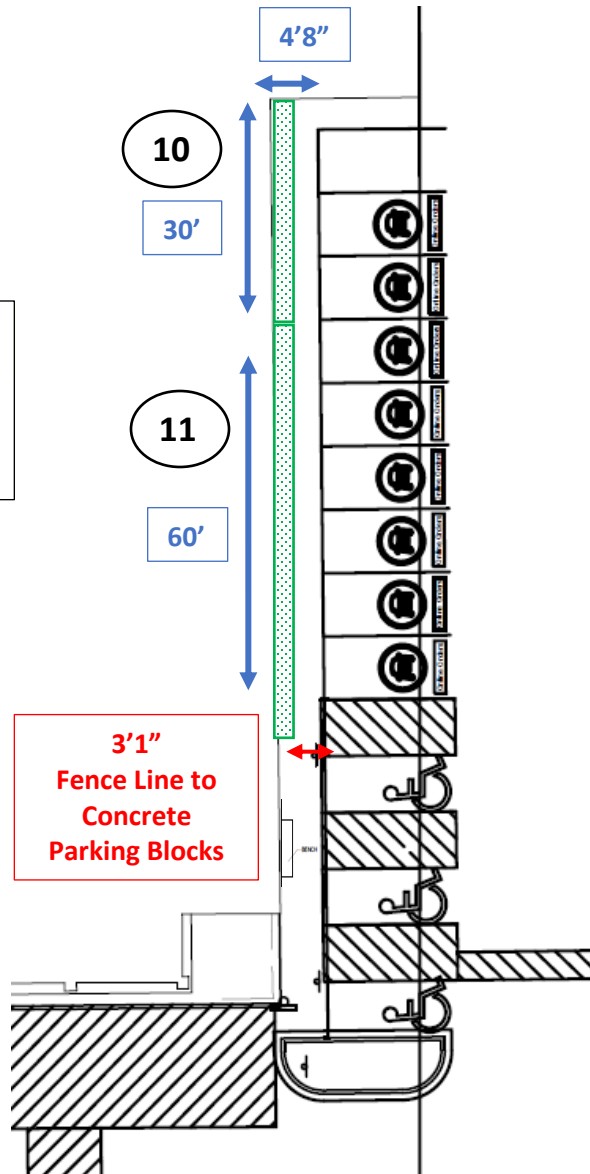




DISPLAY AREA (B)

(10) 6' (H) x 4'8" (W) x 48' (L)

(11) 6' (H) x 4'8" (W) x 60' (L)



VILLAGE OF GLEN ELLYN

ORDINANCE NO. 5347

AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR OUTDOOR SALES AND STORAGE
FOR JEWEL-OSCO
LOCATED AT 599 ROOSEVELT ROAD

ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE
VILLAGE OF GLEN ELLYN
DUPAGE COUNTY, ILLINOIS
THIS 28TH DAY OF MARCH, 20 05.

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this 29TH
day of MARCH, 20 05.

ORDINANCE NO. 5347

AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR OUTDOOR SALES AND STORAGE
FOR JEWEL-OSCO
LOCATED AT 599 ROOSEVELT ROAD

WHEREAS, Jewel-Osco located at 599 Roosevelt Road in Market Plaza has petitioned the Village President and Board of Trustees for approval of a Special Use Permit in accordance with Section 10-4-11(B)13 of the Glen Ellyn Zoning Code to allow outdoor sales and storage at the store; and

WHEREAS, the subject property is zoned C3 Service Commercial District and is legally described as follows:

THE NORTH 467.0 FEET (EXCEPT THE WEST 1166.82 FEET THEREOF) OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23 AND THE NORTH 467.0 FEET OF THAT PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER LYING WESTERLY OF THE CENTERLINE OF PARK BOULEVARD OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDAN, SAID PARCEL ALSO KNOWN AS TRACT 1 OF JOHN S. WAGNERS' PLAT OF SURVEY, ACCORDING TO THE PLAT THEREOF RECORDED MAY 3, 1956 AS DOCUMENT 798962, IN DUPAGE COUNTY ILLINOIS.

EXCEPTION FROM THE ABOVE THOSE PORTIONS OF THE PREMISES LYING IN THE ROOSEVELT (ROUTE 38) ROAD AND PARK (JOLIET ROAD) BOULEVARD RIGHT-OF-WAYS.

P.I.N. 05-23-104-037

WHEREAS, following due notice by publication in The Glen Ellyn News not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Plan Commission conducted public hearings on February 10, 2005 and March 10, 2005, at

which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit and no persons spoke either in favor of or in opposition to the request; and

WHEREAS, based upon the evidence, testimony, and exhibits presented at the February 10, 2005 and March 10, 2005 public hearings, the Glen Ellyn Plan Commission adopted findings of fact and, by a vote of six (6) "yes", zero (0) "no" and one (1) "abstention", recommended that the requested Special Use Permit be granted for Areas B, C, D and E, but recommended that a Special Use Permit not be granted for Area A due to concerns about safety and visibility; and

WHEREAS, the Plan Commission encouraged the petitioner to meet with staff and revise the plans prior to appearing before the Village Board to respond to the safety and visibility concerns raised about proposed outdoor sales and storage Area A; and

WHEREAS, the recommendation of the Plan Commission is set forth in the Report and Recommendation of the Plan Commission, dated February 10, 2005 and March 10, 2005, a copy of which is appended hereto as Exhibit "A"; and

WHEREAS, on March 14, 2005, the petitioner met with Village staff to discuss the safety and visibility concerns raised by the Plan Commission in regard to Area A and the petitioner offered to modify the plans in manner which staff felt would minimize these concerns; and

WHEREAS, the President and Board of Trustees of the Village of Glen Ellyn have reviewed the exhibits presented at the February 10, 2005 and March 10, 2005 Plan Commission public hearings and have considered the findings of fact and recommendations of the Glen Ellyn Plan Commission and the revised plans submitted by the petitioner for Area "A"; and

WHEREAS, the President and Board of Trustees have determined that granting a Special Use Permit to allow outdoor sales and storage at Jewel-Osco located at 599 Roosevelt Road is consistent with the goals of the Glen Ellyn Zoning Code;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

SECTION ONE: The Report and Recommendation of the Glen Ellyn Plan Commission, Exhibit "A" appended hereto, is hereby accepted, and the findings of fact and conclusions set forth therein are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

SECTION TWO: The President and Board of Trustees hereby grant a Special Use Permit to allow outdoor sales and storage for Jewel-Osco located at 599 Roosevelt Road.

SECTION THREE: The grant of a Special Use Permit is conditioned upon and limited to the following:

A. Any outdoor sales and storage shall be in substantial conformance with the plans and testimony presented at the February 10, 2005 and March 10, 2005 Plan Commission public hearings and with the petitioner's application packet, including the later revisions made to outdoor sales and storage Area "A" and the following documents:

- Special Use Permit application dated November 11, 2004
- Letter to the Plan Commission stamped received February 24, 2005 attached hereto as Exhibit "B"
- Proposed Cart Maintenance Plan attached hereto as Exhibit "C"
- Picture of Cart Storage "Shed"
- Letter to Village Board stamped received March 17, 2005 attached hereto as Exhibit "D"
- Pictures of Property
- Sketch of Proposed Fence stamped received March 17, 2005
- Picture of Proposed Display Vehicle stamped received March 17, 2005
- Site Plan stamped received March 24, 2005 and attached hereto as Exhibit "E"

and said documents shall be filed with and made a permanent part of the records of the Planning and Development Department

- B. Areas D and E shall be used for storage only and items shall not be displayed in Areas D and E for the purpose of sale.
- C. The petitioner shall provide an enclosed cart storage "shed" in Area D with opaque sides similar in color to the color of the building. The petitioner may choose whether or not to cover the cart storage area with a roof.

SECTION FOUR: This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form as provided by law.

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

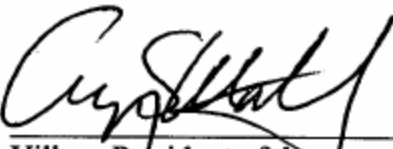
PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 28TH day of MARCH, 20 05.

AYES: MULHERN, LOCH, CHAPMAN, PFEFFERMAN

NAYS: - 0 -

ABSENT: BARDNER, RILEY

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this 28TH day of MARCH, 20 05.



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 29TH day of MARCH 2005)

X:\Plandev\PLANNING\SPECUSE\ORD\Roosevelt599jewelosco.doc

**REPORT AND RECOMMENDATION
OF THE GLEN ELLYN PLAN COMMISSION
REGARDING A REQUEST FOR APPROVAL OF A
SPECIAL USE PERMIT FOR JEWEL OSCO
LOCATED AT 599 ROOSEVELT ROAD**

TO: The President and Board of Trustees,
Village of Glen Ellyn, Illinois

DATES: February 10, 2005
March 10, 2005

Jewel-Osco, represented by Constance Zaio, compliance manager, and Joseph Mango, store manager, has submitted an application for approval of a Special Use Permit to allow outdoor sales and storage at the Jewel-Osco store located at 599 Roosevelt Road in Market Plaza. The subject site is located on the south side of Roosevelt Road in the C3 Service Commercial district.

The petitioner appeared before the Glen Ellyn Plan Commission at public hearings on February 10, 2005 and March 10, 2005 for review and recommendation of the requested Special Use Permit. The Plan Commission issued the following Report and Recommendation:

I. REPORT:

- A. Request. The petitioner is requesting approval of a Special Use Permit in accordance with Section 10-4-11(B)13 of the Glen Ellyn Zoning Code to allow outdoor sales and storage at the Jewel-Osco store located at 599 Roosevelt Road.
- B. Exhibits. The following exhibits were distributed to the Plan Commission prior to the February 10, 2005 public hearing:
1. Staff Report dated February 4, 2005
 2. Location Map
 3. Public Hearing Notice
 4. Mailing Labels for Public Hearing Notice
 5. Pages 159 and 160 of the Glen Ellyn Zoning Code
 6. Letter to Jewel-Osco from Dale Wilson dated June 10, 2004
 7. Letter to Jewel-Osco from Dale Wilson dated July 30, 2004
 8. Letter to Jewel-Osco from Michele Stegall dated August 24, 2004
 9. Letter to Jewel-Osco from Dale Wilson dated October 25, 2004
 10. Four pictures of outdoor storage taken June 8, 2004
 11. Five pictures of outdoor storage taken October 25, 2004
 12. Petitioner's application packet stamped received January 26, 2005 and including the following materials:
 - Cover letter dated January 24, 2005
 - Special Use Permit application dated November 11, 2004
 - Ownership by Land Trust (blank)

- Ownership by a Corporation
- Affidavit of Authorization
- Narrative Statement (no date)
- Diagram of Outdoor Sales and Storage Areas
- Site Plan showing proposed Outdoor Sales and Storage Areas

Pictures of the property taken on the evening of Sunday, February 6, 2004 by Commissioner Whalen and showing the cart storage on the site were also distributed at the meeting.

The following materials were distributed to the Plan Commission prior to the March 10, 2005 public hearing:

1. Staff Report dated March 4, 2005
2. Petitioner's revised application materials stamped received February 24, 2005 and including the following materials:
 - Cover Letter
 - Detail of Shelving Unit
 - Proposed Cart Maintenance Plan
 - Picture of Covered Cart "Shed" with attached Site Plan and Quote (3 pages)
 - Amended Site Plan

C. February 10, 2005 Public Hearing.

1. Staff Presentation. Village Planner Michele Stegall indicated that Jewel-Osco located at 599 Roosevelt Road in Market Plaza is requesting approval of a Special Use Permit to allow outdoor sales and storage at this facility. The subject property is located in the C3 Service Commercial district. Commercial establishments and C3 zoning are located to the north, east and west of the site. The property immediately south of the site is developed with apartments and is zoned R4 Residential district.

Last year, the petitioner received several violation notices from the Planning and Development Department notifying the store that the outdoor sales and storage areas on the property were in violation of the Zoning Code and that the store must obtain approval of a Special Use Permit to allow any outdoor sales or storage on the property. Therefore, the petitioner has submitted a Special Use Permit application to allow outdoor sales and storage at this location.

The petitioner is requesting approval to allow outdoor sales and storage at a total of four locations along the front and side of the building. The proposed outdoor sales and storage areas are shown on the site plan submitted with the petitioner's application packet and are labeled A, B, C, and D.

Proposed areas B and C are located under the canopies in front of the building. Area B is proposed to be 5 feet deep by 25 feet long. Area B is located under the west canopy. Seasonal garden tools are proposed to be sold in Area B between April and July 1st of each year and Holiday Ornaments are proposed to be sold in this area in November and December of each year. Area C is located under the east canopy and is proposed to be 5 feet deep by 28 feet long. Area C is proposed for year-round outdoor sales and storage of propane, salt and firewood. There is an existing fence at the east end of Area C, which provides some separation between Area C and the adjacent parking lot and drive lanes. As proposed, there would be a 6-foot clear area between Areas B and C and the adjacent parcel pick-up zone.

Area A is located along the 6½-foot wide sidewalk in front of the building. The petitioner has indicated that outdoor sales in this area would be confined to the southern or back 3½ feet of Area A. This would leave a 3-foot clear area between Area A and the adjacent parcel pick up area. Plants and lawn supplies would be sold in Area A between April and July 1st of each year.

Shopping cart and pallet storage is proposed on the side of the building in Area D. This area is proposed to be 5 feet deep by 48 feet long.

The petitioner has indicated that the outdoor sales and storage areas on the site would be limited to a height of 5 feet.

Planner Stegall noted that a copy of the recently approved Ordinance that granted approval to allow outdoor sales and storage at Len's Ace Hardware at 485 Roosevelt Road had been distributed to the Plan Commission prior to the meeting for reference.

2. Petitioner's Presentation. Constance Zaio, compliance manager for Jewel-Osco, and Joseph Mango, store manager, addressed the Commission. Ms. Zaio apologized for the store's delay in coming before the Village to request the Special Use Permit. She indicated that there had been a change in management at the store, which lent to the paperwork falling through the cracks.

Ms. Zaio indicated that Jewel realizes about \$150,000 a year from outdoor sales. She stated that Jewel-Osco is permitted outdoor sales and storage in all of the surrounding communities, including Lombard, Wheaton and Glendale Heights.

Commissioner Swanson inquired about the photos taken by the Village inspectors showing the outdoors sales and storage on the property in June and October of 2004. He indicated that these pictures appeared to show products being stored in areas outside of where the petitioner was requesting approval for storage. Mr. Mango indicated the store only planned to use the areas shown on the plan for outdoor sales and storage. Commissioner Swanson indicated that Area C is often crowded with carts and that the various organizations such as the Girl Scouts and

Salvation Army tend to set up in this location to sell goods. Therefore, he inquired if the proposal was sufficient and if the store would be able to abide by it. Mr. Mango stated that the proposal does minimize the outdoor sales and storage that would be on the site but believes it is sufficient. Commissioner Swanson indicated that it is his perception that the east side of the store near Area B is longer and questioned if some of the proposed year-round storage might be better suited for Area B. Mr. Mango indicated that this was a possibility but noted that there are other tenants nearby in this area.

Commissioner Lee asked if carts were proposed to be located in Area C as one of the inspector's photos shows carts in this area. Mr. Mango indicated that carts would not be placed in Area C. Commissioner Lee also noted that the outdoor sales and storage proposed in Area B seems small compared to what has been done in the past and what is shown on the pictures that were taken last year. Ms. Zaio noted that the petitioner is proposing to downsize the outdoor sales and storage areas from what has been used in the past, particularly as the Village's inspector had questioned placing these areas so close to the parcel pickup lane.

Commissioner Lee noted that in her experience it can be difficult to drive in front of the store, particularly as the stop signs seem to be continually moving. She believes this is problematic in regard to proposed Area A and expressed concern that someone could be hit by vehicle.

Commissioner Swanson stated that he did not have any concerns about the proposal as presented but was concerned about the management of the shopping carts for which a provision had not been made. He noted that he has often seen carts lined up in front of the building along Area A. Mr. Mango indicated that the store is much smaller than other Jewel stores. Therefore, there is not a lot of room inside the store for cart storage.

Acting Chairperson Scanlan asked if a cart enclosure could be placed in Area D along the side of the building. Ms. Zaio stated that a cart enclosure has been designed for some of their other stores and that she could inquire about doing something similar at this store. She noted that cart storage is proposed along Area D but that it might have to be enlarged if this were done.

Commissioner Whalen asked how the carts were currently being stored on the site. Mr. Mango stated that as many carts as possible are stored inside the store behind the storefront windows. He does not know the exact number of carts that the store has. Commissioner Whalen stated that he has seen carts lined up outside of the building in and near Area B and extending in front of and blocking the entrances of other stores at the eastern end of the shopping center. Staff distributed pictures taken by Commissioner Whalen, which showed this. Mr. Mango indicated that these pictures were probably taken in the evening when the floors were being cleaned and the adjacent businesses were closed. Mr. Mango stated that the floors are cleaned 7 days a week and that the carts are typically

placed outside during this time. Commissioner Whalen stated that at the time the pictures were taken, no carts were located in proposed Area D or in the cart corrals located throughout the parking lot. Commissioner Whalen inquired if this may have been because the forecast called for snow and questioned if it would be beneficial to have a covered cart storage area.

Commissioner Scanlan indicated that when she visited the site, there were numerous carts in Area B blocking the sidewalk and that she had to walk outside of the pillars in this area.

Commissioner Swanson suggested that one possibility might be to extend the proposed outdoor sales and storage area into the parcel pick-up area, which does not appear to get much use. Planner Stegall noted that the parcel pick-up zone also serves as a fire lane.

Commissioner Whalen asked if Area D instead of Area A could be used for plant sales. Mr. Mango indicated that plants create excitement in front of the store and attract people. Therefore, he would prefer to have them visible. Commissioner Whalen asked if the plants could be placed in Area B and D and their stock rotated. He noted that when Len's Ace Hardware applied for a similar Special Use Permit, they made arrangement to store some of their goods off-site. Mr. Mango reminded the Commission that Area D was proposed for both cart and pallet storage. Ms. Zaio noted that if the cart storage in Area D is enlarged, there may not be sufficient room for plants also. Commissioner Swanson suggested that locating plants along Area D could increase the incidence of shop lifting unless a sales person was placed in this location.

Commissioner Whalen stated that he believed the store is in a unique situation because it is an older store and their options are somewhat limited. However, he expressed concern about allowing the retail to extend too far outside of the building in a manner that would create a precedent and possibly encourage other businesses, such as gas stations, to make similar requests.

Commissioner Whalen also indicated that he is concerned about allowing outdoor sales in Area A as it would encourage pedestrian traffic in this area and place people and vehicles in close proximity of each other. Therefore, he indicated that he was looking for another alternative to proposed storage Area A. Ms. Zaio stated that Jewel has received approval of Special Use Permits to do tents in the parking lots of some of their other stores. However, parking in this Shopping Center is more limited than at some of their other locations.

Commissioner Kasserman inquired about making the drive aisle in front of the store a one-way lane, which would allow the sidewalk in front of the store to be widened without narrowing the parcel pick-up lane. He noted that before the shopping center had been redone, he believed there had been one-way drive aisles in the parking lot. A short discussion regarding traffic flow in the parking lot

followed. It was noted that the Shopping Center Management Company and other stores in the Center would need to be involved in any discussion regarding changing the traffic flow in the parking lot.

3. Public Comment. No members of the public commented on the proposal.
4. Plan Commission Deliberation. There was a general consensus that the Commission would like the petitioner to return with a cart management plan and an alternate plan that would address the safety concerns raised in regard to proposed Area A. Some Commissioners encouraged the petitioner to look into the option of having a tent in the parking lot for plant sales rather than using Area A. At least one Commissioner also indicated that she would like the petitioner to take a closer look at Area B to make sure that pedestrian traffic in this area is not blocked.
5. Motion. Commissioner Swanson moved, seconded by Commissioner Kasserman, to continue the public hearing until the March 10, 2005 Plan Commission meeting.

Acting Chairperson Scanlan declared the motion carried on a roll call vote with 8 "yes" and 0 "no" votes as follows: Commissioners Lee, Swanson, Fullerton, Garwood, Hanley, Kasserman, Whalen and Acting Chairperson Scanlan voted "yes".

D. March 10, 2005 Public Hearing.

1. Staff Presentation. Planner Stegall indicated that since the February 10, 2005 public hearing, the petitioner had submitted revised materials in an attempt to address the concerns raised by the Commission. These revised materials include a cart management plan with a cart storage "shed" to be located on the west side of the building in Area D and newly proposed outdoor storage Area E, also on the west side of the building, to be used for the storage of bagged goods. The petitioner has also indicated that shelving units would be placed in Area A to ensure that the outdoor sales and storage in Area A would be confined to the rear 3'1" of the 6'5" sidewalk in this location. This would leave a 3'4" clear sidewalk between the building and the adjacent parcel pick-up area. The petitioner has also made some modifications to the items and dates of materials that would be stored outdoors and raised the proposed maximum stacking height of these materials from 5' to 5'6".

Although there is no mention of a possible tent in the petitioner's application materials, the petitioner has verbally indicated to staff that the store may present such an application for consideration next year. However, given that the parking lot is used by other stores in Shopping Center and is not owned by the petitioner, making any changes to the number of parking spaces or traffic flow in parking lot

would necessitate involvement by more parties and, at this time, Jewel-Osco does not have the authority to cause such a change.

Planner Stegall noted that staff had asked for input on the application from Police Chief Norton who expressed several concerns about proposed outdoor storage Area A. Chief Norton had noted that the weather is nice and more people are walking around outside during the months that storage is proposed in Area A. He also noted that 3'4" is not enough room for 2 people with shopping carts to pass on the sidewalk. Therefore, he believes that there are inherent safety concerns related to outdoor storage Area A as it encourages pedestrian traffic near the parcel pick-up zone. Planner Stegall noted that Chief Norton also expressed concern that allowing outdoor sales in Area A would obstruct the view into the store.

Planner Stegall noted that although Commissioner Hase was not at the first public hearing for this request, she had listened to the tape of the meeting and was, therefore, able to vote on the application.

2. Petitioner's Presentation. Ms. Zaio indicated that the petitioners could keep two full windows open if this would alleviate some of the Police Department's concerns about visibility into the store. There are a total of 6 window openings along Area A. She also noted that the plant racks would be moved at the end of the season. Commissioner Loveless asked if these openings could be on the west side of the building by the bank. Ms. Zaio indicated that they would be willing to work with the Village to leave open whatever 2 spaces they preferred.

In response to a question from one of the Commissioners, Ms. Zaio indicated that Area E would be used for pallet storage only and that the petitioner had not planned to screen or enclose this area.

Various questions were asked about the proposed construction of the cart storage "shed". Ms. Zaio stated that it would be constructed with chain link and that slats would be placed in between.

3. Public Comment. No members of the public commented on the proposal.
4. Plan Commission Deliberation. Commissioner Kasserman stated that he would like to approve the request but continued to have safety concerns about proposed outdoor storage Area A.

Commissioner Whalen concurred that he was in favor of the proposal with the exception of Area A. He also encouraged the petitioner to look into doing a tent in the future.

Commissioner Hanley indicated that she was not concerned about the width of the sidewalk adjacent to Area A but was concerned about the visibility issue raised by the Police Chief.

Commissioner Lee agreed with the concerns about Area A raised by the other Commissioners.

Commissioner Hase indicated that she would like to see the cart storage area enclosed with a roof as shown on the picture that was submitted as this would protect the carts from the elements. She also stated that she had safety concerns about proposed outdoor storage Area A and encouraged the petitioner to look into using a tent in the future.

Commissioner Loveless concurred with the other Commissioners about outdoor storage Area A and encouraged the petitioner to meet with the Police Chief prior to going to the Village Board to see if the plans could be amended in a way that would provide the police suitable visibility into the store.

Acting Chairperson Scanlan indicated that she concurred with the previous comments and would like to see the cart storage "shed" enclosed. However, Commissioner Hanley indicated that she had safety concerns about enclosing the outdoor cart storage area. The Commission discussed this issue and decided that they would recommend leaving this issue up to the petitioner.

Commissioner Whalen encouraged the petitioner to match the color of the slats in the cart storage "shed" to the building. The Commission generally concurred with this suggestion.

5. Findings of Fact. The Commission made the following findings of fact in regard to requested outdoor sales and storage areas B, C, D and E.
 - a. The proposed use will be harmonious and in accordance with the general objectives, or within a specific objective, of the Comprehensive Plan because all guidelines will be followed.
 - b. The proposed project is designed and shall be constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area because the area will be kept clean and properly maintained.
 - c. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses of the property because product will be stored on pallets and other display vehicles will not block the right-of-way of customers.

- d. The proposed use will be served adequately by the existing public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services because merchandise displays will be appropriately designed and situated.
- e. 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 sales from item display areas will enhance the economic welfare of the Village.
- f. 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 propane tanks will be stored in locked displays.
- g. The project will have vehicular approaches to the property, which shall be so designed to not create undue interference with traffic on surrounding public streets or roads because no displays will deter or block traffic.
- h. The project will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief because no entrances, fire hydrants, sewers, etc. will be blocked by displays.
- i. The project will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community.

II. RECOMMENDATION:

Commissioner Hanley moved, seconded by Commissioner Whalen, to recommend approval of a Special Use Permit in accordance with Section 10-4-11(B)13 of the Glen Ellyn Zoning Code to allow outdoor sales and storage for Jewel-Osco located at 599 Roosevelt Road subject to the following conditions:

- A. The outdoor sales and storage areas shall be in substantial conformance with the plans as submitted and the testimony presented at the February 10, 2005 and March 10, 2005 Plan Commission public hearings.
- B. For safety reasons, this grant of approval for outdoor sales and storage shall not be applicable to proposed outdoor sales and storage Area A and no materials shall be displayed or sold in proposed outdoor sales and storage Area A as shown in the submitted plans.

- C. Areas D and E shall be used for storage only and items shall not be displayed in these areas for the purpose of sale.
- D. The petitioner shall provide an "enclosed" cart storage area with opaque sides similar in color to the color of the building. The petitioner may choose whether or not to roof the cart storage area.

Acting Chairperson Scanlan declared the motion carried on a roll call vote with six (6) "yes", zero (0) "no" and one (1) "abstention" as follows: Commissioners Lee, Hanley, Hase, Kasserman, Whalen and Acting Chairperson Scanlan voted "yes". Commissioner Loveless abstained as he was not at the February 10, 2005 public hearing and was not able to listen to the tape from this meeting prior to the March 10, 2004 public hearing.

Respectfully Submitted,



Phyllis Scanlan,
Acting Plan Commission Chair

Date of Meeting: February 10, 2005

Present: Commissioners Lee, Swanson, Fullerton, Garwood, Hanley, Kasserman, Whalen and Acting Chairperson Scanlan

Absent: Commissioners Loveless, Mansfield and Chairperson Hase

Also Present:

Trustee Liaison, Thomas Riley
Village Planner, Michele Stegall
Recording Secretary, Barbara Utterback

Date Of Meeting: March 10, 2005

Present: Commissioners Lee, Loveless, Hanley, Hase, Kasserman, Whalen and Acting Chairperson Scanlan

Absent: Commissioners Fullerton, Garwood, Swanson and Mansfield

Also Present:

Trustee Liaison, Thomas Riley
Michele Stegall, Village Planner
Court Reporter

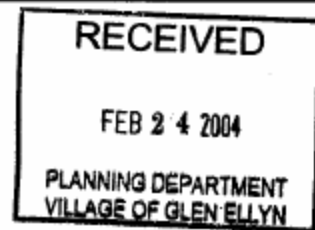
X:\Plandev\PLANNING\SPECUSE\R&R\Roos599(2).doc



Exhibit "B"

An Albertson's Company

Re: Special Use Permit
Jewel-Osco #3340
599 Roosevelt Road
Wheaton, IL 60187



Dear Members of the Glen Ellyn Plan Commission:

Pursuant to your request in regard to our Special Use Permit application, please see the attached revisions and additions for your review.

- The slight receiving area extension was omitted from the original site plan submitted with our application. This area is outlined in red on the attached plan. (behind Area D)
- We have drafted a proposed cart maintenance plan. (attached)
- The storage area as referenced on your site plan as "D" on the west side of the store has been increased to 53' x 4'6".
- Storage area "D" will be utilized only for cart storage.
- We have added a request for storage area "E" which will be utilized for summer bag goods that were originally proposed for area "D".
- The dimension of area "E" will be 5' x 28'
- The height of the pallets have been amended from 5' to 6'.
- We have attached pictures of the plant display vehicles. ~~As discussed, the dimensions of these display, which will be utilized in the front of the building are 3'1". The width of the sidewalk is 6'5". [6'5" minus 3'1" (width of display) leaves a clearance of 3'4" on the front sidewalk].~~
- Special note on the front sidewalk; customers walk right from the parking lot to either the east or west entrance. The front sidewalk is not regularly utilized by customers in order to enter the store.
- Summary of display dates (some amended)

Front of Store (A)	April thru July - Plants
East Entrance (B):	April thru July - Plants July & August - Watermelon September thru December - Holiday Décor (pumpkins, wreaths, etc.)
West Entrance (C)	All Year - Salt, Propane
West Side (D)	All Year - Cart Storage
West Side Rear (E)	April thru July - Bag Goods





An Albertson's Company

Re: Jewel-Osco #3340
599 W. Roosevelt Road
Glen Ellyn, IL 60137

Purpose: In order to eliminate the storage of carts on the east side of the building and to prevent the blocking of any neighboring businesses, the above captioned location will have a cart storage shed built. This will afford the store a designated location for excess carts and allow the store to remain in compliance with all local fire regulations.

PROPOSED CART MAINTENANCE PLAN

- Jewel-Osco #3340 has a total cart allocation of 175.
- Each day the store will start out with approximately 75 carts in the store, approximately 100 carts will be stored on west side of the building in cart storage shed.
- Proposed cart storage shed's dimensions are 53' x 4'6". The shed has a roof with both ends open for easy access.
- Except for a few hours on Sunday night, no carts will be stored on the east side of the building near other retail stores.
- On Sunday evenings when floor maintenance is scheduled, the 75 designated interior carts will be placed on the east side of the building for a few hours until floor maintenance is complete.
- There are many times on busy weekends or on holidays when all carts will be in use at one time.
- When carts are collected from various parking lot cart corrals, front and side of store, excess carts will continue to be filtered into the shed.
- We usually have one to two people scheduled daily to collect carts hourly from 7:00 a.m. to 12 midnight.
- Upon approval, this cart maintenance plan will be posted in the Store Director's office in an effort to insure that all future management teams adhere to these guidelines.





An Albertson's Company

Re: Special Use Permit
Jewel-Osco #3340
599 Roosevelt Road
Wheaton, IL 60187

Dear Members of the Village Board:

Pursuant to our meeting with Police Chief Philip Norton, please see the attached revisions and additions for your review.

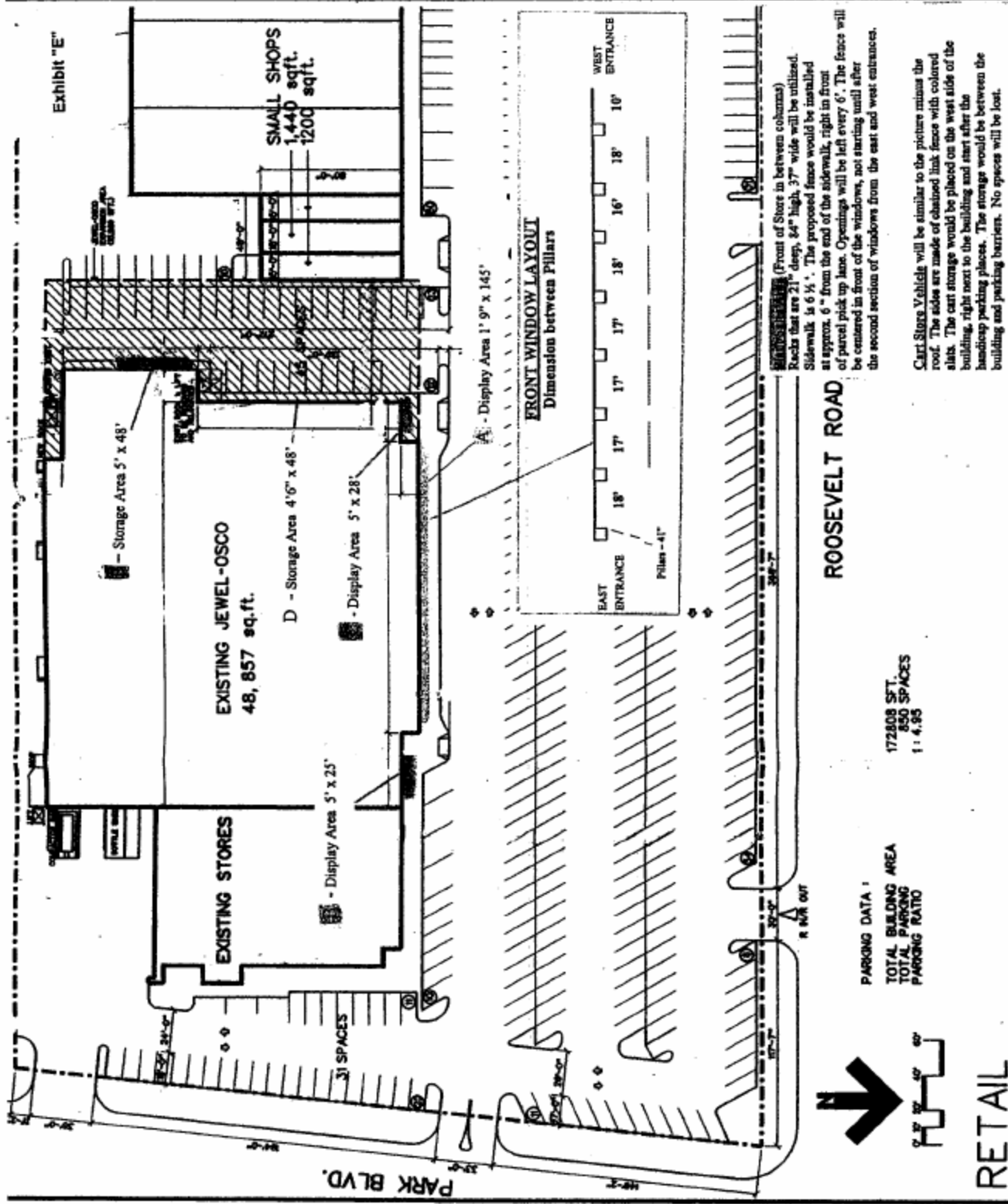
- Attached is a site plan including the front window layout w/dimensions and designated fence placement.
- The fencing will run the width of the respective window sections with an opening by each pillar. The opening will be large enough for a customer to pass through, but not large enough for a shopping cart.
- We are showing six sections of fencing, but possibly may only utilize 4 sections.
- We have attached a sketch of the proposed fencing. The fencing is similar to the type utilized on the west side of our building.
- The fencing comes in 4' sections, but in our case several sections will be attached with no separation to correspond to the respective window section width.
- The fencing will be anchored into the concrete.
- We have attached pictures of the plant display vehicles. As discussed, the dimensions of this display, which will be utilized in the front of the building, will be amended to 1'9". The width of the sidewalk is 6'5". [6'5" minus 1'9" (width of display) leaves a clearance of 4'8" on the front sidewalk].
- If we utilize three step benches per window section, there will be a minimum of 3'3" opening on each side of the 37" display vehicle for visibility into the store. [smallest window 16' minus 9'3" (3 x 37" = 111", 3'9") = 6' 7" ÷ 2 = 3'3"]
- We are proposing NOT to utilize the first window section on the east side and the first window section on the west side of the store for plant display. These two sections will be completely open allowing complete visibility into the store.
- Special note on the front sidewalk; customers walk right from the parking lot to either the east or west entrance. The front sidewalk is not regularly utilized by customers in order to enter the store.
- Front of the store plant display dates will be: April thru July



RECEIVED
MAR 24 2004
PLANNING DEPARTMENT
CITY OF GLEN ELLYN

OUTDOOR SALES AREA

- A - Plants (April - July)
- B - Bag Goods (April - July)
- B - Seasonal Garden Tools (April - July)
- B - Watermelon (July & August)
- B - Holiday Décor (September - December)
- C - Salt, Propane (All Year)
- D - Cart Storage (All Year)
- E - Bag Goods Storage (April - July)





8 0 7 1 3 1 8 9

Tx:40184865

FRED BUCHOLZ, RECORDER

DUPAGE COUNTY ILLINOIS

09/11/2020 09:42 AM



DOCUMENT # R2020-102274

Village of Glen Ellyn

Ordinance No. 6791

**An Ordinance Amending Ordinance No. 5347 Granting Approval of
a Special Use Permit for Outside Display and Storage
for the Jewel-Osco
Located at 599 Roosevelt Road
Glen Ellyn, Illinois 60137**

Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This 27 Day of July, 2020

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County, Illinois,
this 28 day of July, 2020.

PREPARED BY AND MAIL TO:

(VILLAGE OF GLEN ELLYN)
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No. 6791

**An Ordinance Amending Ordinance No. 5347 Granting Approval of
a Special Use Permit for Outside Display and Storage
for the Jewel-Osco
Located at 599 Roosevelt Road
Glen Ellyn, Illinois 60137**

Whereas, the Johanna Chacon, representing Jewel-Osco and the property located at 599 Roosevelt Road, has petitioned the Village President and Board of Trustees for approval of the following:

1. Approval of an amendment to the Special Use Permit granted on March 28, 2005 by the adoption of Ordinance No. 5347 to allow additional outdoor storage and display locations on the property; and

Whereas, the subject property is located on the south side of Roosevelt Road, west of Park Boulevard in the C3 Service Commercial District, and is legally described as follows:

THE NORTH 467.0 FEET (EXCEPT THE WEST 1166.82 FEET THEREOF) OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23 AND THE NORTH 467.0 FEET OF THAT PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER LYING WESTERLY OF THE CENTER LINE OF PARK BOULEVARD OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PARCEL ALSO KNOWN AS TRACT 1 OF JOHN S. WAGNER'S PLAT OF SURVEY, ACCORDING TO THE PLAT THEREOF RECORDED MAY 31 1956 AS DOCUMENT 798962, IN DUPAGE COUNTY, ILLINOIS.

EXCEPTING FROM THE ABOVE THOSE PORTIONS OF THE PREMISES LYING IN THE ROOSEVELT (ROUTE 38) ROAD AND PARK (JOLIET ROAD) BOULEVARD RIGHT-OF-WAYS

P.I.N. 05-23-104-037; and

Whereas, following due and proper publication of notice in the Daily Herald not less than 15 nor more than 30 days prior thereto, and following written notice to all property owners within 250 feet, and the placement of a placard on the subject property not less than 15 days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on

June 25, 2020, to consider the petitioner's request for approval of an amended Special Use Permit; and

Whereas, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings of fact and recommendations as set forth in the minutes from June 25, 2020 Plan Commission meeting, a copy of which is attached hereto as Exhibit "A", and by a vote of 9 "yes" and 0 "no", the Plan Commission recommended approval of the requested Special Use Permit amendment; and

Whereas, at the June 25, 2020 public hearing of the Plan Commission, the petitioner presented evidence and testimony relative to the requested Special Use Permit amendment and no persons spoke in favor of or in opposition to the request; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the June 25, 2020 Plan Commission public hearing and have considered the recommendation of the Plan Commission and hereby make the following findings of fact in regard to the request for an amendment to the Special Use Permit:

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 outdoor storage is permitted in the C3 zoning district with the approval of a Special Use Permit.
2. The proposed project is designed and shall be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area because the displays will not cause obstruction to users or neighbors, there are already displays located on this site, and there will be adequate space for customers to move between and around displays.
3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses of the property because the display area will be clean and organized and not block or disturb customers or neighbors and because the displays are all temporary and can be removed if necessary.

4. The proposed use will be served adequately by existing 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 because displays will be treated in the same manner as any other area within the store and there will be no change to the public facilities and/or services due to the proposed displays.
5. The proposed use will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village because the displays will not create any additional costs or need for services.
6. The use will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare and odors because the displays will not create additional traffic or produce excessive noise or conditions detrimental to the site or surrounding neighbors.
7. The project 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 vehicular access will not change.
8. The project will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief because the displays will not increase potential for flood damage to the property or surrounding properties. There will not be any increase in impervious surface due to the displays.
9. The project will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the community because the displays will not damage any features as there are no natural, scenic, or historic features in the locations where the displays are proposed.

Whereas, the President and Board of Trustees have determined that granting the requested Special Use Permit amendment is consistent with the goals of the Glen Ellyn Zoning Code.

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 minutes from the June 25, 2020 Plan Commission public hearing, a copy of which is attached hereto as Exhibit "A", and the findings of fact set forth therein and 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 June 25, 2020 public hearing before the Plan Commission.

Section Two: Based upon the findings of fact and recommendations 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 grant approval of the requested Special Use Permit amendment to allow additional outdoor storage and display locations at the existing Jewel-Osco at 599 Roosevelt Road.

Section Three: Section Three of Ordinance No. 5347 is hereby repealed and replaced in its entirety to read as follows, and all new terms and conditions are underlined:

"Section Three: The grant of a Special Use Permit is conditioned upon and limited to the following:

A. Any outdoor sales and storage shall be in substantial conformance with the plans and testimony presented at the February 10, 2005, March 10, 2005 and June 25, 2020 Plan Commission public hearings and with the petitioner's application packet, including the later revisions made to outdoor sales and storage Area "A" and the following documents:

- *Special Use Permit application dated November 11, 2004*
- *Letter to the Plan Commission stamped received February 24, 2005 attached hereto as Exhibit "B"*
- *Proposed Cart Maintenance Plan attached hereto as Exhibit "C"*
- *Picture of Cart Storage "Shed"*
- *Letter to Village Board stamped received March 17, 2005 attached hereto as Exhibit "D"*
- *Pictures of Property*

- Sketch of Proposed Fence stamped received March 17, 2005
- Picture of Proposed Display Vehicle stamped received March 17, 2005
- Site Plan stamped received March 24, 2005 and attached hereto as Exhibit "E"

As well as the following plans from the petitioner's Special Use Permit application packet dated September 6, 2019. Where there may be conflicts or discrepancies between the plans and materials listed below and those identified herein above, the plans and materials listed below shall supersede and take precedent over any such plans or materials:

- Letter to the Plan Commission dated September 6, 2019, attached hereto as Exhibit "B" to the Ordinance amending the Special Use Permit approved by Ordinance No. 5347
- Site Plan Sketch of the existing and proposed display areas attached hereto as Exhibit "C" to the Ordinance amending the Special Use Permit approved by Ordinance No. 5347
- Display Dimension Exhibits attached hereto as Group Exhibit "D" to the Ordinance amending the Special Use Permit approved by Ordinance No. 5347

and said documents shall be filed with and made a permanent part of the records of the Glen Ellyn Plan Commission.

- B. Areas D and E shall be used for storage only and items shall not be displayed in Areas D and E for the purpose of sale.
- C. The petitioner shall provide an enclosed cart storage "shed" in Area D with opaque sides similar in color to the color of the building. The petitioner may choose whether or not to cover the cart storage area with a roof.
- D. Outdoor Storage and displays placed in front of windows shall not exceed three feet in height."

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

Section Five: Failure of the owners or other party in interest or a subsequent owner or

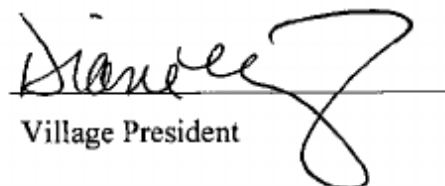
other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 10-10-18 (A) and (B) of the Village of Glen Ellyn Zoning Code.

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

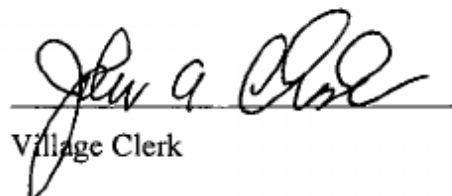
Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois this 27 day of July 2020.

Ayes	Diane McGinley	☒	Steve Thompson	☒	Mark Senak
	☒ Craig Pryde	☒	Bill Enright	☒	Gary Fasules
	☒ Kelli Christiansen				
Nays	Diane McGinley		Steve Thompson		Mark Senak
	Craig Pryde		Bill Enright		Gary Fasules
	Kelli Christiansen				
Absent	Diane McGinley		Steve Thompson		Mark Senak
	Craig Pryde		Bill Enright		Gary Fasules
	Kelli Christiansen				

Approved by the Village President of the Village of Glen Ellyn, Illinois this 27 day of July 2020.


Village President

Attest:


Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the 28 day of July, 2020.)

Exhibit "A"

MINUTES REGULAR PLAN COMMISSION MEETING June 25, 2020

Call to Order and Roll Call

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

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

In addition to Chairperson Loch, Plan Commissioners Lloyd Berry, Laura Broman Brown, Angela Fanella, Tracy Heming-Littwin, John Mulherin, David Rodemann, Mohammed Saeed and Jamie Vondruska were present.

Adoption of Emergency Allowance of Remote Participation by the Plan Commission

A motion to allow remote participation in the meeting carried unanimously by a roll call vote.

Public Comment Non-Agenda Items

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

Approval of May 28, 2020 Plan Commission Meeting Minutes

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

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

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

Staff Introduction

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

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

Petitioner's Presentation

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

Commissioner Questions

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

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

Public Comment

There was no public comment.

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

Commissioner Discussion

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

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

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

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

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

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

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

Public Hearing – 25780 IL-53 & 22W151 Butterfield Road – BP Wash-N-Go & Commercial Drive-Thru – Minor Subdivision with Variations (Extraterritorial)

A motion to open the Public Hearing concerning a Minor Subdivision with Variations relative to 25780 IL-53 & 22W151 Butterfield Road – BP Wash-N-Go & Commercial Drive-Thru, was made by Commissioner Heming-Littwin, and seconded by Commissioner Saeed. The motion carried by a roll call vote with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin and Saeed, Chairperson Loch, Commissioners Berry, Broman Brown, Fanella, Mulherin, Rodemann and Vondruska voted "yes."

Staff Introduction

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

Planner Ashbaugh stated that the subdivision—in unincorporated DuPage County – is "extraterritorial," being within 1 ¼ miles of Glen Ellyn's corporate boundaries, but not within the Village's zoning jurisdiction. She continued that the State, however, has granted the Village the authority to apply subdivision regulations, if the Village elects to do so, which it has.

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

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

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

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

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

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

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

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

Petitioner's Presentation

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

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

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

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

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

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

Commissioner Questions

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

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

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

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

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

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

Public Comment

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

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

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

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

Commissioner Comments

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

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

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

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

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

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

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

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

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

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

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

Therefore, having considered the petition of Mark Gil of FMI Properties, LLC, owner of the properties at 25780 State Route 53 & 22W151 Butterfield Road, to request said properties to be subdivided as depicted on the plat presented and available for public review so as to construct the development as depicted on the plans presented and available for public review, the Plan Commission recommends that the plat, plans and the presentation which included the findings associated with the Minor Plat of Subdivision and the requested Variances from the Subdivision Code have been satisfied and therefore recommends that the Village Board approve the Minor Plat of Subdivision and related Variances as requested.

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

Trustee's Report

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

Chairman's Report

Chairperson Loch thanked Staff for facilitating this remotely conducted meeting.

Staff Report

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

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

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

Other Business

None.

Adjournment

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

Respectfully submitted,

Barbara Dutton
Recording Secretary

Reviewed by,

Katie Ashbaugh, AICP
Planner, and

Cole Jackson
Associate Planner

Exhibit "B"

09/06/2019

RE: **Special Use Permit**
Jewel-Osco #3340
599 Roosevelt Road
Glen Ellyn, IL 60137

Dear Members of the Glen Ellyn Plan Commission:

Jewel-Osco would like to request permission from the Village of Glen Ellyn to add additional outdoor display areas at the above caption location.

The attached diagram outlines, in red, **THREE** areas with the specific location, layout and dimensions of these new outdoor display areas.

- o Area F (Under West Canopy) - *Display Area size – 3' W x 29' L x 6' H*
- o Area G (Under East Canopy) - *Display Area size – 3' W x 18' 4" L x 6' H*
- o Area H – located between the front window columns.
 - Display Area (1) 2' 5" W x 18' L x 5' H*
 - Display Area (2) 2' 5" W x 17' 3" L x 5' H*
 - Display Area (3) 2' 5" W x 16' 3" L x 5' H*
 - Display Area (4) 2' 5" W x 18' 3" L x 5' H*

The display areas will allow the store to showcase additional seasonal or high demand product such as:

- o **April thru July**
 - Seasonal Plants & Produce - i.e. Hydrangeas, Hanging Baskets, Potted Plants, Watermelon.*
 - Summer Items - i.e. Charcoal, Firewood, Soil.*
 - Water/Beverage Displays (April thru July)*
- o **September thru December**
 - Holiday Décor - i.e. Pumpkins, Wreath, Firewood.*

Product will remain outdoors throughout the evening and will be displayed for the seasonal period agreed upon or until product is depleted.

In addition, depending on the amount of product remaining, displayed product may be shifted between display areas throughout the season in order to enhance the look of the store or to accommodate additional product display.

Approved display dimensions will be considered when shifting product in between display areas.

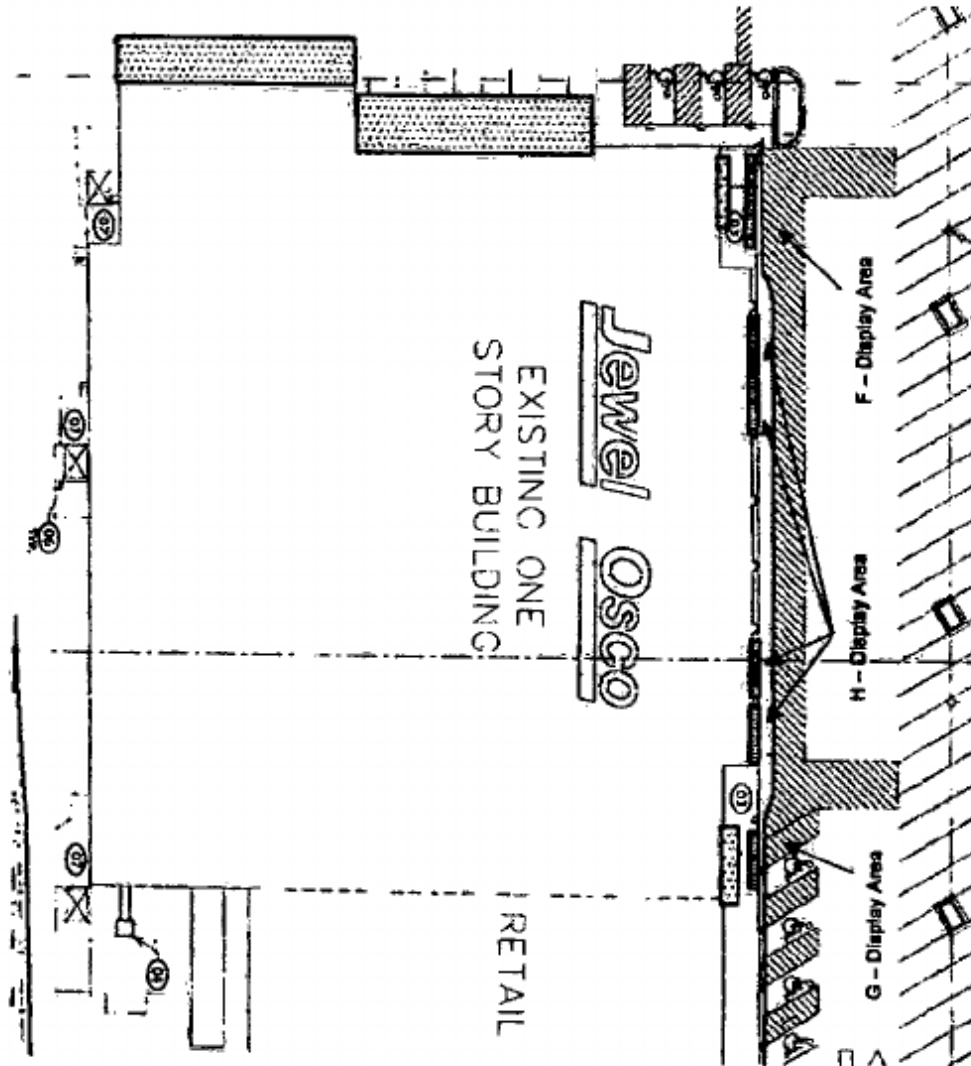
Sincerely,

Johanna Chacon
Assistant Secretary

Jewel Osco

STORE NO. 3346
509 E. ROOSEVELT RD.
GLEN ELLEN, IL 60137

Exhibit "C"



Proposed Area (F), (G) and (H) to be utilized for Seasonal Displays between April thru July and September thru December.

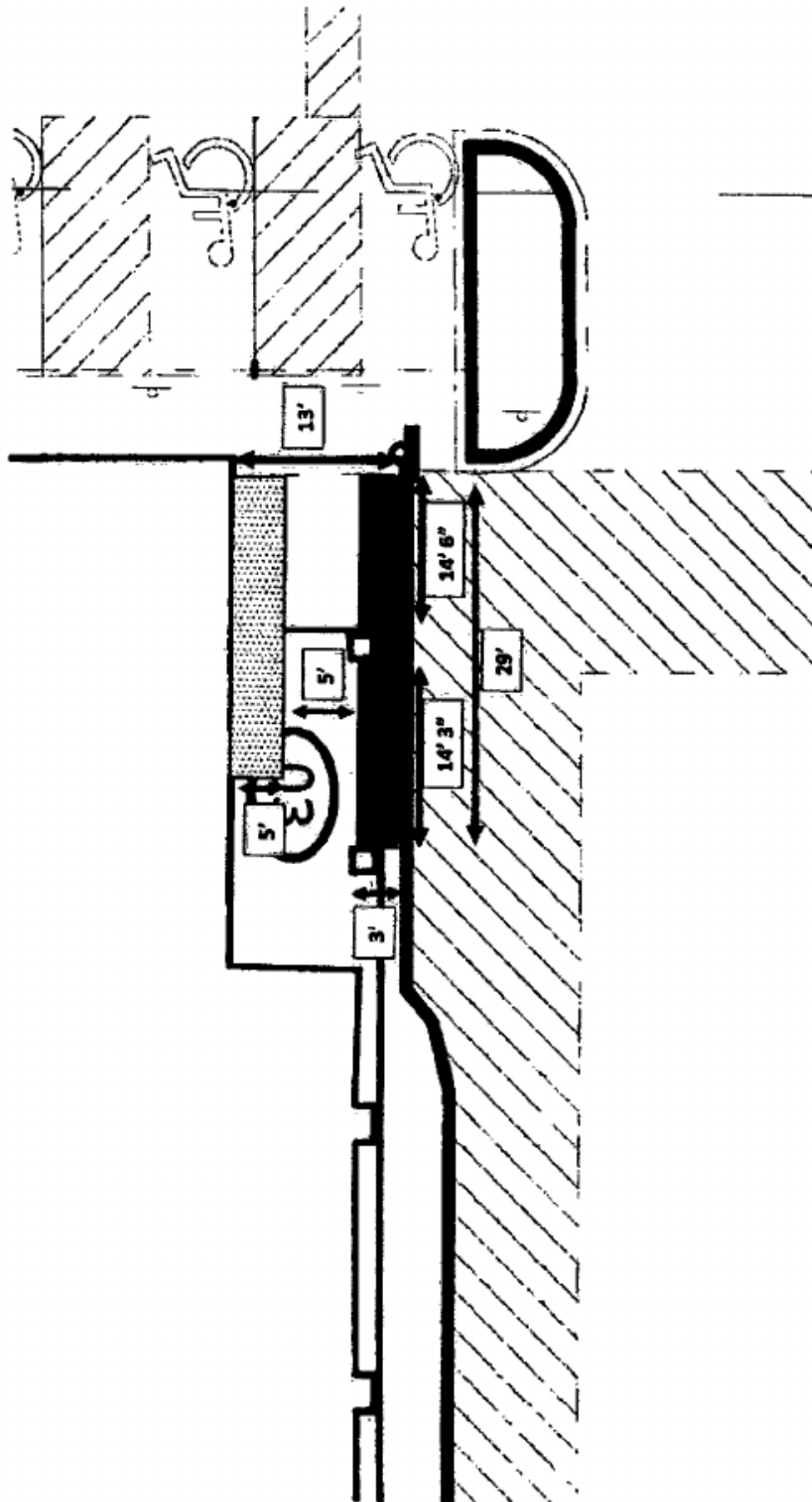
Example:

- Seasonal Plants & Produce (April thru July)
 - i.e. Hydrangeas, Watermelon
- Summer Items (April thru July)
 - i.e. Charcoal, Firewood
- Water/Beverage Displays (April thru July)
- Holiday Décor (September thru December)
 - i.e. Pumpkins, Wreath, Firewood

Exhibit "D"

EXHIBIT F

DISPLAY AREA 6' (H) x 3' (W) x 28' (L)

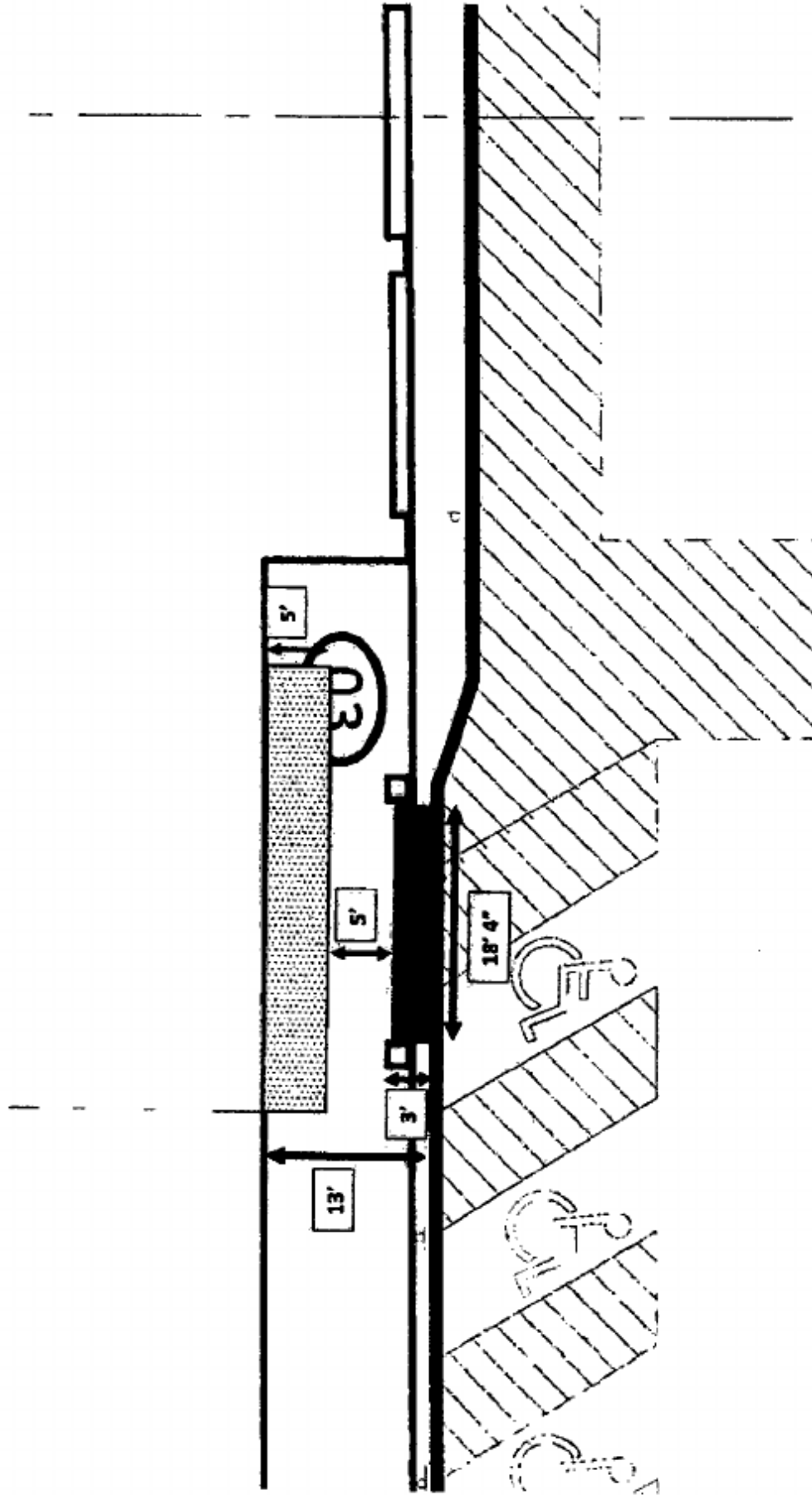


Jewel Osco

STORE NO. 3340
590 E. ROOSEVELT RD.
GLEN ELLYN, IL 60137

EXHIBIT G

DISPLAY AREA 6' (H) x 3' (W) x 18' 4" (L)



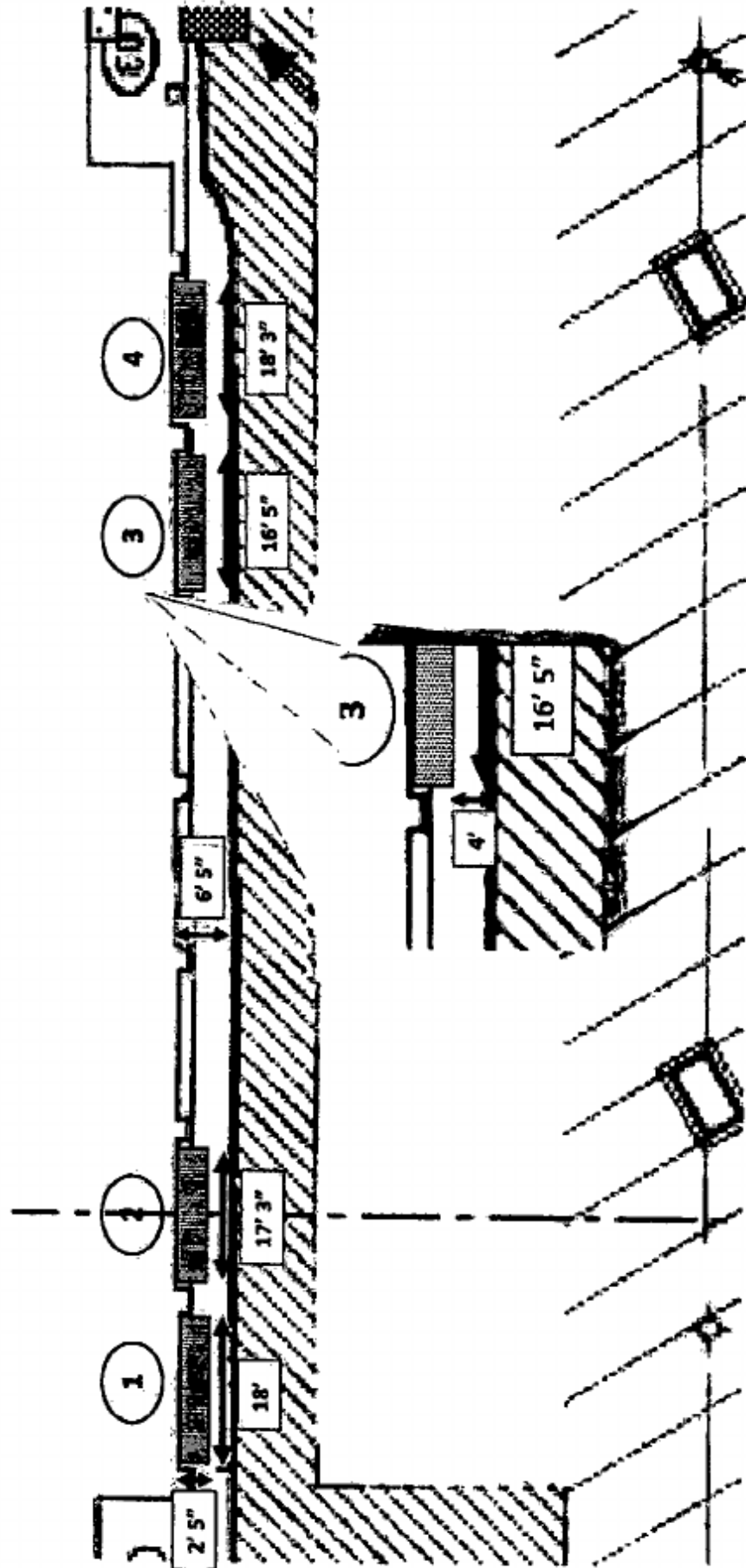
Jewel Osco

STORE NO. 3340
590 E. ROOSEVELT RD.
GLEN ELLEN, IL 60137



EXHIBIT H

DISPLAY AREA (1) 5' (H) x 2' 5" (W) x 18' (L)
DISPLAY AREA (2) 5' (H) x 2' 5" (W) x 17' 3" (L)
DISPLAY AREA (3) 5' (H) x 2' 5" (W) x 16' 5" (L)
DISPLAY AREA (4) 5' (H) x 2' 5" (W) x 18' 3" (L)



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. 6791, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Meeting of said Board held on the 27 day of July 2020, and that the same was signed and approved by the President of said Village on the 27 day of July 2020.

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 27 day of July, 2020.

CORPORATE SEAL


Village Clerk