NOTE: MEETING IS BEING TAPED AND ALSO TELEVISED ON WIDEOPENWEST CHANNEL 6, AT&T CHANNEL 99, AND COMCAST CABLE SERVICES CHANNEL 10. ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED, AND ACTED UPON.

Agenda
Village of Glen Ellyn
Village Board Meeting
Monday, May 14, 2012
8:00 p.m. – Galligan Board Room

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Village Recognition:

   A. Police Officer Kevin Riggle received a note of thanks from a resident for his assistance during a medical complication.

   B. Police Chief Norton received a letter of thanks from the Superintendant of Schools for his role and support of District 89 schools.

   C. Administrative Clerks Jackie Chernesky and Debbie Clewlow received a note of appreciation from the Wheaton - Glen Ellyn AAUW for their care setting up the Clayton Room for their needs.

   D. Police Chief Norton received a thank you note for his assistance in helping St. James with traffic control on Easter Sunday. A special mention was made to Sergeant Brian Beck for being extremely helpful by setting up the event.

   E. The Glen Ellyn Woman's Club sent a letter of thanks to the Village and Facilities Supervisor Harold Kolze for the use and set-up of the Civic Center for their monthly meetings.

   F. Police Chief Norton received a letter of appreciation from the City of Elmhurst Police Department for Glen Ellyn's assistance that led to the arrest of two offenders tied to several residential burglaries.

   G. An email was received extending a public thank you to everyone for their contribution to the Earth Day Extravaganza making the event a wonderful success.

   H. The Village Board and Management Team congratulates the following employees who recently celebrated an anniversary as a Village employee:

Reed Chandler	Public Works	10 years
Joseph Rein	Public Works	30 years

5. Audience Participation

   A. Mr. Kevin Micklo will read a letter of appreciation.

B. Police Chief Phil Norton and the Madden family will present the Madden Scholarship winners. This scholarship was established in memory of Robert "Bob" Madden, a Glen Ellyn Police Sergeant who enjoyed a 28-year career with the Police Department before succumbing to ALS on May 22, 2007.

C. Proclamation in recognition of National Public Works Week.

D. Proclamation in recognition of Rotary Day in Glen Ellyn.

E. The Glen Ellyn Chamber of Commerce will present the Citizen of the Year Award to Randy Parker.

F. Alliance of Downtown Glen Ellyn Executive Director Carol White will present information on the Alliance's branding program.

G. Open:

Members of the public are welcome to speak to any item *not* specifically listed on tonight's agenda for up to three minutes. For those items which are on tonight's agenda, the public will have the opportunity to comment at the time the item is discussed. In either case, please complete the Audience Participation form and turn it in to the Village Clerk.

6. Consent Agenda

The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below: *(Trustee Hartweg)*

A. Village Board Meeting Minutes:

1. April 9, 2012 Regular Meeting
2. April 9, 2012 Special Meeting
3. April 16, 2012 Regular Workshop
4. April 23, 2012 Regular Workshop
5. April 23, 2012 Regular Meeting

B. Total Expenditures (Payroll and Vouchers) - $2,651,012.98.

The vouchers have been reviewed by Trustee Hartweg and by Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.

C. Motion to approve a license agreement between the Village and Verizon Wireless for the purpose of maintaining cellular transmission equipment at the Glen Ellyn Civic Center for an annual rent at $26,000 and increasing 4% each year. *(Assistant to the Village Manager Schrader)*

D. Ordinance No. 6027, an Ordinance Designating the Property at 566 Hillside Avenue, Glen Ellyn, Illinois as a Glen Ellyn Local Landmark. *(Assistant to the Village Manager Schrader)* *

E. Motion to approve license agreements to allow tables and chairs in the public right-of-way for Tap House Grill at 411 N. Main Street, Shannon's Irish Pub at 428 N. Main Street, and Flour + Wine at 433 N. Main Street. *(Planning and Development Director Hulseberg)*

F. Ordinance No. 6028-VC, an Ordinance to Amend the Liquor Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) of the Village Code of Glen Ellyn, Illinois, to Increase the Number of Permitted Class B-5 Public Sidewalk Liquor Licenses. *(Administrative Services Coordinator Underhill)*

G. Ordinance No. 6029-VC, an Ordinance to Amend the Liquor Control Code Chapter 19 of Title 3, Section 11 (Classification of Licenses) of the Village Code of Glen Ellyn, Illinois, by Creating a Class B-7 Liquor License Classification and to Amend Chapter 19 of Title 3, Section 3-19-3(W), Section 3-19-11, Section 3-19-12, and Section 3-19-13. *(Administrative Services Coordinator Underhill)*

H. Ordinance No. 6030-VC, an Ordinance Amending Chapter 2 (Electrical Code) of Title 4 (Building Regulations) of the Village Code of the Village of Glen Ellyn, Illinois, to Adopt the 2011 National Electrical Code with Local Amendments. *(Planning and Development Director Hulseberg)*

I. Ordinance No. 6031, an Ordinance Amending Ordinance No. 4981 and Granting Approval of an Amended Special Use Permit and Amended Sign Variations for the McDonald's Restaurant Located at 445 Roosevelt Road. *(Planning and Development Director Hulseberg)*

J. Motion to approve a Façade Improvement Grant for Katy Balabinis, owner of Katy's Boutique, located at 427 N. Main Street. *(Planning and Development Director Hulseberg)**

K. Motion to approve a Downtown Interior Improvement Grant for Lesley Vesevick, owner of Papier Girl, located at 413 N. Main Street. *(Planning and Development Director Hulseberg)**

L. Motion to approve a Downtown Interior Improvement Grant for Sandra Moore, owner of AliKat, located at 499 Pennsylvania Avenue. *(Planning and Development Director Hulseberg)**

M. Resolution No. 12-05, a Resolution Concerning the Determination of the Glen Ellyn Village Board that Change Order No. 1 - Final with Martam Construction, Inc. for a Decrease in the Contract Price of $673,798 is required for the Bryant Avenue – Thain's Addition Improvements Project, for a Revised and Final Contract Cost of $5,036,121 and a Time Extension of 21 Days. *(Public Works Director Hansen)*

N. Motion to waive competitive bidding and to enter into an engineering services agreement with RJN Group, of Wheaton for the Central Basin Analysis Project, in a not-to-exceed amount of $85,000 (including a 14% contingency), to be expensed to the FY13 Sanitary Sewer Fund. *(Public Works Director Hansen)*

7. Ordinance No. 6032, an Ordinance Approving a Construction Necessitated Variation from the Foundation Requirements of the Zoning Code to Allow the Reconstruction of a Screened Porch for Property at 200 Montclair Avenue. *(Trustee Cooper)*

   Planning and Development Director Staci Hulseberg will present information on a request by Matthew Rooney, representing 200 Montclair LLC, the property owner, for a construction necessitated variation from the Glen Ellyn Zoning Code, Section 10-4-1(N), to allow the reconstruction of an existing attached screened porch, within the required side yard setback, that is not constructed on a code compliant foundation in lieu of a required code compliant foundation.

8. Ordinance No. 6033, an Ordinance Approving a Construction Necessitated Variation for the Construction of a Deck in a Floodplain at 232 Hill Avenue. *(Trustee Friedberg)*

   Planning and Development Director Staci Hulseberg will present information about the request of James Rudolph, owner of property located at 232 Hill Avenue, for a construction necessitated variation to allow the construction of a deck in a floodplain.

9. Ordinance No. 5995-VC, an Ordinance Amending Chapter 1 (Building Code) of Title 4 (Building Regulations) of the Village Code of Glen Ellyn, Illinois to Adopt the 2009 International Residential Code with Local Amendments. *(Trustee Henninger)*

   Planning and Development Director Staci Hulseberg will present information on the 2009 ICC International Residential Code. The Code contains provisions that govern the design and construction of new, and the alteration of existing, one- and two-family dwellings and townhouses.

10. Resolution No. 12-06, a Resolution Concerning the Determination of the Glen Ellyn Village Board that Change Order No. 1 - Final with R. W. Dunteman Company for an Increase in the Contract Price of $119,943 is required for the Sunset – Turner Improvements Project, for a Revised and Final Contract Cost of $2,359,518 and a Time Extension of 26 Days. *(Trustee Friedberg)*

    Professional Engineer Bob Minix will present information to wrap-up the 2011 Sunset-Turner Improvements Project, which includes Change Order No. 1. Change Order No. 1 – Final with Dunteman covers the balancing of quantities for existing contract and new work items, resulting in an increase in the original contract cost of approximately $120,000. The resulting final contract cost was slightly more than 5% above the bid price of about $2,240,000 but within the authorized original funding levels.

11. Motion to waive competitive bidding and enter into an engineering services agreement with Burns & McDonnell of Downers Grove for Phase I Engineering Services for the Crescent Boulevard Reconstruction Project, in a not-to-exceed amount of $130,000 (including a 7% contingency), to be expensed to the FY13 Capital Projects Fund. *(Trustee Hartweg)*

    Professional Engineer Bob Minix will present information on the Crescent Boulevard Reconstruction Project that will rehabilitate and upgrade about a 1,700 ft. (1/3 mile) section of roadway between Park Boulevard and Lake Road. Burns and McDonnell

Engineers is recommended for the project's Phase I engineering services, which involves preliminary work leading to the approval of the project design report by IDOT.

12. Motion to waive competitive bidding and to enter into an engineering services agreement with Engineering Enterprises, Inc. of Sugar Grove for Phase I Engineering Services for the Park Boulevard Rehabilitation STP Project, in a not-to-exceed amount of $125,000 (including an 8% contingency), to be expensed to the FY13 Water, Sanitary Sewer and Capital Projects Fund. *(Trustee Henninger)*

    Professional Engineer Bob Minix will present information on a proposed project to reconstruct the 1,900 ft. portion of Park Boulevard between Roosevelt Road and Fairview and resurface the remaining 4,600 ft. section north to the Union Pacific Railroad tracks. EEI is recommended for the assignment based on the firm's qualifications and their previous involvement with project funding application requests. The scope of the proposed engineering agreement includes Phase I engineering only, involving preliminary design studies and analyses leading to the approval of the project design report by IDOT.

13. Reminders:

    - The next Regular Village Board Workshop is scheduled for Monday, May 21, 2012 at 7 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center. A Special Board Meeting will be held immediately following the Workshop.

    - The next Regular Village Board Meeting and Workshop scheduled for Monday, May 28, 2012 have been cancelled in observance of the Memorial Day Holiday.

14. Other Business?

15. Motion to adjourn to Executive Session for the purpose of approving Executive Session minutes, adjourning thereafter without returning to open session. *(Trustee Ladesic)*

A-5C

VILLAGE OF GLEN ELLYN

1834

VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, the residents of the Village of Glen Ellyn enjoy an abundant supply of good quality drinking water, excellent wastewater treatment facilities, an extensive local road system, and an award winning forestry program; and

WHEREAS, the Public Works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of Public Works systems and programs such as water, sewers, streets, forestry, and snow removal; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, construction, operation, and maintenance, are vitally dependent upon the efforts and skills of qualified and dedicated personnel; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, do proclaim the week of May 20-26, 2012, National Public Works Week in the Village of Glen Ellyn and call upon all citizens to recognize the contributions which Public Works staff and officials make to our community.

_____

Village President

attest:

_____

Village Clerk

_____

Date

1-Sided

A-5D

VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, Rotary International, founded on February 23, 1905 in Chicago, Illinois USA, is the world's first and one of the largest non-profit service organizations; and

WHEREAS, there are over 1.2 million Rotary club members comprised of professional and business leaders in over 33,000 clubs in 200 countries and geographic areas; and

WHEREAS, the Rotary motto "Service Above Self" inspires members to provide humanitarian service, encourage high ethical standards, and promote good will and peace in the world; and

WHEREAS, Rotary funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries; and

WHEREAS, Rotary in 1985 launched PolioPlus and spearheaded efforts with the World Health Organization, U.S Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by 99 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, to date, Rotary has contributed nearly $850 million and countless volunteer hours to the protection of more than two billion children in 122 countries; and

WHEREAS, Rotary has raised $100 million towards a $200 million challenge grant from the Bill & Melinda Gates Foundation for a total $355 million; and

WHEREAS, these efforts are providing much needed operational support, medical personnel, laboratory equipment and educational materials for health workers and parents; and

WHEREAS, In addition, Rotary has played a major role in decisions by donor governments to contribute over $4 billion to the effort; and

WHEREAS, Rotary is the world's largest privately-funded source of international scholarships and promotes international understanding through scholarships, exchange programs and humanitarian grants; and

WHEREAS, about 40,000 students from 130 countries have studied abroad since 1947 as Rotary Ambassadorial Scholars; and

WHEREAS, Rotary's Group Study Exchange program has helped more than 67,000 young professionals explore their career fields in other countries; and

WHEREAS, 7,000 secondary-school students each year experience life in another country through Rotary's Youth Exchange program; and

WHEREAS, there are 43 Rotarians in the Rotary Club of Glen Ellyn sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in our local community and abroad: and

WHEREAS, the Glen Ellyn Rotary Club provides an average of $30,000 per year in charitable contributions to the community each year; and

WHEREAS, the Glen Ellyn Rotary Club is always interested in taking on new members to help share in its mission;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby proclaim June 1, 2012 as Rotary Day in Glen Ellyn, and encourage all citizens to join me in recognizing Rotary International for more than 105 years of service to improving the human condition in local communities around the world.

_____

Village President

attest:

_____

Village Clerk

_____

Date

A-6A

Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
Monday, April 9, 2012

Call to Order

Village President Pfefferman called the meeting to order at 8:01 p.m.

Roll Call

Upon roll call by Village Clerk Connors, Village President Pfefferman and Trustees Cooper, Friedberg, Hartweg, Henninger, Ladesic and McGinley answered, "Present."

Pledge of Allegiance

Pledge of Allegiance was led by President Pfefferman.

Village Recognition:

A. Police Officer Joseph Nemchock received a letter from School District 89 complimenting him for participating in the "Shop with a Cop" program and making a difference in the life of a 4th grade student.

B. A Jewel food store patron wrote a letter to the Glen Ellyn Volunteer Fire Company thanking them for coming to her aid recently when she suffered a health emergency while shopping.

Audience Participation

A. Proclamation in recognition of the accomplishments of the Glenbard West and Glenbard South co-op Swim Team. No one was present to receive it.

B. Trustee Henninger presented a Proclamation to McChesney & Miller in recognition of their 150th anniversary observance. He asked to present this proclamation since he knew the Miller family. Ms. Darshewski accepted the proclamation on behalf of McChesney & Miller commenting that she remembers that as a child placing price tags on items for her grandfather, Henry Miller.

C. Cam Page, 206 Hill Ave., spoke about residents who mulch their parkway trees too high in a cone shape and asked the Village to notify the resident to correct the problem.
Carol White, Director of the Alliance of Downtown Glen Ellyn, 286 N. Park, spoke about two Alliance events scheduled in the near future: Wedding Walk on April 15 from noon to 5p.m. and Shops & Hops on April 27 from 6p.m. to 9p.m.

Consent Agenda

Village Manager Franz presented the consent Agenda. Village President Pfefferman called for questions and/or discussion of the items on the consent Agenda.

Trustee McGinley moved and Trustee Henninger seconded the motion that the following items be considered routine business by the Village Board and be approved in a single vote in the form listed below:

A. Village Board **Meeting Minutes**:

1. March 19, 2012 Special Workshop
2. March 26, 2012 Regular Workshop
3. March 26, 2012 Regular Meeting

B. Total **Expenditures** (Payroll and Vouchers) - $1,343,365.66.

The vouchers have been reviewed by Trustee McGinley and by Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.

C. Approve the recommendation of Village President Pfefferman that William A. Housey Jr. be **reappointed to the Police Pension Board** for a term ending April 2014.

D. Waive Section 4-5-9 (Special Event Signs), Section 8-1-11 (Street Obstructions) and Section 8-1-12 (Merchandise on Street) of the Village Code for the **2012 Recycling Extravaganza** event, sponsored by the Glen Ellyn Environmental Commission, scheduled from 8 a.m. to 12 p.m. on Saturday, April 28, 2012.

E. Waive Section 3-23 (Peddlers), Section 8-1-11 (Street Obstructions), and Section 8-1-12 (Merchandise on Street) of the Village Code to allow the Glen Ellyn Jaycees to set up and operate their annual **Village Fair** from Wednesday, May 16, 2012 through Sunday, May 20, 2012 in concert with the Taste of Glen Ellyn event.

F. An Ordinance and Agreements with Shell Oil Products US regarding the **environmental conditions at 631 Roosevelt Road**:

1. **Ordinance No. 6017**, An Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by Any Other Method at or Within the Area Designated on Exhibit "A" Attached Hereto and Made a Part Hereof;

2. Authorize the execution of a **Highway Authority Agreement with Shell Oil Products US** regarding the environmental conditions at 631 Roosevelt Road relating to Park Boulevard and Exmoor Avenue; and

3. Authorize the execution of a **Limited Environmental Indemnity Agreement with Shell Oil Products US re**garding the environmental conditions at 631 Roosevelt Road relating to Park Boulevard and Exmoor Avenue. It was noted that there will be adequate protection on Taft Avenue as well.

G. Approve award of a contract to Schroeder Asphalt Services for large-area asphalt patches associated with the **2012 Skip Paving Program**, in the amount of $80,000, to be expensed to the FY 11/12 Capital Projects Fund. This will occur at seven locations. The Village performs all oversight.

H. Approve award of a contract to Insituform Technologies USA, Inc. for sanitary sewer lining associated with the **2012 Sanitary Sewer Lining Program**, in the amount of $300,000 (including a 9-percent contingency), to be expensed to the FY 11/12 Sanitary Sewer Fund. Village Engineer Bob Minix explained that money from the current FY will be used in the next fiscal year. This is a rehabilitation technique used to line sewers in some areas instead of replacing them. This process has been found to work very well to prevent clear water infusion into sanitary sewers.

I. Waive competitive bidding and approve award of a three-year contract to Acres Group for **Landscape Maintenance Services** in the annual amount of $44,411, to be expensed to the General Fund.

J. Approve award of a three-year contract to Trees-R-Us for the **brush removal program** to be expensed to the Residential Solid Waste Fund.

K. Approve a proposal from Metropolitan Pump Company for the **moving and replacing of the electrical control panel for the South Park Lift Station** in the not-to-exceed amount of $43,260.00, to be expensed to the FY 11/12 Sanitary Sewer Fund.

L. **Ordinance No. 6018-VC**, an Ordinance to Amend the **Liquor Control Code** Chapter 19 of Title 3, Section 11 Class B-5 Public Sidewalk Liquor License and Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) of the Village Code of Glen Ellyn, Illinois, Increase the Number of Permitted Class B-5 Public Sidewalk Liquor Licenses.

M. **Ordinance No. 6019**, an Ordinance Approving **Annexation Agreements** for six properties southeast of the current Village limits located at 21W534 Bemis Road, 21W644 Bemis Road, 21W654 Bemis Road, 1S551 Route 53, 1S563 Route 53 and 1S531 Sunnybrook Road.

Upon roll call, President Pfefferman, Trustees McGinley, Henninger, Cooper, Friedberg, Hartweg and Ladesic voted "Aye." Motion carried.

Ordinance No. 6020 – 603 Midway Park – Zoning Code Variation

Planning and Development Director Hulseberg presented information on a request by Rich and Laura McEnroe for a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)2, to allow the construction of a two-story addition with a rear yard setback of 24.5 feet in lieu of the minimum required rear yard setback of 40 feet. The Zoning Board of Appeals voted 5-1 to recommend approval due to the uniqueness of the lot. The owners must comply with the Village's preservation ordinance concerning trees near the site.

Trustee Cooper moved and Trustee Ladesic seconded the motion that Ordinance No. 6020 be passed, an Ordinance Approving a Variation from the Rear Yard Setback Requirements of the Zoning Code to allow the Construction of a Two-Story Addition and Attached Garage for the Property at 603 Midway Park.

Upon roll call, Trustees Cooper, Ladesic, Friedberg, Hartweg, Henninger and McGinley voted "Aye." Motion carried.

Ordinance No. 6021 – 444 Arlington Avenue – Zoning Code Variation

Planning and Development Director Hulseberg presented information on a request by Tom and Carrie Russell for a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow the construction of a two-car attached garage addition with a side yard setback of 2.0 feet in lieu of the minimum required side yard setback of 6.5 feet. The Zoning Board of Appeals voted 4-2 to recommend approval.

Trustee Cooper moved and Trustee Hartweg seconded the motion that Ordinance No. 6021 be passed, an Ordinance granting a Variation from the Side Yard Setback Requirements of the Zoning Code to allow the Construction of an Attached Two-Car Garage Addition for the Property at 444 Arlington Avenue.

Upon roll call, Trustees Cooper, Hartweg, Friedberg, Henninger, Ladesic and McGinley voted "Aye." Motion carried.

Ordinance No. 6022 – Prairie Green Subdivision – 2S674 Route 53

Planning and Development Director Hulseberg presented information on a request by DuPage Habitat for Humanity, contract purchaser of property located at 2S674 Route 53, for approval of a Major Subdivision and Subdivision Variations to accommodate the construction of a 12-unit affordable housing townhome development on 1.76 acres. The final plat of subdivision cannot be annexed at this time, but the area is in the Village's planning district. The Plan Commission voted 7-0 to recommend approval. The Village Board discussed the absence of sidewalks and the possibility they could be installed at a later date in connection with some future project.

Trustee Friedberg moved and Trustee Henninger seconded the motion that Ordinance No. 6022 be passed, an Ordinance Approving of a Preliminary and Final Plat of Subdivision and Subdivision Variations for the Prairie Green Subdivision to be Located at 2S674 Route 53.

Upon roll call, Trustees Friedberg, Henninger, Cooper, Hartweg, Ladesic and McGinley voted "Aye." Motion carried.

Ordinance No. 6023 – Hadley Junior High School – 240 Hawthorne Boulevard

Planning and Development Director Hulseberg presented information on a request by School District 41 for approval of a variation to allow an impervious surface setback of as little as 3.1 feet in lieu of the 34.2 feet required to accommodate the proposed expansion of the Hadley Junior High School parking lot. Director Hulseberg explained that storm water would be stored in an underground vault. The Plan Commission voted 7-0 to recommend approval. The City of Wheaton voted in favor of the project earlier this evening. Police Chief Norton explained that his department is working with the school concerning traffic patterns that would work best through the new parking lot.

Trustee Friedberg moved and Trustee Hartweg seconded the motion that Ordinance No. 6023 be passed, an Ordinance Granting Approval of an Impervious Surface Setback Variation for Hadley Junior High School located at 240 Hawthorne Boulevard.

Upon roll call, Trustees Friedberg, Hartweg, Cooper, Henninger, Ladesic and McGinley voted "Aye." Motion carried.

Traffic Study Results – Questions

Since the Village Board did not have an opportunity to ask questions following KLOA's presentation at the Special Village Board Workshop earlier in the evening, Mr. Werthmann remained until now to answer any questions. There followed questions and general discussion concerning the loss of parking spaces in the commercial block, timing and back up of traffic after trains, a guide for the downtown plan and the perception created by two-way and one-way streets. Mr. Werthmann indicated that KLOA was not asked to include parking lot usage in the traffic study.

Cam Page, 206 Hill, spoke against parallel parking on Main Street.
Ken Kloss, 250 Ridgewood, spoke against two-way streets as proposed.

There was general discussion concerning moving forward with the Duane Street parking lot without bringing it back to the Village Board for further consideration and that computer parking would not be included as an option.

Reminders:

- The next Regular Village Board Workshop is scheduled for Monday, April 16, 2012, at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center, following an executive session at 7:00 p.m.

- The next Regular Village Board Meeting is scheduled for Monday, April 23, 2012, with the Workshop beginning at 7:00 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business?

- There was no other business brought before the Village Board.

Adjournment

At 10:15 p.m. Trustee Hartweg moved and Trustee Friedberg seconded the motion to adjourn to Executive Session for the purpose of discussing pending litigation and the sale or lease of property, adjourning thereafter without returning to open session.

Upon roll call, Trustees Hartweg, Friedberg, Cooper, Henninger, Ladesic and McGinley voted "Aye." Motion carried. Meeting adjourned.

Respectfully Submitted,

Suzanne R. Connors,
Village Clerk

Minutes
Special Village Board Workshop
Glen Ellyn Village Board of Trustees
April 9, 2012

Time of Meeting: 7:00 p.m.

Present: President Pfefferman; Trustees Hartweg, Ladesic, Friedberg, McGinley, Henninger and Cooper; Village Clerk Connors. Village Attorney Diamond. Staff present: Village Manager Franz, Assistant to the Village Manager Schrader, Public Works Director Hansen, Police Chief Norton, Planning and Development Director Hulseberg, Finance Director Wachtel, Professional Engineer Minix, and Assistant Finance Director Coyle.

1. **Call to Order**

President Pfefferman called the Special Village Board Workshop to order at 7:00 p.m.

2. **Roll Call**

Upon roll call by Village Clerk Connors, Village President Pfefferman and Trustees Friedberg, Hartweg, Henninger, Ladesic and McGinley answered, "Present." Trustee Cooper arrived at 7:03 p.m.

3. **Proposed Village Budget for Fiscal Year 2012/13**

President Pfefferman announced that the purpose of this meeting was to hold the official Public Hearing for FY12/13 Village budget. Finance Director Wachtel would be presenting information concerning the FY12/13 budget.

3A. Public Hearing

Trustee McGinley moved, seconded by Trustee Ladesic to open the Public Hearing to receive comment on the proposed annual budget for the Village of Glen Ellyn in the net amount of $43.5 million for the Fiscal Year 2012/13 beginning May 1, 2012. All present voted "aye." Motion carried; Public Hearing was opened.

Finance Director Wachtel thanked Village staff for their efforts in preparing the budget and explained that it will be on the Village Board meeting agenda for adoption in two weeks on April 23. He announced that the draft is available at the Library, the Village

Clerk's office and on-line on the Village's website. The budget consists of 13 funds and the TIF fund for a total of $43.5 million in expenditures. This increase of 9.3% is mainly due to capital expenses. The Village is in compliance with its reserve policy in each fund. Property tax and water/sewer rates are set by the Village, but all other rates on the resident's tax bills are set by other agencies in Glen Ellyn. The Village Board discussed current tax levies, assessed valuation of property, and the effect on possible decline in revenue.

Frank Modizuson, 681 N. Park, spoke about the budget deficit and the gap between revenue and expenses in the proposed FY2012/13 budget. He asked what the Village Board proposed to do about it and about plans for the future. President Pfefferman and Trustees responded they are concerned with declining revenue and explained about the Village's obligations that must be met, pension funding, efforts to reduce expenses, and the long-term view they are taking to put correct policies in place.

Trustee McGinley moved, seconded by Trustee Cooper to close the Public Hearing on the proposed annual budget for the Village of Glen Ellyn for the Fiscal Year 2012/13 beginning May 1, 2012. All present voted "aye." Motion carried; Public Hearing was closed.

3B. First Reading of Ordinance to Adopt Annual Village of Glen Ellyn Budget

Trustee Cooper moved and Trustee Henninger seconded the motion that an Ordinance yet to be numbered be passed on the First Reading, an Ordinance Adopting the Annual Village of Glen Ellyn Expenditure Budget in the Net Amount of $43,494, 150 including the Compensation Plan for the 2012/13 Fiscal Year Beginning May 1, 2012 and Ending April 30, 2013.

Upon roll call, Trustees Cooper, Henninger, Friedberg, and Hartweg voted "aye." Trustees McGinley and Ladesic voted "no."

Following the vote, each Trustee explained the reason for their vote. The public is should contact any member of the Village Board, Village Manager Franz, or Finance Director Wachtel with questions. Trustee Cooper spoke asking for a unanimous vote in favor of the budget. President Pfefferman encouraged the Village Board to try to solve any problems they may have before the April 23 meeting when the FY2012/13 budget is scheduled for adoption. Questions should be addressed to Village Manager Franz or Finance Director Wachtel.

4. **Central Business District Traffic Study Presentation**

Village Engineer Bob Minix gave a background concerning the reasons that led up to the hiring of KLOA to conduct a Central Business District Traffic Study. He introduced Michael Werthmann of KLOA, Inc. Mr. Werthmann explained that KLOA was engaged to conduct a traffic study of the Central Business District and immediate area and prepare a report of the findings. They began with a February 29 public meeting asking about changing one-way to two-way streets. KLOA was charged to study and collect information within certain boundaries, but the Central Business District was the primary study area. Mr. Werthmann displayed current one-way streets, both permanent and temporary, and two-way streets in the study area. He presented the highlights of a two-way system around the commercial block; evaluated the one-way vs. two-way systems; and gave some advantages and disadvantages of each system. He displayed a map and overhead photograph to assist in his explanation – both showing the current configuration in the commercial block and the proposed two-way system. Also displayed were suggested parking changes both as a result of the change to two-way streets and a change on Duane Street between Main and Forest.

Because of the time, President Pfefferman asked Mr. Werthmann if he could wait until after the Regular Village Board Meeting scheduled for 8:00 p.m. to answer any questions from the Village Board and/or public. Mr. Werthmann indicated he would wait until later in the evening to continue.

5. **Adjournment**

At 7:58p.m., Trustee Friedberg moved and Trustee Ladesic seconded a motion to adjourn the meeting. All voted "Aye." Meeting adjourned.

Respectfully submitted,

Suzanne R. Connors,
Village Clerk

Minutes
Regular Village Board Workshop
Glen Ellyn Village Board of Trustees
April 16, 2012

Time of Meeting: 7:03 p.m.

Present: President Pfefferman; Trustees Hartweg, Cooper, and McGinley; Village Clerk Connors. Staff present: Village Manager Franz.

1. **Call to Order**

   President Pfefferman called the Board Workshop to order at 7:03 p.m. with a roll call. Trustees Hartweg, Cooper, and McGinley responded "Here." Trustees Ladesic, Friedberg and Henninger were excused.

2. **Motion to Recess to Executive Session**

   At 7:05 p.m., Trustee McGinley moved, seconded by Trustee Hartweg to adjourn to Executive Session for the purposes of discussing the appointment, employment, compensation, discipline, performance, or dismissal of specific employees returning thereafter to open session.

   Upon roll call, President Pfefferman, Trustees McGinley, Hartweg, and Cooper voted "Aye." Motion passed.

3. **Workshop Reconvened**

   At 8:21 p.m. the Regular Village Board Workshop reconvened with the following Village Board members present: President Pfefferman, Trustees Cooper, Friedberg, Hartweg, Henninger, McGinley, Ladesic, and Village Clerk Connors.

4. **Ethics Ordinance Update and Review**

   President Pfefferman introduced Village Ethics Officer Nancy Fox Ardell who presented information about her general experience with the Ethics Ordinance thus far. She gave a short background that led to the passage of the ordinance. In her opinion it appears to be working well. Only one memo has been required. She spoke about questions regarding conflict of interest and personnel issues she has received from the public which indicates they know the ordinance is out there.

   Ms. Ardell answered questions from the Village Board regarding calls she has received and resolutions to situations she encountered. It was suggested that information about the

ordinance be displayed on the board in the Civic Center where Boards and Commission members are listed.

Ms. Ardell was thanked for her time and effort assisting the Village to interpret and enforce the ordinance.

5. Village Board Finance Policy

President Pfefferman led the discussion concerning items that the Village Board should discuss and add to future Workshop agendas before the next budget process begins. The actual process should begin prior to the tax levy. The Village Board discussed various items and each Village Board member took the opportunity to express their opinion about the importance of each item. All acknowledged that forecasting is very important, but they understood how difficult it is to be accurate.

6. Village Board Policy Beliefs

President Pfefferman distributed a suggested list of policy beliefs, and asked each member of the Village Board to review it. He asked that they consider these and other items that could be part of a revised comprehensive plan. It had not been looked at in about 10 years. Items could be non-specific.

7. Other Items?

President Pfefferman reminded everyone that the Glenbard Wastewater Authority annual meeting was scheduled for April 19 in Lombard. The second reading for the adoption of the Village's Fiscal Year 12/13 budget is scheduled at next week's Village Board meeting on April 23. The Recycle Extravaganza will be Saturday, April 28. A local Boy Scout troop will be collecting used flags for proper disposal.

8. Adjournment

At 9:10 p.m., Trustee McGinley moved and Trustee Ladesic seconded a motion to adjourn. All voted "Aye." Meeting adjourned.

Submitted by:

Suzanne R. Connors,
Village Clerk

Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
Monday, April 23, 2012

Call to Order

Village President Pfefferman called the meeting to order at 8:04 p.m.

Roll Call

Upon roll call by Village Clerk Connors, Village President Pfefferman and Trustees Cooper, Friedberg, Hartweg, Henninger, Ladesic and McGinley answered, "Present."

Pledge of Allegiance

Pledge of Allegiance was led by Margaret Immick of the Glen Ellyn Infant Welfare Society. She spoke about the organization's up-coming housewalk on Friday, May 11. Four homes are on the walk – one session in the morning and one in the evening. She gave the list of places where tickets could be purchased.

Village Recognition:

A. There was a Moment of Silence to recognize West Chicago Mayor Michael Kwasman who recently passed away.

B. Police Chief Norton received a letter from a citizen thanking the Department for coming to her aid after losing her wallet in the Jewel parking lot. She also thanked all the officers for making a difference every day.

C. Police Sergeant Smith received a note of thanks for attending the P.P.W. Condo Board Meeting and providing excellent ideas after listening to their concerns.

D. Police Detective Monson received a letter of appreciation for attending the P.P.W. Condo Board Meeting, listening to their concerns and providing wise advice.

E. Police Chief Norton received a letter of sincere thanks from the Wheaton Police Department for the assistance provided by members of the Glen Ellyn Police Department while answering a call involving a domestic situation. This resulted in a two week old baby being placed in its proper care.

F. The Village Board and Management Team congratulates the following employees who recently celebrated an anniversary as a Village employee:

Susan Barbeau	Finance	5 years
Debbie Clewlow	Administration	10 years
Jodi Hefler	Administration	10 years
Lawrence Milhaupt	Public Works	15 years
Richard Perez	Police	25 years

Audience Participation

A. **Proclamation** in recognition of Arbor Day was presented by President Pfefferman to Environmental Commission member Laura Glaza. Ms. Glaza thanked Harold Kolze and his staff, Julius Hansen, and Andrew Letson for their assistance during Earth Day activities which included 160 scouts in the Civic Center gym. It was a wonderful Earth Day experience for the scouts.

B. President Pfefferman mentioned that postcards about **Shops & Hops** were being distributed at the Ogilvie Transportation Center, Chicago. He thought it was a very good marketing tool for a Glen Ellyn activity.

C. Assistant to the Village Administrator-Administration Schrader presented information concerning the Prairie Path and Great Western Clean Ups on Saturday, April 28, the **Clean Sweep** that begins Monday, April 30, for Glen Ellyn single family residences, and the Arbor Day Celebration at 9 a.m. on May 12 at Panfish Park.

D. At the request of the Village Board, Finance Director Wachtel spoke about **controls within the Finance Department**. A few items mentioned were very good audit controls, the vouchers that are checked by members of the Village Board on a rotating basis, constant review of financial processes, and the avenues for employees to report anything they think appears unusual. The Village's purchasing plan is currently under review as suggested by the Village Board a few months ago.

E. President Pfefferman welcomed Village Manager Mark Franz as a new resident of Glen Ellyn.

Consent Agenda

Village Manager Franz presented the Consent Agenda. Village President Pfefferman called for questions and/or discussion of the items on the Consent Agenda.

A. Total **Expenditures** (Payroll and Vouchers) - $1,116,666.15.

The vouchers have been reviewed by Trustee Friedberg and by Manager Franz prior to this meeting, and were found consistent with the Village's purchasing policy.

B. Approve the recommendation of Village President Pfefferman that Theodore Skirvin be appointed as the **Chairman of the Finance Commission** for a term ending in December, 2012.

C. Waive Section 8-1-12 (Merchandise on the Street), Section 4-5-9 (Special Event Signs) and Chapter 3-23 (Peddlers) of the Village Code for the Glen Ellyn **Chamber of Commerce's seasonal Farmers' Market**. The Farmers' Market will be held on the south end of the Main Street parking lot from 8:00 a.m. to 1:00 p.m. each Friday from May 25 through October 26, 2012.

D. **Ordinance No. 6024-VC**, an Ordinance Amending the Village Code and Granting Administrative Approval **Authority to the Village Manager to Allow Promotional and Community Events** for Which the Village Board has Previously Granted Approval of a Code Waiver.

E. Approve changes to the Village's **Façade and Downtown Interior Improvements grant program guidelines and applications.**

F. Approve a License Agreement to **Allow Tables and Chairs in the public right-of-way for Starbucks** at **536 Crescent Boulevard**.

G. Approve a **Façade Improvement** Grant for Jay Gilbert for the property located at **479 N. Main Street**.

H. Approve award of a contract to MDS Technologies, Inc., for traffic sign geo-locating, inventorying and retroreflectivity assessment associated with the **Comprehensive Traffic Signs Inventory Project**, in the amount of $30,000.00, to be expensed to the FY11/12 General Fund.

I. Waive competitive bidding and accept the proposal by Altec Industries of Birmingham, Alabama for one **2012 Ford F-550 aerial bucket truck** at a cost of $82,993.00 to be expensed to the FY11/12 Equipment Services Fund.

J. Approve the **purchase of two vehicles** to include one 2012 Ford Expedition police patrol vehicle through the **State of Illinois Joint Purchasing Program** from Bob Ridings of Taylorville, Illinois, at a cost of $28,219.00, and one 2012 Chevrolet Impala police patrol vehicle through the State of Illinois Joint Purchasing Program from Green Chevrolet of Jacksonville, Illinois, at a cost of $20,077.95, to be expensed to the FY12/13 Equipment Services Fund.

K. Competitive bidding and approval of a proposal from Peterson and Matz Inc. of Elgin, Illinois for **rehabbing and upgrading the chlorination equipment at NPAS** in the not-to-exceed amount of $22,000.00, to be expensed to the FY11/12 Water & Sanitary Sewer Fund.

L. Approve award of a competitively bid contract for the FY12/13 **Concrete Spot Repair Program** to Mondi Construction, Inc. of West Chicago, IL. In the not-to-exceed amount of $45,000.00 to be expensed to the FY12/13 Water & Sanitary Sewer Fund.

Planning and Development Director Staci Hulseberg presented details on Items E and G of the Consent Agenda as requested by the Village Board. She was reporting back to the Village Board regarding the Village's façade and downtown interior improvements grant program guidelines and applications which incorporated suggestions from a February 27 Village Board meeting. Management recommends approving a grant solely for awnings. The Village Board discussed whether awnings should be allowed when no other exterior facade improvements would be done. The majority of Village Board members were in favor of approving grants solely for awnings.

The owner of the property at 479 N. Main, the former Larc Jewelers, has applied for a commercial facade improvement grant. He wants renovate the exterior of the building and add awnings. All Village Board members were in favor of approving the grant.

Trustee Friedberg moved and Trustee Henninger seconded the motion to adopt the Consent Agenda items to be considered routine business by the Village Board and be approved in a single vote.

Upon roll call, Trustees Friedberg, Ladesic, Hartweg, Cooper, Henninger and McGinley voted "Aye." Motion carried.

Ordinance No. 6025 – 662 Oak Street - Zoning Code Variation

Planning and Development Director Staci Hulseberg presented information on a request by Patrice and David Menzel for a variation from the Glen Ellyn Zoning Code Section 10-4-8(D)1 minimum required front yard setback of 50 feet. The Zoning Board of Appeals voted 3 yes, 1 abstain, 1 no to recommend approval. Trustee Cooper explained what occurred during the ZBA meeting that was not reflected in the minutes. Discussion followed concerning the three trees that were removed. Mr. and Mrs. Menzel spoke to some of the Village Board's concerns.

Trustee Ladesic moved and Trustee Hartweg seconded the motion that Ordinance No. 6025 be passed, an Ordinance Approving a Variation from the Front Yard Setback Requirements of the Zoning Code to Allow a New Single Family Residence for Property at 662 Oak Street.

Upon roll call, Trustees Ladesic, Hartweg, Friedberg, Henninger and McGinley voted "Aye." Trustee Cooper voted "No." Motion carried.

Ordinance No. 6026 – Annual Village Expenditure Budget

Finance Director Kevin Wachtel presented information on the proposed Village budget for Fiscal Year 2012/13. He thanked Village Management for their hard work, the Finance Commission for their input and the public for their interest. This is the 2nd reading and the final presentation of the next fiscal year's budget. He gave a general overview by fund and the approximate amount of Village property tax for a $500,000 home. The expenditure budget consists of a total of 14 individual funds, each having a specific purpose, totaling $43.5 million in aggregate. In comparison to last year's Fiscal Year

which includes an increase of $2.7 million in capital spending. Director Wachtel answered questions and explained how surplus is used, how funds are moved, and budgets are impacted from one year to the next. Once completed, final copies of the adopted budget will be available for public review at the Civic Center, Glen Ellyn Public Library, and online at www.glenellyn.org.

Trustees thanked staff, Director Wachtel and Manager Franz for all their work over the past months to put the budget together. Each Trustee commented on the budget as presented. President Pfefferman concluded with comments of his own which included a thank you to the Finance Commission. He stressed that economic development is even more important and capital improvement will require more hard decisions. The Village is financially sound.

Trustee Henninger moved and Trustee Hartweg seconded the motion that Ordinance No. 6026 be passed, an Ordinance Adopting the Annual Village of Glen Ellyn Expenditure Budget in the net amount of $43,494,150 including the compensation plan for the Fiscal Year 2012/13 beginning May 1, 2012 and ending April 30, 2013.

Upon roll call, Trustees Henninger, Hartweg, Cooper, Friedberg and McGinley voted "Aye." Trustee Ladesic voted "No." Motion carried.

Commuter Facility Improvement Funding Agreement – 460 - 478 Duane Street

Planning and Development Director Staci Hulseberg presented information on an agreement to purchase property located at 460-478 Duane Street. She gave the background and noted that grant funds need to be used or they will be lost. The property is west of Citi Bank parking lot on the north side of the street. About 55 possible commuter parking spaces will be available.

Trustee Cooper moved and Trustee Friedberg seconded the motion that the Village President, Clerk and other officials be authorized to execute an agreement to purchase 460-478 Duane Street for the sum of $445,000.00, with funds for that purchase and some additional construction costs being transferred to the Village under a Commuter Facility Improvement Funding Agreement, the execution of which is also authorized, including the terms and conditions for the transfer of the Duane Street property to the CRD or Metra, and the operation of a parking lot by the Village pursuant to a Commuter Facility Improvement Funding Agreement, the execution of which is also authorized. Under the latter agreement, the Village will receive funds from Metra in an amount of $780,000.00. The execution of these agreements is also made subject to the final approval of documents by the Village Attorney.

Upon roll call, Trustees Cooper, Friedberg, Hartweg, Henninger, Ladesic and McGinley voted "Aye." Motion carried.

Marathon Gas Station – 825 N. Main Street - Request for Proposals

Planning and Development Director Hulseberg led a review and discussion of a draft Request for Proposals for the former Marathon gas station property at 825 N. Main Street. The Village purchased the property in early 2011, and since that time, has been working to prepare the property for potential sale and redevelopment. She explained that if the Village did not like any of the proposals, they can reject all of them. If there is a successful award and they are interested in working out a deal with the owner of 817 Geneva, they would have 25 days to come to an agreement with that property owner. The Village Board made some suggested changes in wording to the draft RFP.

Reminders:

- The State of the Village Presentation will be held on Monday, May 7, 2012 at 7:00p.m. in the Galligan Board Room of the Glen Ellyn Civic Center. A "Meet Mayor Mark" event will be held immediately following this presentation.

- The next Regular Village Board Meeting is scheduled for Monday, May 14, 2012, with the Workshop beginning at 7:00 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business?

There was no other business brought before the Village Board.

Adjournment

At 10:22 p.m. Trustee Henninger moved and Trustee Cooper seconded the motion to adjourn.

Upon roll call, Trustees Henninger, Cooper, Friedberg, Hartweg, Ladesic and McGinley voted "Aye." Motion carried. Meeting adjourned.

Respectfully submitted,

Suzanne R. Connors,
Village Clerk

Minutes
Regular Village Board Workshop
Glen Ellyn Village Board of Trustees
April 23, 2012

Time of Meeting: 7:00 p.m.

Present: President Pfefferman; Trustees Hartweg, Ladesic, Cooper, McGinley, Henninger, and Friedberg; Village Clerk Connors. Village Attorney Krafthefer. Staff present: Village Manager Franz, Assistant to the Village Manager Schrader, Public Works Director Hansen, Deputy Police Chief Acton, Planning and Development Director Hulseberg, Finance Director Wachtel, Assistant Finance Director Coyle, Professional Engineer Minix.

1. **Call to Order**

President Pfefferman called the Board Workshop to order at 7:00 p.m. with a roll call. Trustees Hartweg, Cooper, Ladesic, McGinley, Henninger, and Friedberg, responded "Present."

2. **Hydrological and Hydraulic Study for Lake Ellyn**

Professional Engineer Minix explained that Lake Ellyn's primary function is storm water retention. There has been overflow recently that has distressed neighbors. In cooperation with the Park District, the Village contacted consulting engineers RHMG. He introduced Bill Rickert of RHMG to explain the results of the hydrological and hydraulic study recently completed.

Mr. Rickert began by explaining that Lake Ellyn is a man-made lake created in 1889. The lake is used for recreational purposes and storm water management. Storm water is released from the lake to Perry's Pond and ultimately the DuPage River. A map was displayed showing the area where storm water is funneled towards the lake. That area comprises the Lake Ellyn drainage basin.

Mr. Rickert gave information regarding inlets and outflow to the DuPage River (down stream drainage system), detailed improvements completed over the years, and explained how the lake level can be controlled during significant storm events. He compared theoretical and actual rates, detailed modifications to increase lake capacity, and presented recommended options to lower the lake level 6" or increase the discharge rate.

The restrictor plate has been removed. Increasing the weir length to allow the lake to drain faster could cost as much as $152,000. It is recommended that the passive operating mode continue.

Mr. Rickert answered questions from the Village Board to clarify some parts of his presentation.

Kurt Kabat, 735 Riford, spoke about the amount of water on his proprety during storms.

3. Other Items?

Residents were reminded that unlimited refuse day for single family homeowners will be Monday, April 30. A brochure detailing what can be placed for pick up has been mailed to all residents.

4. Adjournment

At 8:03 p.m., Trustee Cooper moved and Trustee Hartweg seconded the motion to adjourn the regular Village Board Meeting in the Galligan Board Room. All voted "Aye." Meeting adjourned.

Respectfully Submitted,

Suzanne R. Connors,
Village Clerk

A-6C

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Kristen Schrader, Assistant to the Village Manager – ADM
Andrew Letson, Administrative Intern AL

DATE: May 8, 2012

RE: Verizon Lease Agreement

Background

Over the past several months, staff has been negotiating a lease agreement with Verizon Wireless to allow the installation of cellular antennas in the clock tower of the Civic Center. Verizon has indicated that they are interested in locating antennas downtown due to a current gap in service.

Currently, Nextel and U.S. Cellular have antennas located in the Civic Center clock tower with supporting equipment housed in the attic. There is no available space in the attic for additional support equipment. Therefore, Verizon has requested permission to construct an 11'8" x 20' structure on the rear of the Civic Center to house their required equipment.

Issues

Agreement Terms

After many months of negotiations, the Village and Verizon have come to a final proposed agreement. The agreement will allow Verizon's equipment to be installed at the Civic Center. Below are a few key points to the agreement.

- **Term:** Initial term of five years, with a four automatically renewing five year terms (Section 2).
- **Rent:** Initial rent will begin began at $26,000, with 4% annual increase (Section 3).
- **Payment for Attorney Review:** Payment of $5,000 to cover legal costs and further payment by Verizon for additional reasonable legal review costs if necessary (Section 8(o)).
- **Relocation of the Station:** The Village is currently undergoing a space needs analysis for the Civic Center. If the Village ever wishes to expand or decommission the Civic Center, it has the right to require Verizon (at their expense) to remove the station and relocate it to a location that is mutually agreeable (Section 10(c)).

Village Attorney Adam Simon has reviewed the terms of the agreement and is comfortable with it as they are proposed. The terms outlined in this agreement are in line with the Village's other cellular antenna lease agreements.

Construction

The tight space in the attic of the Civic Center has complicated the issue of housing the equipment required to operate the cellular antennas. Staff members from the Village and Verizon spent a great deal of time evaluating possible equipment housing locations throughout the Civic Center. It was

determined that there is no space currently available in the building that provides significant capacity to house the equipment. Therefore, Verizon has proposed constructing a small shelter on the back of the Civic Center that will provide them with adequate space. The attached drawings depict the location of the structure and its appearance. Since the antennas are being attached to an existing building and do not exceed the permitted height requirements in the Central Business District, a special use permit is not required.

There are a couple of matters that Village staff was concerned with when discussing the proposed structure. First, the Civic Center is a historic building and is a Glen Ellyn local landmark. Verizon has provided the Village with a sample of the radio frequency (RF) transparent material that will be used to replace paneling on the clock tower. The look of the material is substantially similar to the current paneling. As for the shelter, it is not visible from the street and Verizon has assured the Village that the structure will have a brick façade that is similar in color to the rest of the building. The Historic Preservation Commission traditionally reviews any proposed changes to a local landmark that can be viewed from the public right-of-way. During their August 24, 2011 meeting, this matter was informally brought to the Historic Preservation Commission (HPC) and they did not indicate any major concerns. A formal review by the HPC will take place when Verizon submits their application for a building permit.

The other major concern is the construction of the shelter. The weight of the structure requires support beams that will be secured with footings along the east side of the building. One of the footings will need to be poured between the garage doors that provide access to the Police Department's sally port. Verizon has stated that they can successfully pour the footing while only obstructing one of the two garage doors. The Police Department has indicated that they can continue normal operations with one of the garage doors obstructed, as long as the other remains open. Section 10(a)ii of the agreement requires Verizon maintain access for the Police Department at all times during the construction process. If they fail to do so, Verizon will be required to pay a $500 penalty per day that the obstruction exists.

The new shelter will be built on the roof of the Civic Center. This means that the construction materials and equipment need to be lifted into place using a crane. The best location for the crane is in the portion of the parking lot that is currently used by the Police Department for their vehicles. Verizon has indicated that they can do all of their work that requires the use of the crane in a single day, meaning that the Police vehicles will only need to be moved for 24 hours. Verizon has two incentives to complete this work in a timely manner. Renting the crane is expensive, therefore incentivizing them to complete the work as quickly as possible. In addition, Section 10(a)ii of the agreement states that they may only obstruct more than 25% of the Civic Center parking lot for no more than 48 hours. If the obstruction lasts any longer, Verizon will be required to pay a $500 penalty per day that the obstruction continues to exist.

Action Requested

It is requested that the Village Board consider a motion to approve a license agreement between the Village and Verizon Wireless for the purpose of maintaining cellular transmission equipment at the Glen Ellyn Civic Center for an annual rent at $26,000 and increasing 4% each year after.

Recommendation

Staff recommends approval of the agreement as proposed.

Attachments

- Proposed Lease Agreement
- Construction Diagrams
- Historic Preservation Commission Minutes from August 24, 2011

Proposed Agreement

LICENSE AGREEMENT

THIS LICENSE AGREEMENT ("License") dated this ___ day of _____, 20___ is entered into by Village of Glen Ellyn having its principal office/residing at 535 Duane Avenue, Glen Ellyn, IL 60137 ("Licensor"); and Chicago SMSA Limited Partnership d/b/a Verizon Wireless with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404) ("Licensee").

BACKGROUND

A. Licensor owns or otherwise controls certain building(s) and other property and improvements (collectively, "Building") located at 535 Duane Street, in the Village of Glen Ellyn of DuPage County, State of Illinois and described in Exhibit A attached hereto.

B. To improve or enhance wireless communications, Licensor and Licensee desire that Licensee install and operate a personal communication wireless facility with related equipment within a 11'8" x 20' area of the rooftop of the Building, including the right to install antennas and accessories in and or on the Building (collectively, the "Station"), as depicted in Exhibit B.

THEREFORE, the parties agree as follows:

1 LICENSE, ACCESS AND USE.

(a) Licensor licenses to Licensee the use of spaces in and/or on the Building, as indicated on Exhibit B (the "Licensed Premises"). Licensor also grants to Licensee and its representatives the right of access to the Licensed Premises (and other necessary areas of the Building), in accordance with Section 10 for Licensee's permitted uses

(b) Licensor permits Licensee to access and use the Licensed Premises to install, operate, maintain, repair, protect, replace and/or remove the Station, at its own expense. Except for emergency repairs, all installation, maintenance, repair, modification, protection, replacement or removal at the Station shall take place between the hours of 8:30 a.m. and 7:00 p.m. on Monday through Friday only. Licensee also has the right, reasonably exercised and so as not to interfere with Licensor or other Building occupants, to (i) install its own separate telephone line and (ii) connect the base station and antenna(s) by cabling. Licensor shall be allowed to obtain access to and inspect Licensee's facilities on the Building at any time, including during the course of installation and removal, and further shall be granted reasonable discretion to direct the means to installation, modification and removal. Notwithstanding the foregoing, except in the case of a public health and safety emergency, this provision shall not include access to the interior of the Station. Except in the case of a public health and safety emergency, access to the interior of the Station shall be upon 72-hour written notice to the Licensee and with the Licensee's representative present. If requested by Licensor, Licensee

shall install a "knox box" at a mutually agreeable location near Station which shall house a key that can be used for emergency entry to the equipment area of the Station.

(c) The parties anticipate that the installation of the Station may require structural alterations and utility connections. Licensee shall install the Station in a good and workmanlike manner and may use such means as are reasonably necessary or appropriate to install and connect the Station, consistent with Exhibit B. If Licensee wishes to make subsequent changes to the dimensions/location of the Licensed Premises, Licensee will submit a new Exhibit to Licensor for Licensor's approval. Licensor shall have the absolute right to accept or reject subsequent changes. Further, Licensor agrees to cooperate with Licensee in arranging for Verizon Wireless' installation and operation of, and access to, the Station, without cost to Licensor.

(d) Licensee will provide complete maintenance and repair services for the Station (whether or not the defects and repairs are covered by manufacturer's warranties), with the objective of keeping the Station and Licensed Premises in good operating order, condition and repair.

(e) Any part of the Station that can be painted or colored shall be installed and maintained by Licensee in the same color as the Building is painted from time-to-time. The Licensor shall provide thirty (30) days notice to Licensee when it is necessary to maintain the Building including, but not limited to, sandblasting prior to painting and painting itself, and Licensee shall be required, at its own cost and expense, to protect its Station while such work progresses.

(f) All work performed by Licensee within the Building shall be performed in a lien-free manner. Licensee covenants and warranties not to suffer or permit any lien of mechanics or materialmen or others to be placed against the Building in connection with the Station. In case of any lien, Licensee shall immediately cause it to be released and removed of record or shall secure a title insurance policy sufficient to provide Licensor protection from such lien.

2. TERM. This License runs for five (5) years, plus four (4), five (5) year automatically renewing terms. The initial term begins the first day of the month during which Licensee is able to obtain any and all land use and building permits ("Commencement Date"). As used in this License, "term" means the initial term and any renewal term. Notwithstanding anything in this License, Licensee shall have the right to terminate this License at any time during any Renewal Term for any reason (other than those enumerated above) upon providing written notice to the Licensor and upon such termination, a termination fee equivalent to one half of the annual License Fee. Additionally, the Licensor will retain any prepaid rent. Licensor and Licensee agree that they shall acknowledge in writing the Commencement Date. Licensor and Licensee acknowledge and agree that all initial rental payment(s) accruing between the Commencement Date and the date of confirmation shall not actually be due until thirty (30) days after a written acknowledgement confirming the Commencement Date.

3. LICENSE FEE. Beginning with the Commencement Date, Licensee will pay Licensor annually, in advance, by the fifth (5th) day of the month which contains the Commencement Date, a License Fee of Twenty-Six Thousand ($26,000.00) The fee will be prorated for partial months. The License Fee shall be increased annually by 4.0% of the previous year's License Fee.

4. COMPLIANCE WITH LAWS. Each party agrees to comply with all applicable laws, rules and regulations respecting its own property and uses. This License is governed by the laws in which the Licensed Premises are located.

5. NON-INTERFERENCE. Each party agrees not to interfere with operations of the other in the Building, nor to allow third parties to do so. This License does not grant Licensee any authority to interfere with the use and operation of other existing co-locators on the Building without their express written consent. Licensee shall indemnify, defend, save and hold harmless the Licensor from and against any claims, liabilities or damages, of any kind whatsoever, arising from interference by Licensee with the use and operation of the other co-locators on the Building, unless caused by the willful misconduct of Licensor.

6. INDEMNIFICATIONS AND INSURANCE.

(a) Licensee hereby agrees to indemnify, defend and hold Licensor harmless from and against any claim of liability or loss from personal injury or property damage in connection with the Station or resulting from or arising out of the use and occupancy of the Licensed Premises by Licensee or its agents, excepting, however, such claims or damages as may be due to or caused by the negligence, willful or malicious acts of Licensor or its agents. Licensee accepts the Licensed Premises in a AS-IS, WHERE-IS condition and has relied on no oral or written representations from Licensor in determining the suitability of the Licensed Premises for Licensee's permitted uses hereunder.

(b) Licensee and Licensor shall each be responsible for maintaining insurance covering their own property, whether or not it is located on the Licensed Premises

(c) Licensee shall procure and maintain for the duration of this License insurance against claims for injuries to persons or damages to property which may arise from or in connection with Licensee's operation and use of the Station. The cost of such insurance shall be borne by Licensee. Coverage shall include, but shall not be limited to the following:

(d) Licensee shall maintain limits to no less than:

(i) Commercial General Liability: $5,000,000.00 combined single limit per occurrence for bodily injury, personal injury and property damage.

(ii) Worker's Compensation and Employer's Liability: Worker's Compensation limits as required by statute and Employers Liability limits of $1,000,000.00 per accident and $1,000,000 00 per disease each employee.

(iii) At the start of and during the period of any construction, builders all-risk insurance, together with an installation floater or equivalent property coverage covering cables, materials, machinery and supplies of any nature whatsoever which are to be used in or incidental to the installation of the Station Upon completion of the installation of the Station, Licensee shall substitute for the foregoing insurance policies of fire, casualty, extended coverage and vandalism and malicious mischief insurance on the Station. The amount of insurance at all times shall be representative of the replacement cost values of the Station installed or constructed. The policy or policies providing coverage over property damage to Licensor's Building shall be endorsed to name Licensor as an additional insured and no part of the Licensor's property shall be considered a part of any "work" of Licensee nor subject to the economic loss doctrine.

(iv) If, during renewal periods, the amount of insurance coverage should no longer be reasonably adequate because of the risks involved or inflation, the Licensor may request in writing, and Licensee shall promptly increase, the amount of all insurance provided.

(iv) Licensee may satisfy the foregoing requirements by delivering copies of a certificate of insurance evidencing procurement of the insurance coverage required in this Section 6.

(e) The Licensor, its officers, officials, employees, volunteers, agents, successors and assigns are to be covered as additional insureds on Licensee's commercial general liability policy with respect to liability arising out of the Shelter owned, occupied or used by Licensee and/or arising out of activities performed by or on behalf of Licensee, including those performed by independent contractors hired by Licensee or its or their subcontractors The coverage shall contain no special limitation on the scope of the protection afforded to the Licensor, its officers, officials, employees, volunteers, agents, assigns or successors. Licensee's insurance coverage shall be primary insurance as respects the Licensee's operations. Any insurance or self-insurance maintained by the Licensor shall be excess of Licensee's insurance and shall not contribute with it in this respect.

(f) Any of Licensee's errors or omissions shall not affect coverage provided to the Licensor, its officers, officials, employees, volunteers or agents.

(g) Coverage shall state that Licensee's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(h) Each insurance policy required by this Agreement shall not be canceled except after thirty (30) days prior written notice by by regular U.S. mail or via e-mail, has been given to the Licensor.

(i) Insurance shall be placed with insurers licensed to do business in Illinois.

(j) Licensee shall annually furnish the Licensor with certificate of insurance and, if applicable, with the blanket additional insured endorsements effecting coverage as required by this Section. The certificates and endorsements for each insurance policy, if applicable, shall be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and the applicable blanket additional insured endorsements are to be received by the Licensor before Licensee receives building permit or permits and prior to the Commencement Date.

(k) Under no circumstances shall the Licensor be deemed to have waived any of the insurance requirements of this Agreement by any action or omission including, but not limited to (i) allowing any work to commence by or on behalf of Licensee before Licensor is in receipt of certificates of insurance; (ii) failing to review any certificate of insurance received, or (iii) failing to advise Licensee that any certificate of insurance fails to contain all the required insurance provisions, or may be deficient in any other manner. Licensee agrees that the obligations to provide the insurance required under this Agreement is solely its responsibility and that it is a requirement under this Agreement is solely its responsibility and that it is a requirement which cannot be waived by any action, inaction or omission by Licensor.

7. WARRANTY OF TITLE AND RIGHT TO LICENSE Licensor represents and warrants (by and through its undersigned representative) that (a) Licensor owns or controls the Building or all relevant portions thereof (including the Licensed Premises), unencumbered by any contract, agreement or title covenants, conditions, restrictions, limitations or liens of record or not of record which would adversely affect Licensee's use and enjoyment of the Licensed Premises or access to them; (b) Licensor has the rights of use and access granted to Licensee under this License; (c) If a corporation or partnership, Licensor is duly organized/formed, validly existing and in good standing and has all rights, power and authority to make this License and bind itself hereto; and (d) Licensee, during the term, shall have quiet and peaceful use and enjoyment of the Licensed Premises for its permitted uses.

8 MISCELLANEOUS.

(a) All rights granted to Licensee under this License are revocable only when this License expires or is sooner terminated, according to its terms. Should the Licensor, at any time during the term of this License, decide to sell all or any part of the Property to a purchaser other than Licensee, such sale shall be under and subject to this License and Licensee's rights hereunder, provided that at the time of such sale the Licensee is then in full compliance with all of its covenants and obligations hereunder.

(b) Licensor is permitted to assign this License over to a successor Licensor, if the successor agrees to be bound by all of Licensor's obligations under this License. Licensor

agrees that Licensee may assign this License to principal, affiliates, subsidiaries of its principal, or to any entity which acquires all or substantially all of Licensee's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization, agreeing to be bound by all of Licensee's License obligations unless otherwise approved by Licensor in writing. Licensor and Licensee agree that except as to the entities described in the preceding sentence, this License may not be assigned, transferred or sublet to any tower management company. Notwithstanding anything to the contrary contained in this Lease, Licensee may assign, mortgage, pledge, hypothecate, grant a security interest or otherwise transfer without consent its interest in this License to any financing entity, or agent on behalf of any financing entity to whom Licensee (i) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes, or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

(c) Notices to either party must be given in writing to the address of the party set forth above (if to Licensee, Attn : Network Real Estate) by overnight or certified mail, return receipt requested with, however, Licensee notice to : Chicago SMSA Limited Partnership d/b/a Verizon Wireless 180 Washington Valley Road, Bedminster, New Jersey 07921, Attention: Network Real Estate. The notice shall be effective when received.

(d) The terms and conditions contained in this License benefit and bind Licensor and Licensee, and each of their respective successors and (permitted) assigns. References in this License to "he", "she" or "it" are neutral and mean one and the same thing and the singular shall include the plural where the context requires.

(e) This License and the attached exhibit, once approved by the Licensor, constitute the entire agreement of the parties over this subject matter and supersede all prior offers, negotiations and agreements. To be valid, a revision of this License must be made in writing and signed by Verizon and an authorized agent of the Licensor following approval by the Corporate Authorities.

(f) Licensor agrees that except for the equipment shelter constructed and affixed to the Building, the Station, at all times, is and shall remain Licensee's personal property

(g) Licensee will not generate or store any hazardous substances on or about the Licensed Premises except in compliance with applicable hazardous substance laws. Licensor's remedies for Verizon Wireless' misuse of the Premises are covered by Paragraph 6 hereof. Licensor hereby agrees to indemnify and defend Licensee from any losses, claims, damages, penalties, liabilities or costs that Licensee may suffer as a result of the presence of hazardous substances or petroleum in, on or under the Building, including the Licensed Premises, introduced by or permitted to be introduced by the Licensor unless the presence of such substances were a result of Licensee use of the Licensed Premises.

(h) This License Agreement contains all agreements, promises, and understandings between the Licensor and Licensee and does not constitute a binding agreement

until executed by all parties. All attachments, addendums and riders are incorporated herein by reference.

(i) Upon termination of expiration of this License, Licensee shall, except if otherwise agreed to by Licensor, remove its equipment and improvements and shall restore the Licensed Premises to substantially the condition it existed on the commencement date.

(j) Licensee may terminate the License, without further liability, on thirty (30) days written notice if the Licensed Premises, in Licensee's good faith judgment and provided that Licensor has not cured any such interference, are or become unacceptable or unusable due to broadcast interference. For purposes herein, broadcast interference shall mean harmful interference with Licensee's transmissions which is measurable in accordance with then existing industry standards.

(k) Within sixty (60) days after the Station has been installed and placed in operation, Licensee shall procure from a consultant, approved by the Licensor, a report regarding the level of electronic transmission from these facilities and during the term of this License, the Licensor may, not more than once per each five-year term thereafter, require a similar report to be prepared. Licensee shall be entitled to sixty (60) days prior written notice in advance of duty to procure any such report in any future term. The report shall reflect measurements taken over whatever reasonable period of time and at whatever reasonable location the Licensor shall require

(m) Licensee shall not be permitted to operate from the Station or make subsequent changes to the Station which shall increase the Licensee's transmission level above the maximum permitted radio frequency transmission then permitted by any Federal regulatory agency.

(n) Within thirty (30) days after the execution of this Agreement, Licensee will provide to the Licensor the following forms of security: (i) a One Thousand and No/100 Dollars ($1,000.00) replenishable cash deposit, to be held in a segregated account, as and for a performance guaranty for the routine maintenance and repair of the Building necessitated from time to time by the Station ("Security Fund"); and (ii) a Ten Thousand and No/100 Dollars ($10,000) bond as and for a performance guaranty for the removal of the Station within sixty (60) days after the expiration or earlier termination of this License. These forms of security shall be retained by Licensor and may be utilized to pay the Licensor for its costs, provided the Licensee has failed to perform any action required under this Agreement more than thirty (30) days following receipt of a notice of breach. Licensor agrees to provide notice to Licensee prior to utilizing funds from the Security Fund or bond.

If the Licensor utilizes such funds, it shall notify Licensee of the funds so utilized and Licensee will restore to the Security Fund to the amount required in this Section. An example of the circumstance which would permit the Licensor to withdraw and utilize such funds would be a failure by Licensee to provide a report of a consultant showing the electronic emissions from the Station. The Licensor shall invest the security account and shall credit interest income into the account. In any renewal terms, the Licensor may require that Verizon shall comply with an

increase in the amount of the Security Fund to reflect inflationary costs. At the termination of this Agreement, the Licensor shall return to Licensee the amount, if any, to the Security Fund, which has not previously been expended or which will not be expended within the following six (6) month period for costs incurred or to be incurred by the Licensor as a result of the breach by Licensee of any provision of this Agreement.

(o) Within thirty (30) days after the date of the execution of this License and receipt of a detailed invoice from Licensor, Licensee shall reimburse Licensor for its reasonable out-of-pocket expenses relating to the review of the request for this License including the costs associated with the ad-hoc wireless siting policy committee. Licensor shall submit an itemized invoice for such expenses and in no event shall Licensee pay more than $5,000.00 for Licensor's out-of-pocket service expenses relating to this License.

(p) Subject to the Licensee receiving all necessary permits and approvals, the parties agree that Licensee shall be permitted to install the equipment in accordance with the plans attached as Exhibit "B." Licensee shall also submit final drawings in connection with Licensee's application for building permits. Licensee shall pay the reasonable costs incurred by the Licensor in the review of any plans by third-party independent consultants. In no event, shall Licensee's expense reimbursement under the foregoing sentence exceed five thousand dollars ($5,000.00). In the construction of the Station, Licensee shall also pay any costs necessary to remove or relocate any facilities of the Licensor or of a other licensee of the Licensor.

(q) Each party shall be responsible for the reasonable legal fees incurred by the other for the party's breach of this License.

9. TAXES.

(a) Licensee shall be solely responsible for and shall timely pay all taxes levied and assessed against it, its personal property, any improvements on the Licensed Premises, or Licensee's interest in the Licensed Premises. All such payments shall be made when due and, at the request of Licensor, Licensee shall provide evidence of payment of such taxes. The Licensee shall attempt to have any tax bill or assessment notice related to the Licensed Premises delivered directly to Licensee. If the Licensee is not able to obtain direct delivery of same, Licensor shall deliver a copy of any tax bill or notice of assessment received by Licensor, to Licensee within fifteen (15) days of Licensor's receipt of same. Licensee's obligation to pay taxes relating to the Licensed Premises in connection with Licensee's occupancy of the same shall survive the termination of this License, including any and all extensions thereof.

(b) Licensee shall have the right to protest all taxes, assessments, charges and impositions levied against its personal property, any improvements on the Licensed Premises, or Licensee's interest in the Licensed Premises (except taxes, assessments or charges levied by the Licensor) and Licensor agrees to join in such protest if required by law and to permit Licensee to proceed with the protest in Licensor's name, provided that all expense in any way relating to the protest are borne by Verizon Wireless. If the Licensor initiates an action to protest taxes or other assessments, Licensee may join in such action provided that Licensee pays its own expense of so participating. Licensor shall within thirty (30) days of receipt of notice of any increase in taxes,

assessments or other charges related to Licensee's personal property, any improvements on the Licensed Premises, or Licensee's interest in the Licensed Premises, send a copy of such notice to Licensee by certified mail, return receipt requested. Licensee agrees that it will not file a tax objection petition challenging any tax levied by Licensor, provided Licensor levies any such taxes in good faith and in accordance with applicable law.

(c) Verizon shall cooperate with Licensor in the preparation and filing of a tax division for the Licensed Premises based on Verizon's leasehold interest.

10. RIGHTS OF ACCESS.

(a) Licensor agrees to grant to Licensee the following Rights of Access:

(i) Ingress and Egress. Except for emergency repairs, all installation, maintenance, repair, modification, protection, replacement or removal at the Station shall take place between the hours of 8:30 a.m. and 7:00 p.m. on Monday through Friday only ("Business Hour Access"). In the event that Licensee requires emergency access outside of the Business Hour Access period, Licensee agrees to provide as much notice as reasonably possible to Licensor under the circumstances and shall reimburse Licensor for any personnel costs, at the current actual rate for overtime pay, incurred by reason of providing access during non-Business Hours. Any such reimbursement shall be due from Licensee within thirty (30) days after receipt of invoice from Licensor.

(ii) Access for Construction. Licensor shall grant to Licensee access upon and over the property for the temporary storage and use of construction materials and equipment from time to time, that Licensee or one of Licensee's contractors, subcontractors, employees, agents or representatives is constructing, installing, removing, repairing, relocating, replacing, maintaining or operating improvements, installation or equipment pursuant to this License and during the time of set-up operations before, and clean-up operations after any such construction, installation, removal, repair, relocation, replacement, maintenance or operation. Except during the initial construction, which shall continue for a period of no more than one hundred twenty (120) days, no temporary storage of materials and/or equipment shall continue in excess of five (5) business days unless Licensor has given its specific consent. The Licensee agrees that at no point will the installation, maintenance or operation of the Station obstruct the Police Department's access to the garage on the east side of the Building. During the installation of the Station the Licensee shall not close a portion greater than 25% of the Licensor's parking lot for more than forty-eight (48) hours. Failure of the Licensee to meet the requirements

laid out in this section shall result in a penalty of $500 per day to be drawn on the Security Fund described in Section 8(n).

(iii) Access/Billing for Utilities. No new poles or similar facilities shall be installed to provide overhead utility lines to the Building or antennas. In the event the existing utility poles or similar facilities are not adequate for Licensee's utility requirements, Licensee shall cause any additional utility access lines to be run underground. Licensor agrees to provide access to Licenssee for any necessary utility source, with the locations of such utility routes to be in mutually agreeable locations. On one occasion per each five-term of the License and upon one hundred eighty (180) days notice, if Licensor reasonably determines that utility lines must be relocated to accommodate improvements on Licensor's property, Licensor shall provide suitable replacement locations ("Alternate Access"), and all utility lines shall be relocated to the Alternate Access at Licensee's sole cost and expense. In such event, Licensor shall cooperate with Licensee to establish or relocate any required utility access, all at Licensee's sole cost and expense. Licensor also agrees that it shall use its best efforts to permit Licensee to maintain continuous use and operation of Licensee Station and all equipment during the period in which the access and utilities are relocated. All of Licensee's utilities (electric, telecommunications) shall be provided under separate meter and shall be billed directly to Licensee.

(b) Modifications. If subsequent to the date of this License, but not more frequently than once per each five-term of the License, any Access, Construction or Utility Access obtained is still necessary and no longer adequately serves the Licensed Premises and License's use thereof, Licensor agrees to cooperate with Licensee to relocate such access rights with the new Access, Construction or Utility Access determined in the Licensor's reasonable discretion. In the event that Licensee reasonably objects to the new location of any of the necessary access, then, at Licensee's option, this License may be terminated, and if Licensee has prepaid rent to Licensor, Licensee shall be entitled to a rebate of unearned rent as of the date Licensee has removed its equipment from the Licensed Premises.

(c) In the event the Licensor determines, in its sole discretion, to expand or decommission and remove the Building, the Licensor reserves the right to require Licensee, at Licensee's expense, to remove Licensee's Station and relocate Licensee's Station to a new location owned by the Licensor as mutually agreed to by the Parties. Licensor agrees to provide at least one year prior written notice to Licensee of Licensor's intention to perform such expansion or decommission and removal of the Building If the Parties cannot agree on a substitute location for Licensee's Station within said one year notice period, the License shall terminate as provided herein.

11. DEFAULT; REMEDIES.

(a) In the event of default under this License by Licensee, Licensor shall be entitled to remedies as shall then be provided by law, equity or as otherwise provided herein, except that Licensor shall not be entitled to remove any personal property (including fixtures) on the Property; and provided that prior to, and as a condition precedent to, the exercise of any remedy, Licensor shall give to Licensee written notice of default to Licensee and the nature of the default and Licensee shall have thirty (30) days (or, if the default cannot be cured within thirty (30) days, a longer period as shall be necessary to cure the default, acting with due diligence), after receipt of the notice within which to cure the default, during which period no remedy shall be pursued. If Licensee fails to cure a default within the period stated above, in addition to any other remedies available to Licensor, the Licensor may then, but not before, elect to commence proceedings to terminate this License provided, however, Licensee shall be permitted a six (6) month stay from receipt of a notice of eviction at 125% of the then current monthly rent to find an alternative site. In addition, and not in limitation of any of the foregoing remedies, the Licensor shall have a lien against the Station for the amount of any License Fees which remain unpaid more than sixty (60) days past due.

(b) In the event there is a breach by Licensor with respect to any of the provisions of this Agreement or its obligations under it, Licensee shall give Licensor written notice of such breach. After receipt of such written notice, Licensor shall have thirty (30) days in which to cure any such breach, provided Licensor shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and Licensor commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. Licensee may not maintain any action or effect any remedies for default against Licensor unless and until Licensor has failed to cure the breach within the time periods provided in this paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement if Licensor fails, within five (5) days after receipt of written notice of such breach, to perform an obligation required to be performed by Licensor if the failure to perform such an obligation interferes with Licensee's ability to conduct its business in the Building; provided, however, that if the nature of Licensor's obligation is such that more than five (5) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced within such five (5) day period and thereafter diligently pursued to completion.

(c) The remedies described in this paragraph shall not be exclusive and may be pursued separately or cumulatively with any other remedies provided for in this Agreement. Upon a default, the non-defaulting Party may at its option (but without obligation to do so), perform the defaulting Party's duty or obligation on the defaulting Party's behalf, including but not limited to the obtaining of reasonably required insurance policies. The costs and expenses of any such performance by the non-defaulting Party shall be due and payable by the defaulting Party upon invoice therefor. If Licensee so performs any of Licensor's obligations hereunder, the full, undisputed amount of the reasonable and actual cost and expense incurred by Licensee shall be a credit against any subsequent License Fees.

12. DELIVERY; MAINTENANCE. Licensor shall deliver the Licensed Premises to Licensee on the Commencement Date. Licensor represents that, as of the Commencement Date, the Building is in compliance with all Laws.

13. CASUALTY. In the event of damage by fire or other casualty to the Building or Licensed Premises that cannot reasonably be expected to be repaired within forty-five (45) days following same or, if the Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt Licensee's operations at the Licensed Premises for more than forty-five (45) days, then Licensee may, at any time following such fire or other casualty, provided Licensor has not completed the restoration required to permit Licensee to resume its operation at the Licensed Premises, terminate this License upon fifteen (15) days prior written notice to Licensor. Any such notice of termination shall cause this Agreement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this License and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under this License. In the event of a fire or casualty that prevents Licensee from operating the Licensed Premises or any temporary installation permitted by Licensor for less than forty-five (45) days, Licensee shall be entitled to a refund of a prorated portion of the annual License Fee for the duration of the inoperability of Licensee's facilities.

14 Memorandum. Licensor agrees to execute a Memorandum of this Agreement, provided by Licensee, a copy of which is attached hereto as part of Exhibit "C" which Licensee may record with the appropriate recording officer. The date set forth in the Memorandum of Lease is for recording purposes only and bears no reference to commencement of either the Term or rent payments.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed, or have caused their properly authorized representative to duly execute, counterparts of this License, on the date and year first above written.

LICENSOR:

VILLAGE OF GLEN ELLYN

By: _____

_____

Its: _____

FEIN:_____

LICENSEE:

Chicago SMSA Limited Partnership. d/b/a Verizon Wireless
By: Cellco Partnership, its General Partner

By: _____
Beth Ann Drohan
Its: Area Vice President Network
Date:_____

Exhibit "A"

Description of Property

LOTS 3 AND 4 IN BLOCK 12 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION, IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT NO 88055, IN DUPAGE COUNTY, ILLINOIS; AND

LOT 1 (EXCEPT THE SOUTH 19.96 FEET OF THE WEST 212 80 FEET THEREOF AND EXCEPT THE WEST 100.00 FEET THEREOF) IN SUBDIVISION OF LOT 6 IN BOCK 12 IN ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY. ILLINOIS

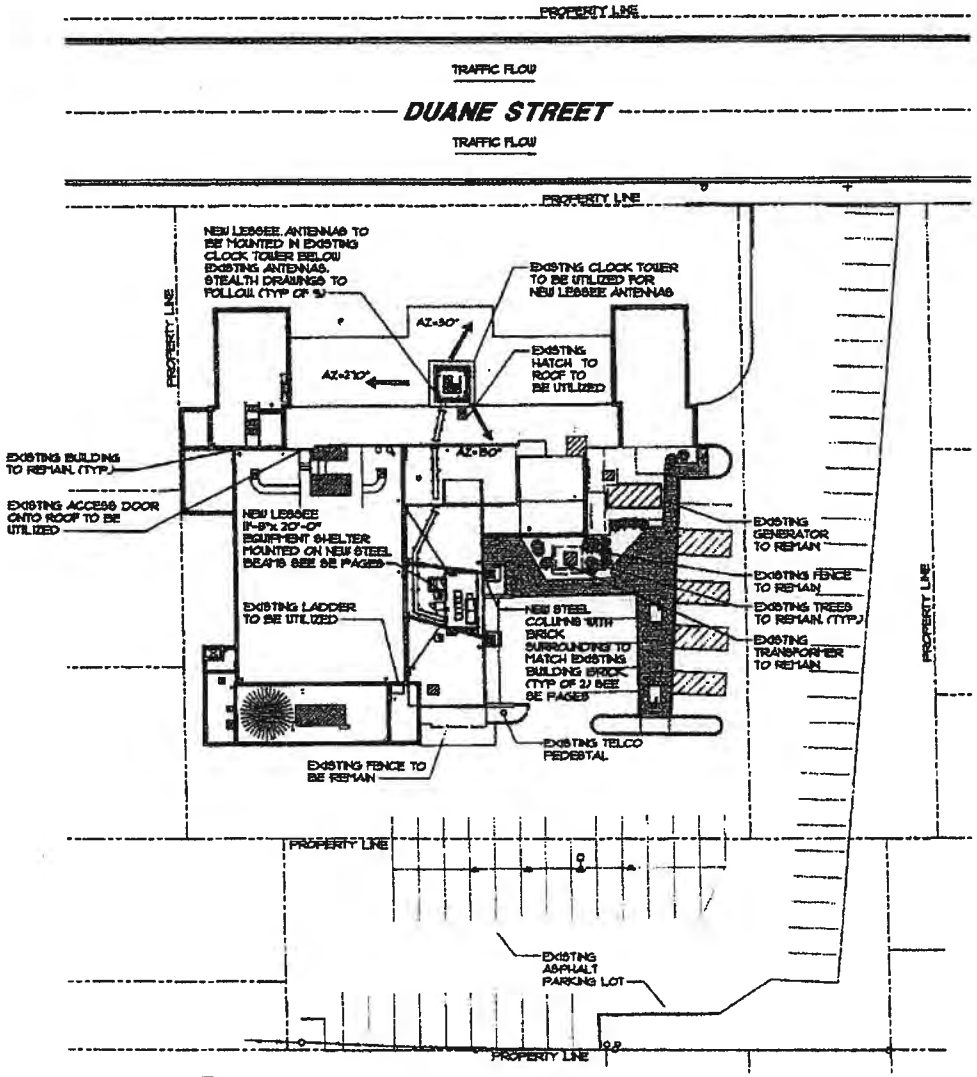
Address: 535 Duane Street, Glen Ellyn, Illinois

PIN: 05-11-328-024

Exhibit "B"

Description of Licensed Premises

(see attached site plans)

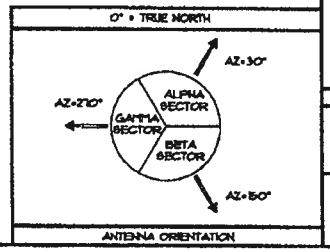


1 OVERALL SITE PLAN

SCALE: 1"=40'-0"

NOTE:
ALL COAX CABLE TRAYS, MOUNTING SYSTEM AND CONDUITS TO BE PAINTED TO MATCH EXISTING BUILDING GUTTER SYSTEM. VERIFY COLOR WITH PROPERTY OWNER.

ONSITE BENCHMARK ✦ SSW FLANGE BOLT OF HYDRANT LOCATED ON THE SOUTH SIDE OF DUANE STREET AND WEST OF DRIVEWAY ENTRANCE AS SHOWN. ELEVATION "852.39"



NO.	DATE	REVISION
8	06/07/11	FOR VILLAGE REVIEW
4	06/04/11	PER VILLAGE COMMENTS
3	02/25/11	PER VILLAGE COMMENTS
2	02/22/11	UPDATED ZONING DRAWINGS
1	02/14/11	ZONING DRAWINGS

CHICAGO SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

DT GLEN ELLYN
LOCATION #: 187769

540 DUANE ST.
GLEN ELLYN, IL 60137
DUPAGE COUNTY

DATE DRAWN: 01/14/11
DESIGNED BY: AMG
DRAWN BY: SMC
APPROVED BY: CMS

W-T COMMUNICATION DESIGN GROUP, LLC.

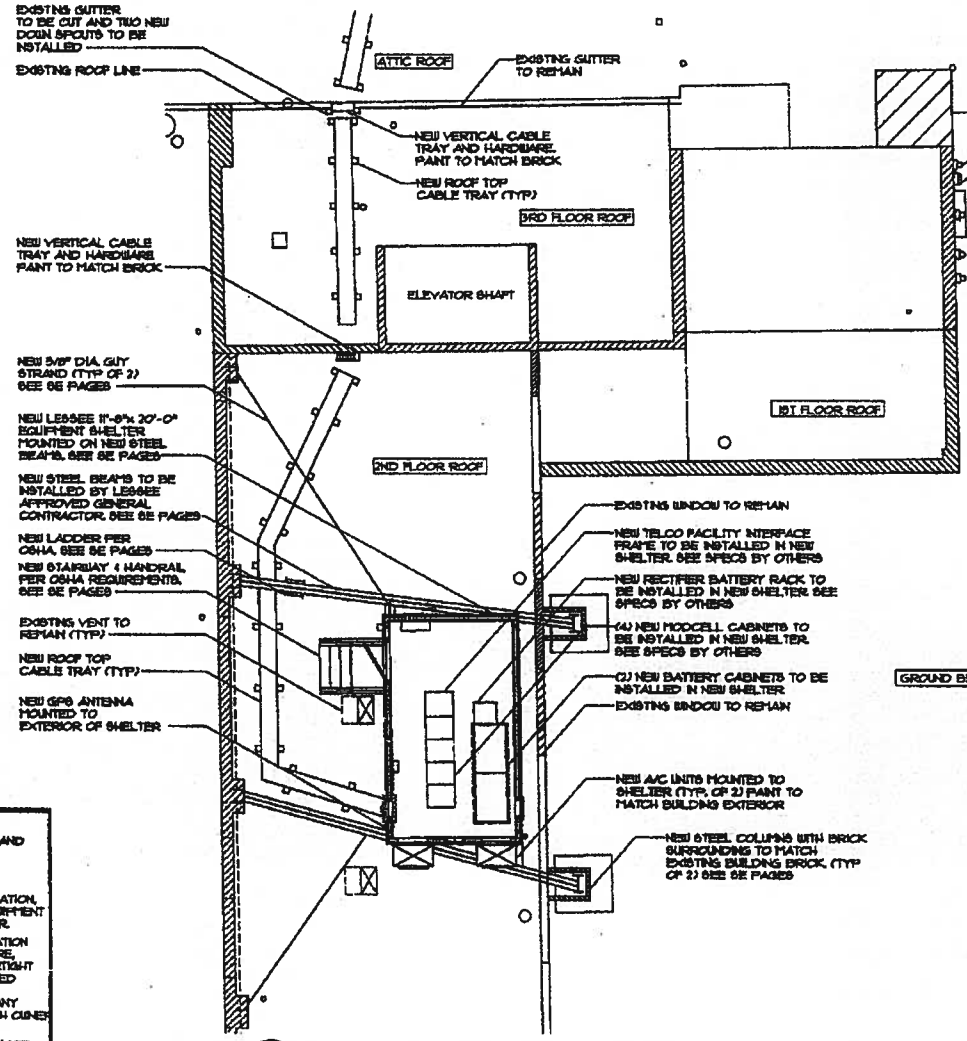
VARIOUS APPROVALS

CARISSA NEHOT, RA, LEED AP
LICENSED ARCHITECT
STATE OF ILLINOIS
LICENSE # 001-020849
EXPIRES 11/30/12 SIGNED .../.../...

PROJECT NO: T110042

SHEET NAME
OVERALL SITE PLAN

SHEET NUMBER
C-1



1 ENLARGED ROOF PLAN

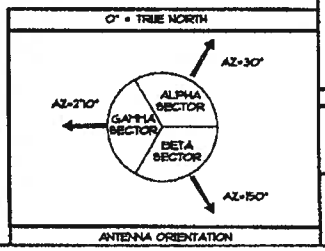
SCALE: 1"=10'-0"

NOTES:

1. CONTRACTOR TO VERIFY BUILDING COLUMNS SPACING AND LOCATION PRIOR TO ORDERING MATERIAL AND CONSTRUCTION. IF ANY DIFFERENT FROM DRAWINGS, NOTIFY A/E FIRM BEFORE CONSTRUCTION BEGINS.
2. CUT NECESSARY OPENING IN ROOFING MATERIALS ISOLATION, AND WEATHERPROOFING FELT PAPER AND ATTACH EQUIPMENT PLATFORM SUPPORT TO BUILDING STRUCTURAL MEMBER.
3. ALL ROOFING MATERIALS REMOVED FOR THE INSTALLATION OF EQUIPMENT PLATFORM AND COAX ENTRY ENCLOSURE, TO BE REPLACED SO ROOF IS REBUILT TO A WEATHERTIGHT CONDITION. ROOFING REPAIR WORK TO BE COORDINATED WITH CPS ROOFING MANUFACTURER AND INSTALLING CONTRACTOR. REINSTATEMENT/RECERTIFICATION OF ANY EXISTING ROOF WARRANTY (IES) BE COORDINATED WITH OWNER AND IS PART OF WORK SCOPE
4. CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED AREAS CAUSED BY CONSTRUCTION.
5. ALL COAX CABLES, MOUNTS, AN ANTENNAS SHALL BE PAINTED TO MATCH BUILDING EXTERIOR.

NOTE:
ALL COAX CABLE TRAYS, MOUNTS SYSTEM AND CONDUITS TO BE PAINTED TO MATCH EXISTING BUILDING GUTTER SYSTEM. VERIFY COLOR WITH PROPERTY OWNER.

ONSITE BENCHMARK ⊕ SSW FLANGE BOLT OF HYDRANT LOCATED ON THE SOUTH SIDE OF DUANE STREET AND WEST OF DRIVEWAY ENTRANCE AS SHOWN. ELEVATION "192.98'



NO.	DATE	REVISION
4	06/07/11	PER VILLAGE REVIEW
3	06/06/11	PER VILLAGE COMMENTS
2	05/25/11	PER VILLAGE COMMENTS
1	05/13/11	CONSTRUCTION DRAWINGS

CHICAGO SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

DT GLEN ELLYN
LOCATION #: 187769

638 DUANE ST.
GLEN ELLYN, ILLINOIS
DUPAGE COUNTY

DATE DRAWN: 01/12/11
DESIGNED BY: AMD
DRAWN BY: BMC
APPROVED BY: CKS

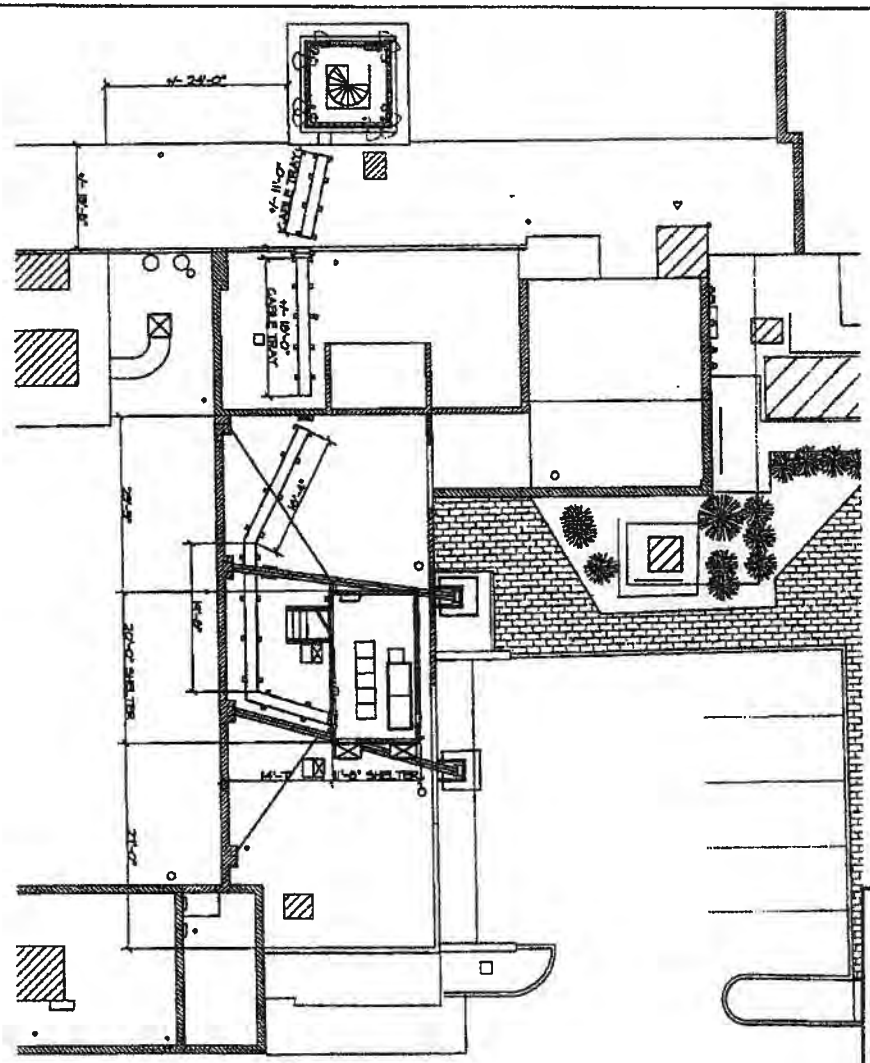
W-T COMMUNICATION DESIGN GROUP, LLC.

CARISSA VIDOT, RA, LEED AP
LICENSED ARCHITECT
STATE OF ILLINOIS
LICENSE # 001-020586
EXPIRES 11/30/11 SIGNED: ___/___/___

PROJECT NO: T198442

SHEET NAME
ENLARGED SITE PLAN

SHEET NUMBER
C-2



SEE SE PAGES FOR ADDITIONAL DIMENSIONS

1 **GEOMETRIC SITE PLAN**
SCALE: 1"=15'-0"

NORTH

NOTES:

1. CONTRACTOR TO VERIFY BUILDING COLUMNS SPACING AND LOCATION PRIOR TO ORDERING MATERIAL AND CONSTRUCTION. IF ANY DIFFERENT FROM DRAWINGS, NOTIFY A4E FIRM BEFORE CONSTRUCTION BEGINS.
2. CUT NECESSARY OPENING IN ROOFING MATERIALS ISOLATION, AND WEATHERPROOFING FELT PAPER AND ATTACH EQUIPMENT PLATFORM SUPPORT TO BUILDING STRUCTURAL MEMBER.
3. ALL ROOFING MATERIALS REMOVED FOR THE INSTALLATION OF EQUIPMENT PLATFORM AND COAX ENTRY ENCLOSURE, TO BE REPLACED SO ROOF IS REBUILT TO A WEATHERTIGHT CONDITION. ROOFING REPAIR WORK TO BE COORDINATED WITH CPS ROOFING MANUFACTURER AND INSTALLING CONTRACTOR. REINSTATEMENT/RECERTIFICATION OF ANY EXISTING ROOF WARRANTY (IES) BE COORDINATED WITH OWNER AND IS PART OF WORK SCOPE
4. CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED AREAS CAUSED BY CONSTRUCTION.
5. ALL COAX CABLES, MOUNTS, AN ANTENNAS SHALL BE PAINTED TO MATCH BUILDING EXTERIOR.

NO.	DATE	REVISION
6	03/27/11	FOR VILLAGE REVIEW
5	03/28/11	FOR VILLAGE COMMENTS
4	07/25/11	FOR VILLAGE COMMENTS
3	03/22/11	UPDATED ZONING DRAWINGS
2	03/15/11	ZONING DRAWINGS
1	02/15/11	

CHICAGO SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

DT GLEN ELLYN
LOCATION #: 187769

[illegible] DUANE ST.
GLEN ELLYN, IL 60137
DUPAGE COUNTY

DATE DRAWN: 01/14/11
DESIGNED BY: AMG
DRAWN BY: SMC
APPROVED BY: CMS

W-T
W-T COMMUNICATION DESIGN GROUP, LLC.
WIRELESS INFRASTRUCTURE

CARESSA WENDY, RA, LEED AP
LICENSED ARCHITECT
STATE OF ILLINOIS
LICENSE # 001-[illegible]
EXPIRES: 11/29/12, SIGNED: __/__/__

PROJECT NO: T110942

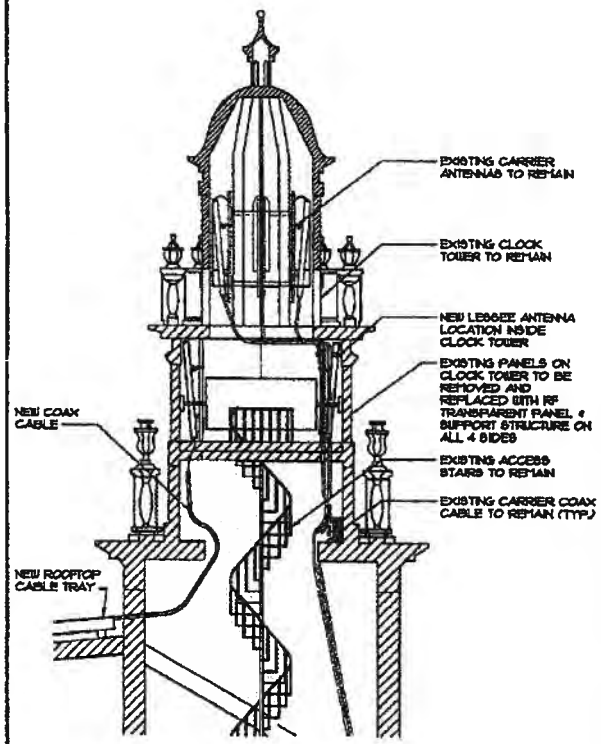
SHEET NAME
GEOMETRIC SITE PLAN

SHEET NUMBER
C-3

NOTE:
W-T'S SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THIS STRUCTURE. NEW ANTENNAS SHOWN ON THIS PLAN HAVE NOT BEEN EVALUATED TO VERIFY THE STRUCTURE HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS. PRIOR TO ANY ANTENNA INSTALLATION, A STRUCTURAL EVALUATION OF THE STRUCTURE SHOULD BE PERFORMED.

NOTE:
ALL COAX CABLE TRAYS, MOUNTING SYSTEM AND CONDUITS TO BE PAINTED TO MATCH EXISTING BUILDING. CONTRACTOR SHALL VERIFY COLOR WITH PROPERTY OWNER.

NOTE:
NEW RF TRANSPARENT PANEL & SUPPORT STRUCTURE NOT SHOWN FOR CLARITY

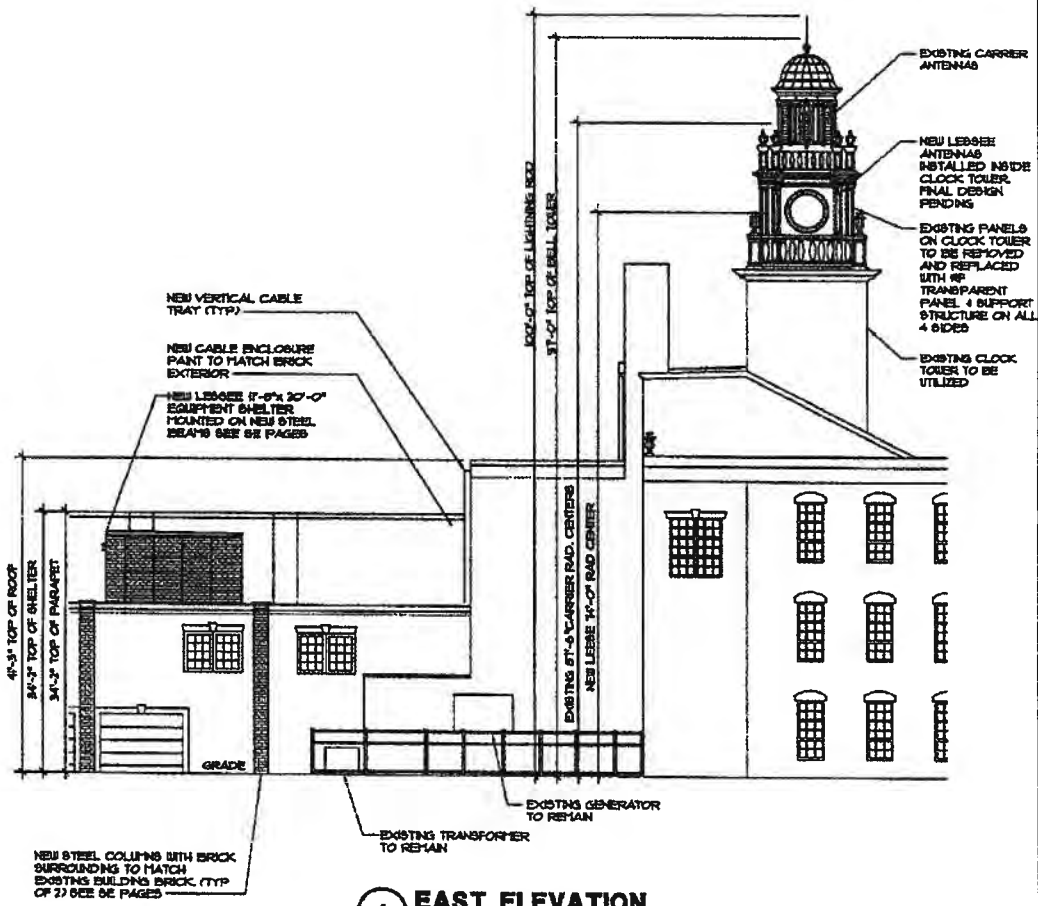


2 CLOCK TOWER SECTION
SCALE: NONE

NOTE:
W-T'S SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THIS STRUCTURE. NEW ANTENNAS SHOWN ON THIS PLAN HAVE NOT BEEN EVALUATED TO VERIFY THE STRUCTURE HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS. PRIOR TO ANY ANTENNA INSTALLATION, A STRUCTURAL EVALUATION OF THE STRUCTURE SHOULD BE PERFORMED.

NOTE:
ALL COAX CABLE TRAYS, MOUNTING SYSTEM AND CONDUITS TO BE PAINTED TO MATCH EXISTING BUILDING. CONTRACTOR TO VERIFY COLOR WITH PROPERTY OWNER

NOTE:
NEW RF TRANSPARENT PANEL & SUPPORT STRUCTURE NOT SHOWN FOR CLARITY



1 EAST ELEVATION
SCALE: 1"=5'-0"

NO.	DATE	REVISION
6	02/02/12	FOR VILLAGE REVIEW
4	02/09/11	FOR VILLAGE COMMENTS
3	12/22/11	FOR VILLAGE COMMENTS
2	02/22/11	UPDATED ZONING DRAWINGS
1	03/16/11	ZONING DRAWINGS

CHICAGO SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

DT GLEN ELLYN
LOCATION #: 187769
534 DUANE ST.
GLEN ELLYN, IL 60137
DUPAGE COUNTY

DATE DRAWN: 03/14/11
DESIGNED BY: AMG
DRAWN BY: SMC
APPROVED BY: CMS

W-T
W-T COMMUNICATION DESIGN GROUP, LLC.

CARESA WENDT, P.A. LEED AP
LICENSED ARCHITECT
STATE OF ILLINOIS
LICENSE # 001-020000
EXPIRES 11/30/12 SCALE: __/__/__

PROJECT NO: T110642

SHEET NAME
ELEVATIONS

SHEET NUMBER
A-1

Exhibit "C"

Memorandum of License Agreement

Prepared by and upon recording
Please return to:

Ginsberg Jacobs LLC
300 South Wacker Drive
Suite 2450
Chicago, Illinois 60606
Attn: Steven F Ginsberg, Esq.
(Site Name: DT Glen Ellyn)

MEMORANDUM OF LICENSE AGREEMENT

Assessor's Parcel Number: 05-11-328-024

Between the Village of Glen Ellyn ("Licensor") and Chicago SMSA Limited Partnership, d/b/a Verizon Wireless ("Licensee")

A Site Lease (the "License") by and between Village of Glen Ellyn, a municipal corporation ("Landlord") and Chicago SMSA Limited Partnership, d/b/a Verizon Wireless ("Tenant") was made regarding a portion of the following property:

See Attached Exhibit "A" incorporated herein for all purposes

The License is for a term of five (5) years and will commence on the date as set forth in the Lease (the "Commencement Date") Licensee shall have the right to extend this Lease for four (4) additional and successive five-year terms, which may be automatically renewable unless terminated by Licensee

Licensee has a license interest in the areas depicted and described in Exhibit B

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have respectively executed this memorandum effective as of the date of the last party to sign.

LICENSOR:

Village of Glen Ellyn, an Illinois municipal corporation

By:_____

Printed Name:_____

Title:_____

Date:_____

LICENSEE:

Chicago SMSA Limited Partnership, d/b/a Verizon Wireless

By: Cellco Partnership, its General Partner

By:_____

Beth Ann Drohan

Its: Area Vice President Network

Date:_____

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

The foregoing instrument was acknowledged this ___ day of _____, 20___

by Beth Ann Drohan , the Area Vice President of Cellco Partnership, General Partner of Chicago SMSA Limited Partnership, d/b/a Verizon Wireless, known to me to be the person executing the foregoing document.

_____
Notary Public

STATE OF ILLINOIS)
) ss
COUNTY OF _____)

The foregoing instrument was acknowledged this ___ day of _____, 20___

by _____ , the _____ of ___

_____, known to me to be the person executing the foregoing document.

_____
Notary Public

Exhibit "A"

Description of Property

(see attached)

535 Duane Street, Glen Ellyn, Illinois

Exhibit "B"

Portion of Property leased to Tenant

(see attached documents)

Prepared by and upon recording
Please return to:

Ginsberg Jacobs LLC
300 South Wacker Drive
Suite 2450
Chicago, Illinois 60606
Attn: Steven F. Ginsberg, Esq
(Site Name: DT Glen Ellyn)

MEMORANDUM OF LICENSE AGREEMENT
Assessor's Parcel Number: 05-11-328-024

Between the Village of Glen Ellyn ("Licensor") and Chicago SMSA Limited Partnership, d/b/a Verizon Wireless ("Licensee")

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Licensee has a license interest in the areas depicted and described in Exhibit B.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have respectively executed this memorandum effective as of the date of the last party to sign.

LICENSOR:

Village of Glen Ellyn, an Illinois municipal corporation

By:_____
Printed Name:_____
Title:_____
Date:_____

LICENSEE:

Chicago SMSA Limited Partnership, d/b/a Verizon Wireless
By: Cellco Partnership, its General Partner

By:_____
Beth Ann Drohan
Its: Area Vice President Network
Date:_____

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

The foregoing instrument was acknowledged this ___ day of _____, 20___ by Beth Ann Drohan , the Area Vice President of Cellco Partnership, General Partner of Chicago SMSA Limited Partnership, d/b/a Verizon Wireless, known to me to be the person executing the foregoing document.

_____
Notary Public

STATE OF ILLINOIS)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged this ___ day of _____, 20___ by ___ _____ , the _____ of _____ _____, known to me to be the person executing the foregoing document.

_____
Notary Public

Exhibit "A"

Description of Property

LOTS 3 AND 4 IN BLOCK 12 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION, IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT NO 88055, IN DUPAGE COUNTY, ILLINOIS; AND

LOT 1 (EXCEPT THE SOUTH 19.96 FEET OF THE WEST 212.80 FEET THEREOF AND EXCEPT THE WEST 100.00 FEET THEREOF) IN SUBDIVISION OF LOT 6 IN BOCK 12 IN ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

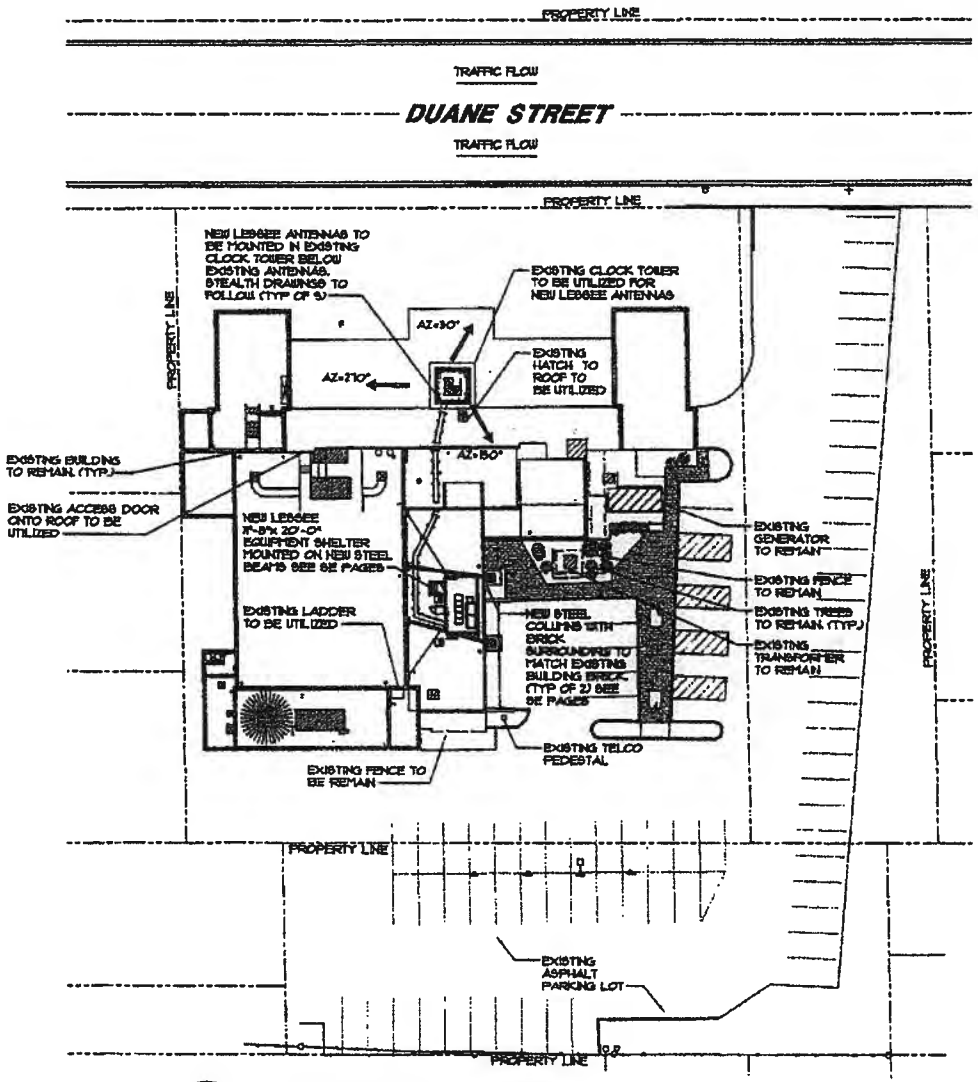
Address: 535 Duane Street, Glen Ellyn, Illinois

PIN: 05-11-328-024

Exhibit "B"

Portion of Property leased to Tenant

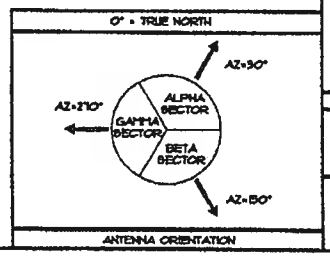
(see attached documents)



1 **OVERALL SITE PLAN**
SCALE: 1"=40'-0"

NOTE:
ALL COAX CABLE TRAYS, MOUNTING SYSTEM AND CONDUITS TO BE PAINTED TO MATCH EXISTING BUILDING GUTTER SYSTEM. VERIFY COLOR WITH PROPERTY OWNER.

ONSITE BENCHMARK ⌖ SSW FLANGE BOLT OF HYDRANT LOCATED ON THE SOUTH SIDE OF DUANE STREET AND WEST OF DRIVEWAY ENTRANCE AS SHOWN. ELEVATION 752.39'



CHICAGO SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

DT GLEN ELLYN
LOCATION #: 187769
438 DUANE ST.
GLEN ELLYN, IL 60137
DUPAGE COUNTY

NO.	DATE	REVISION
6	02/27/13	PER VILLAGE REVIEW
4	02/28/11	PER VILLAGE COMMENTS
3	02/28/11	PER VILLAGE COMMENTS
2	02/28/11	UPDATED ZONING DRAWINGS
1	02/15/11	ZONING DRAWINGS

DATE DRAWN: 01/31/11
DESIGNED BY: AMB
DRAWN BY: SMC
APPROVED BY: CMS

W-T
W-T COMMUNICATION DESIGN GROUP, LLC.

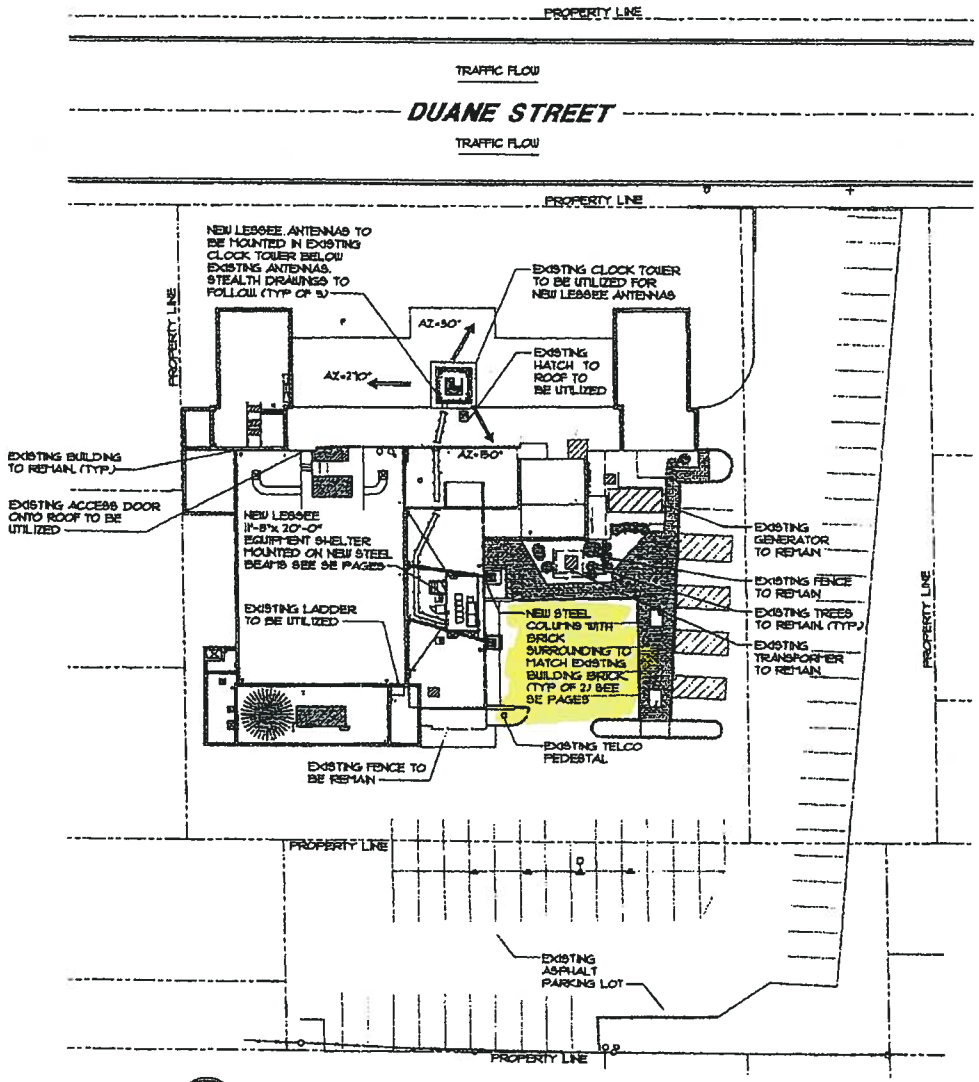
CARESSA WENDT, RA, LEED AP
LICENSED ARCHITECT
STATE OF ILLINOIS
LICENSE # 001-020899
EXPIRES 11/30/12 SIGNED __/__/__

PROJECT NO: T110642

SHEET NAME
OVERALL SITE PLAN

SHEET NUMBER
C-1

Construction Diagrams

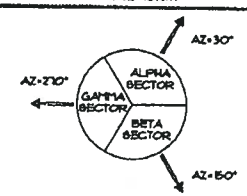


1 **OVERALL SITE PLAN**
SCALE: 1"=40'-0"

NOTE:
ALL COAX CABLE TRAYS, MOUNTING SYSTEM AND CONDUITS TO BE PAINTED TO MATCH EXISTING BUILDING GUTTER SYSTEM. VERIFY COLOR WITH PROPERTY OWNER.

ONSITE BENCHMARK ⊕ SSW FLANGE BOLT OF HYDRANT LOCATED ON THE SOUTH SIDE OF DUANE STREET AND WEST OF DRIVEWAY ENTRANCE AS SHOWN. ELEVATION "857.39"

0° = TRUE NORTH



ANTENNA ORIENTATION

NO.	DATE	REVISION
5	06/21/11	FOR VILLAGE REVIEW
4	06/06/11	PER VILLAGE COMMENTS
3	07/20/11	PER VILLAGE COMMENTS
2	08/20/11	UPDATED SIGNED DRAWINGS
1	03/14/11	SIGNED DRAWINGS

CHICAGO SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS
DT GLEN ELLYN
LOCATION #: 187789
631 DUANE ST.
GLEN ELLYN, IL 60137
DUPAGE COUNTY

DATE DRAWN: 01/14/11
DESIGNED BY: AMS
DRAWN BY: SMC
APPROVED BY: CMS

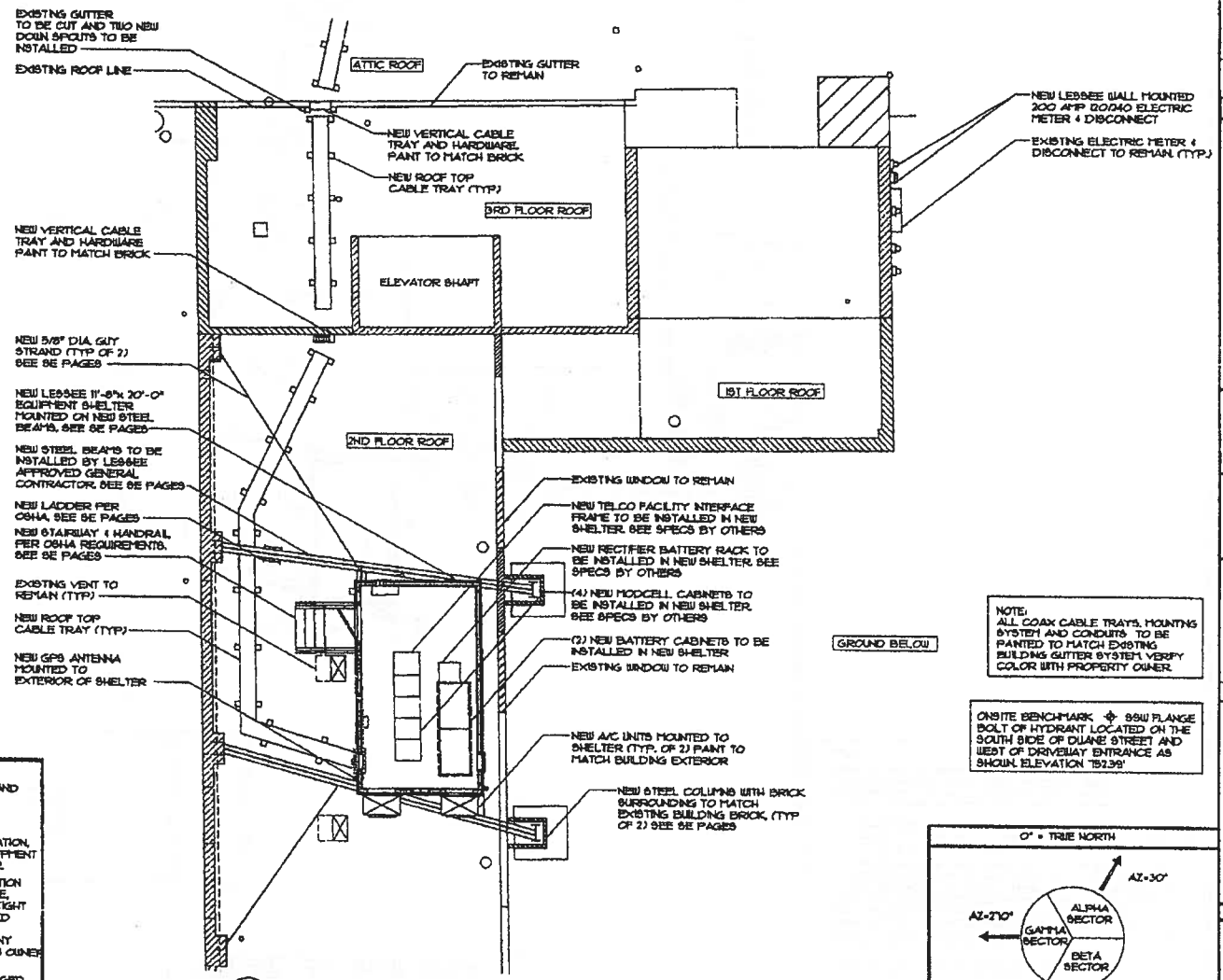
W-T COMMUNICATION DESIGN GROUP, LLC.

CARESSA WOOTT, RA, LCED AP
LICENSED ARCHITECT
STATE OF ILLINOIS
LICENSE # 001-020083
EXPIRES 11/30/12 SIGNED __/__/__

PROJECT NO: T110642

SHEET NAME
OVERALL SITE PLAN

SHEET NUMBER
C-1



1 ENLARGED ROOF PLAN

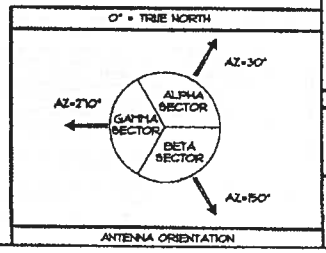
SCALE: 1"=10'-0"

NOTES:

1. CONTRACTOR TO VERIFY BUILDING COLUMNS SPACING AND LOCATION PRIOR TO ORDERING MATERIAL AND CONSTRUCTION. IF ANY DIFFERENT FROM DRAWINGS, NOTIFY A/E FIRM BEFORE CONSTRUCTION BEGINS.
2. CUT NECESSARY OPENING IN ROOFING MATERIALS ISOLATION, AND WEATHERPROOFING FELT PAPER AND ATTACH EQUIPMENT PLATFORM SUPPORT TO BUILDING STRUCTURAL MEMBER.
3. ALL ROOFING MATERIALS REMOVED FOR THE INSTALLATION OF EQUIPMENT PLATFORM AND COAX ENTRY ENCLOSURE, TO BE REPLACED SO ROOF IS REBUILT TO A WEATHERTIGHT CONDITION. ROOFING REPAIR WORK TO BE COORDINATED WITH GPS ROOFING MANUFACTURER AND INSTALLING CONTRACTOR. REINSTATEMENT/RECERTIFICATION OF ANY EXISTING ROOF WARRANTY (IES) BE COORDINATED WITH OWNER AND IS PART OF WORK SCOPE
4. CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED AREAS CAUSED BY CONSTRUCTION.
5. ALL COAX CABLES, MOUNTS, AN ANTENNAS SHALL BE PAINTED TO MATCH BUILDING EXTERIOR.

NOTE:
ALL COAX CABLE TRAYS, MOUNTING SYSTEM AND CONDUITS TO BE PAINTED TO MATCH EXISTING BUILDING GUTTER SYSTEM. VERIFY COLOR WITH PROPERTY OWNER.

ONSITE BENCHMARK ⊕ SSW FLANGE BOLT OF HYDRANT LOCATED ON THE SOUTH SIDE OF DUANE STREET AND WEST OF DRIVEWAY ENTRANCE AS SHOWN. ELEVATION 752.39'



REV.	DATE	REVISION
6	05/27/11	FOR VILLAGE REVIEW
4	06/06/11	FOR VILLAGE COMMENTS
3	07/25/11	FOR VILLAGE COMMENTS
2	08/22/11	UPDATED ZONING DRAWINGS
1	09/13/11	ZONING DRAWINGS

CHICAGO SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

DT GLEN ELLYN
LOCATION #: 187769

638 DUANE ST.
GLEN ELLYN, IL 60137
DUPAGE COUNTY

DATE DRAWN: 01/27/11
DESIGNED BY: AMG
DRAWN BY: SMC
APPROVED BY: CWS

W-T COMMUNICATION DESIGN GROUP, LLC.

CARISSA WEIDT, RA, LEED AP
LICENSED ARCHITECT
STATE OF ILLINOIS
LICENSE # 001-020599
EXPIRES 11/30/11, SIGNED: __/__/__

PROJECT NO: T119642

SHEET NAME
ENLARGED SITE PLAN

SHEET NUMBER
C-2

NOTE:
W-T'S SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THIS STRUCTURE. NEW ANTENNAS SHOWN ON THIS PLAN HAVE NOT BEEN EVALUATED TO VERIFY THE STRUCTURE HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS. PRIOR TO ANY ANTENNA INSTALLATION, A STRUCTURAL EVALUATION OF THE STRUCTURE SHOULD BE PERFORMED.

NOTE:
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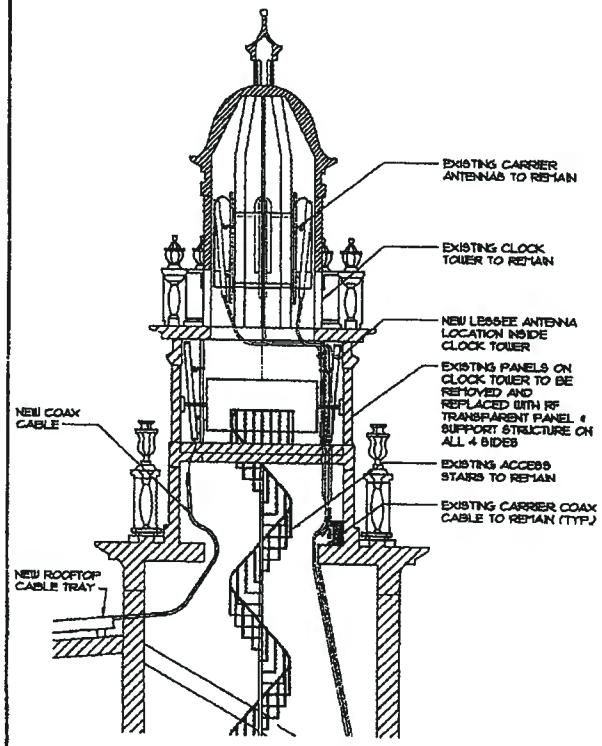
NOTE:
NEW RF TRANSPARENT PANEL & SUPPORT STRUCTURE NOT SHOWN FOR CLARITY

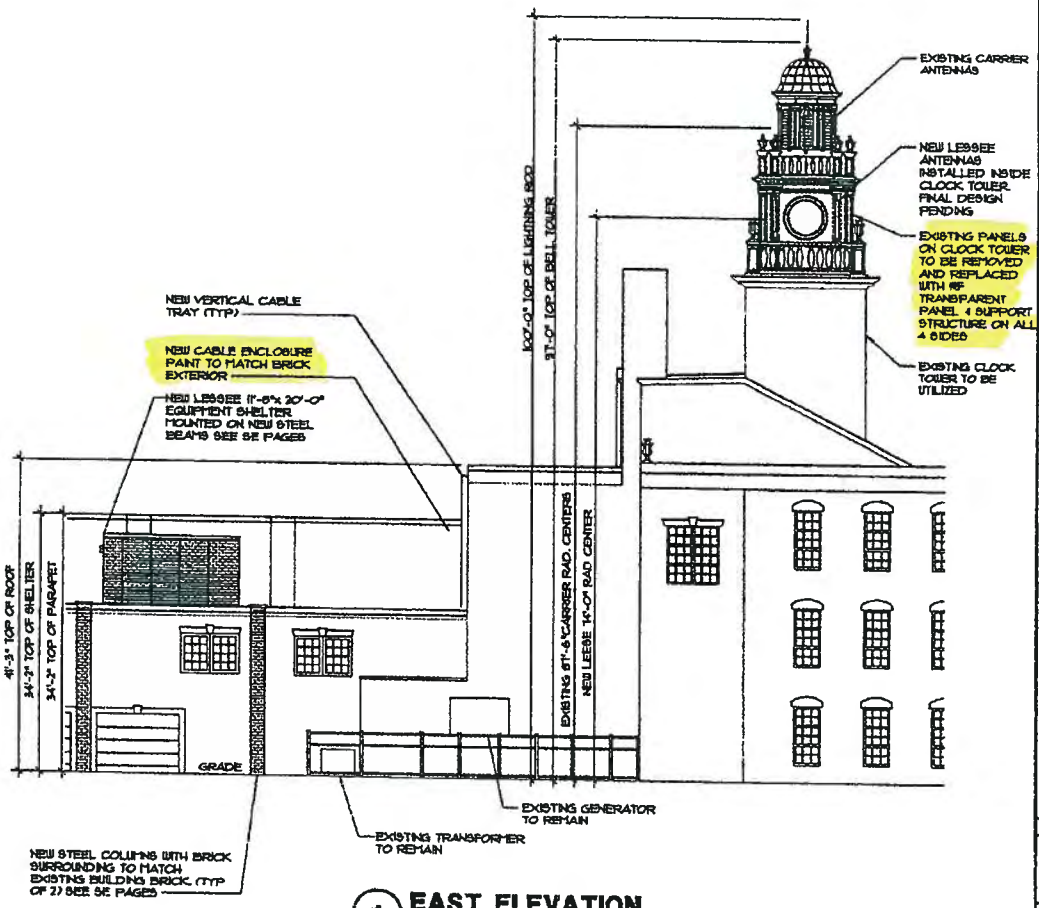


2 CLOCK TOWER SECTION
SCALE: NONE

NOTE:
W-T'S SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THIS STRUCTURE. NEW ANTENNAS SHOWN ON THIS PLAN HAVE NOT BEEN EVALUATED TO VERIFY THE STRUCTURE HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS. PRIOR TO ANY ANTENNA INSTALLATION, A STRUCTURAL EVALUATION OF THE STRUCTURE SHOULD BE PERFORMED.

NOTE:
ALL COAX CABLE TRAYS, MOUNTING SYSTEM AND CONDUITS TO BE PAINTED TO MATCH EXISTING BUILDING. CONTRACTOR TO VERIFY COLOR WITH PROPERTY OWNER

NOTE:
NEW RF TRANSPARENT PANEL & SUPPORT STRUCTURE NOT SHOWN FOR CLARITY



1 EAST ELEVATION
SCALE: 1"=15'-0"

NO.	DATE	REVISION
5	02/27/14	FOR VILLAGE REVIEW
4	08/09/11	FOR VILLAGE COMMENTS
3	07/28/11	FOR VILLAGE COMMENTS
2	04/22/11	UPDATED ZONING DRAWINGS
1	03/18/11	ZONING DRAWINGS

CHICAGO SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

DT GLEN ELLYN
LOCATION #: 187763
1-14 DUANE ST.
GLEN ELLYN, IL 60137
DUPAGE COUNTY

DATE DRAWN: 01/31/11
DESIGNED BY: AMG
DRAWN BY: SMG
APPROVED BY: CMS

W-T
W-T COMMUNICATION DESIGN GROUP, LLC.

DANIELA WENDT, RA, LEED AP
LICENSED ARCHITECT
STATE OF ILLINOIS
LICENSE # 001-[illegible]
EXPIRES 11/30/12, SIGNED: __/__/__

PROJECT NO: T119642

SHEET NAME
ELEVATIONS

SHEET NUMBER
A-1

MINUTES

BOARD/COMMISSION: Historic Preservation **DATE:** 8/24/11

MEETING: Special **CALLED TO ORDER:** 7:37 p.m.

QUORUM: Yes **ADJOURNED:** 9:05 p.m.

LOCATION: Glen Ellyn Civic Center

MEMBER ATTENDANCE:

PRESENT: Chairman Marks, Commissioners Loftus, Isaac, Janninck, Wilson

EXCUSED: Commissioners Manak and Salamunovich

ALSO PRESENT: Trustee Liaison McGinley, Assistant to the Village Manager Schrader, Staff Liaison Strong, Recording Secretary Solomon

1. **Call to Order**

Chairman Marks called the Glen Ellyn Historic Preservation Commission special meeting to order at 7:37 p.m., in the Civic Center at 535 Duane Street, Glen Ellyn, Illinois.

2. **Approval of Minutes**

Chairman Marks pointed out changes to the July 28, 2011, minutes. He stated on page 2, letter A, the second sentence should be struck and the new sentence should read "He said we need to talk to the Illinois Preservation Agency in Springfield to see if we were on the right track and to go ahead and proceed with the nomination." Also, he stated on page 3, letter F Other, it should read "Guest Linda Gilbert, President of Citizens for Glen Ellyn Preservation, discussed…" Commissioner Loftus moved to approve the amended minutes of July 28, 2011, and Commissioner Wilson seconded. This motion carried unanimously by a vote of 5-0.

3. **Public Comments**

None

4. **New Business**

Chairman Marks stated he visited the towns of Newbury Port, Massachusetts, and Portsmouth, New Hampshire, that has this type of sign, have won awards for them. He also stated he took pictures of them which he then sent to the Village Board. He stated he asked the towns' merchants about the signs, and he was told the merchants have had a phenomenal response as the signs have made the facades look nicer, brought in lots of customers, and attracted new businesses to the town.

F. District 87 Lights at Memorial Field

Chairman Marks stated there will be a Plan Commission Meeting at the Civic Center at 7:30 p.m. Thursday on the proposed lights at Memorial Field. Commissioner Loftus asked if the HPC's resolution was passed along to which Chairman Marks stated yes.

5. Historical Society Business

None

6. Trustee Liaison's Report

Trustee Liaison McGinley summarized recent items discussed by the Village Board, including a landmarked property on Hillside that required a variation to rebuild the front porch. The Village Board voted unanimously to allow the owners to rebuild the porch as requested. Discussion also took place on a historic looking gas station in Delafield, Wisconsin and that a summary judgment on jurisdiction with College of DuPage is expected at the end of October.

7. Staff Liaison's Report

Staff Liaison Strong stated the Village is in the preliminary stages of negotiating with a wireless company to install a cellular antenna at the Civic Center. He stated there may be some plans brought to the HPC as the Civic Center is a landmark. Commissioner Loftus stated if the new plans are similar to plans that were presented a year ago, the HPC was okay with these, but the HPC did want to see some samples and take another look at the plans.

Staff Liaison Strong stated in the ongoing effort to increase more landmark designations in the Village, the staff is thinking of ways to promote the benefits of landmarking to the Village's residents. He stated the Village may host a workshop or seminar with an Illinois Historic Preservation Agency official to speak about the financial benefits of tax breaks and the tax freeze. Kristen Schrader stated the Village would be in a better position to receive an IHPA grant for an Architectural Resources Survey in 2012 if more properties are landmarked. Chairman Marks stated Commissioner Manak asked the Glen Ellyn Historical Society for a copy of all the plaqued houses in Glen Ellyn.

Chairman Marks asked Staff Liaison Strong about the June conference, which none of the commissioners could attend, as the HPC would like the information and discussion from this

A-6D

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Kristen Schrader, Assistant to the Village Manager - ADM
Michael Strong, Planning Intern

DATE: May 8, 2012

RE: 566 Hillside Avenue – Glen Ellyn Local Landmark Designation

---

Background.
On March 1, 2012, Lincoln and Gail Bode, property owners of 566 Hillside Avenue, submitted a nomination form requesting that the Glen Ellyn Historic Preservation Commission consider designating their home as a Glen Ellyn Local Landmark. The petitioners have indicated that the home is an example of the architectural, cultural, economic, historic or social aspect of the heritage of the Village and exemplifies an architectural type or style distinguished by innovation, rarity, uniqueness and overall quality of design, detail, materials and craftsmanship, amongst other reasons outlined in their nomination form (see attached).

Issues.
The property, located on the north side of Hillside Avenue between Forest Avenue and Park Boulevard in the R2 Residential District, was built around 1894 and is a fine example of the Queen Anne Victorian style architecture in the Village. The house is a stick style Queen Anne Victorian that features stucco siding with decorative half timbers. In 2010, the front porch was resorted to its original state. In addition, a new addition on the rear of the house was constructed to match the existing Queen Anne architectural style. Therefore, the structure on the property is now largely the same as when it was originally built.

The residence on the property was built and lived in by Charles H. Kerr, a leader and citizen of Glen Ellyn who was the founder of the Kerr Publishing Company in Chicago during the late 1800s. His wife, Mrs. Walden Kerr, was one of the nine women who founded the Glen Ellyn Woman's Club in 1895.

On March 22, 2012, the Historic Preservation Commission, pursuant to testimony and facts presented by Gail Bode, granted preliminary determination of landmark status to 566 Hillside Avenue. A public hearing was held during the April 26, 2012, regular Historic Preservation Commission meeting. At the conclusion of the public hearing, the Commission unanimously approved a motion to recommend that the Village Board approve landmark designation for the property.

Recommendation.
The Historic Preservation Commission recommends that the Village Board consider designating 566 Hillside Avenue as a Glen Ellyn Local Landmark.

Action Requested.
The Village Board should consider the recommendation of the Glen Ellyn Historic Preservation Commission to designate 566 Hillside Avenue as a Glen Ellyn Local Landmark. An Ordinance approving this recommendation is attached.

Attachments.

- Location Map
- Ordinance
- Report and Recommendation dated May 3, 2012 with Exhibits

cc: Staci Hulseberg, Planning and Development Director
Historic Preservation Commission
Lincoln and Gail Bode, Property Owners

X:\Admin\HistCommission\Landmarks\566 Hillside\VB Memo - 566 Hillside.doc

566 Hillside Avenue, Glen Ellyn, IL 60137

Prepared By: Michael Strong
Date Prepared: May 3, 2012

0 175 350 700 Feet

N

Village of Glen Ellyn

Ordinance No. _____

An Ordinance Designating the Property
At 566 Hillside Avenue, Glen Ellyn, IL
as a Glen Ellyn Local Landmark

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

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

Ordinance No. _____

An Ordinance Designating the Property
At 566 Hillside Avenue, Glen Ellyn, IL
as a Glen Ellyn Local Landmark

Whereas, Lincoln and Gail Bode, owners of the property commonly known as 566 Hillside Avenue ("Property"), Glen Ellyn, DuPage County, Illinois, and legally described as follows:

LOT 8 AND THE WEST 10 FEET OF LOT 9 IN PHILLIP'S SUBDIVISION OF THE WEST 4.48 CHAINS OF BLOCK 11 OF THE VILLAGE OF GLEN ELLYN (FORMERLY DANBY) BEING KNOWN AS LOTS 4, 5 AND 6 OF THE ASSESSMENT DIVISION OF SAID BLOCK 11 IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-329-014;

has submitted a written request for Village of Glen Ellyn Historic Landmark Designation for the property at said address in accordance with Chapter 13 of Title 2 of the Glen Ellyn Village Code, known as the Historic Preservation Ordinance; and

Whereas, following due notice by publication in the Daily Herald not less than fifteen (15) days nor more than thirty (30) days prior thereto, and following placement of a placard on the subject property not less than fifteen (15) days prior thereto, Glen Ellyn Historic Preservation Commission conducted a public hearing on April 26, 2012, during which evidence, testimony, and exhibits were presented in support of the request for Landmark Designation; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing, the Glen Ellyn Historic Preservation Commission recommended that the property be

officially designated as a historic and architectural landmark, as set forth in its Report and Recommendation dated May 3, 2012, a copy of which is appended hereto as "Exhibit A"; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn have reviewed the evidence and exhibits presented at the aforementioned public hearing and have considered the Report and Recommendation of the Glen Ellyn Historic Preservation Commission and find that the property satisfies one or more of the criteria for designation as a Glen Ellyn landmark as provided for in Section 2-13-3(A) of the Glen Ellyn Village 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 Historic Preservation Commission, attached hereto as Exhibit "A", is hereby accepted, and the findings and conclusions set forth therein and in the preamble above are hereby adopted as findings of the corporate authorities of the Village of Glen Ellyn.

Section Two: The President and Board of Trustees hereby designate the property located at 566 Hillside Avenue in Glen Ellyn, DuPage County, Illinois, as a Glen Ellyn Local Landmark.

Section Three: The property is hereby determined to be a Glen Ellyn Local Landmark because it satisfies the following criteria set forth in Section 2-13-3(A) of the Glen Ellyn Village Code:

1. The property was most likely constructed in 1894.
2. The property is an example of the architectural style of this period, and is an exemplification of this style distinguished by the quality of design, detail, materials, and craftsmanship of the property.
3. Its identification with a person or persons who significantly contributed to architectural, cultural, economic, historic, social or other aspect of the heritage of the Village of Glen Ellyn.

4. The current owners have made improvements inside and outside of the home in accordance to the architectural style of the period in which the home was constructed. In 2010, the porch was reconstructed to match the existing Victorian architecture style of the home, as well as the construction of an addition on the rear of the home.

5. The character of the area will not be adversely impacted by landmark designation.

Section Four: The determination of landmark designation is based upon the owner's written request and the evidence, exhibits, and testimony presented at the April 26, 2012 Historic Preservation Commission public hearing including the documents listed below, which are referenced herein as though they were attached hereto, and said documents shall be filed with and made a permanent part of the records of the Glen Ellyn Historic Preservation Commission:

1. Historic Landmark Nomination Form
2. Picture of the home on the property
3. Copy of the notice of the Public Hearing

Section Five: By virtue of its satisfying the criteria specified herein, the property is hereby declared and designated as a Glen Ellyn Local Landmark, and the owners of said property are requested to affix a plaque to the house denoting said designation.

Section Six: The Historic Preservation Commission is authorized and directed to send a certified copy of this Ordinance and a summary report of the effects of designation to the owners within ten (10) days of the passage of this Ordinance, and the Village Clerk is authorized and directed to file or cause to be filed a certified copy of this Ordinance with the DuPage County Recorder of Deeds, Milton Township Assessor, and appropriate Village departments.

Section Seven: The provisions and sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

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

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20__, on first reading, second reading not being requested.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20__.

_____
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 _____ day of_____.)

X:\Admin\HistCommission\Landmarks\566 Hillside\Ordinance.doc

REPORT AND RECOMMENDATION OF THE GLEN ELLYN HISTORIC PRESERVATION COMMISSION ON THE REQUEST OF LINCOLN AND GAIL BODE FOR THE DESIGNATION OF THE PROPERTY LOCATED AT 566 HILLSIDE AVENUE AS A HISTORIC LANDMARK

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

DATE: May 8, 2012

Background. Lincoln and Gail Bode ("Petitioners"), property owners of 566 Hillside Avenue ("Property"), filed a petition to have their home designated as a Glen Ellyn Historic Landmark on March 1, 2012. On March 22, 2012, pursuant to the testimony and facts presented by the Petitioners, the Glen Ellyn Historic Preservation Commission granted preliminary determination of landmark designation to the Property. In accordance to the Glen Ellyn Historical and Architectural Landmark Preservation Ordinance (#3825), a public hearing was held before the Historic Preservation Commission on Thursday, April 26, 2012. The Historic Preservation Commission heard testimony, and issues the following Report and Recommendation to the Village Board.

I. Report:

A. Request.

The Petitioners are requesting landmark designation for their property located at 566 Hillside Avenue.

B. Exhibits.

The following materials were submitted for review prior to the Historic Preservation Commission meeting:

Exhibit 1: Historic Landmark Nomination Form received on March 1, 2012 from the Petitioners for the Property along with submittals.

Exhibit 2: Notice of Public Hearing published in the April 6, 2012, edition of the Daily Herald.

Exhibit 3: Planning Report dated April 6, 2012.

Exhibit 4: Letter from Petitioner dated March 1, 2012.

Exhibit 5: Minutes from the March 22, 2011, regular Historic Preservation Commission meeting.

Exhibit 6: Minutes from the April 26, 2012, regular Historic Preservation Commission meeting.

C. April 26, 2012, Regular Meeting.

The Petitioners presented their request for landmark designation of their home at 566 Hillside Avenue to the Commission. The Petitioners referred to the nomination form, pictures of the property, and additional property information. The Petitioners indicated that the home was previously owned by Charles Kerr, a prominent figurehead in the community during his time, and received a plaque by the Glen Ellyn Historical Society in the 1970s.

D. Public Comment.

No members of the public spoke in favor or opposition of the request.

E. Discussion.

After conducting the public hearing, the Historic Preservation Commission made the following Findings of Fact pertaining to the Petitioner's request for Landmark Designation:

Fact 1: The property was most likely constructed in 1894.

Fact 2: The property is an example of the architectural style of this period, and is an exemplification of this style distinguished by the quality of design, detail, materials, and craftsmanship of the property.

Fact 3: Its identification with a person or persons who significantly contributed to architectural, cultural, economic, historic, social or other aspect of the heritage of the Village of Glen Ellyn.

Fact 4: The current owners have made improvements inside and outside of the home in accordance to the architectural style of the period in which the home was constructed. In 2010, the porch was reconstructed to match the existing Victorian architecture style of the home, as well as the construction of an addition on the rear of the home.

Fact 5: The character of the area will not be adversely impacted by landmark designation.

II. Recommendation:

On a motion made by Commissioner Rasnic and seconded by Commissioner Manak, the Historic Preservation Commission recommends the Village Board approve the landmark designation for the property located at 566 Hillside Avenue based on the findings of fact stated herein above. The motion carried with a vote of eight (8) "Ayes," zero (0) "Nays."

Date of Meeting: April 26, 2012

Present: Chairman Marks, Commissioners Christiansen, Loftus, Manak, Rasnic, Salamunovich, Saliamonas, Wilson, Student Representative Buckton, Recording Secretary Blake, Staff Liaison Strong

Excused: Commissioner Issac

Absent: None

Also Present: Lincoln Bode, Gail Bode

X:\Admin\HistCommission\Landmarks\566 Hillside\VB-Report_Recommendation-566Hillside.doc

RECEIVED
MAR - 1 2012
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

GLEN ELLYN HISTORIC PRESERVATION COMMISSION

HISTORICAL LANDMARK NOMINATION FORM FOR INDIVIDUAL BUILDINGS OR ART OBJECTS

Date Received _____

1. Name of Property/Site: KERR

2. Address of Property: 566 Hillside Ave

3. Attach photographs of the property site itself as well as important features (if available).

4. Is this property, or any part of it, listed on or nominated to the Illinois or the National Register of Historic Places? Has the Glen Ellyn Historical Society placed an historical plaque on the building?

   ____ Illinois Register ____ National Register

   X Glen Ellyn Historical Society Plaque

5. Please indicate which of the following criteria apply to the property. (Check all that apply). Explain in #6.

a X Its value as an example of the architectural, cultural, economic, historic, social or other aspect of the heritage of the Village of Glen Ellyn, the State of Illinois, or the United States;

b ____ Its location as a site of a significant historic event which may have taken place within or involved the use of any existing improvements;

c X Its identification with a person or persons who significantly contributed to architectural, cultural, economic, historic, social or other aspect of the development of the Village of Glen Ellyn, the State of Illinois, or the United States;

d X Its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship; STICK

e ____ Its representation of an architectural, cultural, economic, historic, social or other theme expressed through distinctive areas, districts, places, buildings, structures, works of art or other objects that may or may not be contiguous;

f ___X___ Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community or the Village of Glen Ellyn.

____Other reasons. Please specify. _____

6. Additional details and history. Summarize why this property/site should be designated a "Landmark." Please indicate the year this building was constructed. 1894

7. Name, address and telephone number of the property owner(s).

Name: Lincoln & Gail Bode
Address: 566 Hillside Ave
Area Code: 630 Phone Number: 940 9933

8. Name, address, telephone number and signature of person(s) submitting this nomination. (Please attach additional sheets if necessary)

Name: Same
Address:
Alternate Tel: Area Code: 630 Phone Number: 248-4245

Signature Date FEB 28, 12

If you have questions, please phone the Village of Glen Ellyn staff liaison for the Historic Preservation Commission at 630/469-5000.

Please return this form to:

Historic Preservation Commission
C/O: Staff Liaison
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

x:\admin\histcommission\historic preservation commission\landmarkapp.doc

RECEIVED
MAR - 1 2012
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

GLEN ELLYN
HISTORICAL SOCIETY

RECEIVED
JUN - 8 2010
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

April 21, 2010

Mr. and Mrs. Lincoln Bode
566 Hillside Avenue
Glen Ellyn, IL 60137

Dear Mr. and Mrs. Bode:

Thank you for your request for information regarding your home, located at 566 Hillside Avenue. This historically significant home was plaqued by the Glen Ellyn Historical Society in 1974. It was built by Charles H. Kerr in 1894.

Mr. Charles H. Kerr was a leading citizen of Glen Ellyn and the founder of a publishing company in Chicago in the late 1800's. His wife, Mrs. Walden Kerr, was one of the nine women who founded the Glen Ellyn Woman's Club in 1895.

In 1986, the ***Illinois Historical Journal*** featured a story on Charles H. Kerr and his publishing company. For additional information on your home, please contact the Glen Ellyn Historical Society Archives Department at 630-790-9670 or email archives@gehs.org.

Very truly yours,

Jan Langford

Janice L. Langford
Executive Director

P.O. Box 283 • Glen Ellyn, IL 60138 • 630-858-8696 Tel • 630-469-1867 Fax • www.gehs.org

Charles H. Kerr
1860–1944

566 HILLSIDE
DAUGHTER OF CHARLES KERR
1894

3 FEB. 1990

KATHERINE K. MOORE

Katherine K. Moore, 96, of Glen Ellyn, died Feb. 3 in Central DuPage Hospital in Winfield. She was born Aug. 1, 1894 in Glen Ellyn. She was born in the residence where she lived her whole life and was raised by her parents Charles and Mae Kerr.

She is survived by her children Malcom (Marie) Moore of Mt. Home, Ark., and Marvin (Suzanne) Moore of Flossmoor. She is also survived by seven grandchildren, 16 great-grandchildren and 3 great-great-grandchildren. She was preceded in death by her husband Max Moore.

She frequently contributed atricles to the Glen Ellyn News and other local papers about happenings in Glen Ellyn.

She had been very active with the DuPage County and Glen Ellyn League of Women Voters. She was a member of the Unitarian Church of Geneva.

Visitation was Feb. 5 at the Leonard Memorial Home, Ltd., of Glen Ellyn. Funeral services were also Feb. 5 at the Leonard Memorial Home with Rev. Lindsay Bates officiating. Burial was private at Forest Hill Cemetery in Glen Ellyn.

If desired memorials may be directed to the Arthritis Foundation, Illinois Chapter, 79 W. Monroe St., Suite 510, Chicago, IL 60603.

FAMILY GROUP SHEET

Ancestor's Full Name CHARLES HOPE KERR

Birth Date 23 APRIL 1860 Place LaGRANGE, GEORGIA

Marriage Date 2 APRIL 1892 Place CHICAGO, IL

Death Date 1 JUNE 1944 AGE 84 Place LOS ANGELES, CALIFORNIA

Burial Cause of Death

Residence 566 HILLSIDE AVE. G.E. Occupation OWNER CHARLES H. KERR PUBLISHING CO

Church Affiliation UNITARIAN Military Service

Father's Full Name ALEXANDER KERR Mother's Maiden Name KATHARINE FULLER BROWN

Wife's Full Maiden Name LILLIE MAY WALDEN (DIVORCED 1904)

Birth Date 3 SEPT. 1865 Place METAMORA, IL

Death Date 1956 AGE 91 Place FLORIDA

Father's Full Name THERON WALDEN Mother's Maiden Name ELIZABETH GRIBLING

Children: (Date) (Place)

1. Name ALTHEA
   Birth 6 NOV. 1892
   Married to
   Marriage Date
   Residence 566 HILLSIDE AVE. G.E.
   Death 16 FEB. 1896
   Burial FOREST HILL CEMETERY G.E.

2. Name KATHARINE
   Birth 1 AUG. 1894 G.E.
   Married to M. MAXON MOORE
   Marriage Date
   Residence 566 HILLSIDE AVE. G.E.
   Death 3 FEB. 1991 AGE 96
   Burial FOREST HILL CEMETERY G.E.

3. Name
   Birth
   Married to
   Marriage Date
   Residence
   Death
   Burial

4. Name
   Birth
   Married to
   Marriage Date
   Residence
   Death
   Burial

(Date) (Place)

5. Name
   Birth
   Married to
   Marriage Date
   Residence
   Death
   Burial

6. Name
   Birth
   Married to
   Marriage Date
   Residence
   Death
   Burial

7. Name
   Birth
   Married to
   Marriage Date
   Residence
   Death
   Burial

8. Name
   Birth
   Married to
   Marriage Date
   Residence
   Death
   Burial

LOCATION CHARLES H. KERR
566 HILLSIDE AVE.

PROPERTY TRANSACTION WORKSHEET
BY GRANTOR

PERMANENT TAX # 05-11-329-014

LEGAL DESCRIPTION OF PROPERTY ORIGINAL PLAT OF DANBY LOT 3 BLOCK 11
ASSESSMENT DIVISION OF SEC. 11 LOTS 4,5,6, BLOCK 11
PHILLIPS SUBDIVISION LOT 8 & WEST 10' OF LOT 9 BLOCK 11

DATE COMPLETED BOB CHAMBERS
NOV. 1991

DOCUMENT NUMBER	GRANTOR (SELLER)	GRANTEE (BUYER)	INSTRUMENT	1. DATE OF INSTRUMENT 2. DATE OF FILING	CON-SIDERATION	BOOK/ PAGE NO.	PROPERTY DESCRIPTION
	RECEIVER (UNITED STATES)	LEWEY Q. NEWTON	RECEIPT #10709	6-30-1842	200	NOT ON RECORD IN DuPAGE CO.	ALL SW¼ SEC. 11 160 ACRES
70601	UNITED STATES	LEWEY Q. NEWTON	PATENT	6-1-1845 1-12-1900		B86 DEEDS P360	GRANTS ALL SW¼ SEC.1 160 ACRES
11998	WILLIAM C. NEWTON	STEED ARNOLD	WD	9-29-1869 11-2-1869	295.50	B39 P91	PART W½ BLOCK 11 DANBY
39236	STEED ARNOLD	JAMES SAUNDERS & CHARLES A. PROUT	WD	5-5-1888 5-7-1888	600	B59 P532	PART W½ BLOCK 11 DANBY
40885	JAMES SAUNDERS	CHARLES A. PROUT	QCD	1-30-1889 4-15-1889	1.00	B64 P188	PART BLOCK 11 ASSESSMENT DIVISION
42749	CHARLES A. PROUT	CHARLES A. PHILLIPS	WD	5-17-1890 5-20-1890	1200	B65 P163	PART BLOCK 11
77368	CHARLES A. PHILLIPS	MAY W. KERR	WD	7-29-1902 9-25-1902	2100	B87 P509	LOT 8 & WEST 10' OF LOT 9 BLOCK 11 PHILLIPS SUBDIVISION
211735	MAY W. KERR	KATHERINE K. MOORE	WD	12-7-1925 4-19-1926	10.00	B179 P463	LOT 8 & WEST 10' OF LOT 9 BLOCK 11 PHILLIPS SUBDIVISION

erected at the northwest corner of Pennsylvania Avenue and Main Street and that it was donating the $16,950 surplus from the fund to the Village. President Formento accepted the donation, which was placed in the General Fund and designated to be used for some good cause to be selected by a committee appointed to determine that purpose.

The Illinois Historical Journal featured a story on Charles Kerr and the publishing company which he had founded in Chicago. Mr. Kerr, a Glen Ellyn resident, had built his house at 566 Hillside east of Forest in 1894. (His daughter, Katherine Moore, still lives in the house.) His wife, Mary Walden Kerr, had been one of nine women who founded the Glen Ellyn Women's Club.

Deaths which occurred in 1986 included ***Frank Giunta***, 86, a seventy-one year resident who owned Giunta Wholesale Produce Company; ***Richard Wood***, a fifty-eight year resident who owned the Elite Barbershop from 1932 to 1968; ***Monsignor Eugene Luke***, Pastor of St. Petronille for thirty-two years; ***Lyle H. Rossiter***, 78, a seventy year resident who had been an attorney; ***Isabella Hafner***, 91, a sixty-seven year resident who founded the Glen Ellyn Infant Welfare; ***Shirley Ganzhorn***, 74, a fifty-five year resident and owner of the Ella Thompson Thomas women's apparel store.

An Oral History
with Irving Lesher, 1987

"My sister, Shirley, married Phil Ganzhorn. The Ganzhorns had the old Phillips house on Park Boulevard for a machine shop. They made knives (with four blades) and steel plates full of holes for use in making sausage. They sold the property to the Y.M.C.A., which intended to build a "Y" building on it. However, they decided the land was too valuable and sold it."

1987

Joy Talsma, Robert McElligott and Norman Brockmier were elected to the School District #87 Board. Also a referendum to increase the education fund was passed 8,031 to 6,760. Ronald Smith was named Assistant Superintendent for Personnel and Student Services for District #87. Tax levies for the district showed a 12% increase. The district received a letter from the State Director of Public Health stating that asbestos must be removed from Glenbard North and East within four years.

Glenbard West announced the formation of a new department to meet the needs of the time. The Department of Fine Arts will replace Home Economics, Industrial Arts and Cooperative Education and will be headed by Mario Capecci.

Jeffrey Adams was nominated to West Point and Theodore Swartz was nominated to the Naval Academy. Merit Scholars from Glenbard West included David Agruss, Sofia Sorenson, Chris Franks, Beth Lonvick, Adam Mizicko, Mike Larson, Margaret Redmond, Andy DeMotte, David Horne and Carl Talsma. Glenbard South Scholars included Stacey Ishman, Keith Cengel and Sylvia Chen.

Kristin Yarema, Glenbard West junior, won first place in the Illinois High School Association Forensics Tournament. The Glenbard team placed 10th.

A group of citizens, interested in girls soccer, petitioned the State Board of Education to investigate sex equity violations in the athletic programs of Glenbard West.

Sandra Wondolowski, Patricia Wallace, Martin Bruner and LeeAnn Conti were elected to the District #89 Board of Education. Tax levies for the district showed a 21.8% increase.

Carolyn Strayer, David Plant and Bruce Chrisman were elected to the District #41 Board. Tax levies for the district showed a 31% increase.

Some Churchill School parents petitioned the Village to create a speed zone in front of the school. They were informed that the authority to do that rested with the State and the DuPage County Highway Department.

The Hadley Junior High auditorium was named in honor of Joseph Hickey, who had been principal of the school between 1934 - 1964.

Teacher retirements included that of Edward Dlugopolski, head of the Glenbard West Art Department, who retired after twenty-three years and Edward Boppre, who retired after thirty-seven years teaching in District #41.

The College of DuPage radio station WDCB announced that it would now be on the air 18 hours

Adeline B. Churchill, daughter of Amos ıill, studied art at the Pratt Institute. She d J. B. Lorbeer and after becoming widowed, d Judge Herrick of Wheaton.

The First Assistant General of the Post Of- partment in Washington, D. C. sent notifica- at the Glen Ellyn Post Office was officially d to Glenellyn (spelled as one word) on th.

The Cross Country Club moved to Hill Av- The vacated property was purchased by s Lewis Moulton. He kept the name of the "Eastbourne". The turreted mansion had rooms.

The Moultons lived on the property for ears. During this time he subdivided and f some of the property.

Glen Ellyn was not immune to the financial f the 1890's. A severe drought in 1894 and labor troubles occurring in Chicago both l Glen Ellyn. Many persons were out of The Glen Ellyn Hotel and Springs Company ownership of its hotel.

Mr. Amos Churchill, the new Village Presi- as instrumental in getting a new red brick l station built. The old station was moved pect Avenue to be used as a freight ware-

The favorite train, the Chicago and North n 5:05, was making the trip between Glen nd Chicago in 38 minutes. Railroad fares

1 trip	$ .58
Round trip	$1.15
Ten-ride Ticket	$4.50
Twenty-five ride Ticket	$6.00
Monthly Ticket	$7.10

In September a study club was organized women (Mrs. E. Sinclair Smith, Miss Abbie Miss Georgia Allen, Mrs. George M. H. r, Mrs. William Lloyd, Mrs. C. L. Moulton, ra Higley, Mrs. Charles H. Kerr and Mrs. O. ge). The membership was limited to thirty. Dues were five cents a month and there was a fine for absences.

The thirty member limit was changed in 1910 when the club became the Glen Ellyn Woman's Club and joined the State Federation as a member of the 11th District. The club joined the General Federation in 1915.

A kindergarten was organized in the basement of the two-year old Congregational Church. Mrs. Charles H. Kerr was the teacher. The youngsters dug crawfish in the nearby creek. (It was considered the "best playground" anywhere by the young. The creek ran through the center of town and crossed under the street near the church.)

Clarence Curtis remembers Glen Ellyn just before the turn of the century:

"At one time previous to 1900, Glen Ellyn had kerosene street lights. They were on a wooden turned pole. It was a square tapered housing with glass on the four sides. The roof was tin and had a small tank on one side of the roof and a vent at the top. The bottom was square and had a round projection at the bottom that held the lamp upright. One of the glass sides was hinged so it could be opened.

In my time, Mr. Newell, who lived one block south of us and one block west of Main Street (on present-day Glenwood), was the man who took care of the lights. It was quite a sight to see him with his ladder and a blow torch hurrying on foot from one light to another just before dark, lighting each light. He used the blow torch to heat the element on the lamp. Each morning he would hurry around and turn them off. During the day he went around with his horse and wagon and filled each lamp tank."

1896

William H. Luther, long the station agent for the Chicago and North Western Railroad, had established his grain business in the warehouse of the old depot in 1874. His partner at that time was Amos Churchill. With the completion of the new brick depot, it became necessary to move the business. Mr. Luther decided to sell his interest in the business to Louie Quincy Newton, son of William Newton and grandson of the pioneer, Lewey Quitterfield Newton.

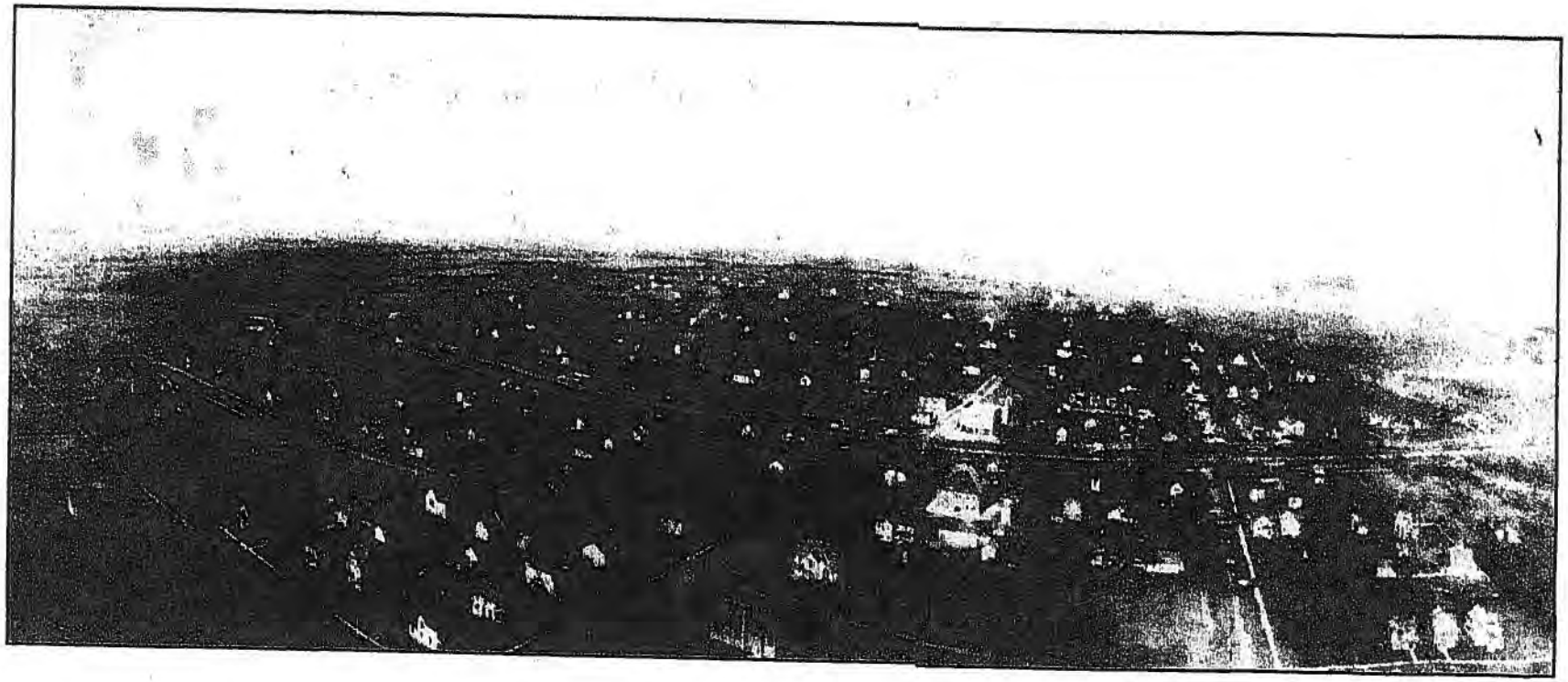
wins. Coach Don Burns rated it one of the best teams he has ever coached in all his years of coaching. The Girl's Basketball team won the West Suburban Championship with an 8 and 0 record. After winning the West Suburban Conference Football Championship, the Glenbard West varsity football team advanced to the Class 5A finals held at Illinois State University. They lost in overtime to St. Laurence with a score of 22 to 21. (During that season, St. Laurence had been ranked the number one high school team in the United States.) The Glenbard West Jazz Ensemble, under the direction of Merlin Escott, completed an acclaimed tour of Canada, playing seven concerts in five days.

Jim Morris of Glenbard South won the State 155 pound wrestling crown. Scott Jorgensen, David Sutherland and Robert Lusk of Glenbard South were named finalists by the National Merit Scholarship Corporation.

The Village Trustees passed an ordinance permitting businesses to by-pass the Planning Commission and the Board when moving from one location to another. The Village Board granted variations to 22 lots of Roosevelt Gardens Subdivision at Spring Street and Route 53. Parking fine meter parking rose from twenty-five cents to dollar. The Village annexed the Drury-Keim Su vision at the southeast corner of Park Boule and Glen Park Road. The Village approved struction of a 125 seat Glen Oak Restaurant a southwest corner of Glenwood and Pennsylv Avenue. The Village Board turned down a req from HOPE (Homes of Private Enterprise) to nate land to be used for low income housing. Village enlarged its administrative staff by crea two jobs. Jim Prosser was hired for the positio Director of Management Services and Will A became Director of Planning and Developm The Village Board voted 5 to 2 to locate the pu works maintenance building at Lambert Road Taft Avenue. The Board renamed DuPage Stre Illinois Street from Newton Street west to the lage limits.

Village President Connie Zimmermann elected President of the DuPage County Ma and Managers Association. Former Glen E Trustee, Francis "Whitey" Hurd, was elected P ident of the Western Society of Engineers w was headquartered in Chicago.

Charles H. Kerr Home
566 Hillside Avenue
Built in 1894 - Plaqued by GEHS in 1974



566 Hillside Ave

Aerial View of Glen Ellyn - 1906

Socialist Publishing in Illinois

Charles H. Kerr & Company of Chicago, 1886–1928

ALLEN M. RUFF

Charles H. Kerr & Company of Chicago celebrates its hundredth anniversary in 1986. The oldest ongoing publisher of socialist books and pamphlets in the United States and perhaps in the entire world had its origins in the tumultuous labor agitations and heightened quest for social reform and justice at the turn of the century. It developed from the hopes, aspirations, and selfless commitments of its founder and namesake, Charles H. Kerr.

Founded originally as a purveyor of radical Unitarianism in the Midwest in 1886, Kerr's publishing house championed the cause of populist discontent through the 1890s and ultimately aligned itself with the movement for an ever-elusive "co-operative commonwealth" based on the principles of Marxian "scientific socialism." As the major left-wing publisher in the United States between 1899 and 1918, the Kerr Company played a central role in shaping the political contours of not only the Socialist Party of America but the entire socialist movement of that era.

The son of Congregational liberals who played an active part in the abolitionist cause of the 1850s, Charles Hope Kerr was born in 1860 in LaGrange, Georgia. His parents, former Illinoisans Alexander and Katharine Brown Kerr, carried him as an infant when they fled north following the start of the Civil War. Charles spent his childhood years in Rockford, Illinois, and

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This essay is drawn from the author's doctoral dissertation in history, in progress at the University of Wisconsin at Madison. Allen M. Ruff received the B.A. in American Studies from the American University and the M.A. in history from the University of Wisconsin. The author would like to extend his deepest gratitude to Burton Rosen and Katharine Kerr Moore, without whom this history would still be hidden.

nearby Beloit, Wisconsin, where his father, a committed educational reformer, served as a school administrator.[1]

In 1871, the elder Kerr accepted a call to chair the Department of Classics at the University of Wisconsin at Madison. His son grew to adulthood in Madison's vigorous liberal intellectual environment.[2] Graduating from the university with high honors and a proficiency in Romance languages in 1881, Charles Kerr set off for Chicago to pursue his chosen career as "journalist" and publisher.[3]

The aspiring bookman gained his first experiences in Chicago's rapidly expanding and highly competitive publishing trade as a clerk and sales agent for the firm of James Colegrove, an independent publisher nestled in the heart of Booksellers' Row who had recently begun to specialize in writings of the radical wing of the Western Unitarian Conference. Already imbued with a particular moral and ethical outlook typified by a liberal perfectionist faith in progress and a confidence in the power of rational education, Kerr in 1883 joined the office staff of *Unity*, the voice of "ethical basis" Unitarian radicals. While maintaining a denominational affiliation, the group extended a comradely hand to a broad range of non-Unitarian radicals, including the Free Religious Association, Chicago's Society for Ethical Culture, and a number of independent freethinkers and agnostics. With the demise of the Colegrove concern in early 1886, Kerr established Charles H. Kerr & Company, taking full publishing responsibility for the works of the Western Unitarian Conference radicals. He issued *Unity* on a weekly basis and gradually built a small but respectable inventory of Unitarian devotional works and a lengthy list of tracts and pamphlets dealing with evolution, "ethical culture," temperance, and morality. He printed some of the essays in a series titled "Pamphlets on Living Questions."[4] Kerr's close association with the *Unity* radicals brought him into direct contact with a broad array of social theorists and freethinkers who eschewed the particular religious beliefs of the Unitarians.

Kerr married in 1892. His bride, May Walden from Metamora, Illinois, readily joined him in a mutual quest for a better world. Born in 1865, May Walden, like so many young women who came of age in the 1880s, received her earliest social activist training in the Illinois ranks of the Woman's Christian Temperance Union. She met Kerr while working as a volunteer Sunday-school teacher at Jenkin Lloyd Jones's All Souls Church. The couple soon purchased a small house on a tract of land not far from the train depot in newly developed Glen Ellyn.[5]

With his social views in transition, Kerr became disenchanted with *Unity*. Eager to

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[1]Born in Scotland in 1828, Alexander Kerr immigrated with his family by way of Canada to Illinois in 1838. After an initial stay at Joliet, the Kerrs moved to Rockford. Kerr entered Beloit College in 1852 and while a student there fell in love with Katharine Fuller Brown, a student at nearby Rockford Female Seminary and the daughter of Rev. Hope Brown, minister of the First Congregational Church of Naperville, Illinois. Upon graduating from Beloit in 1855, Kerr took a position as a schoolteacher in LaGrange, Georgia, and Katharine joined him there following their wedding in 1857. Alexander Kerr Papers, Oregon State University Library, Eugene; *History of Dane County, Wisconsin* (Chicago: Western Historical Company, 1880), p. 1006; *Wisconsin State Journal* (Madison), July 24, 1890; author's interview with Katharine Kerr Moore, Nov. 18, 1981.

[2]M. S. Slaughter, "Minute on the Life of Alexander Kerr," Alexander Kerr Papers; Reuben Gold Thwaites, ed., *The University of Wisconsin, 1836–1900* (Madison: J. N. Purcell, 1900), pp. 327–28.

[3]Transcript of Charles Kerr's grades, courtesy of the Office of Registrar, University of Wisconsin; *University Press* (Madison), July 20, 1881, p. 1.

[4]"Bookselling in Chicago," *Unity*, Aug., 1883, pp. 230–32; Susan Quackenbusch, "History of *Unity*," ibid., March 5, 1928; Jenkin Lloyd Jones, "Ten Years Old Today," ibid., March 3, 1888, p. 1; Sherman M. Booth, "Chicago's Book Trade," *Publishers' Weekly*, July 5, 1884, p. 11.

[5]Moore interview; May Walden Kerr, "Notes on C.H.K.'s Ancestry," May Walden Kerr Papers, Box 3, Newberry Library, Chicago.

strike out on his own as a truly independent publisher, he parted company with the magazine in 1893. In June, he became publisher of *New Occasions*, "a tribunal for the discussion of questions of practical interest to the people," edited briefly by Benjamin Franklin Underwood. Underwood's association with Charles Kerr extended back to the mid-1880s, when the Kerr Company published several of his free-thought essays on evolution and "scientific theism." Underwood was a former editor of *The Index*, the organ of the Free Religious Association, and of Chicago's *Open Court*. He was succeeded as editor of *New Occasions* by Frederick Upham Adams, who had grown up in Elgin, Illinois, and served as labor editor for the *Chicago Tribune*.[6] Kerr vowed that the new monthly would "not be for sale to any political party, nor . . . toady to any class or clique." Clearly populist in aim, *New Occasions* stood "in opposition to the infamous combinations and iniquitous legislation which imperil popular government."[7] It featured a wide range of articles by advocates of currency and banking reform, municipal ownership of utilities, popular democracy, and other assorted programs. It included contributions by such noted reformers as Laurence Gronlund and Lucinda B. Chandler, and also alloted space for the likes of Thomas Edie Hill, a Chicago-based financial theorist and publisher who founded the *Aurora Herald*, served as that town's mayor, and later developed Glen Ellyn.[8]

Kerr also turned his energies toward the publication of an ever-expanding list of populist tracts, reform pamphlets, and utopian novels, which he publicized regularly in *New Occasions*.[9] Never guided solely by the mere economic imperatives of the highly competitive book and magazine trade in the 1890s, he developed a social commitment to the "principles of cooperation" that in turn carried him into a series of successive cooperative experiments with the structure of his company. Incorporated under the laws of the State of Illinois in 1893, the Kerr venture began offering shares of stock to the general public in June of that year. At ten dollars a share, a purchase of stock in Charles H. Kerr & Company offered no dividends but instead proffered discount savings of up to fifty percent off the retail price of publications. By offering such inducements, Kerr hoped to mobilize enough capital to expand his offerings of reform writings. With no promise of monetary return, investors had to be commited to the Kerr house as a worthwhile reform venture unto itself—an experiment in preparation for the coming of the "cooperative commonwealth."[10]

In 1894 Kerr published *The Pullman Strike*, Rev. William H. Carwardine's exposé on conditions at Pullman, Illinois. Committed to what he perceived as a just struggle and reluctant to garner any profit from the plight of the workers at Pullman, Kerr not only agreed to publish Carwardine's manuscript when more established firms along Booksellers' Row refused to

[6]*New Occasions*, June, 1893, p. ii. For Underwood, see Frederic May Holland, *Liberty in the Nineteenth Century* (New York: G. P. Putnam's Sons, 1899), pp. 165–66; *Dictionary of American Biography*; Francis P. Weisenburger, *Ordeal of Faith: The Crisis of Churchgoing America, 1865–1900* (New York: Philosophical Library, 1959), p. 278. For Adams, see *National Cyclopedia of American Biography*, Vol. 14 (New York: James T. White, 1910), p. 458, and his entry in DAB.

[7]*New Occasions*, June, 1893, p. ii.

[8]Hill was head of the Hill Standard Book Company, a well-known Chicago publisher of manuals and reference books during the 1880s. His *Money Found: Recovered from its Hiding-Places, and Put into Circulation Through Confidence in Government Banks* (1893), a populist polemic on the currency question, became one of the Kerr Company's most popular monographs. For Hill, see *Who Was Who in America, 1897–1942* (Chicago: A. N. Marquis, 1942), and George Eugene Sereiko, "Chicago and Its Book Trade," Diss. (School of Library Science) Case Western Reserve University 1973, p. 291.

[9]See, for example, "Classified List of Books of Social Reform, Science, Poetry, Fiction, etc.," *New Occasions*, Dec., 1893, p. iv.

[10]*New Occasions*, 2 (1894), 121–23, 301–2; *New Time*, 1 (1897), iv.

handle it, but also donated all proceeds from the book to the families of those on strike.[11]

The Kerrs remained active in various reform endeavors, and together they campaigned for William Jennings Bryan during the presidential race of 1896. Adams served as head of the literary and press bureau of the Democratic National Committee throughout the campaign. The outcome of that election—the demise of the People's party and the failure of fusion with the Democrats—prepared the Kerrs for their eventual movement into socialist politics. May Walden Kerr recalled many years later, "We had gone through the . . . Bryan campaign and sopped up a lot of crazy ideas that we had to give up to make way for Marxism."[12] Looking back, Charles Kerr recalled the period as one when, "like numerous other Americans, we were looking for real socialism, but as yet knew little about it."[13]

In the defeat of Bryanite Democracy, *New Occasions* attracted new editorial talent. Benjamin Orange Flower, Boston's noted reform editor and publisher of *The Arena*, joined Adams on the editorial board. Flower had edited the weekly *American Sentinel* in his home town of Albion, Illinois, before moving east. With Flower's arrival, *New Occasions* changed its name to *The New Time: A Magazine of Social Progress*. Kerr continued on as publisher. A reform potpourri that specialized in exposing government corruption and collusion with "the Trusts," the magazine emphasized popular democracy, advocating direct legislation, the referendum, and the recall. Described by Kerr as a "semi-populist, semi-socialist magazine," it featured a regular column on socialism, occasional contributions from Eugene Debs, and a serialization of *News from Nowhere*, the widely read utopian novel by English socialist William Morris.[14] In 1897 the Kerr Company published *Merrie England*, a collection of essays by the British Fabian socialist Robert Blatchford. The Kerr edition, one of several by American publishers, was popularly received. Kerr referred to the book as hedging on the "border line of socialism."[15]

The Kerrs' formal association with the socialist movement began in 1899, the year that the Socialist Labor party launched the Chicago weekly *Workers' Call*. The Kerr Company immediately began to cultivate fraternal relations with the new paper's editor, Algie Martin Simons. Kerr's junior by ten years, Simons had worked in the University of Chicago Settlement House, where he collected data on living conditions in the stockyard districts for the municipal Board of Charities. An alumnus of the University of Wisconsin like Kerr, Simons had become acquainted with the ideas of European socialism while an assistant to the noted professor of political economy, Richard Theodore Ely. Simons's day-to-day experiences and observations in Chicago's Back of the Yards left him morally outraged and embittered with the cautions of gradual reform strategies based on individual uplift and personal redemption. He joined the Socialist Labor party in Chicago in 1897 and two years later became the first editor of the *Workers' Call*.[16]

The vigorous commitment to Marxian socialism displayed by Simons and his wife, May Wood Simons, had an immense impact

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[11]"Publisher's Preface," *The Pullman Strike* (Chicago: Charles H. Kerr & Co., 1894), p. i.

[12]May Kerr, "Notes on C.H.K.'s Ancestry."

[13]*International Socialist Review*, 1 (1900–1901), 669.

[14]*New Time*, 1 (1897), passim. One year after joining the staff, Flower founded another Boston periodical, *Coming Age;* he rejoined *The Arena* in 1904. Roger E. Stoddard, "Vanity and Reform: B. O. Flower's Arena Publishing Company, Boston, 1890–1896," *Papers of the Bibliographical Society of America*, 76 (1982), 273–337; "Benjamin O. Flower, Patron of the Realists," *American Literature*, May, 1942, pp. 148–56; *Who Was Who in America, 1897–1942*.

[15]*International Socialist Review*, 1 (1900–1901), 669.

[16]Ibid.; Kent Kreuter and Gretchen Kreuter, *An American Dissenter: The Life and Times of Algie Martin Simons, 1879–1950* (Lexington: University of Kentucky Press, 1969). Ch. 4.

on Charles and May Kerr. The clarity and strength of Simons's arguments within the small circle of left-leaning activists meeting at the Kerrs' Glen Ellyn home engendered an enthusiasm "that nearly set the house afire."[17] Kerr and Simons began to collaborate, and Kerr, speaking for his publishing firm, soon announced: "The course of events has convinced us that half-way measures are useless and our future publications will be in the line of scientific socialism."[18]

Thereafter, Charles H. Kerr & Company began to identify itself as a "socialist cooperative publishing house." The first Kerr-Simons publishing project, a pamphlet series titled "The Pocket Library of Socialism," appeared in April of 1899. Wrapped in red cellophane, the monthly issues of "little red books," as they came to be known, featured socialist perspectives on a diverse range of social and political topics by the Kerrs, the Simonses, and other essayists. For sale at five cents a copy but generously discounted in bulk, the thirty-two-page booklets became a primary propagandizing vehicle for socialist educators, organizers, and "soapboxers" throughout the United States. Kerr described them as "just the right size to slip into an ordinary business envelope, and light enough to mail with a short letter

[17]May Kerr, "Notes on C.H.K.'s Ancestry."
[18]*Workers' Call* (Chicago), June 17, 1899, p. 4, col. 5.

This photograph, taken about 1902 at the Kerrs' Glen Ellyn home, shows seated, from left, Charles H. Kerr, May Wood Simons, Miriam Simons, Mary Ann "Mother" Jones, and Algie Simons (from the State Historical Society of Wisconsin).

without requiring extra postage." In all, sixty booklets appeared over the next seven years. Among them were May Kerr's *Socialism and the Home,* May Simons's *Woman and the Social Problem,* Clarence Darrow's *Realism in Literature and Art,* Jack London's *The Scab,* and Upton Sinclair's *Our Bourgeois Literature: The Reason and the Remedy.*[19]

With the Pocket Library off to a healthy start, the Kerr Company activists turned their energies toward the laborious but necessary task of translating and publishing the works of European socialists. With two goals in mind—the need to overcome the backwardness of the American movement and a desire to familiarize workers with the advances of international socialism—the company churned out several series of English-language editions of works by Marx and Engels, as well as a wide assortment of contemporary writers.[20]

The Simonses traveled abroad at the end of 1899, a trip undertaken in part to help them recuperate from the tragic death of an infant son. While in Europe they established valuable contacts with leaders of the left. In France they spoke with Jules Guesde, patriarch of the *Parti Ouvrier,* and Paul Lafargue, son-in-law of Karl Marx. They traveled around the English countryside with Independent Labourite Keir Hardie and Henry M. Hyndman of the Social Democratic Federation. The Simonses came away deeply impressed by the cooperative ventures developed by the Belgian socialist movement and the work of its leader, Emil Vandervelde. Inspired by what they experienced, they returned to Chicago late in the spring of 1900 with numerous plans for joint publishing efforts and a host of new schemes that would advance the socialist cause at home.[21]

Proclaiming, "The time is now here when the American socialist movement needs and is able to maintain a magazine of scientific socialism," Kerr and Simons launched a new monthly in July of 1900. Modeled after *Die Neue Zeit,* the leading journal of German Social Democracy, the Kerr Company's *International Socialist Review* set forth three objectives that arose from an assessment of the state of the American movement. Noting the relatively poor and unsophisticated quality of socialist literature in the United States, the *Review* vowed "to counteract the sentimental Utopianism that has so long characterized the American movement." With Kerr managing the business end and Simons sitting at the editorial helm, the new magazine also promised to keep abreast of developments on the international front. Of primary importance in their view, Kerr and Simons projected "the interpretation of American social conditions in the light of socialist philosophy by the socialists of this country."[22]

Holding true to its stated goals, the *Review* became the foremost socialist theoretical journal in the nation. The Kerr Company boasted of its lengthy list of notable contributors, a virtual "who's who" of the Second International Socialist Congress, including Karl Kautsky and Wilhelm Liebknecht from Germany, Enrico Ferri from Italy, and a host of British left-wing activists

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[19]More than one million copies of the Pocket Library had circulated by 1906. See Charles Kerr, *What to Read on Socialism* (Chicago: Charles H. Kerr & Co., 1906), pp. 51–54. The advertisement quoted is from the back cover of #2, William H. Noyes, *Evolution of the Class Struggle.*

[20]The Standard Socialist Series, more substantial in binding and composition than the Pocket Library, was composed of twenty titles and sold for fifty cents each; see *International Socialist Review,* 7 (1906–1907), 704. Another popular series, the Library of Science for the Workers, contained a number of writings on natural science and evolution from a socialist perspective.

[21]Kreuter and Kreuter, pp. 45–54; *Workers' Call,* March 3 (p. 3, col. 5), March 10 (p. 2, col. 4), March 24 (p. 1, cols. 1 ff.), March 31 (p. 1, cols. 1 ff.), April 7 (p. 1, cols. 3 ff.), 1900; Robert Stuart Huston, "A. M. Simons and the American Socialist Movement," Diss. University of Wisconsin 1965, pp. 73–78.

[22]*International Socialist Review,* 1 (1900–1901), 53–55.

that included Hardie, Hyndman, Ramsay MacDonald, and Harry Quelch. Lafargue and Vandervelde contributed reports on French and Belgian developments. American contributors to the first volume included Debs, George D. Herron, Leonard D. Abbott, Job Harriman, and Max L. Hayes.[23]

While maintaining the independence of both the publishing house and the *Review*, the Kerrs readily joined the Chicago branch of the Socialist Party of America shortly after its birth in 1901. Eager to hasten the arrival of the "co-operative commonwealth" envisioned by the infant party, and concerned as much with the development of rank-and-file workers' institutions as with national and international developments, they aided in the founding of a party-run consumers' cooperative at the Socialist Temple on Chicago's Western Avenue.[24] In Glen Ellyn, Charles Kerr helped to establish a socialist workers' school, Ruskin College, named for the Ruskin workingmen's college at Oxford, England.[25] In the meantime, May Kerr lectured widely throughout the state on behalf of the party.[26]

The *Review* began to receive national and international recognition. In May, 1902, the International Socialist Bureau at Brussels designated the monthly as the authorized American organ for bulletins issued by the Second International.[27] Additional works—original imprints, fresh translations of imported materials, or new editions of books and pamphlets purchased from other publishing concerns—poured from the Kerr firm in an unending stream.

Sustained by some fifteen hundred shareholders by 1906, the Company's catalogue for that year advertised over seventy-five cloth-bound books, more than forty paper imprints, and thirty-seven separate issues of the Pocket Library of Socialism.[28] Confident in their belief in the inevitability of the socialist cooperative commonwealth and convinced that sustained education and sufficient propaganda would pierce the "false

CLASS STRUGGLE GAME

"The Whole Family Can Play It."

This game is played with colored markers on a chart divided into 100 unequal spaces, through which winds a path starting from Capitalism and leading to Socialism. The pictures and lettering are full of suggestions, helping young people realize the facts of the Class Struggle. Price, 25 cents, postpaid. Agents Wanted.

SOCIALIST PLAYING CARDS

A fine deck of 53 playing cards, standard size and extra quality, with which any ordinary card game can be played at sight. But the Kings are the Trusts, the Queens are the Capitalistic Virtues, the Jacks are the Policemen and their assistants, judge, soldier and professor, and the Aces are the organizations of the working class. The other cards stand for as many different types of working men and women. Each card carries a bright verse by Mary E. Marcy; the drawings are by R. H. Chaplin. The cards will afford no end of entertainment, particularly if you can induce a non-socialist to take a hand in the game. Price, 25 cents postpaid. Agents wanted.

Charles H. Kerr & Company
331-349 East Ohio St., CHICAGO

***Charles Kerr's genius for popularizing socialism occasionally took a humorous turn. Above is one such innovation, as advertised in the* International Socialist Review.**

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[23]Ibid., pp. ii–iii.

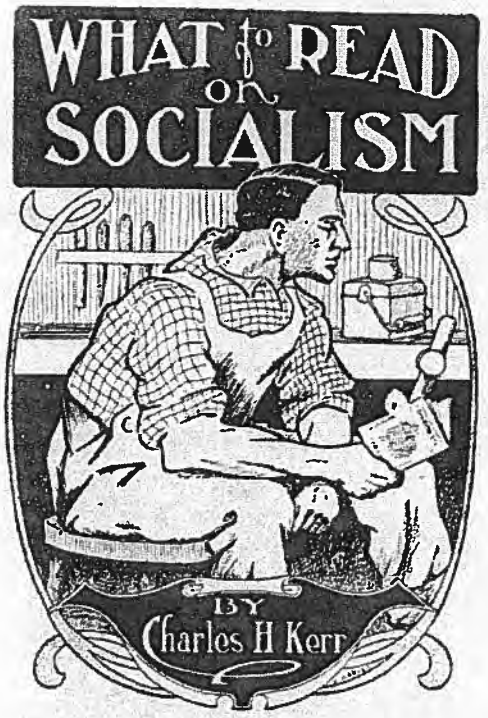
[24]For a detailed discussion of Chicago's "Socialist Co-operative" and Kerr's role in it, see *Workers' Call*, June 29 (p. 4, col. 1), July 6 (p. 3, cols. 5–6), July 20 (p. 3, col. 5, p. 4, col. 1), Aug. 10 (p. 3, col. 4), Sept. 7 (p. 3, cols. 5–6), Sept. 14 (p. 3, cols. 3, 5), 1901.

[25]Charles Kerr, "The Real Facts about Ruskin University," *International Socialist Review*, 4 (1903–1904), 192; May Kerr, "Notes on C.H.K.'s Ancestry"; Blythe P. Kaiser and Dorothy I. Vandercook, *Glen Ellyn's Story* (n.p., 1976), pp. 141–42; Ada Douglas Harmon, comp., *The Story of an Old Town—Glen Ellyn* (Glen Ellyn: Anan Harmon Chapter D.A.R., 1928), p. 86.

[26]For a description of May Kerr's speaking tour through Illinois in the spring of 1913, see May Kerr Papers, Box 2 and Box 6, folder 13. See also *Haverhill* (Mass.) *Social Democrat*, Aug. 3, 1901; *Chicago Socialist*, April 26, 1902, p. 3, cols. 6–7; and May Walden, "True Homes Under Socialism," *Socialist Woman*, Jan., 1908.

[27]*International Socialist Review*, 2 (1901–1902), 811.

[28]Charles Kerr, *What to Read on Socialism*.



It is not a mere book catalog, but contains twenty interesting pages explaining the principles of Socialism in short words and short sentences. We will send 100 copies by express prepaid for 50 cents.

Charles H. Kerr & Company
118 West Kinzie Street, CHICAGO

Inexpensive pamphlets, well designed and easy to read, were a hallmark of Kerr's crusade.

consciousness" of the American worker, Kerr and his associates pushed to expand their publishing operations.

In 1904, the company issued the first of two works by the Italian Marxist theoretician Antonio Labriola. Translated personally by Kerr, Labriola's *Essays on the Materialistic Conception of History* remains an important though seldom read contribution to the corpus of Marxian philosophy. Three years later Kerr published Ernest Untermann's translation of Labriola's *Socialism and Philosophy,* a series of letters on materialism and other questions of socialist theory. Also in 1907 the company issued Louis B. Boudin's *The Theoretical System of Karl Marx in the Light of Recent Criticism,* a major exposition of scientific socialism (parts of which had appeared in the *Review*). Viewed to this day as the first major contribution to the body of Marxian political economy by an American author, Boudin's book received favorable reception abroad and was translated into German under the supervision of Karl Kautsky.[29]

Under an agreement made in 1900 with the London publishing house Swan Sonnenschein, the Kerr Company became the distributor of the "authorized" English edition of the first volume of Marx's *Das Kapital.* In order to finance the second and third volumes, Kerr procured the patronage of Eugene Dietzgen, a retired businessman who was the son of Marx's colleague, Josef Dietzgen. A long-time resident of Chicago and nearby Winnetka, Eugene Dietzgen had acquired a modest fortune as a producer of engineering tools and in 1900 retired to Zurich, Switzerland, where he became a patron to the Second International. Kerr chose as translator German emigré Ernest Untermann, who also revised volume one while living on a chicken farm in Orlando, Florida. With the financial assistance of Dietzgen, the three-volume Kerr edition, issued between 1906 and 1909, became the accepted English language standard of Marx's classic.[30]

The Kerr Company and the *Review* experienced a dramatic change in 1908. Kerr and

[29] *International Socialist Review,* 7 (1906–1907), 700. For Labriola, see ibid., 8 (1907–1908), 59–60; Leszek Kolakowski, *Main Currents of Marxism,* II (New York: Oxford, 1981), pp. 183–92; on Boudin, see Paul M. Sweezy, "The Influence of Marxian Economics on American Thought and Practice," in Donald D. Egbert and Stow Persons, eds., *Socialism and American Life* (Princeton, N.J.: Princeton University Press, 1952).

[30] *International Socialist Review,* 7 (1906–1907), 256, 639, and 9 (1908–1909), 399; Untermann to Marius Hansome, Jan. 19, Feb. 28, 1938, Ernest Untermann Papers, Box 1, and Charles Kerr to Morris Hillquit, Oct. 4, 1905, Morris Hillquit Papers, both in Archives Division, State Historical Society of Wisconsin, Madison.

Simons had initially stood together in the left wing of the Socialist party. They both endorsed the formation of the Industrial Workers of the World (IWW) in 1905, but political differences gradually developed between them. Kerr moved closer in sympathies to the industrial unionists, a direct-action wing of the movement, while Simons—more in favor of electoral strategies based on close alliance with the established skilled craft unions—shifted to the right. Kerr grew increasingly disenchanted with the editorial views put forward in the *Review* and Simons's growing affinity for the "immediatist" reform elements within the party. Kerr fired Simons in 1908 and took over the helm as editor of the *Review*. As May Kerr later recalled: "Simons became better situated and turned 'right' and Charles dismissed him and assumed the duties of the editor himself with the statement that he preferred to 'please the workers rather than the college professors.'"[31]

With an obvious allusion to Simons, Kerr argued that the *Review* had been edited "for too long" on the faulty assumption that "the problems of social evolution must be deliberated on in advance by a select few of superior brain power, who should later on diffuse the results of their deliberations among the common mass." The new editor pointed out that "ordinary working people" had "an instinctive sense of what is good for them that is more to be trusted than the most exquisite of theories." The character of the magazine began to change markedly. A somewhat dry theoretical journal under Simons's tenure, the *Review* adopted a style and format that was livelier, more attractive, and certainly more appealing to the rank-and-file socialists for whom Kerr held sympathies. Spiced with cartoons, illustrations, and an increased number of photographs, the monthly soon began to reach more activists than ever before. Billed as the "Fighting Magazine of the Working Class . . . Of,

An unforgettable character in Mary Marcy's* Out of the Dump *was Mrs. Nome, "a lame old woman who sold shoe strings at the 'L' Station" and railed against the evils of "scientific charity workers."

[31]May Kerr, "Notes on C.H.K.'s Ancestry." In his biography of Simons, completed in 1965, Robert Huston suggested that the split between the Simonses and Kerr had a personal side—that May Simons "had never felt comfortable with the relatively well-to-do Kerrs and had suspected them of being socialist dilettanti" (p. 171). The source for that observation was a series of interviews with the Simonses' daughter, Miriam Simons Leuck, in 1954 and 1955. Just the opposite was true. The Simonses, already set in their drift to the right, became better situated while Kerr threw in his lot with the clearly more working-class elements in the movement. He lived quite simply, pumping every available penny back into the company. Lengthy correspondence between Katharine Kerr Moore and her mother (who divorced Charles in 1904) refute any hint that Charles Kerr was "well-to-do." See Charles Kerr to May Kerr, Oct. 8, 1908, Feb. 8, 1909; May Kerr to Charles Kerr, Oct. 10, 1908, Feb. 10, 1909; Moore to May Kerr, Nov. 11, Nov. 29, 1920, May Kerr Papers, Box 3.

MARY EDNA MARCY

By and For the Working Class," the *Review* not only reached a circulation beyond 26,000 by 1910 but even began covering its own operating expenses. Kerr invested in advertising, and he was able to increase the number of pages and allot more space to "News and Views," a column announcing activities and publications of grass-roots socialists throughout the country.[32]

Although carried out in part for financial reasons, the overhaul of the *Review* signified something deeper in Kerr's thinking. It represented a shift in his political perspective and commitment—a political commitment to the popular movement and rank-and-file expression. Implicit in that shift was the understanding, present in Marx but often missed by the middle-class intellectuals who filtered into the socialist movement, that the working class would ultimately have to emancipate itself.

The *Review* became the primary vehicle for the writings of Mary E. Marcy, one of the most popular socialist publicists of the Debsian era. Born Mary Edna Tobias in Belleville, Illinois, in 1877, she was the eldest of three children and was orphaned at an early age. She supported her siblings from a clerical job while attending high school. At the age of nineteen she was fired from her job for wearing a Bryan button. Through the assistance of Clarence Darrow, she became a secretary to William Rainey Harper, president of the University of Chicago, and there studied philosophy under John Dewey. After marrying Leslie H. Marcy in 1901, she went to work for the treasurer of a major meat-packing firm. She also became a member of the Socialist party. Her "Letters of a Pork Packer's Stenographer," a scathing muckraking indictment, ran serially in the *Review* in 1904 and won her instant notoriety within leftist circles. Both she and her husband became regular contributors to the Kerr monthly during that period. In 1908 she was elected secretary of the Kerr Company and became associate editor of the *Review*.[33]

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[32]*International Socialist Review*, 8 (1907–1908), 435, 493, and 9 (1908–1909), 559; May Walden Kerr, "Notes on C.H.K.'s Ancestry"; Kreuter and Kreuter, pp. 99–100; Huston, pp. 168–71.

[33]*International Socialist Review*, 5 (1904–1905), 102–9, 175–78, 296–303, 363–69, 418–23. For biographical material on Marcy, see Jack Carney, *Mary Marcy* (Chicago: Kerr, 1922). At different times, she shared the post of associate editor with her husband Leslie and with William Haywood, Robert Rives La Monte, and Frank Bohn.

DECEMBER, 1910 — The INTERNATIONAL SOCIALIST REVIEW — PRICE TEN CENTS

The Fighting Magazine of the Working Class

THE STRIKE OF THE GARMENT WORKERS
Robert Dvorak

THE AMERICAN PARTNERS OF DIAZ
John Kenneth Turner

The* Review *devoted considerable space to the Chicago garment workers strike of 1910–1911. According to Robert Dvorak, it was "the greatest and most unique strike ever known in the history of labor struggles. Started by sixteen girls, without the vestige of organization, the struggle spread to 41,000 persons and tied up almost 200 shops." Photographs of marchers come from the January, 1911, issue.

Mary Marcy was convinced that the works of Marx had to be simplified if the movement was to make any headway among American workers. Her *Shop Talks on Economics*, "an attempt to say, in the language of working men and women, the things Marx says in his own books," initially appeared as "Beginners' Course in Socialism and the Economics of Karl Marx" in serial installments in the *Review* during 1910 and 1911.[34] Soon brought out in pamphlet form by Kerr, Marcy's now-classic primer in Marxian economics went through numerous editions and subsequently found its way into Japanese, Chinese, Finnish, Roumanian, French, Italian, and Greek. Over two million copies of *Shop Talks* circulated by the time of her death in 1922.[35]

During the 1912–1913 feud within the Socialist Party of America, the *Review* was the unflinching partisan of the industrial unionist left wing. Kerr editorialized against the "Slowcialists" who held the reigns of the party's National Executive Committee. He opened the *Review's* pages to such IWW syndicalists and direct actionists as William D. "Big Bill" Haywood and Frank Bohn, and he fought against the expulsion of the "Haywoodites" from the party in 1913.[36] His continued sympathies for the left wing drew fire from more conservative party members, but both the publishing house and the *Review* withstood the attack.[37]

The smoke from the American intraparty imbroglio barely cleared when the international socialist movement found itself torn asunder by World War I. Members of the American party watched as their fraternal European parties succumbed one by one to the nationalist hysteria sweeping the Continent. The collapse of the Second International opened a serious debate in American ranks about preparedness, and the *Review*—as an important organ of left-wing opinion—played a leading role. Faced initially with the need to explain the failure of the European left amidst the war frenzy, the Kerr staff soon began to lend its collective voice to the ranks of those opposed to militarism and preparedness as the United States slowly geared itself for a seemingly inevitable entry into the fray. Steadfast in its resistance, the *Review* chronicled the emergence of a resurgent Socialist opposition abroad. As the preparedness campaign mounted through 1916, Kerr and Marcy editorialized for a general strike as the only effective means of resistence against the speed-up, increased workday, and control of wages engendered by the war drive.[38]

Despite the repressive atmosphere and heightened jingoist fervor after the United States entry in the war, the Kerr circle continued its unflinching opposition through the summer of 1917. Such resistance left the company vulnerable to attack, however.[39] The *Review*, along with many other of the country's socialist periodicals, became the target of a major assault by Woodrow Wilson's Postmaster General, Albert S. Burleson, who under the Espionage Act had the authority to withhold from the mails any materials urging "treason, insurrection, or forcible resistance to any law of the United

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[34]*International Socialist Review*, 11 (1910–1911), 281–82, 334–35, 424–26, 483–85, 542–44, 619–22, 696–98.

[35]Carney, passim.

[36]James Weinstein, *The Decline of Socialism in America, 1912–1925* (New York: Random House, 1967); Ira Kipnis, *The American Socialist Movement, 1897–1912* (1952; rpt. New York: Monthly Review Press, 1972), Chs. 14–19; Herbert Gutman, "Introduction," *International Socialist Review*, Radical Periodicals in the United States, 1890–1960 (New York: Greenwood Reprint Corporation, 1968), I [v–viii].

[37]Clyde Berry and Stephen Reynolds, "Report of Investigation of Kerr Publishing Co.," *Socialist Party Official Bulletin*, June, 1912, as reproduced in *International Socialist Review*, 12 (1911–1912), 862–65.

[38]*International Socialist Review*, 16 (1915–1916), 650–51.

[39]For a general sense of the repressive nature of the period, see Weinstein, pp. 119–76; H. C. Peterson and Gilbert Fite, *Opponents of War* (Madison: University of Wisconsin Press, 1957), passim; and William Preston, Jr., *Aliens and Dissenters* (New York: Harper, 1963), pp. 88–117 passim.

States." Citing that measure, he declared the June and July, 1917, issues "unmailable." Copies of the *Review* were distributed through the cooperation of socialists and by private express when possible, but the financial loss was great, especially when prices of paper and other printing supplies were rising dramatically. By October, printing of pamphlets was discontinued. The November and December issues were combined, and the January, 1918, issue was declared unmailable. The annual report, published in the February issue, showed severe deficits.[40] Totally dependent on access to the mails for its distribution and accompanying revenue, Kerr's monthly passed out of existence. It had become a casualty of the war after nearly eighteen years as a voice of America's socialist cause.

Despite the loss of its magazine, the Kerr publishing operation experienced a brief revival in the immediate postwar period. The company issued several new books by Mary Marcy and other activists. Among them were Marcy's *Open the Factories* (1921), *The Right to Strike* (1920), *Industrial Autocracy* (1919), *Women as Sex Vendors; or, Why Women Are Conservative* (coauthored with Roscoe B. Tobias in 1919), and Louis F. Post's *The Deportations Delirium of Nineteen-Twenty* (1923).[41]

But the Debsian era socialist movement

[40]Moore to May Kerr, Oct. 5, 1917, May Kerr Papers, Box 5; *International Socialist Review*, 18 (1917–1918), 125–26, 181–82, 253, 305, 313–14, 430.

[41]Post, Assistant Secretary of Labor under Woodrow Wilson, had been active in Chicago school politics in the Progressive era. All major publishers had rejected his manuscript before he turned to Kerr, who published the 338-page book with financial assistance from the American Civil Liberties Association. Dominic C. Candeloro, "Louis Freeland Post: Carpetbagger, Single-taxer, Progressive," Diss. University of Illinois at Urbana-Champaign 1970, pp. 238–39.

The Review *printed several cartoons by the English Socialist William "Will" Henry Dyson. The one here is captioned: "Capital (deeply shocked by Labor's efforts to emerge): 'Back to your abyss, Sir! As it is already there is scarcely enough sun to go around!'"*

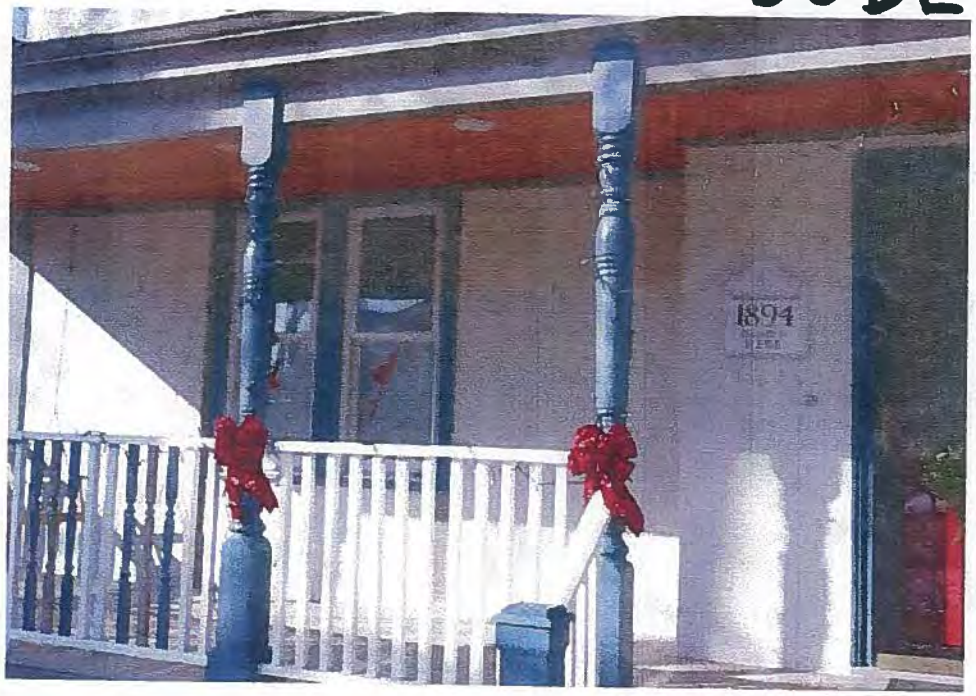
never regained its prewar strength and vitality. Aging and exhausted after decades of service and sacrifice in the battle for social justice, Charles Kerr in 1928 passed the reins of his company into the hands of John Keracher, a Chicago leader of the Proletarian party, a small Midwest-based communist group. Kerr retired to Los Angeles, where he lived out his remaining years. He died in 1944.[42]

A mere shadow of its former self, the publishing company bearing Kerr's name carried on under the direction of Keracher and his colleague, Al Wysocki, until 1971, when a revived board of directors, with the cooperation of the Illinois Labor History Society and the assistance of the Amalgamated Meat Cutters, saved it from oblivion.[43] Kept alive by the persistence and dedication of longtime Chicago activists Burton Rosen and Fred Thompson, Charles H. Kerr & Company recently received a revitalization. Under the direction of Franklin and Penelope Rosemont, it now specializes in the reproduction of some of the classic works spawned by an indigenous American radicalism.

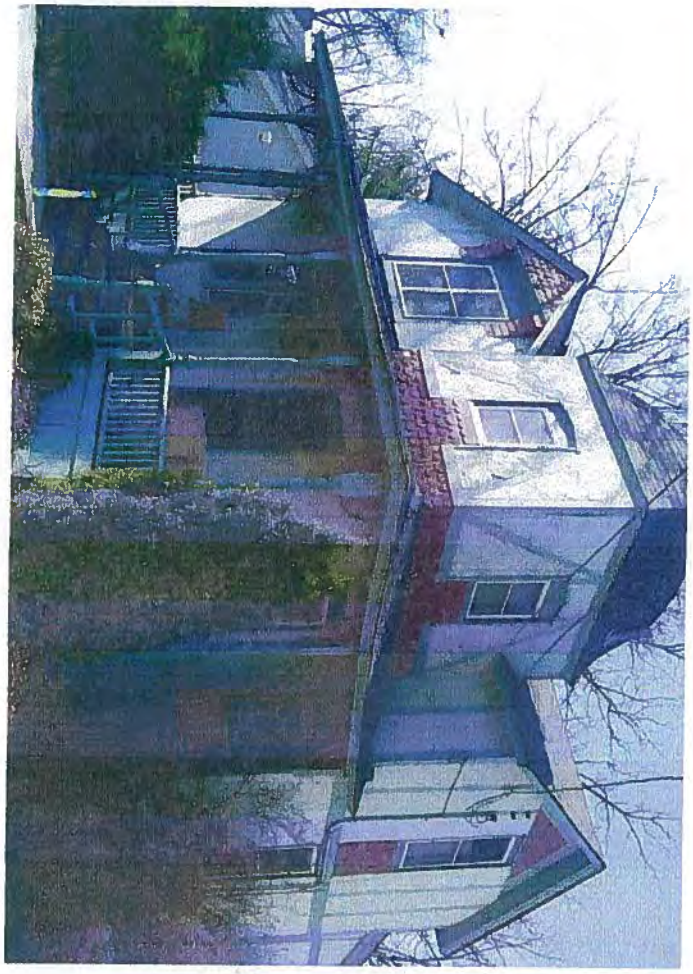
[42]"Yearbook, 1944," May Kerr Papers, Box 10.

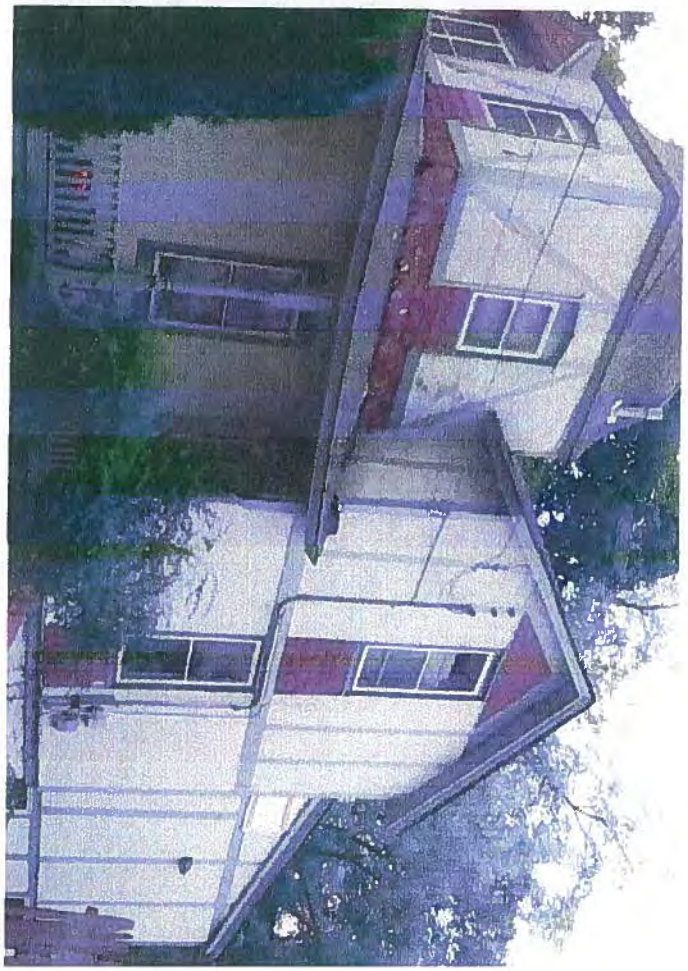
[43]Virgil Vogel, "The Story of America's Oldest Socialist Publisher," Nov. 17, 1978, Manuscripts Department, Chicago Historical Society.

BODE



566 Hillside Ave – AFTER





NOTICE OF PUBLIC HEARING BEFORE THE GLEN ELLYN HISTORIC PRESERVATION COMMISSION

An application has been received by the Historic Preservation Commission to consider the property at 566 Hillside Avenue for designation of historic landmark status under the Village of Glen Ellyn Historical and Architectural Landmark Preservation Ordinance (Ordinance #3825-VC).

This property is being considered for designation of landmark status for the following reasons:

1. Its value as an example of architectural, cultural, economic, social or other aspect of the heritage of the Village of Glen Ellyn, the State of Illinois, or the United States.
2. Its identification with a person or persons who significantly contributed to architectural, cultural, economic, historic, social or other aspect of the development of the Village of Glen Ellyn, the State of Illinois, or the United States.
3. Its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship.
4. Its unique location or distinctive physical appearance of presence representing an established and familiar feature of a neighborhood, community or the Village of Glen Ellyn, the State of Illinois, or the United States.

Before the Glen Ellyn Village Board can consider the application, the Historic Preservation Commission must conduct a public hearing. The Historic Preservation Commission will consider the application at a public hearing on **Thursday, April 26 at 7:30 p.m.** in a meeting room on the third floor of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois.

The subject property is legally described as follows:

LOT 8 AND THE WEST 10 FEET OF LOT 9 IN PHILLIP'S SUBDIVISION OF THE WEST 4.48 CHAINS OF BLOCK 11 OF THE VILLAGE OF GLEN ELLYN (FORMERLY DANBY) BEING KNOWN AS LOTS 4, 5 AND 6 OF THE ASSESSMENT DIVISION OF SAID BLOCK 11 IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-11-329-014

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. Information related to the requests is available for public review in the Planning and Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the requests should be directed to Michael Strong, Planning Intern, 630-547-5248.

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

Michael Strong,
Planning Intern

Published in Daily Herald on April 6, 2012

HISTORIC PRESERVATION COMMISSION MEETING STAFF REPORT

TO: Historic Preservation Commission

FROM: Staci Hulseberg, Director of Planning & Development
Michael Strong, Planning Intern

DATE: April 6, 2012

SUBJECT: 566 Hillside Avenue – Planning Report

Historic Designation Planning Report. This Report is provided in accordance with Section 2-13-5 of the Village Code which requires a report on planning considerations prior to the designation of any structure or object as a Glen Ellyn Landmark.

Location/Request. The above-referenced home is located on the north side of Hillside Avenue between Forest Avenue to the west and Park Boulevard to the east. The property consists of one lot. The current property owners are Lincoln and Gail Bode, who have requested the landmark designation of the property in order to preserve the existing home.

Existing Structure. The following historical and architectural details about the home at 566 Hillside Avenue were included in the application submitted by Lincoln and Gail Bode. The property was built in 1894 and is commonly known as the 'Charles H. Kerr' home named after Charles Kerr, a leader and citizen of Glen Ellyn who was the founder of the Kerr Publishing Company in Chicago during the late 1800's. The house is a stick style Queen Anne Victorian that features stucco siding with decorative half timbers. The home has a traditional cross gable roof with a mansard tower. The front porch has been restored to its original state, and is enclosed with many original spindles ornamented with decorative turnings. Additional research found that the property underwent significant exterior and interior improvements in 2010, including a new addition on the rear of the house, and improvement or renovation of the exterior building materials to match the existing Queen Anne architectural style.

Relationship to Comprehensive Plan. The Glen Ellyn Comprehensive Plan designates this parcel for Single-Family Detached Residential use, up to 5 dwelling units per acre. The Comprehensive Plan also states that "...homes...that have historic and/or architectural interest ...add to the charm and character to the community. The Village should consider more formal procedures for recognizing and designating structures and districts with historic value...Property owners should be encouraged to retain and restore historic structures." The designation of the home at 566 Hillside Avenue as a historic landmark would be consistent with the recommendations of the Comprehensive Plan.

Zoning. The subject site is located in an R2 Residential District. The property is currently developed with a single-family home. The properties in the surrounding area are also zoned R2 Residential District. The surrounding lots are developed with single-family homes.

Effect on the Neighborhood. Due to its historical and architectural value, it is a property that should be appropriately recognized. According to the documents reviewed and the above report, we

do not believe that there will be any negative effects on the neighborhood resulting from such a designation.

Planning Consideration. A review of the information available in the Village files, the Comprehensive Plan, and the zoning ordinance indicate that the home is appropriate for designation as a Glen Ellyn Landmark for the following reasons:

1. The Comprehensive Plan indicates that historic properties such as 566 Hillside Avenue contribute to the character of Glen Ellyn because of its age, design, and construction.

2. The property is consistent with the zoning classification for the area.

3. The structure is harmonious with the surrounding neighborhood.

4. This structure is largely the same as when originally constructed and it represents a structure from that era. It is an exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship.

Requested Action. It is requested that the Historic Preservation Commission conduct a public hearing during its regular meeting on April 26, 2012, for the request for landmark designation of the home at 566 Hillside Avenue and to make a recommendation to the Village Board.

X:\Admin\HistCommission\Landmarks\566 Hillside\566 Hillside Avenue Landmark Report.doc

Exhibit 4 - Letter from Property Owner
566 Hillside Avenue

RECEIVED
MAR - 1 2012
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

Lincoln V Bode & Gail Z Bode
566 Hillside Avenue
Glen Ellyn, Ill. 60137 USA
Mobile: +1 630 940 9933 Email: lincolnbode@gmail.com

February 29, 2012

To: Historic Preservation Commission

C/O Staff Liaison

Please find enclosed our Landmark Nomination Form for 566 Hillside Avenue along with photos and historical references.

We believe the house is of historical significance because of:

- The year it was built, 1894
- Historical Queen Anne architecture – Stick Style
- Connection to the original owners
  - Charles Kerr – Publisher
  - Mary Walden Kerr – Founder of GE Women's Club and School teacher
  - Katherine Moore – heard she was an activist for women's rights, but no proof
- Location (1 ½ blocks) to downtown
- Plaqued by GEHS in1974
- Recently completed major renovation to the inside (2010) and outside (2011)

If you have any questions or wish clarification, please let us know.

Regards,

Lincoln Bode

Gail Bode

4. New Business

A. Preliminary Discussion for Landmark Status – 566 Hillside Avenue

Chairman Marks introduced Gail Bode, property owner of 566 Hillside Avenue. She stated that the home was built in 1894 in the Queen Anne style of architecture, and that her and her husband bought the home in 1994. She stated that they did a major restoration and renovation of the exterior as well as the interior of the home in 2010. She stated that the work included a full renovation of the interior, replacing the floors and restoring the staircase, the mantle and the fireplace among other things. She stated that they also restored the front porch and the exterior of the house. She stated that they plan to work on the landscaping this summer.

Mrs. Bode stated that the restoration of the front porch did not change its original footprint and that the porch pillars were taken off, restored and then replaced. She stated that the porch railings were raised, the spindles were replaced and the flooring and foundation were redone. She stated that the turret, fascia, and stucco were also redone, and that the entire exterior of the house was repainted.

Mrs. Bode stated the house was built and lived in by Charles Kerr, founder of Kerr Publishing Company in Chicago and leader and citizen of Glen Ellyn in the late 1800's. Commissioner Saliamonas asked if the picture included in an article about Charles Kerr was the same house as Mrs. Bode's to which Mrs. Bode stated that it is. Chairman Marks asked if Mrs. Bode had contacted the Glen Ellyn Historical Society to see if they have any other pictures of the house. She stated that she may make an appointment to have all the archives pulled.

Commissioner Loftus stated that he supports the home for landmarking as the porch is not original, but it is a period porch. Commissioner Salamunovich stated that he supports the home as it is a historic home that is emblematic of old architecture, but also has a historical connection to Kerr. Commissioner Saliamonas stated that she supports the home. Commissioner Rasnic stated that he supports the home, and that the home would help to cement the possible local landmark district on Hillside Avenue. Commissioner Wilson stated that she supports the home as the Bodes put in a lot of work, and that the home has history and beautiful architecture. Student Commissioner Buckton stated that she supports the home as the Bodes kept the essence of the architecture. Chairman Marks stated that he supports the home and asked Mrs. Bode to contact Bob Chambers at the Glen Ellyn Historical Society to see if he knows of any other exterior photographs of the home from an earlier period.

Commissioner Loftus stated that the application was filed on the basis as it is a Glen Ellyn Historical Society plaqued home and the following criteria:

1. Its value as an example of the architectural, cultural, economic, historic, social or other aspect of the heritage of the Village of Glen Ellyn, the State of Illinois, or the United States;
2. Its identification with a person or persons who significantly contributed to architectural, cultural, economic, historic, social or other aspect of the development of the Village of Glen Ellyn, the State of Illinois, or the United States (in reference to Architect Don Erickson, apprentice to Frank Lloyd Wright);
3. Its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship (in reference to the Craftsman style);
4. Its unique location or distinctive physical appearance of presence representing an established and familiar feature of a neighborhood, community or the Village of Glen Ellyn.

Commissioner Loftus made a motion to move forward with the preliminary determination of Glen Ellyn landmark status for the property at 566 Hillside Avenue, under Village Code Section 2-13-3 under criteria numbers 1, 3, 4 and 6. Commissioner Wilson seconded, and the motion carried unanimously by a vote of 6-0.

B. Downtown Historic District Update and Discussion

Staff Liaison Strong stated that Village staff is still working on an RFP to solicit a vendor to write a nomination for the proposed Downtown Historic District. He referenced the proposed boundary map from the informational packet. He stated that there is a portion of that downtown that has been surveyed through an architectural resources survey, and that there is a lot of information on these properties. He stated that the map on the other side which was shaded in green contains the consensus properties which the HPC and the Village would like to be a part of the Downtown District. He stated that the rough boundaries that the Village received positive feedback on from the state will be included in the RFP as suggestive boundaries. He stated that he spoke with Kristen Schrader, Assistant to the Village Manager-ADM, and Amy Hathaway from the Illinois Historic Preservation Agency (IHPA) earlier today, and that they all in agreement that the boundaries approved by the IHPA last April should be used as a starting point for the RFP process. He stated that once the RFP is done, the staff will send a copy to the HPC for review, and hopefully, there will be some consultants to consider at the May meeting.

Staff Liaison Strong stated that there will be a meeting/walking tour of Glen Ellyn on April 11, 2012 with the IHPA's Amy Hathaway and Andrew Heckingkam. Chairman Marks asked to attend this meeting.

Commissioner Loftus asked about the map to which Staff Liaison Strong stated that the green-shaded buildings are those that the HPC and the Village have all given positive feedback on. He stated that they are still thinking about 486, 490 and 500 Pennsylvania Avenue and the Post Office through 466 Pennsylvania Avenue. He stated that the Downtown Plan outlines redevelopment sites, and the Village is trying to remain

MINUTES (DRAFT)

BOARD OR COMMISSION:	Historic Preservation	DATE: April 26, 2012	
MEETING: Regular X	Special _____	CALLED TO ORDER:	7:30 PM
QUORUM: Yes X	No _____	ADJOURNED:	9:05 PM

MEMBER ATTENDANCE:

PRESENT: Chairman Marks, Commissioners Christiansen, Loftus, Manak, Rasnic, Saliamonas, Wilson, Student Commissioner Buckton

ALSO PRESENT: Staff Liaison Strong, Recording Secretary Blake, Resident Participants Gail and Lincoln Bode

EXCUSED: Commissioners Issac and Salamunovich

AUDIENCE: Samantha Lis of the Glen Ellyn Patch

PUBLIC HEARING FOR LANDMARK STATUS – 566 HILLSIDE AVENUE

CALL TO ORDER:

The April 26, 2012 public meeting of the Historic Preservation Commission was called to order by Chairman Marks at 7:32 PM in the Civic Center at 535 Duane Street, Glen Ellyn, Illinois. A quorum was present.

At the last meeting, the Bodes were encouraged to try and locate more photos of the residence. The photos presented during the hearing were from 1982 or 1983 as opposed to the 1970s photo that was included in the agenda packet.

Commissioners asked questions of Gail and Lincoln Bode concerning the application for landmark status for the home at 566 Hillside Avenue. The Bodes noted that the old porch was rotting and had dropped several inches. The alternatives were to prop it up or replace it, and they solicited bids for both alternatives. The recommendation was to replace it, which they did in exactly the same footprint as the old porch. They preserved the original columns. The Bodes also answered questions about the rear addition and the process of choosing the exterior paint colors of light gray, pewter gray, blue and red.

Commissioners commented as follows: Commissioner Loftus stated that he fully supports landmarking the house. He stated that the porch is not original, but is period and is one way of preserving the house. Commissioner Christiansen agreed and felt that the homeowners have done a very good job. Commissioner Saliamonas agreed and stated that she loves the story of the house. Student Commissioner Buckton stated that they did a great job of keeping the home up to date but keeping it historic. Chairman Marks stated that he is totally in support, and that the research was very much appreciated. Commissioner Manak stated that the home certainly qualifies, and that the information on the Kerr family was nice to hear. Commissioner Rasnic stated that he will move to recommend it to the Village Board, and stated that he appreciated seeing the picture of the real Mother Jones.

Commissioner Rasnic moved, with several seconds, that the Commission recommend to the Village Board that the home at 566 Hillside Avenue be granted a landmark designation. The motion was approved unanimously by a vote of 7-0.

The recommendation will be considered by the Village Board on May 14, 2012.

Commissioner Christiansen moved to close the public hearing and Commissioner Wilson seconded the motion. The motion was approved unanimously by a vote of 7-0. The public hearing was closed at 7:49 PM

REGULAR MEETING

Chairman Marks called the regular meeting of the Glen Ellyn Historic Preservation Commission to order on April 26, 2012 at 7:50 PM.

APPROVAL OF MINUTES

The minutes from the March 22, 2012 have been reviewed by all Commissioners. Commissioner Wilson stated that on page 2, her title should be "Commissioner" as opposed to "Chairman". Commissioner Loftus moved to approve the minutes for the regular March 22, 2012 meeting as amended. Commissioner Saliamonas seconded the motion. The motion was approved 6-0 with one abstention.

A-6E

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Hulseberg, Director of Planning & Development

DATE: May 9, 2012

FOR: May 14, 2012 Village Board Meeting

RE: Sidewalk Café License Agreements

Background

Since 1995, the Village Board has authorized one or more License Agreements for tables and chairs, hot dog and gelato sales, wind enclosures and related items to be located on the public sidewalk in the central business district.

Last year, the Village Board approved an amendment to the Village Code to allow restaurants with liquor licenses the ability to serve alcohol at tables and chairs on the public sidewalk subject to certain conditions and approvals. Eligible restaurants have been notified of this opportunity. The Alliance is working with downtown restaurant owners to encourage and assist them with starting these sidewalk cafés. As a result of the Alliance's efforts, we expect to see a number of sidewalk cafés in the downtown in the near future.

Issues

So far this year, four businesses (Einstein Bros. Bagels, Starbucks, Vitorio's Ristorante, and Heaven-Lee Hot Dogs), have been granted license agreements by the Village. Vitorio's also received approval of a Public Sidewalk Liquor License.

At this time, we have received license agreement applications for tables and chairs and public sidewalk liquor licenses for Tap House Grill, Shannon's Irish Pub, and Flour + Wine. These applications are ready for Village Board consideration. We are encouraging those businesses serving liquor on the public sidewalk to install decorative fencing to define the seating area. We are pleased that Tap House Grill intends to move forward with the installation of such fencing. This fencing will provide an example of how other restaurants can attractively and affordably fence the seating areas.

Recommendation

Draft license agreements are attached to allow tables and chairs in the public right-of-way for Tap House Grill, Shannon's Irish Pub, and Flour + Wine. Liquor license approvals are included on the agenda as separate action items.

Action Requested

It is requested that the Village Board approve a motion to approve license agreements for Tap House Grill, Shannon's Irish Pub, and Flour +Wine.

Attachments: License Agreements for Tap House Grill, Shannon's Irish Pub, and Flour +Wine

cc: Phil Norton, Police Chief
Patti Underhill, Administrative Services Coordinator
Carol White, Executive Director, Alliance of Downtown Glen Ellyn
Daniel Sronkoski, Tap House Grill
Jennifer Shannon, Shannon's Irish Pub
Michael Vai, Flour + Wine

S:\Village Board\Agenda Items\License Agreements\5-9-12 VB Memo Shannons TapHouse Flour+Wine.docx

LICENSE AGREEMENT

This Agreement, made and entered into as of this 8 day of MAY, 2012, effective the 8 day of MAY, 2012, by and between the Village of Glen Ellyn ("Licensor") and DANIEL SEAWKOWSKI, ("Licensee") pertaining to the property located at ~~433~~ 411 N. Main Street, Glen Ellyn, Illinois 60137.

1. A. **Purpose - Tables and Chairs in the Public Right-of-Way:** Licensor hereby grants to Licensee, and Licensee hereby accepts, a license to (a) install, maintain and operate for the term hereof, tables and chairs in compliance with the site plan approved by the Village and attached hereto as Exhibit "A", including the agreed upon number and location of tables and chairs on the sidewalk and the right-of-way in front of the above listed address, the licensed area, (b) maintain a trash receptacle in accordance with the standards contained below, and (c) install and maintain landscape planters in accordance with the standards contained below and with the following terms, covenants and conditions.

B. **Purpose - Wind Enclosure in the Public Right-of-Way:** Licensor hereby grants to Licensee, and Licensee hereby accepts, a license to install, maintain and operate for the term hereof, a temporary outdoor wind enclosure to be located on the sidewalk and the right-of-way in front of 433 N. Main Street in accordance with the standards contained below and with the following terms, covenants, and conditions.

2. A. **Terms - Tables and Chairs in the Public Right-of-Way**: The portion of this Agreement relating to tables and chairs in the public right-of-way shall be in effect from the 8 day of MAY, 2012 through October 31, 2012. This Agreement may be renewed only through the action of the Village Board of the Village of Glen Ellyn. Licensee may terminate this Agreement immediately by providing written notice to Licensor. Licensor may terminate this Agreement at any time during the term of this Agreement by notifying Licensee of this intention at least 7 days prior to the termination date.

B. **Terms - Wind Enclosure in the Public Right-of-Way**: The portion of this Agreement relating to a wind enclosure in the public right-of-way shall be in effect from the 1st day of November, 2012 through the 31st day of March, 2013. This Agreement may be renewed only through the action of the Village Board of the Village of Glen Ellyn. Licensee may terminate this Agreement immediately by providing written notice to Licensor. Licensor may terminate this Agreement at any time during the term of this Agreement by notifying Licensee of this intention at least 7 days prior to the termination date.

3. **Rent and License Fee**: For the purposes of this license, no rent will be paid by Licensee to Licensor. A fee of $50.00 has been paid by Licensee to Licensor for the issuance of this License Agreement.

4. **Permits and Licenses**: Licensee, at its sole effort and expense, shall conform to the Village Code, DuPage County Health Department regulations, and Illinois Accessibility Code. Liquor service to the approved tables and chairs shall only be allowed after the issuance of any appropriate liquor license(s) and shall be subject to all applicable regulations in the Village Liquor Control Code.

5. **Installation of Street Furniture**:

a. Tables and Chairs: Licensee is permitted to locate on the sidewalk portion of the right-of-way the number of tables and chairs specified in the site plan for this location. The table tops shall not exceed the diameter and size indicated on the site plan. Tables and chairs shall be located so that a five-foot wide passage is maintained along the sidewalk at all times. Use of the public right-of-way shall be conducted in a manner that does not interfere with pedestrian use of the sidewalk. All items placed on the sidewalk shall not obstruct ingress to and egress from the licensed business or any other business. Licensee shall allow restaurant patrons to dine on tables and chairs in the licensed area described above but at no time shall cooking or food preparation be permitted on the public right-of-way. At a minimum, the public right-of-way shall be cleaned once daily. Umbrellas, approved for use as part of this license agreement, shall be removed from the public sidewalk at the end of each business day.

b. Trash Receptacle: Licensee shall maintain the trash receptacle(s) located in proximity to the tables and chairs in a neat and orderly manner, and the Licensor shall ensure that a garbage hauling firm removes the trash from the receptacles on a regular schedule. **However, it shall be the responsibility of Licensee to empty the receptacle(s) more frequently, if necessary.** Licensor is the owner of the trash receptacle(s).

c. Landscape Planters: Licensee shall install and maintain a minimum of two (2) landscape planters, planted with flowering annuals and/or perennials, located in conformance with the site plan. The planters shall contain a minimum total of 432 square inches (3 square feet) of planted landscaping. The planters shall be a minimum of 10 inches in height, shall not exceed 30 inches in height and shall be constructed of metal, terra cotta, masonry, wood or similar materials; plastic planters shall be prohibited. The planters shall be placed up against the building in a location that does not obstruct the public right-of-way and sidewalk. At all times, a minimum 5-foot wide pathway on the sidewalk shall remain free and clear of obstructions. All items placed on the sidewalk shall not obstruct ingress to and egress from the licensed business or any other business. Licensee shall replace dead landscape plants as needed to maintain the planters in a clean and neat manner and shall water plants on an as-needed basis during the entire period of time that tables and chairs are located on the public sidewalk. Failure to maintain live plants as required by this agreement may result in licensor terminating this agreement with 7 days written notice to licensee, and the tables and chairs shall be immediately removed from the public sidewalk.

B. **Installation of Wind Enclosure**: Licensee is permitted to locate on the sidewalk portion of the Main Street right-of-way immediately in front of the property at 411 N. Main Street a nylon wind enclosure as depicted on the site plan and detail drawings submitted by Licensee. The enclosure will measure no greater than 3 feet 6 inches long by 5 feet 1 inch wide and 7 feet 11 inches in height. The enclosure shall be maintained in good condition with no holes or tears and free of dirt and mud. The enclosure shall contain no advertising or signage of any kind. Licensee may locate a street address number for the building on the exterior of the wind enclosure. The enclosure shall not be fastened or secured to the public sidewalk in any way.

6. **Maintenance**: Licensee shall agree to maintain the licensed area and the nearby sidewalk in a clean, healthy and attractive condition. At a minimum, the public right-of-way shall be cleaned each day. If Licensee ceases to so maintain the licensed area and the nearby sidewalk, Licensor may require Licensee to pay for additional cleanup costs. Further, Licensor may, upon notice as set forth below, terminate this agreement and require the permanent removal of the tables and chairs and the wind enclosure from the licensed area in advance of the expiration date of this Agreement.

7. **Removal**: Upon the expiration or the termination of this License, Licensee shall remove the tables and chairs and wind enclosure from the licensed area as specified in Section 2 of this agreement.

8. **Termination**: If Licensee fails in any respect to perform any agreements, covenant or obligation in this License, then and in such event, Licensor, after providing at least 7 days written notice to Licensee, may terminate this License Agreement or may cure such failure or default, on behalf of and at the expense of Licensee.

9. **Notice**: Notice hereunder shall be in writing and effected either by personal delivery or by depositing the same in an official U.S. mail receptacle as certified mail, return receipt requested, postage paid, addressed to:

If to Licensor:	If to Licensee:
Village Manager	Danny Sronkoski
Village of Glen Ellyn	Tap House Grill
535 Duane Street	411 N. Main Street
Glen Ellyn, IL 60137	Glen Ellyn, IL 60137

or to such other address as either party may from time to time designate. Any notice given under this Agreement shall be in writing and deemed received when personally delivered or, if mailed, three days after placing same in an official U.S. mail receptacle.

10. **Assignment**: Licensee may not assign or transfer this License without prior written consent of Licensor. Any attempted assignment or transfer in violation of this paragraph shall be void and confer no rights upon any third person.

11. **Defend and Hold Harmless**: Licensee shall be required to hold harmless Licensor, its officers, employees and independent contractors from any claim or demand or damage to property or injury including death to persons which arise out of in any way the exercise by Licensee of its rights under this License. Licensee shall be required to pay for the cost of defense and hold harmless Licensor, its officers, employees and independent contractors against any judgment and to pay any settlement arising out of such claim or demand, including but not limited to, the full costs of the defense of Licensor, its employees, officers and independent contractors through the employment of experts approved by the parties defended, provided, however, that such approval shall not be unreasonably withheld.

12. **Liability Insurance**: Licensee shall purchase and maintain comprehensive general liability insurance of $2 million each occurrence, providing occurrence coverage for Licensee from claims for damages because of bodily injury, death of any person, or property damage resulting from the use of the public right-of-way. Licensor shall be named, by endorsement, as an additional insured on the policy. The policy of insurance and certificates thereof shall contain provision or endorsement that the coverage reported will not be canceled, materially changed, or renewal refused, until at least 30 days prior written notice shall be given by certified mail to the insured and Licensor. Licensee shall deliver a duplicate of the policy or certificate of insurance acceptable to Licensor prior to the execution of this Agreement by the Village Board.

13. **Miscellaneous**:

a. This Agreement constitutes the entire understanding of the parties and

supersedes any prior written or oral negotiations or understandings.

b. It is the intention of the parties hereto that this License shall be construed and enforced in accordance with the laws of the State of Illinois.

c. If any provision of this License is held invalid or unenforceable, the remainder of this License shall not be affected thereby, and each other provision of this License shall be valid and enforceable to the fullest extent permitted by law.

d. Licensee shall pay any expenses incurred by Licensor in defending the validity of its right to enter into a License Agreement for the use of sidewalk premises by a private party.

DATED as of the date first set forth above.

LICENSOR:
Village President
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

By:_____

Name:_____

Title:_____

LICENSEE:
Danny Sronkoski
Tap House Grill
411 N. Main Street
Glen Ellyn, IL 60137

By: 5/8/12

Name:

Title: Owner / Operator

X:\Plandev\PLANNING\LICENSE\Main 411 N., Tap House, T&C, Enc\T&C & Enclosure License Agreement 2012.doc

License Agreement

This Agreement, made and entered into as of this _____ day of _____, 20_____, effective the _____ day of _____, 20_____, by and between the Village of Glen Ellyn ("Licensor") and SHANNON'S IRISH PUB ("Licensee") pertaining to the property located at 428 N. MAIN ST. Glen Ellyn, Illinois 60137.

1. **Purpose**: Licensor hereby grants to Licensee, and Licensee hereby accepts, a license to (a) install, maintain and operate for the term hereof, tables and chairs in compliance with the site plan approved by the Village and attached hereto as Exhibit "A", including the agreed upon number and location of tables and chairs on the sidewalk and the right-of-way in front of the above listed address, the licensed area, (b) maintain a trash receptacle in accordance with the standards contained below, and (c) install and maintain landscape planters in accordance with the standards contained below and with the following terms, covenants and conditions.

2. **Terms**: This Agreement shall expire December 31, 2012 or the date the insurance required hereunder expires, whichever comes first. This Agreement may be renewed only through the action of the Village Board of the Village of Glen Ellyn. Licensee may terminate this Agreement immediately by providing written notice to Licensor. Licensor may terminate this Agreement at any time during the term of this Agreement by notifying Licensee of this intention at least 7 days prior to the termination date.

3. **Rent and License Fee**: For the purposes of this license, no rent will be paid by Licensee to Licensor. A fee of $50.00 has been paid by Licensee to Licensor for the issuance of this License Agreement.

4. **Permits and Licenses**: Licensee, at its sole effort and expense, shall conform to the Village Code and DuPage County Health Department regulations.

5. **Installation of Street Furniture**:

a. Tables and Chairs: Licensee is permitted to locate on the sidewalk portion of the right-of-way the number of tables and chairs specified in the site plan for this location. The table tops shall not exceed the diameter and size indicated on the site plan. Tables and chairs shall be located so that a five-foot wide passage is maintained along the sidewalk at all times. Use of the public right-of-way shall be conducted in a manner that does not interfere with pedestrian use of the sidewalk. All items placed on the sidewalk shall not obstruct ingress to and egress from the licensed business or any other business. Licensee shall allow restaurant patrons to dine on tables and chairs in the licensed area described above, but at no time shall cooking or food preparation be permitted on the public right-of-way. At a minimum, the public right-of-way shall be cleaned once daily. Umbrellas, approved for use as part of this license agreement, shall be removed from the public sidewalk at the end of each business day.

b. Trash Receptacle: Licensee shall maintain the trash receptacle(s) located in proximity to the tables and chairs in a neat and orderly manner, and the Licensor shall ensure that a garbage hauling firm removes the trash from the receptacle on a regular schedule. However, **it shall be the responsibility of Licensee to empty the receptacle(s) more frequently, if necessary.** Licensor is the owner of the trash receptacle(s).

c. Landscape Planters: Licensee shall install and maintain a minimum of two (2) landscape planters, planted with flowering annuals and/or perennials, located in conformance with the site plan. The planters shall contain a minimum total of 432 square inches (3 square feet) of planted landscaping. The planters shall be a minimum of 10 inches in height, shall not exceed 30 inches in height and shall be constructed of metal, terra cotta, masonry, wood or similar materials; plastic planters shall be

prohibited. The planters shall be placed up against the building in a location that does not obstruct the public right-of-way and sidewalk. At all times, a minimum 5-foot wide pathway on the sidewalk shall remain free and clear of obstructions. All items placed on the sidewalk shall not obstruct ingress to and egress from the licensed business or any other business. Licensee shall replace dead landscape plants as needed to maintain the planters in a clean and neat manner and shall water plants on an as-needed basis during the entire period of time that table and chairs are located on the public sidewalk. Failure to maintain live plants as required by this agreement may result in licensor terminating this agreement with 7 days written notice to licensee, and the tables and chairs shall be immediately removed from the public sidewalk.

6. **Maintenance**: Licensee shall agree to maintain the licensed area and the nearby sidewalk in a clean, healthy and attractive condition. If Licensee ceases to so maintain the licensed area and the nearby sidewalk, Licensor may require Licensee to pay for additional cleanup costs. Further, Licensor may, upon notice as set forth below, terminate this agreement and require the permanent removal of the tables and chairs from the licensed area in advance of the expiration date of this Agreement. No furniture or other structures shall be affixed or attached to the public sidewalk. The licensee shall be responsible to the Village for any damage occurring to the public sidewalk or public improvements where such damage arises from or occurs as a consequence of the presence and/or operation of structures, equipment or furniture permitted by this license agreement. The Village may repair or replace such improvement in its discretion and shall charge the cost of such repair or replacement to the permit holder.

7. **Removal**: Upon the expiration or the termination of this License, Licensee shall remove the tables and chairs from the licensed area.

8. **Termination**: If Licensee fails in any respect to perform any agreements, covenants or obligations in this License, then and in such event, Licensor, after providing at least 7 days written notice to Licensee, may terminate this License Agreement or may cure such failure or default on behalf of and at the expense of Licensee.

9. **Notice**: Notice hereunder shall be in writing and effected either by personal delivery or by depositing the same in an official U.S. mail receptacle as certified mail, return receipt requested, postage paid, addressed to:

If to Licensor:
Village Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

If to Licensee:
To the above-listed applicant and business address

or to such other address as either party may from time to time designate. Any notice given under this Agreement shall be in writing and deemed received when personally delivered or, if mailed, three days after placing same in an official U.S. mail receptacle.

10. **Assignment**: Licensee may not assign or transfer this License without prior written consent of Licensor. Any attempted assignment or transfer in violation of this paragraph shall be void and confer no rights upon any third person. This license agreement shall not confer any property rights in the underlying Village right-of-way.

11. **Defend and Hold Harmless**: Licensee shall be required to hold harmless Licensor, its officers, employees and independent contractors from any claim or demand or damage to property or injury, including death to persons, which arise out of in any way the exercise by Licensee of its rights under this License. Licensee shall be required to pay for the cost of defense and hold harmless Licensor, its officers, employees and independent contractors against any judgment and to pay any settlement arising out of such claim or demand, including but not limited to, the full costs of the defense of Licensor,

LICENSE AGREEMENT

This Agreement, made and entered into as of this _____ day of _____, 2012, effective the _____ day of _____, 2012, by and between the Village of Glen Ellyn ("Licensor") and Flour + Wine _____, ("Licensee") pertaining to the property located at 433 N. Main St. ____, Glen Ellyn, Illinois 60137.

1. A. **Purpose - Tables and Chairs in the Public Right-of-Way:** Licensor hereby grants to Licensee, and Licensee hereby accepts, a license to (a) install, maintain and operate for the term hereof, tables and chairs in compliance with the site plan approved by the Village and attached hereto as Exhibit "A", including the agreed upon number and location of tables and chairs on the sidewalk and the right-of-way in front of the above listed address, the licensed area, (b) maintain a trash receptacle in accordance with the standards contained below, and (c) install and maintain landscape planters in accordance with the standards contained below and with the following terms, covenants and conditions.

B. **Purpose - Wind Enclosure in the Public Right-of-Way:** Licensor hereby grants to Licensee, and Licensee hereby accepts, a license to install, maintain and operate for the term hereof, a temporary outdoor wind enclosure to be located on the sidewalk and the right-of-way in front of 433 N. Main Street in accordance with the standards contained below and with the following terms, covenants, and conditions.

2. A. **Terms - Tables and Chairs in the Public Right-of-Way**: The portion of this Agreement relating to tables and chairs in the public right-of-way shall be in effect from the _____ day of _____, 2012 through October 31, 2012. This Agreement may be renewed only through the action of the Village Board of the Village of Glen Ellyn. Licensee may terminate this Agreement immediately by providing written notice to Licensor. Licensor may terminate this Agreement at any time during the term of this Agreement by notifying Licensee of this intention at least 7 days prior to the termination date.

B. **Terms - Wind Enclosure in the Public Right-of-Way**: The portion of this Agreement relating to a wind enclosure in the public right-of-way shall be in effect from the 1st day of November, 2012 through the 31st day of March, 2013. This Agreement may be renewed only through the action of the Village Board of the Village of Glen Ellyn. Licensee may terminate this Agreement immediately by providing written notice to Licensor. Licensor may terminate this Agreement at any time during the term of this Agreement by notifying Licensee of this intention at least 7 days prior to the termination date.

3. **Rent and License Fee**: For the purposes of this license, no rent will be paid by Licensee to Licensor. A fee of $50.00 has been paid by Licensee to Licensor for the issuance of this License Agreement.

4. **Permits and Licenses**: Licensee, at its sole effort and expense, shall conform to the Village Code, DuPage County Health Department regulations, and Illinois Accessibility Code. Liquor service to the approved tables and chairs shall only be allowed after the issuance of any appropriate liquor license(s) and shall be subject to all applicable regulations in the Village Liquor Control Code.

5. **Installation of Street Furniture**:

a. Tables and Chairs: Licensee is permitted to locate on the sidewalk portion of the right-of-way the number of tables and chairs specified in the site plan for this location. The table tops shall not exceed the diameter and size indicated on the site plan. Tables and chairs shall be located so that a five-foot wide passage is maintained along the sidewalk at all times. Use of the public right-of-way shall be conducted in a manner that does not interfere with pedestrian use of the sidewalk. All items placed on the sidewalk shall not obstruct ingress to and egress from the licensed business or any other business. Licensee shall allow restaurant patrons to dine on tables and chairs in the licensed area described above but at no time shall cooking or food preparation be permitted on the public right-of-way. At a minimum, the public right-of-way shall be cleaned once daily. Umbrellas, approved for use as part of this license agreement, shall be removed from the public sidewalk at the end of each business day.

b. Trash Receptacle: Licensee shall maintain the trash receptacle(s) located in proximity to the tables and chairs in a neat and orderly manner, and the Licensor shall ensure that a garbage hauling firm removes the trash from the receptacles on a regular schedule. **However, it shall be the responsibility of Licensee to empty the receptacle(s) more frequently, if necessary.** Licensor is the owner of the trash receptacle(s).

c. Landscape Planters: Licensee shall install and maintain a minimum of two (2) landscape planters, planted with flowering annuals and/or perennials, located in conformance with the site plan. The planters shall contain a minimum total of 432 square inches (3 square feet) of planted landscaping. The planters shall be a minimum of 10 inches in height, shall not exceed 30 inches in height and shall be constructed of metal, terra cotta, masonry, wood or similar materials; plastic planters shall be prohibited. The planters shall be placed up against the building in a location that does not obstruct the public right-of-way and sidewalk. At all times, a minimum 5-foot wide pathway on the sidewalk shall remain free and clear of obstructions. All items placed on the sidewalk shall not obstruct ingress to and egress from the licensed business or any other business. Licensee shall replace dead landscape plants as needed to maintain the planters in a clean and neat manner and shall water plants on an as-needed basis during the entire period of time that tables and chairs are located on the public sidewalk. Failure to maintain live plants as required by this agreement may result in licensor terminating this agreement with 7 days written notice to licensee, and the tables and chairs shall be immediately removed from the public sidewalk.

6. **Installation of Wind Enclosure**: Licensee is permitted to locate on the sidewalk portion of the right-of-way immediately in front of the property a wind enclosure as depicted on the site plan and detail drawings submitted by Licensee. The enclosure shall be maintained in good condition with no holes or tears and free of dirt and mud. The enclosure shall contain no advertising or signage of any kind. Licensee may locate a street address number for the building on the exterior of the wind enclosure. The enclosure shall not be fastened or secured to the public sidewalk in any way.

7. **Maintenance**: Licensee shall agree to maintain the licensed area and the nearby sidewalk in a clean, healthy and attractive condition. If Licensee ceases to so maintain the licensed area and the nearby sidewalk, Licensor may require Licensee to pay for additional cleanup costs. Further, Licensor may, upon notice as set forth below, terminate this agreement and require the permanent removal of the tables and chairs from the licensed area in advance of the expiration date of this agreement. No furniture or other structures shall be affixed or attached to the public sidewalk. The licensee shall be responsible to the Village for any damage occurring to the public sidewalk or public improvements where such damage arises from or occurs as a consequence of the presence and/or operation of structures, equipment or furniture permitted by this license agreement. The

Village may repair or replace such improvement in its discretion and shall charge the cost of such repair or replacement to the permit holder.

8. **Removal**: Upon the expiration or the termination of this License, Licensee shall remove the tables and chairs and wind enclosure from the licensed area.

9. **Termination**: If Licensee fails in any respect to perform any agreements, covenants or obligation in this License, then and in such event, Licensor, after providing at least 7 days written notice to Licensee, may terminate this License Agreement or may cure such failure or default, on behalf of and at the expense of Licensee.

10. **Notice**: Notice hereunder shall be in writing and effected either by personal delivery or by depositing the same in an official U.S. mail receptacle as certified mail, return receipt requested, postage paid, addressed to:

If to Licensor:
Village Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

If to Licensee:
To the above-listed applicant and business address

or to such other address as either party may from time to time designate. Any notice given under this Agreement shall be in writing and deemed received when personally delivered or, if mailed, three days after placing same in an official U.S. mail receptacle.

11. **Assignment**: Licensee may not assign or transfer this License without prior written consent of Licensor. Any attempted assignment or transfer in violation of this paragraph shall be void and confer no rights upon any third person.

12. **Defend and Hold Harmless**: Licensee shall be required to hold harmless Licensor, its officers, employees and independent contractors from any claim or demand or damage to property or injury including death to persons which arise out of in any way the exercise by Licensee of its rights under this License. Licensee shall be required to pay for the cost of defense and hold harmless Licensor, its officers, employees and independent contractors against any judgment and to pay any settlement arising out of such claim or demand, including but not limited to, the full costs of the defense of Licensor, its employees, officers and independent contractors through the employment of experts approved by the parties defended, provided, however, that such approval shall not be unreasonably withheld.

13. **Liability Insurance**: Licensee shall purchase and maintain comprehensive general liability insurance of $2 million each occurrence, providing occurrence coverage for Licensee from claims for damages because of bodily injury, death of any person, or property damage resulting from the use of the public right-of-way. Licensor shall be named, by endorsement, as an additional insured on the policy. The policy of insurance and certificates thereof shall contain provision or endorsement that the coverage reported will not be canceled, materially changed, or renewal refused, until at least 30 days prior written notice shall be given by certified mail to the insured and Licensor. Licensee shall deliver a duplicate of the policy or certificate of insurance acceptable to Licensor prior to the execution of this Agreement by the Village Board.

14. **Miscellaneous**:

a. This Agreement constitutes the entire understanding of the parties and supersedes any prior written or oral negotiations or understandings.

b. It is the intention of the parties hereto that this License shall be construed and enforced in accordance with the laws of the State of Illinois.

c. If any provision of this License is held invalid or unenforceable, the remainder of this License shall not be affected thereby, and each other provision of this License shall be valid and enforceable to the fullest extent permitted by law.

d. Licensee shall pay any expenses incurred by Licensor in defending the validity of its right to enter into a License Agreement for the use of sidewalk premises by a private party.

DATED as of the date first set forth above.

LICENSOR:
Village President
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

By:_____

Name:_____

Title:_____

LICENSEE:

By: Michael Vai

Name: Michael Vai

Title: Owner

X:\Plandev\PLANNING\LICENSE\Main 433, Flour and Wine License Agreement 2012.doc

A-6F

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Danamarie Izzo – Assistant Village Manager - HR
Patti Underhill – Administrative Services Coordinator

DATE: May 8, 2012

RE: Issuing three Class B-5 Public Sidewalk Liquor License

Background

As you know, last year the Village established the Class B-5 Public Sidewalk Liquor License. The Class B-5 Liquor License is a supplemental license to the Tables & Chairs License Agreement processed through the Planning & Development Department. So far this year we have approved one Class B-5 Public Sidewalk Liquor License. We have received applications from three more businesses in the downtown area that are interested in receiving approval for these licenses.

flour + wine, Shannon's Irish Pub and Tap House Grill are included in the May 14, 2012 agenda to received approval of their Tables & Chairs License Agreement. Attached is their signed application for Class B-5 Public Sidewalk Liquor License. All applications have been processed and appropriate fees have been paid.

Recommendation

Approve the Ordinance and the issuing of three (3) Class B-5 Public Sidewalk Liquor Licenses

Action Requested

Approve the Ordinance and the issuing of three (3) Class B-5 Public Sidewalk Liquor Licenses

Attachments

Ordinance
flour + wine application for Class B-5 Public Sidewalk Liquor License
Shannon's application for Class B-5 Public Sidewalk Liquor License
Tap House Grill application for Class B-5 Sidewalk Liquor License

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Village of Glen

Ordinance No. _____ - VC

An Ordinance to Amend the Liquor Control Code
Chapter 19 of Title 3, Section 12
(Restriction on Number of Licenses)
of the Village Code of Glen Ellyn, Illinois,
Increase the Number of Permitted Class B-5 Public Sidewalk Liquor Licenses

---

Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
this _____ day of _____

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

A-6F

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Danamarie Izzo – Assistant Village Manager - HR
Patti Underhill – Administrative Services Coordinator

DATE: May 8, 2012

RE: Issuing three Class B-5 Public Sidewalk Liquor License

Background

As you know, last year the Village established the Class B-5 Public Sidewalk Liquor License. The Class B-5 Liquor License is a supplemental license to the Tables & Chairs License Agreement processed through the Planning & Development Department. So far this year we have approved one Class B-5 Public Sidewalk Liquor License. We have received applications from three more businesses in the downtown area that are interested in receiving approval for these licenses.

flour + wine, Shannon's Irish Pub and Tap House Grill are included in the May 14, 2012 agenda to received approval of their Tables & Chairs License Agreement. Attached is their signed application for Class B-5 Public Sidewalk Liquor License. All applications have been processed and appropriate fees have been paid.

Recommendation

Approve the Ordinance and the issuing of three (3) Class B-5 Public Sidewalk Liquor Licenses

Action Requested

Approve the Ordinance and the issuing of three (3) Class B-5 Public Sidewalk Liquor Licenses

Attachments

Ordinance
flour + wine application for Class B-5 Public Sidewalk Liquor License
Shannon's application for Class B-5 Public Sidewalk Liquor License
Tap House Grill application for Class B-5 Sidewalk Liquor License

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Village of Glen

Ordinance No. _____ - VC

An Ordinance to Amend the Liquor Control Code
Chapter 19 of Title 3, Section 12
(Restriction on Number of Licenses)
of the Village Code of Glen Ellyn, Illinois,
Increase the Number of Permitted Class B-5 Public Sidewalk Liquor Licenses

---

Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
this _____ day of _____

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

Ordinance No. _____ - VC

An Ordinance to Amend the Liquor Control Code
Chapter 19 of Title 3, Section 12
(Restriction on Number of Licenses)
of the Village Code of Glen Ellyn, Illinois,
Increase the Number of Permitted Class B-5 Public Sidewalk Liquor Licenses

Whereas, the Village of Glen Ellyn is an Illinois home rule municipal corporation; and

Whereas, pursuant to the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., the Village of Glen Ellyn has the statutory authority by general ordinance to determine the kinds and classifications of liquor licenses to be issued for the sale of alcoholic liquor at retail in the Village as well as the number of permitted licenses within each classification, as set forth in Chapter 19 of Title 3 (Liquor Control Code) of the Village Code of the Village of Glen Ellyn; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn deem it to be in the best interest of the Village to periodically review and update the liquor control ordinance of the Village as well as to, when appropriate, change the number of permitted liquor licenses in various classifications; and

Whereas, the President and Board of Trustees have determined that it is in the best interest of the Village amend Chapter 19 of Title 3, Section 12 to increase by three the number of permitted Class B-5 liquor licenses, which shall authorize holder of a Class A-1, A-2 or B-1 license to sell alcoholic liquor on public sidewalks adjacent to the specified premises; so that a license can be issued to flour + wine, located at 433 N. Main Street, Shannon's Irish Pub, located at 428 N. Main Street and Tap House Grill, located at 411 N. Main Street, Glen Ellyn, Illinois;

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

Section One: The findings of fact and conclusions set forth hereinabove are hereby adopted by the President and Board of Trustees as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Chapter 19 of Title 3, Section 12 of the Glen Ellyn Village Code (Liquor Control Code) is hereby amended so that reference to Class B-5 within this Section shall henceforth read as follows:

Class B-5 no more than 4

Section Three: This Ordinance shall be in full force and effect following its passage, approval, and publication in pamphlet form.

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

Ayes:

Nays:

Absent:

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

_____
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 _____ day of _____)

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PUBLIC SIDEWALK SUPPLMENTAL LIQUOR LICENSE CLASS B-5
APPLICATION FORM
Village of Glen Ellyn

(July 2011)

Date Application Received 03-29-12

Name of Business: flour + wine Contact Person: Michael Vai

Address of Business: 433 N. Main St. Glen Ellyn, IL 60137

Telephone No. 630-793-9955 Fax No. 630-793-9956

( ) Property Owner (X) Property Occupant

Required Submittals – please include:

(X) IN PROCESS A valid License Agreement for tables and chairs to be placed on the public sidewalk approved by the Village Board.

(X) Dimensioned drawing showing the sidewalk adjacent to the business, any street lights, signs, planters, trees, tree grates, the curb, on street parking or any other public appurtenances, location of tables and chairs, and if applicable, the proposed fencing. The drawing must detail the distance from the proposed table, chairs, and fence to the curb.

(X) Annual Fee - $100.

RECEIVED
APR 02 2012
VILLAGE OF GLEN ELLYN

INDEMNIFICATION STATEMENT

I, Michael Vai representing flour + wine

As its Manager agree to hold harmless and indemnify the Village, its directors, officers, employees and agents, from and against any and all liabilities, losses, claims, demands, damages, fines, penalties, costs, and expenses, including, but not limited to, reasonable attorney's fees and costs of litigation, and all causes of action of any kind or character resulting from my use of the public sidewalk as a café.

I certify that I have read and understand Section 3-19-11 of the Glen Ellyn Village Code which sets the requirements for the Class B-5 Public Sidewalk Supplemental Liquor License.

Michael Vai 3/29/12

Signature Date

The above application for a Class B-5 liquor license has been approved by the Local Liquor Control Commissioner acting under the provisions of the Glen Ellyn Liquor Control Code as contained in the Village Code of the Village of Glen Ellyn, Illinois.

Village President/Local Liquor Control Commissioner 04-04-12

Date

Planning and Development -

Inspection of public improvements completed - Date _____ By: _____

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PAID
APR 2 2012
CK 1003 $100.00
VILLAGE OF GLEN ELLYN

PUBLIC SIDEWALK SUPPLMENTAL LIQUOR LICENSE CLASS B-5
APPLICATION FORM
Village of Glen Ellyn

(July 2011)

Date Application Received 04-02-12

Name of Business: Shannon's Irish Pub Contact Person: Jennifer Shannon

Address of Business: 428 N Main St

Telephone No. (630) 790-9080 Fax No. (630) 790-9089

( ) Property Owner ( ) Property Occupant

Required Submittals – please include:

(X) A valid License Agreement for tables and chairs to be placed on the public sidewalk approved by the Village Board.

(X) Dimensioned drawing showing the sidewalk adjacent to the business, any street lights, signs, planters, trees, tree grates, the curb, on street parking or any other public appurtenances, location of tables and chairs, and if applicable, the proposed fencing. The drawing must detail the distance from the proposed table, chairs, and fence to the curb.

(X) Annual Fee - $100.

INDEMNIFICATION STATEMENT

I, Jennifer Shannon representing Shannon's Irish Pub

As its President agree to hold harmless and indemnify the Village, its directors, officers, employees and agents, from and against any and all liabilities, losses, claims, demands, damages, fines, penalties, costs, and expenses, including, but not limited to, reasonable attorney's fees and costs of litigation, and all causes of action of any kind or character resulting from my use of the public sidewalk as a café.

I certify that I have read and understand Section 3-19-11 of the Glen Ellyn Village Code which sets the requirements for the Class B-5 Public Sidewalk Supplemental Liquor License.

Jennifer Shannon 4-2-12

Signature Date

The above application for a Class B-5 liquor license has been approved by the Local Liquor Control Commissioner acting under the provisions of the Glen Ellyn Liquor Control Code as contained in the Village Code of the Village of Glen Ellyn, Illinois.

05-07-12

Village President/Local Liquor Control Commissioner Date

Planning and Development -

Inspection of public improvements completed - Date _____ By: _____

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PUBLIC SIDEWALK SUPPLMENTAL LIQUOR LICENSE CLASS B-5
APPLICATION FORM
Village of Glen Ellyn

(July 2011)

Date Application Received 5/7/12

Name of Business: TAP HOUSE GRILL Contact Person: DANIEL SPONKOSKI

Address of Business: 411 N MAIN STREET GLEN ELLYN IL 60137

Telephone No. 630 858 4369 Fax No. 630 858 4370

( ) Property Owner (✓) Property Occupant

Required Submittals – please include:

(✓) A valid License Agreement for tables and chairs to be placed on the public sidewalk approved by the Village Board.

( ) Dimensioned drawing showing the sidewalk adjacent to the business, any street lights, signs, planters, trees, tree grates, the curb, on street parking or any other public appurtenances, location of tables and chairs, and if applicable, the proposed fencing. The drawing must detail the distance from the proposed table, chairs, and fence to the curb.

(✓) Annual Fee - $100.

INDEMNIFICATION STATEMENT

I, DANIEL SPONKOSKI representing TAP HOUSE GRILL

As its OWNER agree to hold harmless and indemnify the Village, its directors, officers, employees and agents, from and against any and all liabilities, losses, claims, demands, damages, fines, penalties, costs, and expenses, including, but not limited to, reasonable attorney's fees and costs of litigation, and all causes of action of any kind or character resulting from my use of the public sidewalk as a café.

I certify that I have read and understand Section 3-19-11 of the Glen Ellyn Village Code which sets the requirements for the Class B-5 Public Sidewalk Supplemental Liquor License.

Signature 5/7/12 Date

PAID
MAY 08 2012
CK 5491
VILLAGE OF GLEN ELLYN

The above application for a Class B-5 liquor license has been approved by the Local Liquor Control Commissioner acting under the provisions of the Glen Ellyn Liquor Control Code as contained in the Village Code of the Village of Glen Ellyn, Illinois.

Village President/Local Liquor Control Commissioner Date

Planning and Development -
Inspection of public improvements completed - Date _____ By: _____

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A-6G

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Danamarie Izzo – Assistant to the Village Manager - HR DI
Patti Underhill – Administrative Services Coordinator PU

DATE: May 8, 2012

RE: Creating and Approving a Class B-7 Public Golf Course Liquor License

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Background
Since last year, the President and Board have been discussing the possibility of allowing golf courses to serve alcohol before noon on Sunday. This discussion began based on requests from the staff at the golf course and supporters of the facility.

After some research and investigation it has been determined the State of Illinois does allow local government to authorize the permissible hours of sales for alcoholic liquor on Sundays. In order to allow this sale, the President and Board must approve an ordinance creating this new liquor license. This ordinance would allow the Village Links approval for selling alcoholic liquor beginning at 8:00 A.M. on Sundays.

Recommendation
Approve the Ordinance and issue one (1) Class B-7 Public Golf Course Liquor License

Action Requested
Approve the Ordinance and issue (1) Class B-7 Public Golf Course Liquor License

Attachments
Ordinance

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Ordinance No. _____ - VC

An Ordinance to Amend (Liquor Control Code)
Chapter 19 of Title 3, Section 11 (Classification of Licenses)
of the Village Code of Glen Ellyn, Illinois
by Creating a Class B-7 Liquor License Classification
and to Amend Chapter 19 of Title 3, Section 3-19-3 (W)
Section 3-19-11, Section 3-19-12 and Section 3-19-13

Whereas, the Village of Glen Ellyn is an Illinois home rule municipal corporation; and

Whereas, the Village, pursuant to the Illinois Liquor Control Act, 235, ILCS 5/1-*1et seq.,* and its home rule powers, has established various classes of liquor licenses for the retail sale of alcoholic liquor in the Village and the number of permitted licenses within each class, as set forth in Chapter 19 of Title (Liquor Control Code) of the Village Code of the Village of Glen Ellyn; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn deem it to be in the best interest of the Village to periodically review and update the liquor control ordinances of the Village as well as to, when appropriate, change the types of classifications and number of available liquor licenses in various classifications; and

Whereas, the President and Board of Trustees have determined that it is in the best interest of the Village to create a new Class B-7 Public Golf Course Liquor License which authorizes the sale of alcoholic liquors for consumption on the premises of a public golf course, except where motor vehicles are regularly operated and parked. The premises shall include the clubhouse dining areas, restaurant, patios, and any temporary tents erected where food is served. The Class B-7 Public Golf Course Liquor License shall also authorize the sale of alcoholic liquor

from one or more carts and a "halfway house" all for consumption on the premises. No licensee shall permit any patron to possess alcoholic liquor on the premises which was not acquired from the licensee. The permitted hours of sale shall be the same hours as the Class B licenses except Sundays, alcoholic liquor may be sold between the hours of eight o'clock A.M. (8:00) A.M and one o'clock (1:00) A.M.;.

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

Section One: The findings of fact and conclusions set forth hereinabove are hereby adopted by the President and Board of Trustees as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: The Section 3-19-11(B) (Classification of Licenses) of the Glen Ellyn Village Code (Liquor Control Code) is hereby modified to add the following:

(B) Class B:

Class B-7 license shall authorize the sale of alcoholic liquor for consumption on the premises of a public golf course, except where motor vehicles are regularly operated and parked. The premises shall include the clubhouse dining areas, restaurant, patios, and any temporary tents erected where food is served. The Class B-7 Public Golf Course Liquor License shall also authorize the sale of alcoholic liquor from one or more carts and a "halfway house" all for consumption on the specified premises. No licensee shall permit any patron to possess alcoholic liquor on the specified premises which was not acquired from the licensee. The permitted hours of sale shall be the same hours as the Class B Liquor Licenses except Sundays, alcoholic liquor may be sold between the hours of eight o'clock (8:00) A.M. and one (1:00) o'clock A.M.;

Section Three: Section 3-19-12 (Restriction on Number of Licenses) of the Glen Ellyn Village Code (Liquor Control Code) is hereby amended so that reference within this Section will henceforth read as follows:

Class B-1 - no more than 17

Class B-7 - no more than 1

Section Four: Section 3-19-13(A) (License Fees) of the Glen Ellyn Village Code (Liquor Control Code) is hereby amended so the reference to B-6 within this Section will henceforth read as follows:

License	Annual Fee
B-7	$2,500

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

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

Ayes:

Nays:

Absent:

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

_____

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 _____ day of _____.)

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A-6H

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Hulseberg, Director of Planning & Development
Joe Kvapil, Building and Zoning Official

DATE: May 8, 2012

FOR: May 14, 2012 Village Board Meeting

SUBJECT: Adoption of the 2011 National Electrical Code

Background:
On September 9, 2002, the Village Board passed Resolution 02-22 (attached), a Resolution to Establish a Building Code Adoption Policy for the Village of Glen Ellyn. The Policy requires staff to maintain current and accurate codes and make appropriate updates. The 2011 National Electrical Code is the ninth and final code to be presented to the Village Board for adoption. The prior codes and status are as follows:

Code	Status
1. 2009 ICC International Property Maintenance Code (new)	adopted 8/23/10
2. 2009 NFPA 101, Life Safety Code (new)	adopted 8/23/10
3. 2009 ICC International Fire Code (update/new)	adopted 11/1/10
4. 2009 ICC International Building Code (update)	adopted 1/30/12
5. 2009 ICC International Residential Code (update)	pending
6. 2009 ICC International Fuel Gas Code (new)	adopted 1/9/12
7. 2009 ICC International Mechanical Code (update)	adopted 10/24/11
8. 2009 ICC International Energy Conservation Code (new)	adopted 8/22/11
9. 2011 NFPA 70, National Electrical Code (update)	**pending**

The 2011 National Electrical Code prescribes the requirements for the design, construction and use of new, and the alteration of existing, electrical systems and equipment within the Village. Due to its size, we did not attach a copy of the 2011 National Electrical Code. If Board members are interested in reviewing a copy, please contact the Planning & Development Department.

The 2011 National Electrical Code is published as standard NFPA 70 by the National Fire Protection Association. The NFPA is the largest recognized electrical and fire code development agency with NFPA standards adopted internationally. The Village first adopted the NFPA National Electrical Code in 1978 and has consistently adopted updated editions. Updated additions are generated for the purpose of introducing new technology, products and equipment and to address new hazards.

The Building Board of Appeals reviewed the 2011 National Electrical Code at their February 6, 2012 meeting. At this meeting, no persons spoke in favor of or in opposition to the proposed code adoption and amendments. After review and discussion, the Building Board of Appeals voted on a motion to

recommend approval of adoption of the 2011 National Electrical Code with local amendments at the February 6, 2012 meeting. The motion carried unanimously with four (4) "yes" votes and zero (0) "no" votes.

Issues: New regulations generally require some time to be realized and incorporated into design and construction work by the developers, architects and contractors. Adequate notification will be provided on the Village website, newsletters, and on informational handouts in the Planning & Development Department. These new regulations will not be applicable to permit applications received prior to the effective date of the ordinance and consideration will be given to projects designed and engineered prior to, but received shortly after, the effective date of the ordinance.

Action Requested: It is requested that the Village Board consider the recommendation offered by the Building Board of Appeals and any further evidence or testimony presented at the Village Board Meeting and approve, reject or amend the adoption of this ordinance. Staff has prepared an ordinance to approve the adoption of the 2011 National Electrical Code with local amendments as recommended by the Building Board of Appeals.

Recommendation: Staff recommends that the effective date of this Ordinance be June 1, 2012 to allow time for public notification on the Village website and newsletters, revision of our current Planning & Development Department forms and guidelines, training and education of building inspectors and the plan examiner, and the completion of electrical design work under the prior code.

Attachments:

- Building Code Adoption Policy – Resolution No. 02-22
- Ordinance Adopting the 2011 National Electrical Code with Local Amendments
- 2011 National Electrical Code Amendments, Exhibit "A (with text format and comments)"
- 2011 National Electrical Code Amendments Exhibit "A (clean)"
- Minutes of Building Board of Appeals Meeting on February 6, 2012, Exhibit 'B'
- 2011 National Electrical Code Preface
- Title 4, Chapter 2, Electrical Code Format

RESOLUTION NO. 02-22

RESOLUTION TO ESTABLISH A BUILDING CODE ADOPTION POLICY FOR THE VILLAGE OF GLEN ELLYN

WHEREAS, the Village of Glen Ellyn is a growing and active community which has experienced an increase in the number of construction projects and developments; and

WHEREAS, the Village desires to establish a framework that would adequately safeguard the public health, safety and welfare of the general public and citizens of Glen Ellyn; and

WHEREAS, the Village also desires to establish a framework that would adequately protect and promote the longevity of the building stock and property in the Village; and

WHEREAS, the Village acknowledges the continued advancements in building technology, materials and methods of construction; and

WHEREAS, the existing Village building, mechanical, electrical and fire prevention codes are outdated and sometimes ambiguous and irrelevant with today's needs; and

WHEREAS, the Village recognizes that the national codes provide a consistency for property owners, design teams, builders and Village staff; and

WHEREAS, the Village recognizes the need for a modern, up-to-date comprehensive building code to establish minimum regulations for the design and installation of building systems; and

WHEREAS, the Village has created the Building Board of Appeals and the Electrical Commission to be advisory to the Village Board; and

WHEREAS, the Building Board of Appeals' and Electrical Commission's intent and purpose is to advise the Village Board on standards, specifications, rules, regulations and fees regarding building systems; and

WHEREAS, the Village Board discussed the adoption of the most up-to-date and applicable codes at the time of each new publication or code development cycle that occurs every three years;

NOW, THEREFORE, BE IT RESOLVED 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 purpose of this policy is to establish a framework in which the Village will consider the adoption of up-to-date building codes at the time of each newly published edition for, but not limited to, the following reasons:

A. To safeguard the public health and safety of the general public and citizens of Glen Ellyn;

B. To protect and promote the longevity of the building stock and property in Glen Ellyn;

C. To acknowledge the advancements in technology, building materials and methods of construction;

D. To establish minimum regulations for the design and installation of building systems; and

E. To reduce ambiguous regulations that are common in older building code editions.

SECTION TWO: Staff shall gather pertinent information related to the most current building codes to be forwarded to the Village of Glen Ellyn Building Board of Appeals and Electrical Commission. Each appropriate Board or Commission will be requested to assemble to discuss the adoption of the most current edition of the applicable building codes of Glen Ellyn. Staff will prepare a written recommendation from each Board or Commission to the Village Board by March 1, 2003, for enactment.

SECTION THREE: Village staff shall develop and maintain current, accurate information pertaining to the updates and publications of codes and shall forward all pertinent and relevant information to each Board or Commission within three months of publication. The Village of Glen Ellyn Building Board of Appeals and Electrical Commission will be requested to have regular meetings to discuss each newly published edition of the applicable building code as they become available for adoption. Staff will prepare a written recommendation from each Board or Commission to the Village Board for enactment within six months of publication.

SECTION FOUR: The written report from the Building Board of Appeals and Electrical Commission shall include the edition, title and year of the code along with any recommended code additions, modification or deletions including all applicable insertions, if necessary.

SECTION FIVE: Village staff shall develop and maintain current, accurate information concerning the applicable building codes.

SECTION SIX: This resolution shall be in full force and effect from and after its passage and approval.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 9TH day of SEPTEMBER 20 02.

AYES: RILEY, MELADY, LOCH, MULHERN, STRAYER

NAYS: -0-

ABSENT: KOHNKE

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this 9TH day of SEPTEMBER, 20 02.

Village President of the
Village of Glen Ellyn

ATTEST:

Village Clerk of the
Village of Glen Ellyn

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Village of Glen Ellyn

Ordinance No. _____ -VC

An Ordinance Amending Chapter 2 (Electrical Code) of Title 4 (Building Regulations) of the Village Code of the Village of Glen Ellyn, Illinois to Adopt the 2011 National Electrical Code with Local Amendments

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

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

ORDINANCE NO. _____ - VC

An Ordinance Amending Chapter 2 (Electrical Code) of Title 4 (Building Regulations) of the Village Code of the Village of Glen Ellyn, Illinois to Adopt the 2011 National Electrical Code with Local Amendments

Whereas, the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, pursuant to the provisions of Division 30 of Article 11 of the Illinois Municipal Code (Chapter 65, Section 5/11-30-1 et seq. of the Illinois Compiled Statutes), have the power and authority to prescribe the strength and manner of constructing all buildings, structures, and their accessories, including life and fire safety requirements, to promote the public health and safety of building occupants and the public; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn passed Resolution No. 02-22, a Resolution to Establish a Building Code Adoption Policy for the Village of Glen Ellyn on September 9, 2002 to establish a framework in which the Village will consider the adoption of up-to-date building codes at the time of each newly published edition; and

Whereas, the 2011 National Electrical Code has been published by the National Fire Protection Association as standard NFPA 70 for the intended use by municipalities in regulating and governing the design, construction, and use of new, and alteration of existing, electrical systems and equipment within the Village; and

Whereas, the 2011 National Electrical Code is generally regarded as the reference standard used by local building agencies to establish the minimum required electrical construction requirements for buildings and structures; and

Whereas, the provisions of the 2008 National Electrical Code, the current electrical code adopted by the Village, are outdated and applicable local amendments have been incorporated into the 2011 National Electrical Code or elsewhere into the Village Code; and

Whereas, the Building Board of Appeals conducted public meeting on February 6, 2012, for the purpose of considering an amendment to Chapter 2 (Electrical Code) of Title 4 (Building Regulations) of the Glen Ellyn Village Code to adopt the 2011 National Electrical Code with local amendments which are attached hereto as Exhibit "A" (clean); and

Whereas, the Building Board of Appeals has made its recommendations as set forth in its Minutes of its public meetings conducted on February 6, 2012 which are attached hereto as Exhibit "B"; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn have considered the recommendations of the Building Board of Appeals as set forth in its Minutes of its public meeting conducted on February 6, 2012, which are attached hereto as Exhibit "B"; and

Whereas, the President and Board of Trustees deem it to be in the best interest of the Village of Glen Ellyn to adopt the proposed amendments to Chapter 1(Building Code) of Title 4 (Building Regulations) of the Glen Ellyn Village Code as recommended by the Building Board of Appeals in order to adopt the 2011 National Electrical Code with local amendments, which is attached hereto as Exhibit "A" (clean), as the standards and regulations governing the design, construction, and use of new, and alteration of existing, electrical systems and equipment within the Village of Glen Ellyn.

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

Section One: Chapter 1 (Building Code) of Title 4 (Building Regulations) of the Glen Ellyn

Village Code shall be and is hereby amended as set forth in Exhibit "A" (clean) attached hereto.

Section Two: This Ordinance shall be in full force and effect from and after June 1, 2012 to allow time for notification of the public and incorporation into the Planning & Development Department, Building Division administrative process.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this ____ day of _____, 20___,

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20___.

_____
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 _____ day of _____, 20___).

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Exhibit A *(with text format and comments)*
The 2011 NFPA National Electrical Code
As Adopted and Amended by the Village of Glen Ellyn, Illinois

Text format:
Normal –change number and description or existing text in the NEC to remain
Bold – new code section, new amendment or new text inserted into an NEC section
~~Strikethrough~~ – current text in the Village Code or NEC to be removed
Italics – comments that will be removed from final ordinance document

Village Code format:
1 (title)- 2(chapter)- 3(section)
(A) subsection
1. subsection
(a) subsection
(1) subsection

Amend Village Code Section 4-2-2(B) to read as follows:

(B) Adopt the provisions of the ~~2008~~ **2011** national electrical code as the basic regulations for the installation alteration, and use of electrical equipment within the village; and

Comments: This change only reflects adoption of the most current code edition.

Amend Village Code Section 4-2-2(C) to read as follows:

(C) Establish certain regulations in addition to those contained in the ~~2008~~ **2011** national electrical code. ~~(Ord. 5660, 3-10-2008, eff. 4-1-2008)~~

Comments: This change only reflects adoption of the most current code edition.

Delete Village Code Sections 4-2-3 and 4-2-3(A) through 4-2-3(E) in their entirety and substitute the following:

4-2-3 ADMINISTRATION AND ENFORCEMENT: The electrical code shall be administered and enforced in accordance with Village Code, Title 4 Building Regulations, Chapter 1 Building Code, and in accordance with the provisions of the ICC international building code, chapter 1, part 2 as adopted and amended by the Village of Glen Ellyn, and as follows:

(A) Permit Documents: The documents required to be submitted with the building permit application for electrical work on commercial projects shall include, but not be limited to, the following:

1. **A layout and riser diagram and specifications of the complete electrical system from the utility provider source to all new and existing transformers, meters, switchgear, and distribution panels; and**
2. **A panel load schedule for each new and existing altered distribution panel that identifies the electrical devices, the calculated load, and the over current protection for each circuit, and the total calculated load and the over current protection device for each panel; and**
3. **A floor plan diagram indicating and specifying new conduit and conductors run to each electrical outlet, fixture or device.**

(B) Electrical Inspection: The electrical inspections required to be completed and approved for all new or existing altered electrical systems and equipment shall include, but not be limited to, the following:

1. **When underground electrical work is completed and before it is concealed by backfill, or beneath or within a concrete slab on grade; and**
2. **When the permanent electrical service to the building or structure has been completed and before an electrical system is energized by the utility provider; and**
3. **When all framework has been erected, and all electrical and mechanical work has been roughed in place, and before any insulation has been installed, and before any wall or ceiling coverings have been placed over the framework or electrical components; and**
4. **When all electrical work has been completed and prior to occupancy in new spaces and prior to utilization of new or altered electrical systems in existing buildings and structures.**

Comments: The administration and enforcement of code provisions adopted and amended in the building code should be identical to, and apply to, the national electrical code. Code requirements should not be unnecessarily duplicated and maintained in two locations to avoid possible confusion or conflict. A few requirements for permit documents and inspections are unique to the electrical work and have been added here in section (A) and (B).

Delete Village Code Section 4-2-4 in its entirety and substitute the following:

4-2-4 ADOPTION OF THE 2011 NFPA NATIONAL ELECTRICAL CODE: The 2011 NFPA national electrical code is adopted by reference as the standards and regulations for governing the design, installation, alteration, and use of electrical systems and equipment, as this code is intended, recommended, maintained and published by the National Fire Protection Association except such portions thereof as are deleted, modified, or amended in this chapter. At least one copy of the 2011 NFPA national electrical code shall be maintained on file in the office of the village clerk for inspection and copying as a public record.

Comments: This code adoption language is similar to the language in the building codes and is duplicated for consistency.

Add new Village Code Section 4-2-4(A) to read as follows:

(A) The provisions of the 2011 NFPA national electrical code are hereby deleted, modified, and amended as follows:

1. Add new section 230.70(A)(4) to read as follows:
   (4) Service entrance conductors: Service entrance conductors within a building shall not exceed five feet (5') without an exterior over current protection device.

Comments: This is identical to existing code requirement but placed in the appropriate section of the NEC.

2. Amend section 334.1 to read as follows:

334.1 Scope. This article covers the use, installation and construction specifications of nonmetallic-sheathed cable. **Nonmetallic sheathed cable and nonmetallic boxes, raceways and conduits are prohibited for any use exceeding 50 volts within a building except as follows:**

1. In environments where exposed to serve corrosive influences, or

2. Encased in a minimum of two inches of concrete (Ord. 5214, 12-15-2003, eff. 3-1-2004)

Comments: This is identical to existing code requirement but placed in the appropriate section of the NEC.

3. Add new section 310.3 to read as follows:

310.3 Conductors. All electrical conductors shall be copper and of the capacity to serve the loads connected thereto and shall not be loaded in excess of the current ratings shown in the 2011 national electrical code. The minimum size conductor for use in

residential wiring systems shall be no. 14 AWG and for commercial wiring systems shall be no. 12 AWG except as permitted by the 2011 national electrical code for remote control, low energy power and signal circuits.

Comments: This is identical to existing code requirement but placed in the appropriate section of the NEC.

4. Delete section 230.79(C) in its entirety and substitute the following:

(C) One-Family Dwellings. The minimum service capacity approved for a single phase dwelling service shall be a 3-wire, grounded neutral, service rated one hundred (100) amperes, one hundred twenty (120) to two hundred forty (240) volts. Service entrance conductors shall not be rated smaller than one hundred (100) amperes for all conductors. Conduit shall not be less than one and one-fourth inches ($1^1/_4$"). (Ord. 5214, 12-15-2003, eff. 3-1-2004)

Comments: This is identical to existing code requirement but placed in the appropriate section of the NEC.

5. Amend section 210.60(G)(1) to read as follows:

(1) At least one receptacle outlet, in addition to those for specific equipment, shall be installed in each basement, in each attached garage **for each vehicle bay**, and in each detached garage **for each vehicle bay**, or accessory building with electric power.

Comments: This is identical to existing code requirement but placed in the appropriate section of the NEC.

6. Amend section 410.139 to read as follows:

410.139 Switches. Snap switches shall comply with 404.14. **Luminaires operating at 277 line voltage shall be controlled by snap switches on a system using a voltage of 120 volts or less.**

Comments: This is identical to existing code requirement but placed in the appropriate section of the NEC.

7. Amend section 210.8(A)(5) Exception to (5)to read as follows:

Exception to (5): A **dedicated** receptacle supplying only a permanently installed fire alarm or burglar alarm system, **sump pump, ejector pump, refrigerator appliance, or freezer appliance** shall not be required to have ground-fault circuit-interrupter protection.

Comments: This is a new exception required to prevent damage and loss in the event of an extended power outage.

8. Add new section 230.34 to read as follows:

230.34 Underground electric service shall be provided as follows:

(a) Underground electric service lines shall be provided to serve a new building and structure and any existing overhead service lines shall be removed.

(b) Underground electric service lines shall be provided to serve an existing building or structure when an addition is constructed that increases the floor area of the existing building or structure by more than 150% and any existing overhead service lines shall be removed.

(c) Underground electric service lines shall be provided to serve an existing building or structure when more than 50% of the existing exterior wall and roof area is structurally altered and any existing overhead service lines shall be removed.

Exception: The Village Board may waive this requirement provided the applicant pays a fee to cover the cost of future placement of the wires underground in a comprehensive manner by the Village. The fee shall be based on an itemized cost estimate prepared by

the applicant and approved by the Village Engineer, and shall be paid prior to any permits being issued.

Comments: These requirements exist in Zoning Code section 10-5-12 but have never been added to the electrical code. Placing the identical requirements into the electrical code is appropriate because they are more closely related to electrical work than zoning regulations, and project architects, builders and contractors are more likely to search for and discover this requirement in the electrical code. Consideration should be given to exclude this requirement from the zoning code to avoid duplication.

Delete Village Code Section 4-2-5 in its entirety.
Comments: The applicable inspection requirements have been established in section 4-2-3(B).

Delete Village Code Section 4-2-6 in its entirety.
Comments: The applicable inspection requirements have been established in section 4-2-3(B).

Delete Village Code Section 4-2-7 in its entirety.
Comments: The applicable adoption requirements have been established in section 4-2-4.

Delete Village Code Section 4-2-8 in its entirety.
Comments: Additional regulations have been established in section 4-2-4(A).

Delete Village Code Section 4-2-9 in its entirety.
Comments: Contractor registration requirements, which also apply to electrical contractors, currently exist in the Village Code, section 4-1-11.

Delete Village Code Section 4-2-10 in its entirety.
Comments: Penalty requirements, which also apply to electrical contractors, currently exist in the Village Code, section 4-1-5.

Exhibit A *(clean)*
The 2011 NFPA National Electrical Code
As Adopted and Amended by the Village of Glen Ellyn, Illinois

Amend Village Code Section 4-2-2(B) to read as follows:

(B) Adopt the provisions of the 2011 national electrical code as the basic regulations for the installation alteration, and use of electrical equipment within the village; and

Amend Village Code Section 4-2-2(C) to read as follows:

(C) Establish certain regulations in addition to those contained in the 2011 national electrical code.

Delete Village Code Sections 4-2-3 and 4-2-3(A) through 4-2-3(E) in their entirety and substitute the following:

4-2-3 ADMINISTRATION AND ENFORCEMENT: The electrical code shall be administered and enforced in accordance with Village Code, Title 4 Building Regulations, Chapter 1 Building Code, and in accordance with the provisions of the ICC international building code, chapter 1, part 2 as adopted and amended by the Village of Glen Ellyn, and as follows:

(A) Permit Documents: The documents required to be submitted with the building permit application for electrical work on commercial projects shall include, but not be limited to, the following:
   1. A layout and riser diagram and specifications of the complete electrical system from the utility provider source to all new and existing transformers, meters, switchgear, and distribution panels; and
   2. A panel load schedule for each new and existing altered distribution panel that identifies the electrical devices, the calculated load, and the over current protection for each circuit, and the total calculated load and the over current protection device for each panel; and
   3. A floor plan diagram indicating and specifying new conduit and conductors run to each electrical outlet, fixture or device.

(B) Electrical Inspection: The electrical inspections required to be completed and approved for all new or existing altered electrical systems and equipment shall include, but not be limited to, the following:
   1. When underground electrical work is completed and before it is concealed by backfill, or beneath or within a concrete slab on grade; and
   2. When the permanent electrical service to the building or structure has been completed and before an electrical system is energized by the utility provider; and
   3. When all framework has been erected, and all electrical and mechanical work has been roughed in place, and before any insulation has been installed, and before any wall or ceiling coverings have been placed over the framework or electrical components; and
   4. When all electrical work has been completed and prior to occupancy in new spaces and prior to utilization of new or altered electrical systems in existing buildings and structures.

Delete Village Code Section 4-2-4 in its entirety and substitute the following:

4-2-4 ADOPTION OF THE 2011 NFPA NATIONAL ELECTRICAL CODE: The 2011 NFPA national electrical code is adopted by reference as the standards and regulations for governing the

design, installation, alteration, and use of electrical systems and equipment, as this code is intended, recommended, maintained and published by the National Fire Protection Association except such portions thereof as are deleted, modified, or amended in this chapter. At least one copy of the 2011 NFPA national electrical code shall be maintained on file in the office of the village clerk for inspection and copying as a public record.

Add new Village Code Section 4-2-4(A) to read as follows:

(A) The provisions of the 2011 NFPA national electrical code are hereby deleted, modified, and amended as follows:

1. Add new section 230.70(A)(4) to read as follows:
(4) Service entrance conductors: Service entrance conductors within a building shall not exceed five feet (5') without an exterior over current protection device.

2. Amend section 334.1 to read as follows:
334.1 Scope. This article covers the use, installation and construction specifications of nonmetallic-sheathed cable. Nonmetallic sheathed cable and nonmetallic boxes, raceways and conduits are prohibited for any use exceeding 50 volts within a building except as follows:

1. In environments where exposed to serve corrosive influences, or
2. Encased in a minimum of two inches of concrete (Ord. 5214, 12-15-2003, eff. 3-1-2004)

3. Add new section 310.3 to read as follows:
310.3 Conductors. All electrical conductors shall be copper and of the capacity to serve the loads connected thereto and shall not be loaded in excess of the current ratings shown in the 2011 national electrical code. The minimum size conductor for use in residential wiring systems shall be no. 14 AWG and for commercial wiring systems shall be no. 12 AWG except as permitted by the 2011 national electrical code for remote control, low energy power and signal circuits.

4. Delete section 230.79(C) in its entirety and substitute the following:
(C) One-Family Dwellings. The minimum service capacity approved for a single phase dwelling service shall be a 3-wire, grounded neutral, service rated one hundred (100) amperes, one hundred twenty (120) to two hundred forty (240) volts. Service entrance conductors shall not be rated smaller than one hundred (100) amperes for all conductors. Conduit shall not be less than one and one-fourth inches ($1^1/_4$"). (Ord. 5214, 12-15-2003, eff. 3-1-2004)

5. Amend section 210.60(G)(1) to read as follows:

(1) At least one receptacle outlet, in addition to those for specific equipment, shall be installed in each basement, in each attached garage for each vehicle bay, and in each detached garage for each vehicle bay, or accessory building with electric power.

6. Amend section 410.139 to read as follows:
410.139 Switches. Snap switches shall comply with 404.14. Luminaires operating at 277 line voltage shall be controlled by snap switches on a system using a voltage of 120 volts or less.

7. Amend section 210.8(A)(5) Exception to (5)to read as follows:
Exception to (5): A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system, sump pump, ejector pump, refrigerator appliance, or freezer appliance shall not be required to have ground-fault circuit-interrupter protection.

8. Add new section 230.34 to read as follows:
230.34 Underground electric service shall be provided as follows:

(a) Underground electric service lines shall be provided to serve a new building and structure and any existing overhead service lines shall be removed.
(b) Underground electric service lines shall be provided to serve an existing building or structure when an addition is constructed that increases the floor area of the existing building or structure by more than 150% and any existing overhead service lines shall be removed.
(c) Underground electric service lines shall be provided to serve an existing building or structure when more than 50% of the existing exterior wall and roof area is structurally altered and any existing overhead service lines shall be removed.

Exception: The Village Board may waive this requirement provided the applicant pays a fee to cover the cost of future placement of the wires underground in a comprehensive manner by the Village. The fee shall be based on an itemized cost estimate prepared by the applicant and approved by the Village Engineer, and shall be paid prior to any permits being issued.

Delete Village Code Section 4-2-5 in its entirety.

Delete Village Code Section 4-2-6 in its entirety.

Delete Village Code Section 4-2-7 in its entirety.

Delete Village Code Section 4-2-8 in its entirety.

Delete Village Code Section 4-2-9 in its entirety.

Delete Village Code Section 4-2-10 in its entirety.

DRAFT
BUILDING BOARD OF APPEALS
MINUTES
FEBRUARY 6, 2012

The meeting was called to order by Chairman James Ryan at 7:32 p.m. BBA members Thomas Bredfeldt, Michaelene Burke Hoeh and Mike Morange were present. Board Members Pete Campbell, Kennedy Hartsfield and James McGinley were excused. Also present were Trustee Liaison Carl Henninger, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Board Member Morange moved, seconded by Board Member Burke Hoeh, to approve the minutes of the November 7, 2011 BBA meeting. The motion carried unanimously with four (4) "yes" votes as follows: Board Members Morange, Burke Hoeh, Bredfeldt and Chairman ryan voted yes.

2011 NFPA NATIONAL ELECTRICAL CODE. A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2011 NFPA NATIONAL ELECTRICAL CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 4 BUILDING REGULATIONS, CHAPTER 2 ELECTRICAL CODE.

Building and Zoning Official Joe Kvapil reviewed the 2011 National Electrical Code as adopted and amended by the Village of Glen Ellyn, Illinois which he stated is a reduction and simplification of the Electrical Code.

Mr. Kvapil displayed lists of existing and proposed formats of the Electrical Code and stated that some existing format items are included elsewhere in the Village Code and/or Building Code. He verified for Chairman Ryan that the Village will continue to register and bond electrical contractors and that those requirements are contained in the Building Code. Mr. Kvapil reviewed the following changes in Exhibit A:

In the text format section, "IFGC" should be corrected to read "NEC".

Amend Village Code Section 4-2-2(B) to change "2008" to "2011". Mr. Kvapil explained for Trustee Henninger that the electrical code has been consistently updated every three (3) years.

Amend Village Code Section 4-2-2(C) to change "2008" to "2011" and remove the ordinance language that adopted the 2008 NEC.

Delete Village Code Sections 4-2-3 and 4-2-3(A) through 4-2-3(E) in their entirety and substitute 4-2-3 Administration and Enforcement language regarding (A) Permit Documents and (B) Electrical Inspection that Mr. Kvapil felt were unique to the electrical code and should be retained. Mr. Kvapil explained for BBA Member Bredfeldt that electrical documents are not required for residential permits as inspections are relied

upon. Mr. Kvapil explained that most communities do not require electrical diagrams and drawings for electrical work. Board Member Morange also stated that electrical diagrams are provided on the plans.

Village Code Section 4-2-4 Adoption of the 2011 NFPA National Electrical Code will be deleted and replaced with language similar to the language in the building codes and duplicated for consistency.

Add new Village Code Section 4-2-4(A) which is identical to the existing code requirement that will read as follows: (A) The provisions of the 2011 NFPA national electrical code are hereby deleted, modified and amended as follows:

1. Add new Section 230.70(A)(4) which is identical to the existing code requirement but placed in the appropriate section of the NEC. Mr. Kvapil verified for Chairman Ryan that Section 230.70(A) refers to a chapter in the NEC.

2. Amend Section 334.1 which is identical to the existing code requirement but placed in the appropriate section of the NEC. Mr. Morange responded to Chairman Ryan that Romax is not allowed to be used per the Village Code but is considered a permitted wiring method per the National Electrical Code. Mr. Kvapil added that Romax is less safe than conductors in a metal conduit. Mr. Kvapil also stated that research could be done regarding whether or not to maintain this requirement or accept Romax. Chairman Ryan stated that there is a price difference in homes constructed with Romax. Mr. Kvapil responded to BBA Member Bredfeldt that plastic conduit boxes are not permitted for anything in excess of 50 volts. At BBA Member Bredfeldt's request, the wording of this section regarding exceptions will be changed back to the original wording.

3. Add new Section 310.3 which is identical to the existing code requirement but placed in the appropriate section of the NEC. Also change "2008" in two places in the definition to "2011."

4. Delete Section 230.79(C) and substitute the paragraph regarding (C) One Family Dwellings which is identical to the existing code requirement in the appropriate section of the NEC.

5. Amend Section 210.60(G)(1) to add "for each vehicle bay" in two places of this section and place in the appropriate section of the NEC.

6. Amend Section 410.139 Switches to add "Luminaires operating at 277 line voltage shall be controlled by snap switches on a system using a voltage of 120 volts or less" and placed in the appropriate section of the NEC. Mr. Morange responded to Chairman Ryan that this modification was added for safety reasons by a former electrician on the BBA.

7. Amend Section 210.8(A)(5) Exception to (5) to read as follows: "Exception to (5): A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system, sump pump, ejector pump, refrigerator appliance or freezer appliance shall not be required to have ground-fault circult-interrupter protection." This is a new exception required to prevent damage and loss in the event of an extended power outage. Mr. Morange stated that the above items are identified as critical loads.

8. Add new Section 230.21 (changed from incorrectly identified 230.11) to read as follows:
   230.11 Underground electric service shall be provided as follows:
   (a) All new and existing secondary electrical utility lines shall be placed underground to serve a new building or structure.
   (b) All new and existing secondary electrical utility lines shall be placed underground to serve an existing building or structure when an addition is constructed that increases the floor area of the existing building or structure by more than 150%.
   (c) All new and secondary electrical utility lines shall be placed underground to serve an existing building or structure when the more than 75% of the existing exterior wall and roof area is structurally altered.

   Exception: The Village Board may waive this requirement provided the applicant pays a fee to cover the cost of future placement of the wires underground in a comprehensive manner by the Village. The fee shall be based on an itemized cost estimate prepared by the applicant and approved by the Village Engineer, and shall be paid prior to any permits being issued.

   Mr. Kvapil stated that the Village Planning and Development Department at one time had put the above information into the Zoning Code because it is an appearance issue. He stated these requirements should be added to the Electrical Code because they are related more closely to electrical work than zoning regulations and project architects, builders and contractors are more likely to search for and discover this requirement in the electrical code. Consideration should be given to exclude this requirement from the Zoning Code to avoid duplication.

Delete Village Code Section 4-2-5 regarding inspections in its entirety because the applicable inspections have been established in Section 4-2-3(B).

Delete Village Code Section 4-2-6 regarding required inspection approval in its entirety because the applicable inspection requirements have been established in Section 4-2-3(B).

Delete Village Code Section 4-2-7 regarding adoption of the NEC in its entirety because the applicable adoption requirements have been established in Section 4-2-4.

Delete Village Code Section 4-2-8 regarding additional regulations in its entirety because additional regulations have been established in Section 4-2-4(A).

Delete Village Code Section 4-2-9 regarding contractor registration requirements in its entirety because it currently exists in the Village Code, Section 4-1-11.

Delete Village Code Section 4-1-10 regarding penalty requirements because it currently exists in the Village Code, Section 4-1-5.

Motion

BBA Member Burke Hoeh moved, seconded by BBA Member Bredfeldt, to adopt the 2011 National Electrical Code with the minor revisions as discussed in these minutes. The motion carried unanimously with four (4) "yes" votes and zero (0) "no" votes as follows: BBA Members Burke Hoeh, Bredfeldt, Morange and Chairman Ryan voted yes.

Trustee Report

Trustee Henninger briefly reviewed the Memorial Field project which was approved by the Village Board, the upcoming Village budget, a new Fresh Market development, and a modest development regarding upgrading at the Village Links. He responded to Chairman Ryan that the Village is currently in mediation again with the College of DuPage. Mr. Kvapil stated that he did not feel the 2012 codes should be adopted at this time as changes would be minimal, and Trustee Henninger requested that after Mr. Kvapil reviews the 2012 codes, the BBA should adopt a resolution to forward to the Village Board acknowledging that a review has occurred and the modifications are benign enough that the BBA would recommend that it not be reviewed at this time. Trustee Henninger responded to Mr. Kvapil that the Village Board did not assign a student to the BBA because of the level of expertise that would be required as a member of that Commission.

Staff Report

At Mr. Bredfeldt's request, Mr. Kvapil reviewed the status of the requirement for fire sprinklers in remodel projects. Mr. Kvapil also briefly explained some terminology and format changes to the Building Code.

There being no further business before the BBA, the meeting was adjourned at 9:30 p.m.

Submitted by:
Barbara Utterback, Recording Secretary

Reviewed by:
Joe Kvapil, Building and Zoning Official

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NFPA 70®

National Electrical Code®

2011 Edition

This edition of NFPA 70, *National Electrical Code*, was prepared by the National Electrical Code Committee and acted on by NFPA at its June Association Technical Meeting held June 7–10, 2010, in Las Vegas, NV. It was issued by the Standards Council on August 5, 2010, with an effective date of August 25, 2010, and supersedes all previous editions.

This edition of NFPA 70 was approved as an American National Standard on August 25, 2010.

History and Development of the *National Electrical Code®*

The National Fire Protection Association has acted as sponsor of the *National Electrical Code* since 1911. The original *Code* document was developed in 1897 as a result of the united efforts of various insurance, electrical, architectural, and allied interests.

In accordance with the provisions of the NFPA Regulations Governing Committee Projects, a National Electrical Code Committee Report on Proposals containing proposed amendments to the 2008 *National Electrical Code* was published by NFPA in July 2009. This report recorded the actions of the various Code-Making Panels and the Correlating Committee of the National Electrical Code Committee on each proposal that had been made to revise the 2008 *Code*. The report was circulated to all members of the National Electrical Code Committee and was made available to other interested NFPA members and to the public for review and comment. Following the close of the public comment period, the Code-Making Panels met, acted on each comment, and reported their action to the Correlating Committee. NFPA published the National Electrical Code Committee Report on Comments in March 2010, which recorded the actions of the Code Making Panels and the Correlating Committee on each public comment to the National Electrical Code Committee Report on Proposals. The National Electrical Code Committee Report on Proposals and the National Electrical Code Committee Report on Comments were presented to the 2010 June Association Technical Meeting for adoption.

NFPA has an Electrical Section that provides particular opportunity for NFPA members interested in electrical safety to become better informed and to contribute to the development of the *National Electrical Code* and other NFPA electrical standards. At the Electrical Section Codes and Standards Review Session held at the 2010 NFPA Conference and Expo, Section members had opportunity to discuss and review the report of the National Electrical Code Committee prior to the adoption of this edition of the *Code* by the Association at its 2010 June Technical Session.

This 52nd edition supersedes all other previous editions, supplements, and printings dated 1897, 1899, 1901, 1903, 1904, 1905, 1907, 1909, 1911, 1913, 1915, 1918, 1920, 1923, 1925, 1926, 1928, 1930, 1931, 1933, 1935, 1937, 1940, 1942, 1943, 1947, 1949, 1951, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1962, 1965, 1968, 1971, 1975, 1978, 1981, 1984, 1987, 1990, 1993, 1996, 1999, 2002, 2005, and 2008.

This *Code* is purely advisory as far as NFPA is concerned. It is made available for a wide variety of both public and private uses in the interest of life and property protection. These include both use in law and for regulatory purposes, and use in private self-regulation and standardization activities such as insurance underwriting, building and facilities construction and management, and product testing and certification.

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Title 4 Building Regulations

Chapter 2, Electrical Code

Existing Format

4-2-1 Short Title

4-2-2 Purpose
(A) Establish Regulations
(B) Adopt Codes
(C) Amend Codes

4-2-3 Permit Required
(A) thru (E)

4-2-4 Permit Fees; Fee for Electrical Work

4-2-5 Inspection
(A) thru (D)

4-2-6 Inspection Approval Required

4-2-7 Adoption of the National Electrical Code

4-2-8 Additional Regulations for the Installation, Alteration and Use of Electrical Equipment
(A) thru (F)

4-2-9 Registration of Electrical Contractors
(A) thru (C)

4-2-10 Penalty

Proposed Format

4-2-1 Short Title

4-2-2 Purpose
(A) Establish Regulations
(B) Adopt Codes
(C) Amend Codes

4-2-3 Administration and Enforcement
(A) Permit Documents
(B) Electrical Inspection

4-2-4 Adoption of the 2011 NFPA National Electrical Code
(A) Deletions, modifications and amendments

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A-6i

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Hulseberg, Planning & Development Director SH
Michele Stegall, Village Planner MS
Kasey Matthews, Planning Intern KM

DATE: May 7, 2012

RE: 445 Roosevelt Road, McDonald's Special Use Permit and Sign Variation Requests

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Background. McDonald's Corporation, owner of property located at 445 Roosevelt Road, plans to alter the existing drive-thru lane behind the restaurant and reconfigure the area to accommodate two (2) side-by-side drive-thru lanes. The existing signs for the current drive-thru lane will be removed and new signs will be installed to service the proposed side-by-side drive-thru lanes. The traffic and parking reconfiguration along the south property line necessary to make room for the additional drive-thru lane, results in the loss of six (6) parking stalls. A portion of this area will become the new circulation route around the building and the remainder will become additional landscaped area, as depicted on the site plan and landscape plan. Although the change to the parking lot results in the loss of six (6) parking stalls, the site will still exceed the minimum parking requirement of the Zoning Code. A total of eight (8) new or replacement signs are proposed, including six (6) incidental, one (1) private traffic directional, and one (1) private parking lot sign.

The petitioner is requesting approval of an amended Special Use Permit and amended Sign Variations to accommodate a second drive-thru lane on the site. The petitioner is specifically making the following requests:

1) Approval of an amendment to the Special Use Permit granted on August 27, 2001 by Ordinance No. 4981 to allow a second drive-thru lane;
2) Approval of an amendment to Ordinance No. 4981 and variation from Section 4-5-5(G)1 of the Sign Code to allow 94.26 square feet of incidental signage on the property in lieu of the 80.71 square feet of incidental signage permitted by Ordinance No. 4981 and the 22.9 square feet permitted by the Sign Code; and
3) Approval of an amendment to Ordinance No. 4981 and variation from Section 4-5-5(G)3 of the Sign Code to allow six (6) incidental signs on the property in lieu of the four (4) allowed by Ordinance No. 4981 and the maximum of three (3) permitted by the Sign Code.

The subject property is located on the south side of Roosevelt Road east of Lambert Road and west of Main Street in the C3 Service Commercial District. The properties to the north, east and west are also zoned C3 Commercial while the area to the south is zoned C4 Office District.

Issues. The primary issue raised by the Plan Commission was the safety of vehicles turning in and out of the lot from Roosevelt Road. The Plan Commission requested to have the Police Department review the site plan and provide any comments they may have regarding traffic safety.

Following the Plan Commission meeting, Police Chief Norton reviewed the proposed site plan and suggested the petitioner install a "No Loading" or "Do Not Block Drive" sign along the rear circulation route south of the proposed drive-thru lanes to discourage delivery drivers or other motorists from parking, standing or using that area as a loading zone. He stated that the drive lane must remain passable.

Recommendation. The Architectural Review Commission considered the amended Sign Variation requests at a public hearing on April 25, 2012 and recommended approval of the requests by a vote of 4-1. One (1) resident spoke at the hearing in favor of the request.

The Plan Commission considered the amended Special Use Permit request at a public hearing on April 26, 2012 and recommended approval by a unanimous vote of 9-0. No members of the public spoke at the hearing.

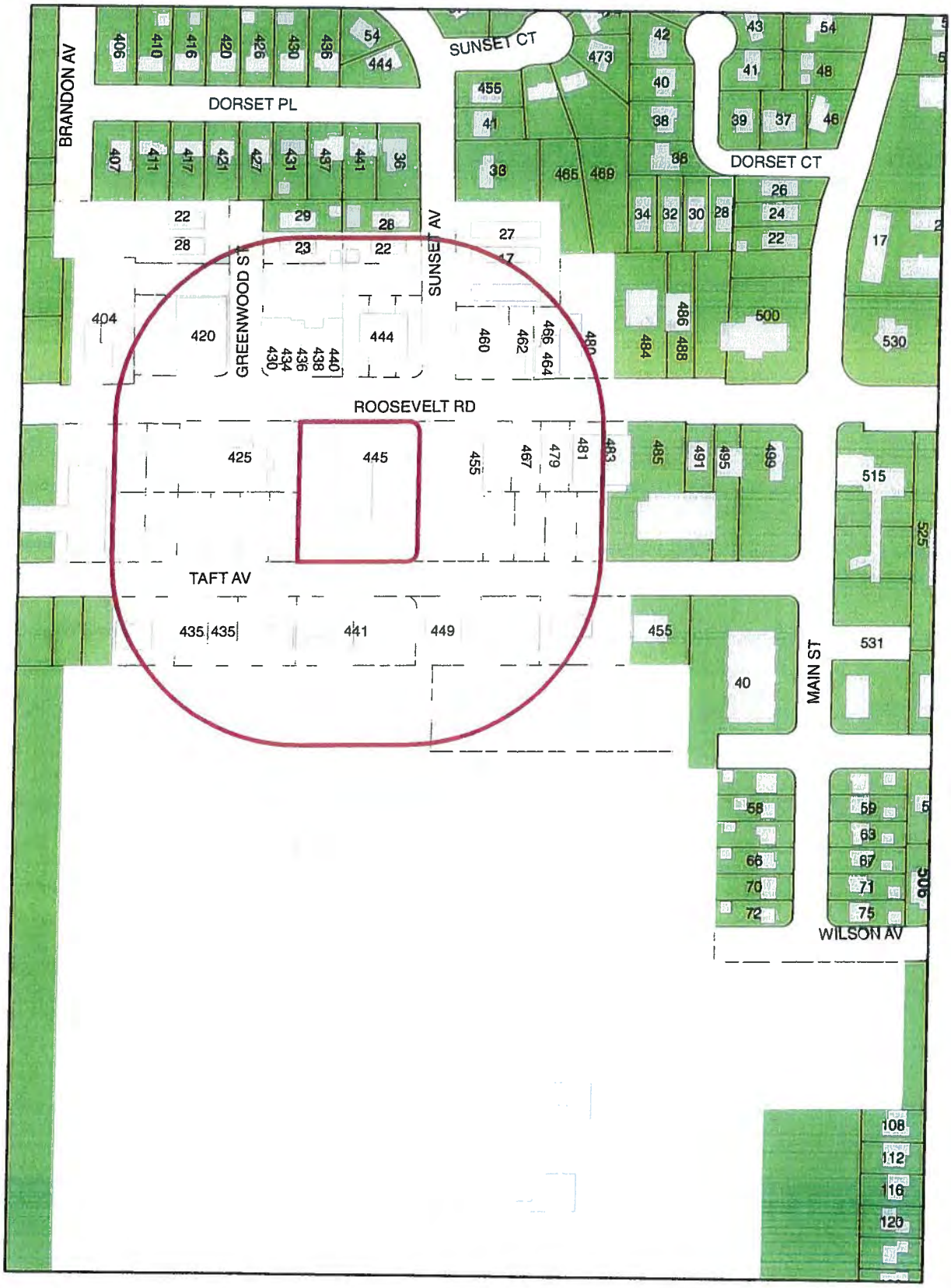
Action Requested. The Village Board may approve, approve with conditions or deny the petitioner's request for approval of an amended Special Use Permit and Sign Variations. An Ordinance approving the requests has been prepared for consideration at the May 14, 2012 Village Board meeting.

Attachments

- Location Map
- Public Hearing Notice
- Address Labels for Public Hearing Notice
- Draft Ordinance
- Ordinance No. 4981
- Draft Minutes from April 25, 2012 Architectural Review Commission Meeting
- Draft Minutes from April 26, 2012 Plan Commission Meeting
- Petitioner's Special Use Permit Application Packet
- Petitioner's Sign Variation Application Packet

cc: Village Board of Trustees
Gayle Miller, American Sign Factory, LLC (Petitioner's Representative)
Todd Russell, Stantec Architecture (Petitioner's Representative)
Ivria Ben-Or, Stantec Architecture (Petitioner's Representative)

445 Roosevelt Road



Prepared By: Planning and Development
Date: March 21, 2012

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NOTICE OF PUBLIC HEARING

McDonald's Corporation is requesting approval of amendments to a Special Use Permit and Sign Variations previously approved in 2001 by Ordinance No. 4981, in accordance with Section 10-10-14 of the Glen Ellyn Zoning Code and Section 4-5-14(J) of the Glen Ellyn Sign Code, to allow a second drive-thru lane and associated signage on the property located at 445 Roosevelt Road. In 2001, Ordinance No. 4981 granted a Special Use Permit, Zoning Code Variations, Sign Code Variations, and Exterior Appearance approval for the construction of a new McDonald's restaurant and drive-thru on the subject property. The property is located west of Main Street and east of Lambert Road in the C3 Service Commercial District.

Before the Glen Ellyn Village Board can consider the requests, the Architectural Review Commission and the Plan Commission must conduct public hearings. The Architectural Review Commission will conduct a public hearing to consider the Sign Variation Amendments on **Wednesday, April 25, 2012 at 7:30pm**. The Plan Commission will conduct a public hearing to consider the Special Use Permit Amendment on **Thursday, April 26, 2012 at 7:30pm**. Both meetings will take place in a meeting room on the third floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois.

The petitioner is requesting the following:

1. Approval of an amendment to Ordinance No. 4981 for a Special Use Permit in accordance with Section 10-4-15(B)9 of the Glen Ellyn Zoning Code to allow a second drive-thru lane;
2. Approval of amendments to Ordinance No. 4981 and Variations from the following Sections of the Glen Ellyn Sign Code:
    a. Section 4-5-5(G)1 to allow 99.48 square feet of incidental signage in lieu of the 80.71 square feet of incidental signage as allowed per Ordinance No. 4981;
    a. Section 4-5-5(G)3 to allow the number of incidental signs on the site to be 6 in lieu of the 4 allowed per Ordinance No. 4981; and
    b. Section 4-5-8(R) to allow a private traffic directional sign to be 10.5 feet in height in lieu of the 4 feet allowed.

The subject property is legally described as follows:
LOTS 1, 2 AND 3 IN BLOCK 81 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTIONS 22 AND 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-23-100-028

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. Information related to the requests is available for public review in the Planning and Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the requests should be directed to Kasey Matthews, Planning Intern (630) 547-5246.

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

Kasey Matthews
Planning Intern

(Published in The Daily Herald on Monday, April 9, 2012)

479-483 LLC
OR Current Owner
4 Somerset Hills
Hawthorn Woods, IL 60047

Zervakis, Errikos & Toula
OR Current Owner
425 Roosevelt Road
Glen Ellyn, IL 60137

Chen, Johnny C
OR Current Owner
96 S Park Boulevard
Glen Ellyn, IL 60137

Hostetler Real Estate
OR Current Owner
152 Bryant Avenue
Glen Ellyn, IL 60137

Bales, Dennis & Ganya
OR Current Owner
1672 Jeanel Lane
Aurora, IL 60504

Kaman, Frank
OR Current Owner
467 Roosevelt Road
Glen Ellyn, IL 60137

Loisi, Vito G
OR Current Owner
7015 Clayton Court
Downers Grove, IL 60516

Emme Partners LLC
OR Current Owner
925 Corporate Woods
Vernon Hills, IL 60061

Van Winkel, Tom
OR Current Owner
415 Taft Avenue
Glen Ellyn, IL 60137

Morreale, John F
OR Current Owner
449 Taft Avenue
Glen Ellyn, IL 60137

Remax Suburban Inc
OR Current Owner
330 E NW Highway
Mount Prospect, IL 60056

Glen Ellyn Builders
OR Current Owner
123 N Wacker Drive
Chicago, IL 60606

Roosevelt Rd Prop LLC
OR Current Owner
1877 Orchard Road
Wheaton, IL 60187

Mordacq Realty Holdings
OR Current Owner
475 Taft Avenue
Glen Ellyn, IL 60137

Bell, Mary Ann E
OR Current Owner
0S621 Morningside Avenue
Winfield, IL 60190

Atpon LLC
OR Current Owner
19 S LaSalle Street
Chicago, IL 60603

Community Housing DuPage
OR Current Owner
35C W St Charles Road
Village Park, IL 60181

Archland Prop II LP
OR Current Owner
445 W Roosevelt Road
Glen Ellyn, IL 60137

Fred W Storm LLC
OR Current Owner
480 Roosevelt Road
Glen Ellyn, IL 60137

Vlagos, Peter & Kosta
OR Current Owner
505 Delles Road
Wheaton, IL 60187

T&P-S Properties LLC
OR Current Owner
17W300 22nd Street
Oakbrook Terrace, IL 60181

De Forest, Paula
OR Current Owner
134 S Lewis Avenue
Lombard, IL 60148

Skiouris, Peter/Russis
OR Current Owner
5927 W Irving Park Road
Chicago, IL 60634

Village Of Glen Ellyn

Ordinance No. _____

An Ordinance Amending Ordinance No. 4981 and Granting Approval of
An Amended Special Use Permit and Amended Sign Variations
For the McDonald's Restaurant
Located at 445 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 ____ Day of _____, 20_____.

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

Ordinance No. _____

An Ordinance Amending Ordinance No. 4981 and Granting Approval of An Amended Special Use Permit and Amended Sign Variations For the McDonald's Restaurant Located at 445 Roosevelt Road Glen Ellyn, Illinois 60137

Whereas, the McDonald's Corporation, owner the McDonald's Restaurant and property located at 445 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 August 27, 2001 by the adoption of Ordinance No. 4981 to allow a second drive-thru lane on the property;

2. Approval of the following amendments to the Sign Variations granted on August 27, 2001 by the adoption of Ordinance No. 4981:

    a. An amended variation from Section 4-5-5(G)1 of the Sign Code to allow 99.48 square feet of incidental signage on the property in lieu of the 80.71 square feet of incidental signage permitted by Ordinance No. 4981; and

    b. An amended variation from Section 4-5-5(G)3 of the Sign Code to allow a total of 6 incidental signs on the property in lieu of the maximum number of 4 allowed by Ordinance No. 4981;

all to allow for the construction of a second drive-thru lane at the existing McDonald's restaurant on the site; and

Whereas, the subject property is located on the south side of Roosevelt Road, east of Lambert Road and east of Main Street in the C3 Service Commercial District, and is legally described as follows:

LOTS 1, 2 AND 3 IN BLOCK 81 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTIONS 22 AND 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-23-100-028; and

Whereas, following due and proper publication of notice in the Daily Herald not less than 15 nor more than 30 days prior thereto, on April 25, 2012 the Architectural Review Commission conducted a public hearing to consider the requested Sign Variation amendments; and

Whereas, at the April 25, 2012 public hearing of the Architectural Review Commission the petitioner presented evidence, testimony, and exhibits relative to the requests and 1 member of the public spoke in favor of the requests; and

Whereas, after having considered the evidence presented, including the exhibits and materials submitted, the Architectural Review Commission made its findings of fact and recommendations as set forth in the minutes from the April 25, 2012 Architectural Review Commission meeting, a draft of which is attached hereto as Exhibit "A", and by a vote of 4 "yes" and 1 "no", the Architectural Review Commission recommended approval of the requested Sign Variation amendments; 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 April 26, 2012, to consider the petitioner's request for approval of an amended Special Use Permit; and

Whereas, at the April 26, 2012 public hearing of the Plan Commission, the petitioner presented evidence, testimony, and exhibits relative to the requested Special Use Permit amendment and no persons spoke in favor of or in opposition to the request; 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 the April 26, 2012 Plan Commission meeting, a draft of which is attached hereto as Exhibit "B", and by a vote of 9 "yes" and 0 "no", the Plan Commission recommended approval of the requested Special Use Permit amendment; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the April 25, 2012 Architectural Review Commission public hearing and the April 26, 2012 Plan Commission public hearing and have considered the findings of fact and recommendations of the Architectural Review Commission and Plan Commission; and

Whereas, the President and Board of Trustees have determined that granting the requested Sign Variation amendments is consistent with the goals of the Sign Code Ordinance, and 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 April 25, 2012 Architectural Review Commission public hearing, a draft of which is attached hereto as Exhibit "A", and the minutes from the April 26, 2012 Plan Commission public hearing, a draft of which is attached hereto as Exhibit "B", 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 April 25, 2012 public hearing before the Architectural Review Commission and the April 26, 2012 public hearing before the Plan Commission.

Section Two: Based upon the findings of fact and recommendations of the Architectural Review Commission and 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 and Sign Variation amendments to allow the construction of a second drive-thru lane and associated signage at the existing McDonald's restaurant at 445 Roosevelt Road.

Section Three: Section Three of Ordinance No. 4981 is hereby repealed and replaced in its entirety to read as follows:

Section Three: *This granting of a Special Use Permit, Zoning Code Variations, Side Code Variations, and exterior appearance approval is subject to the following conditions:*

A. Construction of the building and related site improvements shall be in substantial conformance with the testimony presented at the June 13, 2001 and April 25, 2012 Architectural Review Commission public hearings, the June 14, 2001 and April 26, 2012 Plan Commission public hearings and with the Application Packets, including the following documents:

- *Henry Stillwell Letter, dated May 18, 2001*
- *Henry Stillwell Letter, dated August 28, 2000*
- *Jane Twomey Letter, dated February 23, 2001*
- *Jane Twomey Letter, dated May 24, 2001*
- *Special Use Permit Application, dated August 25, 2000*
- *Exterior Appearance Review Application, dated August 25, 2000*
- *Tree Preservation Application dated February 23, 2001*
- *Legal Description, undated*
- *Internal Traffic and Circulation Analysis by Dawn Marshall or Parsons Transportation Group, dated August 11, 2000*
- *Dawn Marshall of Parsons Transportation Group letter, dated February 1, 2001*
- *Kirk Andriena, P.E., letter, dated August 22, 2000*
- *Construction Schedule, received May 18, 2001*
- *Edward Zak, Traffic Permit Manager of IDOT letter, dated January 30, 2001*
- *List of Materials and Colors, undated*
- *Diane Bowen of Commonwealth Edison letter, dated October 14, 2000*

- *Anthony Spata P.E., Illinois Plumbing Code Count, dated May 2, 2001*
- *Chicago Title Insurance Report, dated February 6, 2001*
- *Photo (image-fiction), undated*
- *Sign and Light Views, undated*
- *Sign Plan, undated*
- *McDonald's Corporation Floor Plan-Sheet A1, dated February 23, 2001*
- *McDonald's Corporation Elevations-Sheets A2 and A2a, dated February 23, 2001*
- *McDonald's Corporation, Sheets: Site Plan-C1, Dimension-C2, Curb Cut-C2a, and Loading Plan-C2b, dated May 2, 2001*
- *Cornerstone Engineering, Inc., Sheets: Site Demolition Plan-C3, Site Utility Plan-C4, and Grading, Drainage & Erosion Control Plan Curb Cut-C5, dated April 30, 2001*
- *Cornerstone Engineering, Inc., Sheets: Details-C6 and C7, dated January 29, 2001 and C8, dated April 30, 2001*
- *Davis & Associates, Ltd. Sheets: Tree Preservation Plan-TP-1 and Landscape Plan-L-1, dated June 14, 2001 and L-2, dated January 23, 2001*
- *Security Lighting Systems, Inc. Lighting Plan and Details, dated January 30, 2000*
- *McDonald's Corporation, Sheet: Trash Coral-T1, dated June 20, 2000*
- *Cemcon, Ltd. Land Title Survey (plan), April 11, 1998*
- *Cemcon, Ltd. Area Survey (plan), December 5, 2000*
- *Cemcon, Ltd. Plat of Consolidation, January 17, 2000*

as well as the following plans from the petitioner's Special Use Permit application packet stamped received April 16, 2012 and the petitioner's Sign Variation application packet stamped received April 12, 2012. 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:

- *Sign Table, Proposed Signs, stamped received April 12, 2012*
- *Everbrite LLC, Welcome Point Gateway Cut Sheet #1, stamped received April 12, 2012*
- *Everbrite LLC, Bollard Cut Sheet #2, stamped received April 12, 2012*
- *Everbrite LLC, Drive-Thru Twin Pole Canopy w/Built-In COD Cut Sheet #3 and 4, stamped received April 12, 2012*
- *Everbrite LLC, FP-43 Modular Outdoor Menu Board Cut Sheet #5 and 6, stamped received April 12, 2012*
- *Everbrite LLC, Window Position Signs Cut Sheet #7 and 8, stamped received April 12, 2012*
- *Lend Lease, Site Plans-Sheet SP-01, dated September 16, 2011*
- *Richard Picard of Stantec Architecture Inc. letter, dated March 20, 2012*
- *Quantitative Summary, dated March 20, 2012*
- *Brian E. Aldridge P.E. of Stantec Architecture Inc., memo, dated January 20, 2012*
- *McDonald's SBS Construction Schedule, stamped received April 16, 2012*

- *Stantec Architecture Inc., Existing and Proposed Site Plan-Sheet SP0, dated revised March 23, 2012*
- *Stantec Architecture Inc., Landscape Planting Plan-Sheet L1, dated revised March 23, 2012*

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Architectural Review Commission and Plan Commission.

B. *The development and signs shall be constructed and maintained in substantial compliance with the application packet submitted and the testimony provided at the June 13, 2001 and April 25, 2012 Architectural Review Commission meetings and the June 14, 2001 and April 26, 2012 Plan Commission meetings.*

C. *The signs will be maintained and operated in all other aspects in conformity to the Glen Ellyn Sign Code.*

D. *Keven Graham's recommendations will be followed regarding substituting shorter vegetation instead of planting the red switch grass near the Roosevelt Road and Taft Avenue entrances.*

E. *The petitioner will submit the stormwater detention easement as part of the Plat of Consolidation to the Village Engineer for review and acceptance before a building permit may be issued.*

F. *The petitioner will install a "No Loading," "Do Not Block Drive" or substantially similar sign along the rear circulation drive, south of the drive-thru lanes, per the recommendation of the Police Department.*

Section Four: The Building and Zoning Official is hereby authorized to issue all necessary building permits pursuant to the amended Special Use Permit and Sign Variations approved herein, provided that all the conditions set forth herein above have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. This grant of approval of the aforementioned requests shall expire and become null and void

within 24 months of the date of this Ordinance unless a building permit is applied for within said time period, provided, however, that the Village Board, by motion, may extend the period during which a building permit must be applied for.

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

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

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

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20_____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20_____.

_____
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 ___ day of _____.)

3/28

J.P. "RICK" CARNEY
DUPAGE COUNTY RECORDER
MAR.13,2002 2:18 PM
PLAT 05-23-100-005
028 PAGES R2002-072424

VILLAGE OF GLEN ELLYN

ORDINANCE NO. 4981 -Z

AN ORDINANCE GRANTING A SPECIAL USE PERMIT,
ZONING CODE VARIATIONS, SIGN CODE VARIATIONS, AND
APPROVAL OF THE EXTERIOR APPEARANCE OF A
MCDONALD'S DRIVE-IN RESTAURANT AT 445 ROOSEVELT ROAD

ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE
VILLAGE OF GLEN ELLYN
DUPAGE COUNTY, ILLINOIS
THIS 27TH DAY OF AUGUST, 2001

Published in pamphlet form by the authority of the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, this 22ND day of FEBRUARY, 2002.

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

ORDINANCE NO. 4981 - Z

AN ORDINANCE GRANTING A SPECIAL USE PERMIT, ZONING CODE VARIATIONS, SIGN CODE VARIATIONS, AND APPROVAL OF THE EXTERIOR APPEARANCE OF A MCDONALD'S DRIVE-IN RESTAURANT AT 445 ROOSEVELT ROAD

WHEREAS, System Capital Real Property Corporation, lessor of the property, and McDonald's Corporation-McDonald's Restaurant, lessee of the property located at 445 Roosevelt Road, have petitioned the President and Board of Trustees of the Village of Glen Ellyn for the following:

A. A Special Use Permit for a drive-in commercial facility as provided for in Section 10-4-11(B)-8 and in accordance with Section 10-10-14(E) of the Glen Ellyn Zoning Code;

B. Variations to the following Sections of the Glen Ellyn Zoning Code in accordance with Section 10-10-12(C):

a. Section 10-4-11(G) to allow 50 parking spaces in lieu of the 68 required.

b. Section 10-5-5(D) to allow the proposed trash corral and attached shed to be located near the southwest corner of the site, in the required yard, in lieu of the allowed location.

c. Section 10-5-5(D)-1g. to allow impervious surface to be located approximately 11.25' from the Taft Avenue property line in lieu of the 11.8' required.

d. Section 10-5-10(F)-1 to allow the north driveway approach on Roosevelt Road to be 35' in width in lieu of the 24' maximum allowed.

e. Section 10-5-10(J) to allow the proposed Roosevelt Road driveway approach to be approximately 89.64' from the adjacent driveway approach to the west

in lieu of the 185' required.

C. Exterior appearance approval in accordance with Section V of the Appearance Guide and Criteria, Ordinance No. 3619-VC.

D. Variations to the following sections of the Glen Ellyn Sign Code Ordinance:

a. Section 4-5-8(Q) to allow two "Private Traffic Directional" signs at each driveway in lieu of the one allowed.

b. Section 4-5-8(Q) to allow five "Private Traffic Directional" signs on the property in lieu of the four signs allowed.

c. Section 4-5-12(E) to allow six "primary" signs on the property in lieu of the two allowed.

d. Section 4-5-5(G)-1 to allow the total area of all "incidental" signs on the site to be 80.71 square feet in area in lieu of the 22.9 square feet allowed.

e. Section 4-5-5(G)-2 to allow the height of "incidental" signs on the site to be 11.5 feet above grade in lieu of the 10 feet allowed.

f. Section 4-5-5(G)-3 to allow the number of "incidental" signs on the site to be four in lieu of the three allowed.

g. Section 4-5-7(I) to allow a sign to be located on the roof when none is allowed

all to allow construction of a 5,352 square foot building with a drive-in facility and related site improvements for a McDonald's Restaurant on a 1.4 acre site which is located on the southwest corner of Roosevelt Road and unimproved Sunset Avenue in the C3 Service Commercial zoning district at 445 Roosevelt Road, Glen Ellyn, Illinois, which property is legally described as follows:

Lots 1 - 4 (both inclusive) and 31 - 34 (both inclusive) all in Block 81 of Wheaton Estates being a Subdivision Sections 22 and 23, in Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded August 7, 1925 as Document Number 197514, in DuPage County, Illinois

P.I.N.: 05-23-100-005, 05-23-100-006, 05-23-100-015, & 05-23-100-020; and

WHEREAS, following due and proper publication of notice in The Glen Ellyn News not less than fifteen (15) days nor more than thirty (30) days prior, the Glen Ellyn Architectural Review Commission conducted a public hearing on June 13, 2001, at which hearing the petitioner presented evidence, testimony, and exhibits relative to the request for sign Variations and at which hearing no persons appeared either in opposition to or in favor of the Sign Code Variation requests; and

WHEREAS, the exterior appearance of the proposed building and related site improvements was considered by the Architectural Review Commission on June 13, 2001; and

WHEREAS, the Architectural Review Commission has made its recommendations, as set forth in the Report and Recommendation dated June 13, 2001, which is appended hereto as Exhibit "A"; and

WHEREAS, the President and Board of Trustees of the Village of Glen Ellyn make the following findings of fact pertaining to the request for Sign Variations:

A. The request will allow for effective communication to the public because the free-standing monument sign is of sufficient size and location as to be clearly visible to travelers along Roosevelt Road and the Play Land and McDonald's signs on the building are visible to the traveling public and provide identification for the building.

B. The requested variations are unique because the traffic flow, including the drive-in and parking customers, needs to be carefully informed to separate and guide. The technology of the signs requires that information be provided at different locations on the site.

C. A hardship exists because the signage may not be readily visible at some locations because of the landscaping along Roosevelt Road and because of the one-story height of the structure.

D. The character of the area will not be negatively impacted and will be improved because the signage proposed is more modest than that existing and because there are numerous commercial locations in the area that have signage as high or as close to Roosevelt Road; and

WHEREAS, following due and proper publication of notice in The Glen Ellyn News not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 250 feet, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on June 14, 2001, at which hearing the petitioner presented evidence and testimony in support of the request for a Special Use Permit and Zoning Code Variations and at which hearing no person appeared in favor of and one person appeared in opposition to the location of the refuse building; and

WHEREAS, the Plan Commission recommended approval of the Special Use Permit pursuant to Section 10-10-14 of the Zoning Code and the Zoning Code Variations pursuant to Section 10-10-12, after having considered the evidence presented, including the exhibits and materials submitted, and made its findings of fact and recommendations as set forth in its Report and Recommendation, dated June 14, 2001, which is appended hereto as Exhibit "B"; and

WHEREAS, the President and Board of Trustees of the Village of Glen Ellyn make the following findings of fact pertaining to the request for Zoning Code Variations:

A. The special use will be harmonious with and in accordance with the general objectives of the

Comprehensive Plan because it was previously a drive-in commercial facility and will continue to be a drive-in commercial facility.

B. It will be designed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general facility because it will not change the essential character but, in fact, the architecture and landscaping are an improvement and will upgrade the appearance of the property.

C. It will not be hazardous or disturbing to existing or future neighborhood uses because it has been a drive-in facility in the past and will continue to be a drive-in facility.

D. It will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools such that the persons or agencies responsible for establishing such uses shall be able to provide adequately for these services because there will be only one curb cut along Roosevelt Road rather than two and one curb cut along Taft rather than two.

E. It will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because there will be no cost to the Village and McDonald's is a financial contributor to the economic welfare of the Village.

F. It will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or general welfare by the reason of excess production of traffic, noise, smoke, fumes, glare or odors because the proposed special use will not be incompatible because it's been there before and nothing really is going

to change.

G. It will have vehicular approaches to the property that will be so designed as to not create an undue interference with traffic on the surrounding streets or roads because it will actually improve traffic flow because there will be one curb cut off Roosevelt Road and one curb cut off Taft.

H. It will not increase the potential for flood damage to adjacent properties or require additional public expenses for flood protection, rescue or relief because the Village Engineer has reviewed the plans and find they meet the existing stormwater ordinance so no variations are requested.

I. It will not result in the destruction, loss or damage of natural, historic or scenic features of major importance to the community because the McDonald's structure is not an historic facility but the new structure will upgrade the area; and

WHEREAS, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the public hearings of the Architectural Review Commission and the Plan Commission and have considered the findings of fact and recommendations of the Architectural Review Commission and the Plan Commission; and

WHEREAS, the President and Board of Trustees have determined that approving the exterior appearance of the proposed 5,352 square foot building with a commercial drive-in facility and related site improvements for a McDonald's Restaurant located at 445 Roosevelt Road is consistent with the recommendations of the Glen Ellyn Appearance Guide and Criteria, that granting the

requested Sign Code Variations is consistent with the goals of the Sign Code Ordinance, and that granting a Special Use Permit and Zoning Code Variations 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 Report and Recommendations of the Glen Ellyn Architectural Review Commission, Exhibit "A" attached hereto, and the Glen Ellyn Plan Commission, Exhibit "B" attached hereto, and the findings of fact set forth therein are hereby adopted as the findings of fact of the President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the public hearings.

SECTION TWO: Based upon the findings of fact and recommendations of the Architectural Review Commission and the findings of fact and recommendations of the Plan Commission, as adopted herein, and the findings of fact and conclusions set forth in the preamble above, the exterior appearance of the proposed 5,352 square foot building with a commercial drive-in facility and related site improvements is hereby approved; and a Special Use Permit, Zoning Code Variations, and Sign Code Variations are hereby granted as requested for the McDonald's Restaurant building to be located at 445 Roosevelt Road.

SECTION THREE: This grant of a Special Use Permit, Zoning Code Variations, Sign Code Variations, and exterior appearance approval is subject to the following conditions:

A. Construction of the building and related site improvements shall be in substantial conformance with the testimony presented at the June 13, 2001, Architectural Review

Commission public hearing/meeting and the June 14, 2001, Plan Commission public hearing and with the Application Packets, including the following documents:

- Henry Stillwell Letter, dated May 18, 2001
- Henry Stillwell Letter, dated August 28, 2000
- Jane Twomey Letter, dated February 23, 2001
- Jane Twomey Letter, dated May 24, 2001
- Special Use Application dated August 25, 2000
- Exterior Appearance Review Application dated August 25, 2000
- Tree Preservation Application dated February 23, 2001
- Legal Description, undated
- Internal Traffic and Circulation Analysis by Dawn Marshall of Parsons Transportation Group, dated August 11, 2000
- Dawn Marshall of Parsons Transportation Group letter, dated February 1, 2001
- Kirk Andriena, P.E., letter, dated August 22, 2000
- Construction Schedule, received May 18, 2001
- Edward Zak, Traffic Permit Manager of IDOT letter, dated January 30, 2001
- List of Materials and Colors, undated
- Diane Bowen of Commonwealth Edison letter, dated October 14, 2000
- Anthony Spata P.E., Illinois Plumbing Code Count, dated May 2, 2001
- Chicago Title Insurance Report, dated February 6, 2001
- Photo (image-fiction), undated
- Sign and Light Views, undated
- Sign Plan, undated
- McDonald's Corporation Floor Plan-Sheet A1, dated February 23, 2001
- McDonald's Corporation Elevations-Sheets A2 and A2a, dated February 23, 2001
- McDonald's Corporation, Sheets: Site Plan-C1, Dimension-C2, Curb Cut-C2a, and Loading Plan-C2b, dated May 2, 2001
- Cornerstone Engineering, Inc. Sheets: Site Demolition Plan-C3, Site Utility Plan-C4, and Grading, Drainage & Erosion Control Plan Curb Cut-C5, dated April 30, 2001
- Cornerstone Engineering, Inc. Sheets: Details-C6 and C7, dated January 29, 2001 and C8, dated April 30, 2001
- Davis & Associates, Ltd. Sheets: Tree Preservation Plan – TP-1 and Landscape Plan-L-1, dated June 14, 2001 and L-2, dated January 23, 2001

- Security Lighting Systems, Inc. Lighting Plan and Details, dated January 30, 2000
- McDonald's Corporation, Sheet: Trash Corral-T1, dated June 20, 2000
- Cemcon, Ltd. Land Title Survey (plan), April 11, 1998
- Cemcon, Ltd. Area Survey (plan), December 5, 2000
- Cemcon, Ltd. Plat of Consolidation, January 17, 2000

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Architectural Review Commission and Plan Commission.

B. The development and signs shall be constructed and maintained in substantial compliance with the application packet submitted and the testimony provided at the June 13, 2001 Architectural Review Commission Meeting and the June 14, 2001 Plan Commission Meeting.

C. The signs will be maintained and operated in all other aspects in conformity to the Glen Ellyn Sign Code.

D. Keven Graham's recommendations will be followed regarding substituting shorter vegetation instead of planting the red switch grass near the Roosevelt Road and Taft Avenue entrances.

E. The petitioner will submit the stormwater detention easement as part of the Plat of Consolidation to the Village Engineer for review and acceptance before a building permit may be issued.

SECTION FOUR: The Building and Zoning Official is hereby authorized to issue all necessary building, occupancy, and sign permits pursuant to the Special Use Permit and Zoning and Sign Variations granted herein and to the approval of the exterior appearance of the building and site improvements, provided that all the conditions set forth hereinabove have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. This

grant of a Special Use Permit and Variations shall expire and become null and void within 18 months of the date of this Ordinance unless building and sign permits to begin construction in reliance on this Special Use Permit and Variations are applied for within said time period and construction is continuously and vigorously pursued, provided, however, the Village Board by motion may extend the period during which permit application, construction and completion shall take place and may waive or modify any conditions set forth in this Ordinance without requiring that the matter return for a public hearing.

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

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

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 27TH day of AUGUST, 2001.

AYES: STRAYER, KOHNKE, LOCH, MEHADY, MULHERIN, RILEY

NAYS: -0-

ABSENT: -0-

ABSTENTIONS: -0-

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this 27TH day of AUGUST, 20 01.

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 22nd day of FEBRUARY, 2002)

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EXHIBIT A

REPORT AND RECOMMENDATION OF THE GLEN ELLYN ARCHITECTURAL REVIEW COMMISSION ON THE REQUEST OF McDONALD'S CORPORATION FOR APPROVAL OF THE EXTERIOR APPEARANCE AND SIGN VARIATIONS FOR A COMMERCIAL DEVELOPMENT AND RELATED SITE IMPROVEMENTS FOR PROPERTY LOCATED AT 445 ROOSEVELT ROAD

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

DATE: June 13, 2001

The petitioner, McDonald's Corporation, is the owner of property located at 445 Roosevelt Road and was represented by Ms. Jane Twomey, a McDonald's employee, and Henry Stillwell, an attorney. The petitioner is proposing to demolish the existing McDonald's drive-in restaurant, parking lot, and other facilities on the approximately 1.4 acre site and redevelop the property with a McDonald's drive-in restaurant, parking lot, stormwater detention, landscaping, and signage. The petitioner is also requesting to construct a sign system with several signs that exceed the requirements of the Glen Ellyn Sign Code Ordinance. A request for Exterior Appearance Review and Sign Variations for the development proposal has been filed. The Glen Ellyn Appearance Guide and Criteria requires that all new commercial structures be reviewed by the Architectural Review Commission (ARC). The Sign Code Ordinance requires the ARC to conduct an evidentiary hearing on the requests for Sign Code Variations.

The petitioner appeared at a public meeting and public hearing conducted by the ARC on Wednesday, June 13, 2001. The ARC issued the following Report and Recommendation:

I. **Report**:

A. Request -- The petitioner is requesting the following:

1. Exterior Appearance Review for McDonald's restaurant with drive-in facility, parking lot, stormwater detention, landscaping, signage, and related site improvements; and

2. Variations to the following sections of the Glen Ellyn Sign Code:

a. Section 4-5-8(Q) to allow two "Private Traffic Directional" signs at each driveway in lieu of the one allowed.

b. Section 4-5-8(Q) to allow five "Private Traffic Directional" signs on the property in lieu of the four signs allowed.

c. Section 4-5-12(E) to allow six "primary" signs on the property in lieu of the two allowed.

d. Section 4-5-5(G)-1 to allow the total area of all "incidental" signs on the site to be 85 square feet in area in lieu of the 22.9 square feet allowed.

e. Section 4-5-5(G)-2 to allow the height of "incidental" signs on the site to be 11.5 feet above grade in lieu of the 10 feet allowed.

f. Section 4-5-5(G)-3 to allow the number of "incidental" signs on the site to be four in lieu of the three allowed.

g. Section 4-5-7(I) to allow a sign to be located on the roof when none is allowed.

h. Any other variations necessary to construct the signs as depicted on plans presented and available for public review.

B. Exhibits -- The following exhibits were distributed to the Architectural Review Commission members and reviewed prior to the Meeting:

1. Staff Report dated June 8, 2001.
2. Notice of Public Hearing published in the May 24, 2001 edition of The Glen Ellyn News.
3. Location Map dated May 30, 2001.
4. Letter from Keven Graham of Planning Resources dated June 8, 2001.
5. Exterior Appearance Review Application, including the following:
   - Henry Stillwell Letter, dated May 18, 2001
   - Henry Stillwell Letter, dated August 28, 2000
   - Jane Twomey Letter, dated February 23, 2001 Table
   - Jane Twomey Letter, dated May 24, 2001
   - Special Use Application dated August 25, 2000
   - Exterior Appearance Review Application dated August 25, 2000
   - Tree Preservation Application dated February 23, 2001
   - Legal Description, undated
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   - Sign and Light Views, undated
   - Sign Plan, undated
   - McDonald's Corporation Floor Plan-Sheet A1, dated February 23, 2001
   - McDonald's Corporation Elevations-Sheets A2 and A2a, dated February 23, 2001
   - McDonald's Corporation, Sheets: Site Plan-C1, Dimension-C2, Curb Cut-C2a, and Loading Plan-C2b, dated February 23, 2001
   - Cornerstone Engineering, Inc. Sheets: Site Demolition Plan-C3, Site Utility Plan-C4, and Grading, Drainage & Erosion Control Plan Curb Cut-C5, dated April 30, 2001
   - Cornerstone Engineering, Inc. Sheets: Details-C6, C7 and C8, dated January 29, 2001

- Davis & Associates, Ltd. Sheets: Tree preservation and Landscape Plan-L-1, dated May 5, 2000 and L-2, dated January 23, 2001
- Security Lighting Systems, Inc. Lighting Plan and Details, dated December December 12, 2000
- McDonald's Corporation, Sheet: Trash Corral-T1, dated June 20, 2000
- Cemcon, Ltd. Land Title Survey (plan), April 11, 1998
- Cemcon, Ltd. Area Survey (plan), December 5, 2000
- Cemcon, Ltd. Plat of Consolidation, January 17, 2000

Staff Memo dated June 7, 2001
ARC Minutes (pages 2 and 3) dated April 12, 2001
Sign Code (pages 1 and 2) updated January 26, 1998

C. June 13, 2001 Meeting -- Mr. Dunn, Director of Planning and Development, reviewed the project background for this development request. He explained that the development parcel includes the existing McDonald's site between Roosevelt Road and Taft Avenue. The drive-in facility requires the project to be reviewed as a Special Use. Mr. Dunn reviewed the surrounding land uses and zoning and noted that this site is zoned C3 Service Commercial District. He said the petitioner would be appearing before the Plan Commission for review of the Special Use for a drive-in facility and several Variations to the Zoning Code regulations.

Mr. Dunn explained that Keven Graham of Planning Resources, the Village Planning Consultant for the Roosevelt Road Corridor Streetscape Improvements, has reviewed the plans and requested two items: 1) That the red switch grass should not be planted in the 30 feet line of site triangle near the two exits, and 2) the sidewalk brick pavers should only be used at the radii of the entrance drive.

Mr. Stillwell, attorney, reviewed the application and exhibits to the application. He highlighted numerous issues, including landscaping, exterior appearance of the structure, location and design of the refuse structure and storage area, the undergrounding of the utilities, lighting and signage. Mr. Stillwell reviewed the site plan and engineering plans, knowing that no stormwater variations are requested. He noted that the exterior appearance of the main structure is sensitive to Glen Ellyn's Roosevelt Road plans. He also indicated that the play station is not the typical design and, therefore, needed identification.

Mr. Stillwell and Ms. Twomey reviewed the list of the requested variations and identified findings relative to the requested variations. They noted that the two private traffic directional signs at each driveway in lieu of the one allowed would be desirable because of the relatively high speeds along Roosevelt Road and Taft, the congested streets, and the necessity to provide information to customers driving onto the property. The petitioners also identified that five private traffic directional signs on the property in lieu of the four signs allowed is needed to encourage appropriate traffic flow and safety, to provide information, and to separate drive-by traffic from the drive-in traffic. They identified the request for six primary signs on the property in lieu of the two allowed by reporting that the single free-standing sign along Roosevelt Road is in keeping with other businesses. They also noted the six primary signs would include such signs as the Play Land which, in this McDonald's restaurant, is not otherwise identified by the shape of the structure. They also indicated that the McDonald's sign on the structure and the three sets of golden arches on the structure are relatively modest signs. Mr. Stillwell and Ms. Twomey also identified the four

incidental signs in lieu of the three allowed as being in keeping with the design of the facility. One incidental sign would need to be above the drive-through so that the height of the vehicle traveling in the drive-through area would not damage roof supports. They also noted that the other incidental signs would be used to help guide customers through the drive-in facility. The final sign variation is to allow a sign to be located on the roof when none would otherwise be allowed. The petitioners noted that the roof sign again helps to identify the Play Land site when it would not otherwise be able to be identified from the street. The petitioners noted that the signage is intended to provide effective communication to potential customers, both off and onsite, and will improve public welfare by making it possible for drivers and customers to make quick decisions. They suggested there would be no negative impact on the environment because this is a commercial area along Roosevelt Road which has numerous signs of various types, heights and locations, and their signage would not interfere with the landscape and other Roosevelt Road improvements.

D. Public Participation -- There were two members of the public who spoke regarding the development. Don Wittmus of 167 Ott noted that the extra signs would be helpful as they would provide information to customers which would assist them with ordering food. A second citizen spoke as a representative of property across Taft to the south of McDonald's. He expressed concern regarding the close proximity of the screened-in trash/recycling area.

E. Discussion -- The ARC considered the petition for the exterior appearance and the sign variations. Several ARC members expressed appreciation for the changes which McDonald's had made in the exterior appearance of the structure when compared to the draft presented at the April 12, 2000 pre-application meeting. There was also support for the undergrounding of the utilities, the landscaping, sidewalk, driveway entrance in agreement and complementary to the Glen Ellyn Roosevelt Road plans, designs and construction. Questions were raised regarding the windows and wall siding. The petitioners noted that the window frames and trim would be dark gray and that the wall siding would be grained vinyl and beige in color. In response to another question, the petitioners noted the base of the free-standing pole sign would be made of brick to match the brick the building. It was also noted that the electronic changing variable sign would be in conformance with the Village sign code. The roof and trim were identified as being white. The fence would be black, and the color of the umbrellas was to be decided upon by the petitioner. It was noted there were two signs on the east façade—one saying, "McDonald's" and the other, the arches. There seemed to be no groundswell to have one or both removed.

F. Findings of Fact – After conducting the public hearing, the ARC made the following findings of fact pertaining to the petitioner's request for variations to the Glen Ellyn Sign Ordinance:

1. The request will allow for effective communication to the public because the free-standing pole sign is of sufficient size and location as to be clearly visible to travelers along Roosevelt Road and the Play Land and McDonald's signs on the building are visible to the traveling public and provide identification for the building which otherwise would not appear to be a McDonald's restaurant.

2. The requested variations are unique because the traffic flow, including the drive-in and parking customers, need to be carefully informed to separate and guide. The technology of the signs requires that information be provided at different locations on the site.

3. A hardship exists because the signage may not be readily visible at some locations because of the landscaping along Roosevelt Road and because of the one-story height of the structure.

4. The character of the area will not be negatively impacted and will be improved because the signage proposed is more modest than that existing and because there are numerous commercial locations in the area that have signage as high or as close to Roosevelt Road. The commercial nature of the area is such that the signs will be generally acceptable.

II. Recommendation:

A. Motion on Exterior Appearance Review and Sign Variations -- On a motion duly made by Commissioner Weisman and seconded by Commissioner Borello, the Architectural Review Commission moved to recommend the Village Board approve the exterior appearance and related site improvements and the requested Variations to the Glen Ellyn Sign Code Ordinance, all subject to the following conditions:

1. The development and signs shall be constructed and maintained in substantial compliance with the application packet submitted and the testimony provided at the June 13, 2001 Architectural Review Commission Meeting;

2. The signs will be maintained and operated in all other aspects in conformity to the Glen Ellyn Sign Code.

3. Keven Graham's recommendations will be followed regarding substituting a shorter vegetation instead of planting the red switch grass near the Roosevelt Road and Taft Avenue entrances.

The Chairman declared the motion carried by a roll call vote of six (6) "Yes" and zero (0) "No" votes as follows: Commissioners Borello, Faganel, Goldstein, Peterson, Weisman and Chairman Colliander voted "Yes". There were zero (0) "No" votes.

Respectfully submitted,

Kenneth J. Colliander, Chairman
Architectural Review Commission

Date of Meeting: June 13, 2001

Present:	Commissioners John Borello, Sharyl Faganel, Joel Goldstein, William Peterson, Suzanne Weisman, and Chairman Kenneth Colliander
Absent:	Commissioners Jimmy Kinn, Chip Renfro, and Ginger Waterman
Also Present:	Trustee John Kohnke, Planning and Development Director Richard Dunn, Secretary Pivovitz

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EXHIBIT B

REPORT AND RECOMMENDATION OF THE GLEN ELLYN PLAN COMMISSION ON THE REQUEST OF McDONALD'S CORPORATION FOR APPROVAL OF A SPECIAL USE PERMIT AND VARIATIONS ASSOCIATED WITH A NEW McDONALD'S BUILDING AND ASSOCIATED IMPROVEMENTS FOR PROPERTY LOCATED AT 445 ROOSEVELT ROAD

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

DATE: June 14, 2001

The petitioner, McDonald's Corporation, is the owner of property located at 445 Roosevelt Road and was represented by Jane Twomey, Rebuild Portfolio Analyst, and Henry Stillwell, an attorney. The petitioner is proposing to demolish the existing McDonald's drive-in restaurant, parking lot and other facilities on the approximately 1.4-acre site and redevelop the property with a McDonald's drive-in restaurant, parking lot, stormwater detention, landscaping and signage. The petitioner is requesting a special use permit to allow a commercial drive-in facility and zoning variations to permit the construction per the application.

The Plan Commission set the date of the hearing for Thursday, June 14, 2001. Notice of the public hearing was published in The Glen Ellyn News on May 24, 2001. Written notice was sent to property owners within 250 feet of the subject property. A sign was placed on the subject property announcing that a public hearing would be conducted regarding the proposed improvements.

The Plan Commission issued the following Report and Recommendation:

I. **Report**:

A. Request -- The petitioner has filed Applications for the following in conjunction with this request:

1. A Special Use Permit to allow a commercial drive-in service associated with a new McDonald's restaurant together with related site improvements.

2. Zoning Code Variations to the following Sections of the Glen Ellyn Zoning Code Ordinance:

   a. Section 10-4-11(G) to allow 50 parking spaces, in lieu of the 68 required.

   b. Section 10-5-5(D) to allow the proposed trash corral and attached shed to be located near the southwest corner of the site, in the required yard, in lieu of allowed location.

c. Section 10-5-5(D)-1(g) to allow impervious surface to be located approximately 11.25' from the Taft Avenue property line, in lieu of the 11.8' required.

d. Section 10-5-10(F)-1 to allow the south driveway approach on Taft Avenue to be 35' in width in lieu of the 24' maximum allowed.

e. Section 10-5-10(J) to allow the proposed Roosevelt Road driveway approach to be approximately 89.64' from the adjacent driveway approach to the west, in lieu of the 185' required.

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

B. Review and Approval Process -- The Plan Commission opened the Public Hearing and received introductory comments from staff regarding the reasons for the Public Hearing. The special use to allow the commercial drive-in and the variations were noted. The Architectural Review Commission recommendations from the June 13, 2001 meeting were reported. Basically, the Architectural Review Commission recommended that the Village Board approve the exterior appearance, variations to the sign code and conditions. One of the conditions was that the petitioner return to the Architectural Review Commission before the project goes to the Village Board.

C. Location -- The site consists of land at 445 Roosevelt Road which extends south of Roosevelt Road to Taft Avenue on the west side of Sunset Avenue which has not been constructed. There are approximately 1.4 acres at this location.

D. Zoning -- The property is zoned C3 Service Commercial District. A drive-in restaurant is a special use at this location. The land uses and zoning are identified as follows:

Land Use		Zoning
North:	Roosevelt Road and a furniture store	C3 Zoning
East:	Sunset Avenue right-of-way & Giordano's Restaurant	C3 Zoning
South:	Taft Avenue and commercial structures	C4 Zoning
West:	Restaurant and car rental	C3 Zoning

E. Site Characteristics – The 1.4 acres development parcel is presently improved with the McDonald's drive-in restaurant, associated parking and other improvements. An east-west overhead utility line cuts across the site. The side slopes to the west from the east.

F. Exhibits – The exhibits are listed below:

Exhibit 1: Location Map

Exhibit 2: Public Notice

Exhibit 3: Petitioner's Application and Attachments as identified in the letter from Hank Stillwell dated May 18, 2001

Exhibit 4: Phil Kuchler's memo dated May 18, 2001

Exhibit 5: Hank Stillwell's letter dated June 4, 2001

Exhibit 6: Bill McGurr's letter dated May 30, 2001

Exhibit 7: Glen Ellyn Zoning Code, Section 10-10-12(C) and (D)

Exhibit 8: Glen Ellyn Zoning Code, Section 10-10-14(E)

Exhibit 9: Comprehensive Plan 2001, page 3-23, 3-24, 3-29 and 3-30

G. June 14, 2001 Public Hearing – Richard Dunn, Director of Planning and Development, provided background information on the petitioner's requests. He noted that the Plan Commission is to review two primary requests: A Special Use Permit to allow a Drive-In Commercial Facility and various Zoning Variations as noted above. He noted that the improvements, as proposed, are in general conformance with the Comprehensive Plan insofar as the increased landscaping, setbacks of impervious surface, stormwater management, enclosure of trash area and building design will be in substantial conformance with the recommendations of the Comprehensive Plan.

It was noted that no stormwater variations are requested by the petitioner.

H. Petitioner's Presentation – Jane Twomey and Hank Stillwell were sworn in. Mr. Stillwell reviewed the Architectural Review Commission's recommendations and noted that the ARC had recommended approval of the request. He described the 1.4-acre site and its location. He indicated that McDonald's had been at this location since 1958 and that a totally new restaurant and associated improvements are now proposed. Mr. Stillwell reviewed the reasons that the drive-through service is being requested. He noted that the drive-through had been there for many years but that now more modern equipment and design is appropriate. The signage which had been recommended for approval the previous evening by the Architectural Review Commission is an important aspect of the drive-in facility. He also identified the exhibits. He indicated that the restaurant is located in the middle of a general commercial development and is surrounded by C3 Service Commercial or C4 Office on all four sides. All of the surrounding properties, except the public rights-of-way, have a commercial use. Mr. Stillwell noted that the new parking aisles and parking spaces would be appropriate for the site and will encourage traffic safety and convenient traffic flow for customers entering and exiting the property, seeking parking and using the drive-through facility. He noted that the existing restaurant of approximately 4,000 square feet would be replaced by a restaurant with a play place with a total of approximately 5,300 square feet. He indicated that although the size of the building will increase, the actual seating capacity will be reduced from 148 customers to 116 customers. The new play place will provide an amenity but will not add more seats. He indicated

in today's marketplace, in excess of 60 percent of the volume of this store uses the drive-through window. He indicated the total employees would be approximately 40 with peak staff at any given time to be in the range of 12 to 14 employees.

Regarding traffic flow, he indicated that the access drives were located pursuant to the suggestion and direction of IDOT and the Village. He indicated that the open space on site would increase from approximately 4,200 square feet to approximately 23,700 square feet. This is an increase of approximately 2.8 times the existing open space.

Mr. Stillwell also noted that the updating of the stormwater treatment and the standards of DuPage County and the Village of Glen Ellyn would be fulfilled. The detention facility will be located on the eastern side of the site and no stormwater variations will be requested.

With regard to parking, Mr. Stillwell noted that the facility presently has 71 parking spaces. Fifty parking spaces are proposed, however, 68 spaces are required. He reiterated that a high percentage of the business uses the drive-through facility and will not be parking on site. He stated that the traffic flow to the drive-through windows and the onsite counter-clockwise rotation of traffic complement one another. He also noted that accesses onto Roosevelt Road and Taft Avenue had been eliminated which is in conformance with the Comprehensive Plan and traffic safety. Mr. Stillwell reviewed the location and design of the trash enclosure and the attached small storage shed. He indicated that the exterior material would be of the same brick as utilized in the primary building. A wood double gate with a steel supporting structure would be used to enclose the dumpsters on the fourth side.

Mr. Stillwell noted that the lighting for the project will be in complete conformance with the standards of the zoning code. He indicated that the free-standing light structures within the parking area have a total height of 15-1/2 feet. The lights would be enclosed in shoebox-style downcast features capable of having additional cut-offs placed on them should the need arise for purposes of directing the light and eliminating light spillage. He stated there would be no exterior wall lights unless required for safety reasons.

With regard to the exterior design of the building, Mr. Stillwell noted that the roof lighting bands, a McDonald's trademark, would not be placed on this roof. The brick and mansard roof together with large amounts of window space to the north and west of the structure would provide a pleasing architectural review.

As was noted earlier, the landscaping plan provides for considerably more green space than exists at the present time. Mr. Stillwell also indicated that the landscape plans calls for "heavy landscaping" which would be in conformance with the Roosevelt Road streetscape landscaping. Landscaping would also be located near the north side of the building on a small patio area and it would be located around the brick portion of the trash enclosure.

Mr. Stillwell referred to the corporate re-branding that McDonald's is conducting in many locations.

These corporate colors are white, red and yellow. He stated that because this location has recently been painted white, the volume of business has increased 10 percent. The façade of this structure and the landscaping, along with the other general development characteristics, are more in keeping with the Glen Ellyn Comprehensive Plan, the Roosevelt Road plan and the Exterior Appearance Guide and Criteria. He presented material boards which depict the brick and other materials associated with this project. Mr. Stillwell also noted that the play area would not have the typical big box look but would have a more residential one-story appearance on the outside of the structure. He noted that McDonald's has attempted to accommodate some of the Village's goals with its exterior appearance and landscaping. He reviewed each variation to identify a practical difficulty, a particular hardship and/or no negative impact on the neighborhood. With regard to the parking variation from the required 68 spaces to a requested 50 spaces, Mr. Stillwell indicated that the green area gained by the elimination of the asphalt necessary to provide the additional 18 spaces is an attraction which some customers appreciate. He stated that the elimination of the 18 spaces would save the construction of unnecessary parking space and that McDonald's has identified that the volume of business with the drive-in facility would not require those additional spaces.

A second variation is to allow the proposed trash corral and attached shed to be relocated near the southwest corner of the site which requires a yard variation. This hardship is placed on this site because it has double frontage—one on Roosevelt Road and the other on Taft Avenue. This would mean it has no rear yards which is where the zoning ordinance allows trash enclosures.

Variation number three relates to impervious surface located approximately 11-1/4 feet from Taft Avenue in lieu of the 11.8 feet required. This variation is requested so that the drive aisles and parking spaces will have sufficient width to provide for safe circulation on the site.

Variation number four is to allow the south driveway approach on Taft to be 35 feet in width in lieu of the 24 feet maximum allowed which would allow right turn and left turn lanes as well as an in-bound lane. Mr. Stillwell indicated that this should be allowed because the petitioner is agreeing to eliminate one of two full access drives on Taft.

Variation number five is to allow proposed Roosevelt Road approaches to be approximately 89.64 feet from the adjacent driveway approach to the west in lieu of the 185 feet required. Again, the petitioner is agreeing to close one of two existing full access drives on Roosevelt Road. The petitioner has also agreed to locate the drive generally where IDOT and Village staff have requested. In summary, Mr. Stillwell noted that the petitioner has attempted to incorporate design elements that reflect the Village plans from the height of the sign, to the landscaping, through the sidewalks, through the exterior appearance of the structure and other details.

I. Plan Commission Questions – Mr. Swanson inquired about landscaping and pedestrian traffic near the driveways circling the building. Mr. Stillwell and Ms. Twomey answered questions about pedestrians parking and then crossing the drive aisle which would be used by customers entering and exiting the site as well as customers going into the drive-through facility. They generally stated that this is relatively common in many McDonald's restaurants and very few

accidents are reported.

Commissioner Mansfield asked a question regarding the landscape plan and suggested that additional landscaping or sidewalk could be located near the west side of the building. Mr. Stillwell and Ms. Twomey explained that, for safety reasons, they would recommend there be no sidewalk near the west side of the building between the building and the drive-up facility. Commissioner Hase asked a question regarding the variation for the parking spaces—50 in lieu of 68. She asked where the employees would park. Ms. Twomey indicated that some employees are dropped off at work, and Commissioner Ward noted some employees walk or bicycle to the restaurant. Commissioner Mansfield asked questions regarding the traffic study as prepared by Parsons Transportation Group. He noted that 55 parking spaces and two access points have now been reduced to 50 parking spaces. It was indicated that 50 is the correct number of parking spaces. Commissioner Mansfield then asked a question regarding peak parking, which could be as high as 47 automobiles and, when combined with a 10 percent growth factor, would lead to a requirement of approximately 52 parking spaces needed to accommodate that growth but there would be only 50 parking spaces. Mr. Stillwell referred to various parking requirements during different times of the day.

Commissioner Clark asked a question regarding the width of the drive aisles on Taft. Mr. Stillwell indicated that the width variation actually should have been granted for access along Roosevelt Road. Commissioner Scanlan raised a question regarding the unimproved Sunset right-of-way and stormwater drainage in that area. Bill McGurr responded to her question and other Commissioners, in general, stating that the details of the storm drainage would be addressed at building permit time. He indicated it was not a problem for the Plan Commission to consider. In response to another Commissioner's question Mr. McGurr also indicated that Giordano's is considering acquiring the Sunset right-of-way from the Village. Commissioner Mansfield raised the question regarding the trash and storage shed and asked if there would be a visibility triangle problem. Mr. Dunn indicated that the structure would not be allowed to be located within the 30-foot line-of-sight triangle.

J. Public Comment – One person spoke. James Nelson, business address 441 Taft Avenue. He indicated that he is part owner of the building directly south of McDonald's across Taft Avenue. He noted that, presently, trash and debris blow from McDonald's onto his property, and he requested that the trash area be moved further to the north. Mr. Stillwell indicated that the trash enclosure will be moved approximately 11.25 feet further north than where it is presently located. He indicated that moving it further to the north would interfere with drive aisle widths and/or parking lot dimensions and could contribute to a traffic flow safety issue. Chairman Gardner requested that Mr. Nelson contact McDonald's management if the situation continues.

K. Plan Commission Deliberation – Discussion followed regarding the petitioner's request. Plan Commission members generally expressed support for the overall project. Commissioner Hase indicated she was pleased with the design of the building and had some concern regarding the parking but otherwise her concerns had been addressed and she was in favor of the project. Commissioner Clark generally agreed and indicated the undergrounding of the wires was a big issue which now had been addressed since the petitioner was going to underground the wires. He

indicated that if the parking was a problem, McDonald's, itself, would be impacted. Commissioner Worthen indicated that she agreed with everything that had been said, especially the aesthetics of the building. Commissioner Scanlan indicated it was a positive improvement and echoed Commissioner Hase's point of thoroughness of the petition. Commissioner Ward also expressed support and had a question regarding traffic flow at the north entrance. He indicated that since everybody is happy with the design, he would be happy, also. Commissioner Chapman indicated support for the project and thought it was very well presented. She felt the proposed building is a great improvement on the site and expressed no objections to the variations. Commissioner Loveless indicated he was in favor of the project and appreciated the dramatic improvement to the existing facility. Commissioner Swanson agreed with the earlier comments but did raise a question regarding pedestrian traffic. Commissioner Whalen expressed support for the petitioner's request and indicated his support for the project. Commissioner Mansfield stated he did have questions but felt the project overall is an improvement. Chairman Gardner expressed appreciation for the petitioner's efforts and especially applauded the precedent they set with the architectural changes and design of the building. He stated it sends a very good message for future petitioners.

L. Commissioner Scanlan moved, and Commissioner Hase seconded, that the Plan Commission recommend to the Village Board approval for a special use for a McDonald's restaurant at 445 Roosevelt Road and, additionally, approval of the zoning code variations that coincide with that as part of the reconstruction. The Plan Commission determines the following findings:

1. The special use will be harmonious with and in accordance with the general objectives of the Comprehensive Plan because it was previously a drive-in commercial facility and will continue to be a drive-in commercial facility.

2. It will be designed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general facility because it will not change the essential character but, in fact, the architecture and landscaping is a great improvement and will upgrade the appearance of the property.

3. It will not be hazardous or disturbing to existing or future neighborhood uses because it has been a drive-in facility in the past and will continue to be a drive-in facility.

4. It will adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools such that the persons or agencies responsible for establishing such uses shall be able to provide adequately for these services because there will be only one curb cut along Roosevelt Road rather than two and one curb cut along Taft rather than two.

5. It will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because there will be no cost to the Village and McDonald's is a financial contributor to the economic welfare of the Village.

6. It will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or general welfare by the reason of excess production of traffic, noise, smoke, fumes, glare or odors because the proposed special use will not be incompatible because it's been there before and nothing really is going to change.

7. It will have vehicular approaches to the property that will be so designed as to not create an undue interference with traffic on the surrounding streets or roads because it will actually improve traffic flow because there will be one curb cut off Roosevelt Road and one curb cut off Taft.

8. It will not increase the potential for flood damage to adjacent property or require additional public expenses for flood protection, rescue or relief because the Village Engineer has reviewed the plans and find they meet the existing stormwater ordinance so no variations are requested.

9. It will not result in the destruction, loss or damage of natural, historic or scenic features of major importance to the community because the McDonald's structure is not an historic facility but the new structure will upgrade the area.

In addition, the Plan Commission recommends approval of the following variations:

1. Section 10-4-11(G) to allow 50 parking spaces in lieu of the 68 required;

2. Section 10-5-5(D) to allow a proposed trash corral and attached shed to be located near the southwest corner of the site in the required yard in lieu of the allowed location;

3. Section 10-5-5(D)1(g) to allow impervious surface to be located approximately 11.25 feet from the Taft Avenue property line in lieu of the 11.8 feet required;
4. Section 10-5-10(J) to allow the proposed Roosevelt Road driveway approach to be approximately 89.64 feet from the adjacent driveway approach to the west in lieu of the 185 feet required; and

5. Other deviations as necessary to construct the development as depicted on the plans as presented and available for public review.

The Plan Commission finds these variations are appropriate because the property in question cannot yield a reasonable rate of return and is permitted to be used only by the conditions allowed by the regulations granted within the district in which it is located and that the variations, if granted, will not alter the essential character or locality and that the plight of the owner is due to unique circumstances. Further the Plan Commission supports the positive recommendation of the Architectural Review Commission and that the construction will be in substantial compliance

with the plans and testimony as presented.

II. Recommendations:

On a roll call to approve the motion, Commissioners Scanlan, Hase, Chapman, Clark, Loveless, Mansfield, Swanson, Ward, Whelan, Worthen and Chairman Gardner voted "yes." The Chairman declared the motion to approve the special use permit and the variations carried by a vote of 11 "yes", 0 "no."

Respectfully submitted,

Dan Gardner, Chairman
Glen Ellyn Plan Commission

Date of Meeting:	June 14, 2001
Present:	Commissioners Chapman, Clark, Hase, Loveless, Mansfield, Scanlan, Swanson, Ward, Whalen, Worthen and Chairman Gardner
Absent:	None
Also Present:	Trustee Jay Strayer, Planning and Development Director Richard Dunn, Village Engineer Bill McGurr and Planning Consultant Pete Pointner

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MINUTES

BOARD/COMMISSION:	**Architectural Review**	**DATE:**	**4/25/12**
MEETING:	**Regular**	**CALLED TO ORDER:**	**7:30 p.m.**
QUORUM:	**Yes**	**ADJOURNED:**	**8:10 p.m.**

MEMBER ATTENDANCE: **PRESENT:** Chairman Burdett, Commissioners Allen, Draths, Wilson, Wussow, Student Commissioner Burket

ABSENT: Commissioners Albrecht, Dickie, Mulvihill, Thompson

ALSO PRESENT: Village Planner Stegall, Planning Intern Matthews, Recording Secretary Solomon, Trustee Liaison Ladesic

AUDIENCE ATTENDANCE: Ken Kloss; 350 Ridgewood Ave.; Glen Ellyn, Illinois

1. Call to Order

Chairman Burdett called the Glen Ellyn Architectural Review Commission (ARC) regular meeting to order at 7:30 p.m., in the Civic Center at 535 Duane Street, Glen Ellyn, Illinois.

2. Approval of April 11, 2012 Minutes

Chairman Burdett made a correction on page 10 to change "timbering" to "half-timbering." Commissioner Draths moved to approve the amended April 11, 2012 minutes. The motion was seconded by Commissioner Wussow and carried unanimously by a vote of 5-0.

3. Public Hearing – McDonald's, 445 Roosevelt Road – Amended Sign Variation

Commissioner Wussow made a motion to open a Public Hearing on 445 Roosevelt Road at 7:35 p.m. The motion was seconded by Commissioner Allen and carried unanimously by a vote of 5-0.

Planning Intern Kasey Matthews and Village Planner Stegall were sworn in. Intern Matthews gave background on this project and stated the petitioner McDonald's Corporation has requested Amended Sign Variation Approvals for McDonald's, located at 445 Roosevelt Road on the south side of Roosevelt Road, west of Lambert Road and east of Main Street in the C3 Service Commercial district. She stated the petitioner will be adding a second drive-thru lane at the existing McDonald's restaurant on this site and is requesting approval of the following variations from the Glen Ellyn Sign Code:

1. An amendment to Ordinance No. 4981 and variation from Section 4-5-5(G)1 to allow 94.26 square feet of incidental signage in lieu of the 80.71 square feet of incidental signage permitted by Ordinance No. 4981 and the 22.9 square feet permitted by the Sign Code;
2. An amendment to Ordinance No. 4981 and variation from Section 4-5-5(G)3 to allow 6 incidental signs on the property in lieu of the 4 allowed by Ordinance No. 4981 and the maximum of 3 permitted by the Sign Code.

Intern Matthews stated the adoption of Ordinance No. 4981 in 2001 granted McDonald's a Special Use Permit, Zoning Variations, Sign Code Variations and Exterior Appearance approval for the construction of a new 5,352 square foot McDonald's drive-thru restaurant on the subject property. She stated a total of 7 sign variations were then approved and the approvals relevant to the current sign variation requests include:

D.d. A sign variation to allow the total area of all "incidental" signs to be 80.71 square feet in lieu of the 22.9 square feet allowed;

D.f. A sign variation to allow the number of "incidental" signs to be 4 in lieu of the 3 allowed.

She stated should the proposed variation requests be granted, these existing variations would be amended to further increase the permitted square footage and number of incidental signs. She stated the petitioner plans to alter the existing drive-thru lane at the rear of the restaurant and reconfigure the area to accommodate 2 side-by-side drive-thru lanes, and a total of 8 new or replacement signs are proposed, including 6 incidental, 1 private traffic directional and 1 private parking sign. She stated the petitioner will appear before the Plan Commission on Thursday, April 26, 2012 to receive approval for an amended Special Use Permit for the second drive-thru lane.

Gayle Miller of American Sign Factory LLC was sworn in, and she showed pictures of the proposed signs. She stated there will be a non-illuminated bollard sign that says "Any Lane Any Time." She stated there will be 2 drive-thru twin-pole canopy signs which will have an illuminated canopy as well as an illuminated order display. Commissioner Wussow asked if the canopy signs would replace the Welcome Point Gateway to which Ms. Miller stated the Welcome Point Gateway sign will remain as it is non-illuminated and shows the clearance heigh: for each drive-thru. Commissioner Wussow asked if anyone going through the drive-thru needs to go under this sign to which Ms. Miller stated every vehicle will need to go under this sign as it indicates which vehicles will clear the overhang at the drive-thru. Commissioner Wussow asked if the orders are placed via voice to which Ms. Miller stated the customer places the order via voice into the speaker in the canopy sign and then the order is shown in the order display screen. Chairman Burdett asked if the canopy is illuminated to which Ms. Miller stated the underside of the canopy is illuminated to show down onto the display screen.

As questions arose from the ARC about how the two drive-thru lanes would look, Todd Russell of Stantec Architects showed the ARC the proposed site plan with the two drive-thru lanes next to each other. Ms. Miller stated there will be 2 illuminated Menu Board signs, one for each drive-thru lane, which will be slightly behind and to the right of the canopy sign. She stated there will

be 2 Window Position Signs, one over each drive-thru window. Commissioner Wussow asked what is on the reverse of the Window Position Sign to which Ms. Miller stated it will be all white and attached to the wall above the drive-thru windows. She stated the one sign will say "Thank you for having your payment ready," and the other sign will say "Thank you."

Chairman Burdett stated for a sign variance, there are standards of hardship that need to be met. Ms. Miller stated McDonald's said this double drive-thru will help the community with faster service times and improved traffic issues as there will be two lines instead of one line, out of the way of Roosevelt Road traffic.. She stated McDonald's need is to help the location be safer and speedier.

Commissioner Wilson asked if the lines were sped up inside McDonald's, would it eliminate the need for the double drive-thru lanes to which Ms. Miller stated she was not sure on this. Commissioner Draths asked how many McDonald's have double drive-thru lanes to which Ms. Miller stated she is not sure of the actual number, but her company has done 30 to 40 of the double drive-thru lane signs in the Chicagoland area.

Audience member Ken Kloss, of 350 Ridgewood Avenue, would like additional caution signs added due to cars coming out of the drive-thru lane. Ms. Miller stated most of the McDonald's with double drive-thru lanes start as a single lane that then splits into two. Mr. Kloss stated he would encourage additional caution signs as two lanes would create a more hazardous condition.

Commissioner Wilson stated he was surprised that a representative from McDonald's is not present to give perspective and to answer questions as he does not see a hardship need. Ms. Miller stated she is to show what the signs would look like and how the signs would appear around the location. She stated these signs will not be an extra cost to the patrons as McDonald's is doing this for the convenience of its customers. Commissioner Wilson stated if there is an individual business in front of the ARC, the owner would be there to answer questions of why this might be needed. Chairman Burdett stated there must be certain criteria met for a variance and does see that if the double drive-thru lanes are created, there will be a hardship in terms of proper signage. Village Planner Stegall referred to page 2 of the petitioner's application which does provide reasons as to why the petitioner believes the hardship standards have been met, and this information is also in the Draft Motion, including traffic safety and information availability.

At 7:56 p.m., Commissioner Draths made a motion to close the Public Hearing. The motion was seconded by Commissioner Wussow and carried unanimously by a vote of 5-0.

Student Commissioner Burket stated he likes the idea of the double drive-thru lanes and thinks it would improve the general flow of operations. He stated this is a McDonald's location, and he does not think the ARC needs to be totally concerned about beautifying it. Commissioner Draths stated this is a part of McDonald's brand and is being done everywhere. She stated this is a lot of signs, but the property can handle it so she is in favor of it. Commissioner Wussow stated she is fine with the proposal even though it is quite a few signs; however, the signs are brand and do have a purpose in communicating with the customer.

Commissioner Allen stated this is a lot of signage, but the signs do seem a reasonable size and are on the back of the building. He stated McDonald's must do research and testing and have a reason for this. He stated these signs are a lot of visual clutter, but the signs will be in the back of the building.

Commissioner Wilson stated he is troubled by the idea that a corporation says this is what we are doing, we are doing it everywhere, and we hope it passes without answering questions about anything. He stated he is bothered that McDonald's did not explain itself well. Chairman Burdett asked if Commissioner Wilson supported the sign variation to which Commissioner Wilson stated he does not see what else can be done when a corporation does not show up to answer questions.

Chairman Burdett stated the Village does have variance standards that have verbal explanation, but he says the signs are to communicate and not advertise. He stated the signs are tailored for this narrow purpose, and he thinks there is a hardship if there is a double drive-thru lane. He stated he is in favor of this.

Commissioner Wussow made the following motion to recommend the Approval of Amended Sign Variations for McDonald's, located at 445 Roosevelt Road:

Having considered the application of McDonald's Corporation located at 445 Roosevelt Road for approval of the amended sing variations in association with the second drive-thru lane of the property, the Architectural Review Commission herby finds that the requested variations:

A. Comply with the Statement of Purpose in the Glen Ellyn Sign Code because the proposed signage is necessary to allow customers to safely and effectively utilize the drive-thru lanes, is appropriate to the functions to which it pertains, clearly and efficiently identifies the good and services available, eliminates confusion and distractions and is placed to avoid dangerous conditions such as visual obstructions;

B. Will not alter the essential character of the locality because the property is located within an existing commercial corridor surrounded by a variety of retail businesses and signage, the proposed signage is similar in content and character to the existing signage which will be replaced, and will be compatible with the character of the building;

C. The petitioner has demonstrated a practical difficulty or particular hardship as a result of adhering to the strict letter of the regulations of the Sign Code because additional signage is necessary to service two drive-thru lanes and the petitioner has reduced the square footage of all signage to the minimum amount necessary to be effective; and

D. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located because the requested variations are necessary to allow customers to safely and effectively utilize the drive-thru lanes.

Therefore, the Architectural Review Commissioner recommends that the Village Board approve the following:

1. An amendment to Ordinance No. 4981 and variation from Section 4-5-5(G)1 to allow 94.26 square feet of incidental signage in lieu of the 80.71 square feet of incidental signage permitted by Ordinance No. 4981 and the 22.9 square feet permitted by the Sign Code; and

2. An amendment to Ordinance No. 4981 and variation from Section 4-5-5(G)3 to allow 6 incidental signs on the property in lieu of the 4 allowed by Ordinance No. 4981 and the maximum of 3 permitted by the Sign Code.

There are no conditions on this approval.

The motion was seconded by Commissioner Draths and carried by a vote of 4-1, with Commissioner Wilson dissenting.

4. Public Comments

There were no Public Comments.

5. Chairman's Report

Chairman Burdett thanked the ARC for the past meeting which had great pre-application discussions.

6. Trustee's Report

Trustee Liaison Ladesic asked about getting the ARC minutes to Staff and then the Recreation Commission because the Recreation Commission did not have the ARC's April 11, 2012 notes with suggestions and comments on the Village Links Clubhouse Proposal. Trustee Liaison Ladesic gave the Recreation Commission his notes. Commissioner Wussow stated the April 11, 2012 minutes had not been approved until tonight's meeting. Trustee Liaison Ladesic stated there were going to be different things happening during the weekend of April 27, 2012, including putting any trash out on the curb, a recycling event at Andrews Park and the Prairie Path and Western Trail clean-ups. He stated information on these events can be found on the Village's website.

7. Staff Report

Village Planner Stegall stated there will not be a meeting on May 9, 2012, but possibly a meeting on May 23, 2012. She stated there may be two possible applications on May 23, 2012, as the two applicants are working on additional information.

8. Adjourn

As there was no other business to discuss, Chairman Burdett asked for a motion to adjourn. Commissioner Allen moved, seconded by Commissioner Wussow, to adjourn the meeting at 8:10 p.m. The motion carried unanimously by a vote of 5-0.

Submitted by: Debbie Solomon, Recording Secretary

DRAFT
PLAN COMMISSION
MINUTES
APRIL 26, 2012

The meeting was called to order by Chairman Julie Fullerton at 7:35 p.m. Plan Commissioners Craig Bromann, Todd Buckton, Erik Ford, Jeff Girling, Tracy Heming-Littwin, Heidi Lannen, Ray Whalen and Lyn Whiston were present. Plan Commissioners Tim Elliott and Jay Strayer were excused. Also present were Trustee Liaison Robert Friedberg (arrived at 8:10 p.m.), Village Planner Michele Stegall, Village Engineering Consultant Marilyn Sucoe, Planning Intern Kasey Matthews, Planning Intern Michael Strong (arrived at 7:56 p.m.) and Recording Secretary Barbara Utterback.

Plan Commissioner Buckton moved, seconded by Plan Commissioner Whiston, to approve the minutes of the March 22, 2012 Plan Commission meeting. The motion carried unanimously by voice vote.

Chairman Fullerton stated that three public hearings were on the agenda and explained the procedures of the Plan Commission.

PUBLIC HEARING – MCDONALD'S, 445 ROOSEVELT ROAD, AMENDED SPECIAL USE PERMIT

A REQUEST FOR APPROVAL OF AN AMENDED SPECIAL USE PERMIT TO ACCOMMODATE THE ADDITION OF A SECOND DRIVE-THRU LANE AT MCDONALD'S RESTAURANT LOCATED AT 445 ROOSEVELT ROAD. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF ROOSEVELT ROAD, WEST OF LAMBERT ROAD AND EAST OF MAIN STREET IN THE C3 SERVICE COMMERCIAL DISTRICT.

Plan Commissioner Buckton moved, seconded by Plan Commissioner Whiston, to open the public hearing.

Staff Introduction

Planning Intern Kasey Matthews spoke regarding the subject request by McDonald's Corporation, owner of the property at 445 Roosevelt Road. Ms. Matthews stated that McDonald's was represented this evening by Todd Russell of Stantec Architecture who was present to request approval of a second drive-thru lane at the existing McDonald's restaurant at the subject site. Ms. Matthews displayed a map and described the location of the site on the south side of Roosevelt Road, east of Lambert Road and west of Main Street. She stated that the site is zoned C3 Service Commercial and described the surrounding land uses. Ms. Matthews explained that the adoption of Ordinance No. 4981 in 2001 granted McDonald's a Special Use Permit, Zoning Variations, Sign Code Variations and Exterior Appearance approval for the construction of a new approximately 5,300-square foot McDonald's restaurant with a single drive-thru lane on the property.

Ms. Matthews displayed the proposed site plan and stated that the petitioner plans to alter the existing drive-thru lane at the rear of the restaurant and reconfigure the area to accommodate two (2) side-by-side drive-thru lanes. She added that the traffic and parking reconfiguration along the south property line necessary to make room for the additional drive-thru lane results in the loss of six (6) parking stalls. There will, however, still be 44 parking stalls on the property which exceeds code requirements. Ms. Matthews stated that a portion of the area will become the new circulation route around the building and the remainder will become additional landscaped area.

Ms. Matthews stated that the Architectural Review Commission approved two sign variations for the subject site last evening.

Petitioner's Presentation

Todd Russell, Stantec Architecture, 11132 S. 84th Avenue, Palos Hills, Illinois was present to represent McDonald's on their request for a side-by-side drive-thru as compared to the existing single lane drive-thru currently on the property. Mr. Russell stated that if this request is approved, landscaping will also be added to the rear of the lot and six parking stalls will be removed that would hinder the second drive-thru lane. Mr. Russell stated that the side-by-side configuration allows traffic to flow through the parking lot more easily and quicker and redirect traffic to the rear of the site which creates a better walking atmosphere into the store and/or lot.

Responses to Questions from the Plan Commission

Ms. Matthews responded to Plan Commissioner Buckton that the sign variations are required because of the addition of the second drive-thru lane. Mr. Russell responded to Plan Commissioner Ford that the subject drive-thru lane is very similar to all McDonald's restaurants across the nation. Plan Commissioner Ford asked if the two parking spaces on the south side of the lot are realistically parking spaces, and Mr. Russell responded that those spaces are larger than a standard stall and could be a hindrance to larger trucks going in and out. Mr. Russell also responded to Plan Commissioner Ford that the site would conform to the code regarding parking if those two large spaces were removed. Mr. Russell verified for Plan Commissioner Whiston that there will be no lane narrowing on the east or west sides of the lot. Ms. Stegall responded to Plan Commissioner Buckton that stacking requirements conform to the code and that double stacking is currently occurring at more restaurants. Mr. Russell responded to Plan Commissioner Buckton that he is not aware of triple stacking and did not see the need for a third drive-thru on the subject lot as there is only one window from which to distribute food. Mr. Russell responded to Plan Commissioner Bromann that he had no knowledge of what the impact would be regarding existing traffic on Roosevelt Road with twice as many cars leaving the site. Mr. Russell indicated for Plan Commissioner Whalen the location of the loading zone for deliveries.

Plan Commissioner Ford moved, seconded by Plan Commissioner Bromann, to close the public hearing.

Persons in Favor of or in Opposition to the Request

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

Comments from the Plan Commission

All of the Plan Commissioners were in favor of the amended special use request by McDonald's. Plan Commissioner Buckton felt that the amended special use permit will benefit the customers and McDonald's as well as stacking going back out towards Roosevelt Road. Plan Commissioner Bromann agreed that stacking will enhance customer service and that stacking will help to keep up with the times. Although Plan Commissioner Whalen was in favor of the amended special use permit, he requested that police verify that a problem isn't being created when customers are exiting the site, loading isn't causing an interior problem such as traffic back-up and that parking stalls could be removed—especially the stall by the dumpster. Ms. Stegall responded to Chairman Fullerton that the police could review the project before it is presented to the Village Board.

Motion

Plan Commissioner Lannen moved, seconded by Plan Commissioner Girling, to recommend that the Village Board approve an amended Special Use Permit in accordance with Section 10-4-15(B)9 of the Glen Ellyn Zoning Code to allow a second drive-thru lane on property commonly known as 445 Roosevelt Road based on the following findings of fact: 1. The proposed use will be harmonious and in accordance with the general objectives, or within a specific objective, of the Comprehensive Plan and/or Zoning Code because the proposed use is consistent with the current zoning and as such will be in harmony with the general objectives of the Comprehensive Plan. 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 a drive-thru is currently operating at this site and the character of the general vicinity will be unchanged. 3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses of the property because the drive-thru will be improved with this modification and will not affect the neighborhood in an adverse way. 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 the essential public facilities will be unchanged with the proposed project. 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 no additional cost to public facilities is anticipated and the project will not be detrimental to the Village. 6. The use will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare and odors because the

McDonald's restaurant is an existing use and on-site traffic flow will be improved by reducing idle time of vehicles in the drive-thru lanes. 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 vehicle approaches to the property will not be changed. 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 project will not increase the potential for flooding as proposed and no additional public expense is anticipated. 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 McDonald's restaurant is an existing developed use and no losses are anticipated.

The recommendation for approval was subject to the condition that the drive-thru shall be operated and maintained in substantial conformance with the plans and materials in the petitioner's application packet and the testimony presented at the April 26, 2012 Plan Commission meeting.

The motion to approve carried with nine (9) "yes" votes and zero (0) "no" votes as follows: Plan Commissioners Lannen, Girling, Bromann, Buckton, Ford, Heming-Littwin, Whalen, Whiston and Chairman Fullerton voted yes.

APPLICATION FOR SPECIAL USE PERMIT

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

Date Filed: _____ **Application No:** _____

Name of Applicant: STANTEC ARCHITECTURE / ROBERT PIGARD
Contact Information:
Address of Applicant: 1383 N. McDOWELL BLVD PETALUMA, CA 94954

Business Phone: 707.774.8327 **Fax:** 707.765.9908
Cell/Home Phone: _____ **Email:** robert.pigard@stantec.com
Property Interest of Applicant: _____
(Owner, Contract Purchaser, Owner Representative)

Contact Information:
Name of Owner: ARCHLAND PROPERTY II, LP / DOREEN EVANS
Address of Owner: _____

Business Phone: 630.623.3526 **Fax:** 630.623.8064
Cell/Home Phone: _____ **Email:** doreen.evans@us.mcd.com

Address and Legal Description of Property: 445 W. ROOSEVELT RD. GLEN ELLYN, IL 60137, RESTAURANT - FAST

Permanent Index No. (PIN): 05231000 28 **Zoning:** COMMERCIAL C-3
Lot Dimensions: _____ **Lot Area:** 59,986 SF

Present Use: McDONALDS RESTAURANT & DRIVE-THRU

Requested Use/Construction: EXISTING TO REMAIN

Estimated Date to Begin New Use/Construction: _____

Name(s). Address(es) and Phone No(s). of Experts (architects, engineers, etc.):
STANTEC ARCHITECTURE / ROBERT PIGARD - SAME AS ABOVE
ROBISON ENGINEERING / MARK ROBISON - 20300 19th AVE SHORELINE, WA 98155 206.364.3343

Narrative Statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the

requirements of paragraph (E) of Section 10-10-14 of the Zoning Code:

THE McDONALD'S RESTAURANT & DRIVE-THRU IS AN EXISTING USE ON THE PROPERTY. NO SIGNIFICANT EFFECTS WILL BE CAUSED BY THE PROPOSED DOUBLE DRIVE-THRU LANE.

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: THE PROJECT IS CONSISTENT WITH THE CURRENT ZONING, AND AS SUCH WILL BE IN HARMONY WITH THE GENERAL OBJECTIVES.

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: A DRIVE-THRU IS CURRENTLY OPERATING AT THIS SITE, THE CHARACTER OF THE GENERAL VICINITY WILL BE UNCHANGED

3. Will not be hazardous or disturbing to existing or future neighborhood uses: THE DRIVE-THRU OPERATION WILL BE IMPROVED WITH THIS MODIFICATION AND WILL NOT EFFECT THE NEIGHBORHOOD IN AN ADVERSE WAY.

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: ESSENTIAL PUBLIC FACILITIES WILL BE UNCHANGED WITH THE PROPOSED PROJECT.

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: NO ADDITIONAL COST TO PUBLIC FACILITIES IS ANTICIPATED & PROJECT WILL NOT BE DETRIMENTAL TO THE VILLAGE.

6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors: THE McDONALDS RESTAURANT IS AN EXISTING USE, AND ON-SITE TRAFFIC FLOW WILL BE IMPROVED BY REDUCING IDLE TIME OF VEHICLES IN THE DRIVE-THRU LANES.

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: NO CHANGE IN ACCESS PROPOSED, TRAFFIC WILL NOT BE AFFECTED

8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief: THE PROJECT WILL NOT INCREASE THE POTENTIAL FOR FLOODING AS PROPOSED, NO ADDITIONAL PUBLIC EXPENSE IS ANTICIPATED

9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community: EXISTING DEVELOPED USE, NO LOSSES ANTICIPATED

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.

Date

Signature of Applicant

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

Stantec Architecture Inc.
1383 North McDowell Boulevard Suite 250
Petaluma CA 94954
Tel: (707) 765-1660
Fax: (707) 765-9908

March 20, 2012
File: 2007041155 Special Use Permit

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

RE: **McDonald's #012-0025**
Drive Thru Side-By-Side Program
445 W. Roosevelt Road
Glen Ellyn, IL 60137
Stantec #2007041155

Dear Planning & Development Department:

This letter is in regards to the proposed McDonald's Side-by-Side Program to be implemented at 445 W. Roosevelt Road on behalf of McDonald's Corporation. The letter has been updated per plan check comments issued 3/12/2012

SCOPE OF SERVICES:
The project scope includes enhancing the existing single lane drive-thru by providing a second lane to promote efficient traffic flow and customer satisfaction. The site is located in Zone C-3 Commercial, a mixed-use area adjacent to nation-wide food chains, auto body shop, and wide assortment of retail. The installation requirements will include a free-standing canopy with speaker/intercom, vehicle height detector, menu boards, new curbs, concrete drive, striping, and landscaping to match existing.

McDonald's has continued to improve their service methods over the past few decades. They have made significant changes to their restaurants from the old to the new style both in building and site planning standards. With existing restaurants, many changes may have been made to the building to improve their service, brand recognition, and customer amenities. McDonald's has introduced Double Drive-Thru windows, Two-at-a-time ordering, and PlayPlaces where applicable. These business drivers were applied to their restaurants, and as a result their average restaurant volume has increased steadily over the past 10 years. Much of that increase is a direct result of their drive-thru business. This created opportunities with lot flow, ingress-egress locations and the need to improve their drive-thru standards by way of increasing order capability. As a result, McDonald's restaurant visits have also changed. The majority of their customers use to park and visit the inside of their restaurants and the need for large parking lots. Today over 63% - 72% of their customers who visit their restaurants go through the drive-thru and never need to park.
The addition of side-by-side enables the restaurant to increase car stacking in a condensed area at the back of the building versus having the cars stacked alongside of the building. This ultimately allows their sites to get more cars onto their property in the drive-thru lane. Multiple order points allow the customers to get their orders in earlier which create service time efficiency as the kitchen has more time to cook the food. By the

Doing business as:
Stantec Architecture Inc. P.C. (NY)
Stantec Architecture P.C. (DC, MS, MO, NE)

For a list of our registered architects, please visit www.stantec.com/registeredarchitects

time the customer reaches the present window the crew person has the order ready to present. Service efficiency helps reduce traffic congestion due to many cars stacking in the drive-thru and not on a road.

Innovation and operational process changes, their new kitchen equipment packages and technology enable their restaurants to keep up with their guest count demands. Improved service times are a direct result of crew efficiency leading to a faster customer experience.

Respectfully,

STANTEC ARCHITECTURE INC.

Robert Picard
Assistant Project Manager
Tel: (707) 774-8327
Fax: (707) 765-9908
Robert.Picard@stantec.com

c.

L/C: 012-0025
Glen Ellyn, IL

OWNERSHIP BY A LIMITED PARTNERSHIP

Date: March 27, 2012

Address: 445 W. Roosevelt Road, Glen Ellyn, Illinois

Legal Description: See Attached Exhibit "A"

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

Name: Golden W Investors Trust II Address: c/o Corporation Service Company 2711 Centerville Rd. Suite 400 Wilmington, DE 19808 % 99.9

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: _____ %___

LOTS 1, 2 AND 3 IN BLOCK 81 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTIONS 22 AND 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS

EXHIBIT A
L/C: 12-0025
Parcel Type: MS

L/C 012-0025

AFFIDAVIT OF AUTHORIZATION

I, Archland Property II, LP owner of the property described as McDONALD'S RESTAURANT LOCATED AT 445 N. ROOSEVELT ROAD.

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

*in connection with the side-by-side drive-thru remodel of the property.

Archland Property II, LP
By:
OWNER
Its: Secretary
David M. Ledy

NOTARY

ELIZABETH A. ST. LIFER
Notary Public, State of New York
No. 02ST-4922106
Qualified in New York County
Commission Expires October 24, 2019

J.P. "RICK" CARNEY
DUPAGE COUNTY RECORDER
OCT.26,2004 3:32 PM
DEED 05-23-100-028
005 PAGES R2004-275060

THIS INDENTURE WITNESSETH,

That the Grantor, System Capital Real Property Corporation, a Delaware corporation, and duly authorized to transact business in the State of Illinois, whose address is One McDonald's Plaza, Oak Brook, Illinois 60523, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does REMISE, RELEASE, ALIEN AND CONVEY UNTO:

[RECORDER'S STAMP]

Landmerica

Archland Property II, L.P., a Delaware limited partnership (Grantee) with offices at 3250 Lacey Road, Suite 160, Downers Grove, Illinois 60515,

the following described real estate, situated in the County of DuPAGE and State of Illinois known and described as follows, to-wit:

SEE ATTACHED EXHIBIT "A" AND
MADE A PART HEREOF

Permanent Real Estate Index Number(s): 05-23-100-~~028~~ ~~005~~ 028
RC

Common Address: 445 W ROOSEVELT RD, GLEN ELLYN, ILLINOIS

TO HAVE AND TO HOLD the Property, together with all of Grantor's rights, title, interest and obligations as landlord in and to that certain Amended and Restated Master Ground Lease Agreement by and between Grantor and McDonalds Corporation, dated as of June 1, 2004 and as further defined in the recorded Memorandum of Amended and Restated Lease by and between Grantor and McDonalds Corporation having been recorded immediately prior hereto. Including all easements, rights and appurtenances, but not including any buildings or improvements thereon, if any.

SUBJECT TO: current taxes and assessments not yet due and payable from the date hereof and subsequent years, and all covenants, conditions, restrictions, reservations, easements and declarations or other matters of record.

AND THE GRANTOR hereby binds itself and its successors to warrant and defend the title against the acts of the ~~GANTOR~~ GRANTOR and no other, subject to the matters set forth above.

IN WITNESS WHEREOF, said Grantor has signed and sealed this Deed this 28 day of June, 2004.

SYSTEM CAPITAL REAL PROPERTY CORPORATION, a Delaware corporation

By: Nancy Warmoth
Nancy Warmoth, Treasurer

SYSTEM CAPITAL REAL PROPERTY CORPORATION
CORPORATE SEAL
DELAWARE

Jeffrey W. Kane, Asst. Secretary

Prepared by:
Bruce A. Neumann, Esq.
McDonald's Corporation
One McDonald's Plaza
Oak Brook, Illinois 60523

After recording,
Return to: and mail tax bill to:
Doris Murray-Norris
McDonald's Corporation
One McDonald's Plaza
Oak Brook, Illinois 60523

City & State: GLEN ELLYN,ILLINOIS
Address: 445 W ROOSEVELT RD
L/C:012-0025

\\CORP.PRI\ALLDATA\HO\Dept\Legal\USLEGAL\SCC Project\Form Deeds\Illinois\special warranty deed merge doc doc

ACKNOWLEDGMENT - SYSTEM CAPITAL REAL PROPERTY

STATE OF ILLINOIS)
) SS:
COUNTY OF DUPAGE)

I, Brenda Imelda Martinez a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Nancy Warmoth, Treasurer and Jeffrey W. Kane, Assistant Secretary, of System Capital Real Property Corporation, a Delaware corporation, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Treasurer and Assistant Secretary appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act as such Treasurer and Assistant Secretary, respectively, and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal, this day of June 28, 2004.

Brenda Imelda Martinez

Brenda Imelda Martinez, Notary Public

My commission expires: 03/05/2005

"OFFICIAL SEAL"
BRENDA IMELDA MARTINEZ
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 3/5/2005

S:\HO\Dept\Legal\US\LEGAL\SCC Project\Form Deeds\Illinois\General Notary-(Warmoth-Kane).doc

445 W ROOSEVELT RD
GLEN ELLYN, IL
Du Page COUNTY
L/C: 0120025, FILE 16

Exhibit "A"

LEGAL DESCRIPTION:

Lots 1, 2 and 3 in Block 81 in Wheaton Estates, being a subdivision in Sections 22 and 23, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 7, 1925 as Document 197514, in DuPage County, Illinois.

I hereby declare that the attached represents a transaction exempt under the provisions of 35 ILCS 200/31-45(e), Real Estate Transfer Tax Act.

June 28, 2004

Nancy Warmoth

Nancy Warmoth, Treasurer OMN

L/C 012-0025

REIMBURSEMENT OF FEES AGREEMENT

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

I. DESCRIPTION OF PROJECT: McDONALD'S DRIVE-THRU SBS PROGRAM

II. OWNER:
- A. Owner of Property: ARCHLAND PROPERTY II, LP
- B. Owner's Address: 1370 Avenue of the Americas, New York, NY 10019
- C. Owner's Home Phone Number: N/A Fax: c/o 630.623.8064
- D. Owner's Work Phone Number: c/o 630.623.3526
- E. Owner's E-mail: c/o DOREEN EVANS - doreen.evans@us.mcd.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: ROBERT PICARD / STANTEC ARCHITECTURE
- B. Petitioner's Address: 1383 N. McDONELL BLVD PETALUMA, CA 94954
- C. Petitioner's Home Phone Number: _____
- D. Petitioner's Work Number: 707.774.8307
- E. Petitioner's E-mail: robert.picard@stantec.com

IV. LOCATION OF PROPERTY:
- A. General Location of Property: 445 W. ROOSEVELT RD.
- B. Acreage of Parcel: 1.38 ACRES
- C. Permanent Index Number(s): 0523100028
- D. Legal Description (Please attach) SEE ATTACHED

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 or Architectural Review 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 $500. 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 $500.00, 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 ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.

Petitioner: _____
ARCHLAND PROPERTY II, LP
BY: _____
Owner David M. Ledy
ITS: Secretary
Date: 2-16-12

Village of Glen Ellyn

By: _____
Planning and Development Director

Date: _____

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Stantec Architecture Inc.
1383 North McDowell Boulevard Suite 250
Petaluma CA 94954
Tel: (707) 765-1660
Fax: (707) 765-9908

March 20, 2012
File: 2007041155 Quantitative Summary

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

RE: McDonald's #012-0025
Drive Thru Side-By-Side Program
445 W. Roosevelt Road
Glen Ellyn, IL 60137
Stantec #2007041155

QUANTITATIVE SUMMARY

Building Sq. Ft	5,386 Sq. Ft.
Lot Sq. Ft.	59,986 Sq. Ft.
Total Disturbed Area	3,050 Sq. Ft.
Existing Parking Spaces	50 Spaces
Required Parking Spaces per Ordinance 4981	50 Spaces
Required Parking Spaces per Zoning Code	30 Spaces
Proposed Parking Spaces	44 Spaces
Required Drive-thru Stacking Spaces	5 Spaces
Proposed Drive-thru Stacking Spaces	8 Spaces
Number of Restaurant Seats	90 Seats

Doing business as:
Stantec Architecture Inc. P.C. (NY)
Stantec Architecture P.C. (DC, MS, MO, NE)

For a list of our registered architects, please visit www.stantec.com/registeredarchitects

STANTEC CONSULTING SERVICES INC
10509 Timeberwood Circle, Suite 100
Louisville, Kentucky 40223
502.212.5000 • Fax 502.212.5055
www.stantec.com

Memo

To: Ivria Ben-Or

From: Brian Aldridge, PE

Subject: Opinion of Site Circulation – McDonald's Drive-thru Expansion
445 W Roosevelt Road
Glen Ellyn, IL

Date: January 20, 2012

The proposed driveway expansion at the McDonald's located at 445 West Roosevelt Road in Glen Ellyn, IL includes the construction of one additional ordering lane. This will provide two ordering lanes for the drive-thru that will merge into a single lane to proceed through the cashier window and the order pick-up ("presenter") window. An example of such an expansion is shown below.

McDonald's Located at 102 S Limestone Lane in Frankfort, KY
(Source: Pictometry©2000-2012)

The double drive-thru concept decreases the delay associated with ordering, allowing orders to be relayed to the kitchen faster. This allows the restaurant to more efficiently process vehicles through the drive-thru window. The effect on internal site circulation is dependent on a number of factors, including but not limited to the amount of traffic served during the restaurant's peak hours of service, the storage capacity of the drive-thru lane, and the level of congestion present on the egress street(s).

The proposed improvements for the Glen Ellyn restaurant should improve site circulation in that the drive-thru lane queues should be decreased. The ingress/egress routes and the on-site lane configurations will remain unchanged, with the exception of a minor reconfiguration of the circulatory roadway at the south end of the parking lot. (This reconfiguration, which will eliminate six parking spaces adjacent to Taft Avenue, is necessary to accommodate the second ordering lane.)

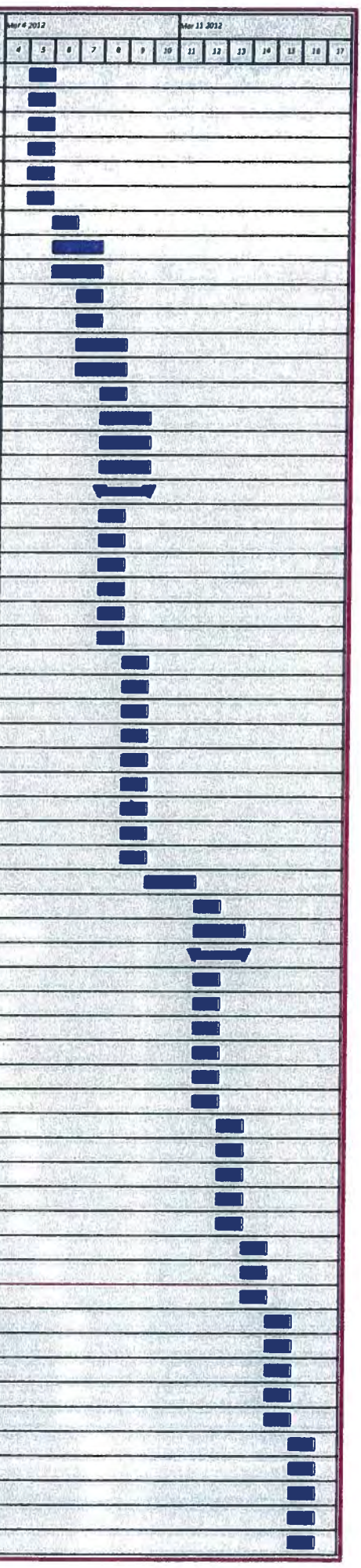
The proposed changes are not anticipated to result in a significant increase in traffic entering and exiting the site. In fact, a traditional traffic impact study (TIS) would make no differentiation between a fast food restaurant with one or two drive-thru lanes as the Institute of Transportation Engineers (ITE) Trip Generation Manual does not account for such details, relying instead simply on the presence (land use code 934) or absence of a drive-thru (land use code 933). Therefore, the trip generation equations from ITE would show no net increase in traffic as a result of expanding the drive-thru lane. Assuming there is no significant increase in peak hour site traffic, the proposed site improvements should not have an adverse effect on internal site circulation.

Brian E. Aldridge

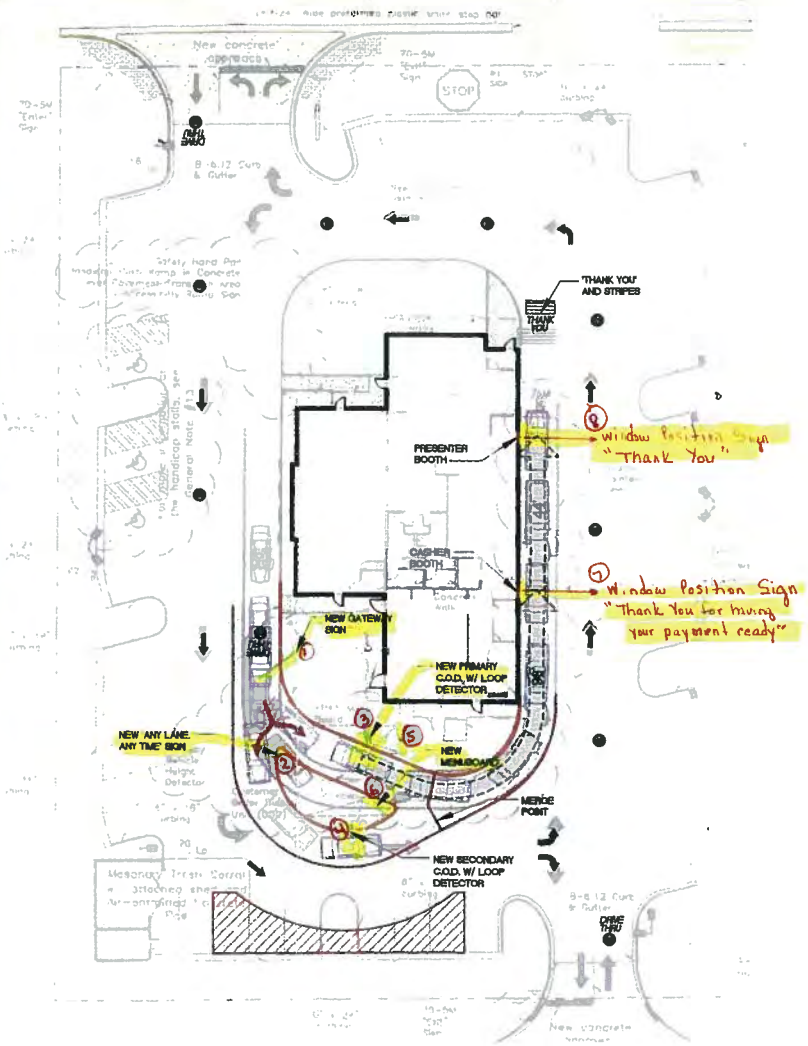
Brian E. Aldridge, PE
IL PE License #062-057708

McDONALD'S SBS CONSTRUCTION SCHEDUE
GLEN ELLYN 012-0025

ID	Task Name	Start	Finish	Duration
1	Set Up Barricades And Signage	3/5/12	3/5/12	1d
2	Dumpster Delivery	3/5/12	3/5/12	1d
3	Safety Meeting / Worker Orientation	3/5/12	3/5/12	1d
4	Set Up Temporary Order Point	3/5/12	3/5/12	1d
5	Layout & Surveying	3/5/12	3/5/12	1d
6	Verify Utility Locates & Take Photos Of All Flags & Markings	3/5/12	3/5/12	1d
7	Remove Old DT Components	3/6/12	3/6/12	1d
8	Saw Cutting / Hydraulic Hammering	3/6/12	3/7/12	2d
9	Debris Removal And Excavation	3/6/12	3/7/12	2d
10	Mark As-Built Plans With Underground Utilities	3/7/12	3/7/12	1d
11	Dig Foundations For DT Components	3/7/12	3/7/12	1d
12	Install Form Tubes, Rebar Cages, & Anchor Bolts For DT Components	3/7/12	3/8/12	2d
13	Form Curbs	3/7/12	3/8/12	2d
14	Install Irrigation Or Sleeve To New Landscaped Areas	3/8/12	3/8/12	1d
15	Run Conduit For DT Components & Loops	3/8/12	3/9/12	2d
16	Pour Curbs	3/8/12	3/9/12	2d
17	Prepare Sub Base For DT Lanes	3/8/12	3/9/12	2d
18	Loop At Cash Booth Window	3/8/12	3/9/12	2d
19	Barricade At Cash Booth Window	3/8/12	3/8/12	1d
20	Saw Cut 6' x 10' Pad	3/8/12	3/8/12	1d
21	Prepare Sub Base	3/8/12	3/8/12	1d
22	Install DT Loop	3/8/12	3/8/12	1d
23	Inspection If Necessary	3/8/12	3/8/12	1d
24	Pour New Concrete Pad AT CB Window	3/8/12	3/8/12	1d
25	Seal New Concrete At CB Window	3/9/12	3/9/12	1d
26	Remove Barricade At Cash Booth Window	3/9/12	3/9/12	1d
27	Required Inspections (i.e. Electrical, Foundations, etc.)	3/9/12	3/9/12	1d
28	Pour OT Component Foundations	3/9/12	3/9/12	1d
29	Mark As-Built Plans With Underground Utilities	3/9/12	3/9/12	1d
30	Install DT Loops At COD's	3/9/12	3/9/12	1d
31	Install Concrete Reinforcement (Rebar/ Mesh)	3/9/12	3/9/12	1d
32	Rough Grade All Areas To Be Landscaped	3/9/12	3/9/12	1d
33	Prep Site For Weekend	3/9/12	3/9/12	1d
34	Make-Up For Weather Or Schedule Delays	3/10/12	3/11/12	2d
35	Remove Old Striping & Parking Lot Graphics	3/12/12	3/12/12	1d
36	Pour New Concrete For DT Lanes	3/12/12	3/13/12	2d
37	Loop At Present Window	3/12/12	3/13/12	2d
38	Barricade At Present Booth Window	3/12/12	3/12/12	1d
39	Saw Cut 6' x 10' Pad	3/12/12	3/12/12	1d
40	Prepare Sub Base	3/12/12	3/12/12	1d
41	Install DT Loop	3/12/12	3/12/12	1d
42	Inspection If Necessary	3/12/12	3/12/12	1d
43	Pour New Concrete Pad At PB Window	3/12/12	3/12/12	1d
44	Seal New Concrete At PB Window	3/13/12	3/13/12	1d
45	Remove Barricade At Present Booth Window	3/13/12	3/13/12	1d
46	Seal New Concrete In DT Lanes	3/13/12	3/13/12	1d
47	Pull All Electrical Wiring To DT Components	3/13/12	3/13/12	1d
48	Sealcoat Where Striping & Graphics Were Removed	3/13/12	3/13/12	1d
49	Signage Installation	3/14/12	3/14/12	1d
50	Finalize Grade Making All Areas To Be Landscaped "Landscape Ready"	3/14/12	3/14/12	1d
51	Pressure Wash Parking Lot	3/14/12	3/14/12	1d
52	COD Installation	3/15/12	3/15/12	1d
53	Headset/Audio Installation	3/15/12	3/15/12	1d
54	POS And Dome Camera Installation	3/15/12	3/15/12	1d
55	Dumpster Removel	3/15/12	3/15/12	1d
56	Apply New Striping & Parking Lot Graphics	3/15/12	3/15/12	1d
57	Final Inspection(s)	3/16/12	3/16/12	1d
58	Remove Temporary Order Point	3/16/12	3/16/12	1d
59	Remove All Construction Materials And Equipment	3/16/12	3/16/12	1d
60	Remove Barricades & Signage	3/16/12	3/16/12	1d
61	Open Up New DT Lanes	3/16/12	3/16/12	1d



AERIAL PHOTO



SBS DRIVE-THRU LAYOUT

SCALE: 1/32" = 1'-0"

SCOPE OF WORK SUMMARY

LF OR CURB
PROPOSED:

SF OF PAVING
PROPOSED:

 # OF ORDER POINTS
EXIST: 1
PROPOSED: 2

DT CAR CAPACITY
EXIST: 9
PROPOSED: 12

PARKING STALLS
EXIST: 49
PROPOSED: 43

ADDED SLIDING WINDOW
NO

SIGNAGE (n) = NEW
POLE MOUNTED:
MONUMENT:
GATEWAY: 1(n)
PRE-SELL BOARD: 1(n)
C.O.D.: 2(n)
WINDOW POSITION:
BOLLARD SIGN:
DIRECTIONAL:
MENUBOARD: 2(n)

Client:

Lend Lease

1 North Wacker, Suite 570
Chicago, IL 60606

Confidentiality Statement

THE RECIPIENT OF THESE MATERIALS UNDERSTANDS THAT COPYRIGHT IN THE MATERIALS IS OWNED BY LEND LEASE, AND ALSO, THAT THE MATERIALS CONTAIN PRIVILEGED AND CONFIDENTIAL BUSINESS INFORMATION OF THE RECIPIENT. ACCORDINGLY, THE RECIPIENT AGREES TO RETAIN THESE MATERIALS IN STRICT CONFIDENCE AND AGREES NOT TO DISCLOSE THESE MATERIALS TO ANY OTHER PARTY AND FURTHER AGREES NOT TO MAKE COPIES OF THE MATERIALS. THE RECIPIENT AGREES TO USE THE MATERIALS ONLY FOR THE LIMITED PURPOSE FOR WHICH LEND LEASE HAS MADE THE MATERIALS AVAILABLE, AND RECIPIENT AGREES TO RETURN ALL MATERIALS TO LEND LEASE EITHER UPON COMPLETION OF THE INTENDED PURPOSE OR UPON THE REQUEST OF LEND LEASE, WHICHEVER COMES FIRST.

NORTH ARROW

N

STORE NUMBER:
12-0025

McDonald's SBS

Project Address
445 W. Roosevelt Rd.
Glen Ellen, IL

Date
9.16.2011

Title:
SITE PLANS

Sheet #:
SP-01

SIGN TABLE

- ALL EXISTING AND PROPOSED SIGNS –

Conforms

Key Words Yes/No	Height	Size	Sq. Ft.	Existing or Proposed	Type as per Village Sign Code*	Village Sign Code
Playplace ①		22¼" x 140"	= 21.6	Existing		
Arch ②		48" x 59"	= 19.7	Existing		
McDonald's ③		27½" x 18'	= 41.25	Existing		
Arch w/McDonald's ④		48" x 72"	= 24	Existing		
Directional ⑤		15.5" x 36.5"	= 3.93	Existing		
Directional ⑥		15.5" x 36.5"	= 3.93	Existing		
Directional ⑦		15.5" x 36.5"	= 3.93	Existing		
Directional ⑧		15.5" x 36.5"	= 3.93	Existing		
Monument ⑨	15'	10' x 8'	= 80	Existing		
		' x '	=			

LOCATE ALL SIGNS (Existing & Proposed) ON ATTACHED SITE PLAN AND A FAÇADE DRAWING.

***Primary = P**

Shopping Center = SC

Incidental = I

Other = O – Identify as per the Village Sign Code

Existing Signage on McD building + Picture of Existing Monument Sign

Playplace Sign - LED

Existing ①

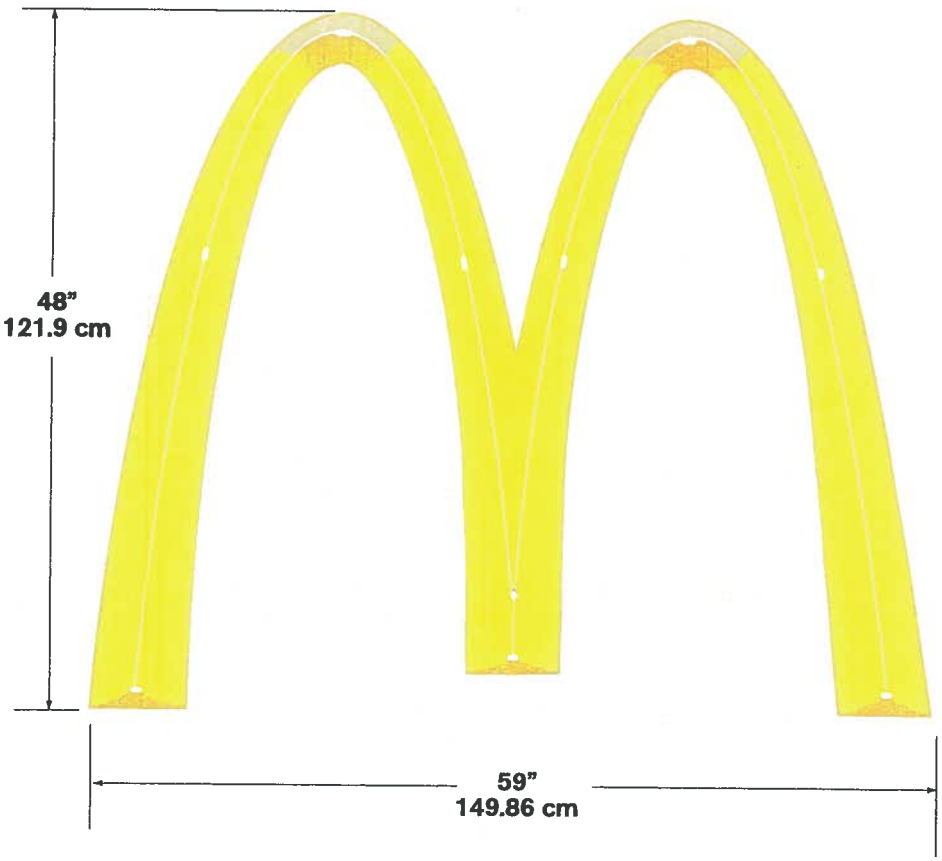
Everbrite
Identity Systems Division

Illumination:	LED
Electrical:	.5 amps 120V
Power Supply:	1 - 50 watt
Ship Weight:	350 lbs.

Wall Arch

Existing (2)

Everbrite
Identity Systems Division



Illumination: N/A

Ship Weight: 64 lbs.

Other:

- Formed prismatic arch
- Pigmented polcarbonate face material
- Wall mounted

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI, 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

Wordmark Fascia - LED

3

Existing

Everbrite
Identity Systems Division

Illumination:	LED
Electrical:	2.6 Amps 12V 60HZ
Ballast:	2- AMPEROR ANP90-30
Ship Weight:	140 lbs.

4

Wall Logo

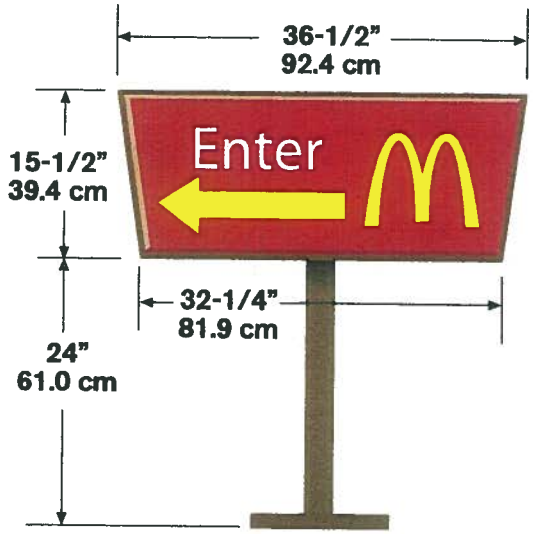
Square Footage	9.22 sq. ft. (surface area)
Illumination	Non-illuminated
Ship Weight	64 lbs

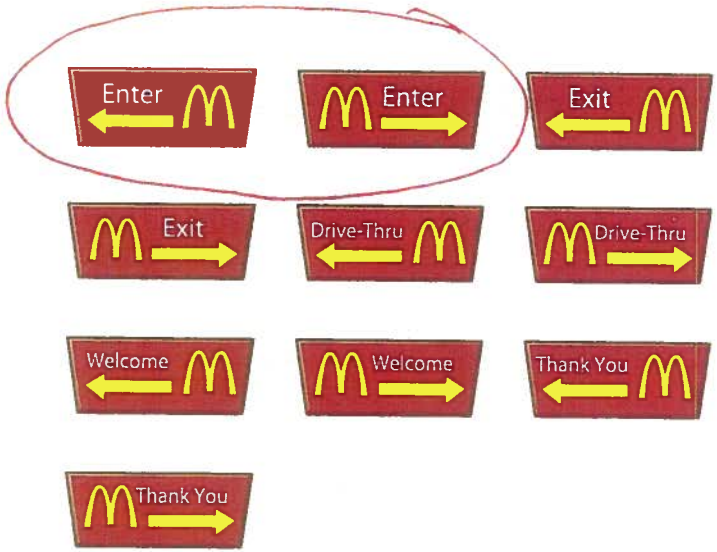
Everbrite, Inc. 315 Marion Ave. South Milwaukee, WI 53172 (414) 762-8700 Fax (414) 768-5460

LED Directional Sign w/o Arch

Existing (5)

Everbrite
Identity Systems Division



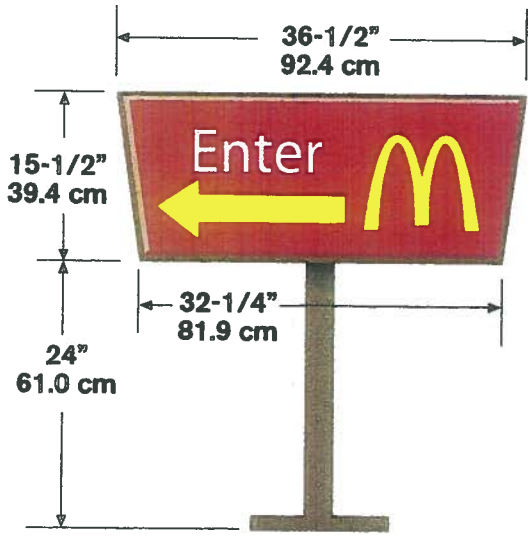


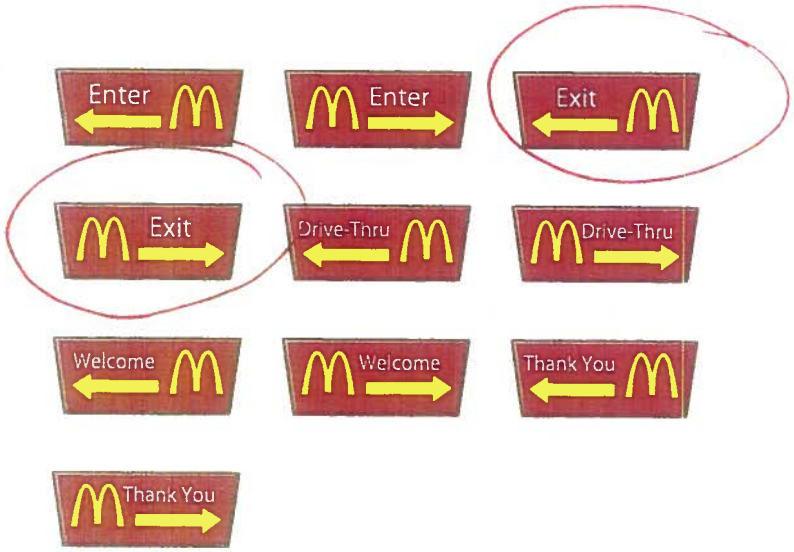
Ilumination:	LED
Electrical:	.50 AMPS 120V 60Hz
Power Supply:	HIGH PERFECTION LP 1040-24
Ship Weight:	30 lbs.
Other:	• Shown with available faces • 4' and 6' pole also available

LED Directional Sign w/o Arch

Existing (6)

Everbrite
Identity Systems Division





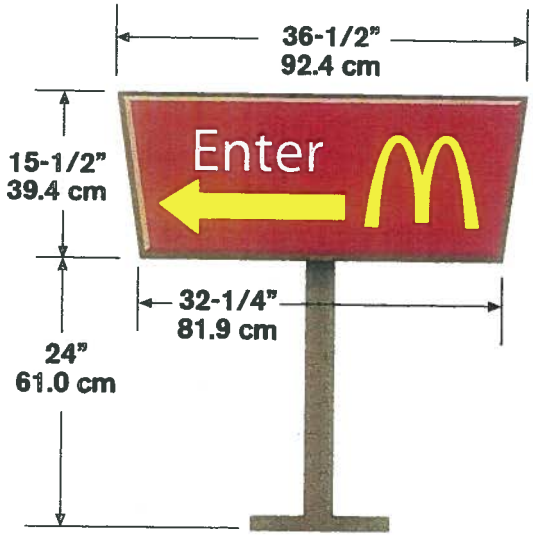
Ilumination:	LED
Electrical:	.50 AMPS 120V 60Hz
Power Supply:	HIGH PERFECTION LP 1040-24
Ship Weight:	30 lbs.
Other:	• Shown with available faces • 4' and 6' pole also available

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI. 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

LED Directional Sign w/o Arch

Existing (7)

Everbrite
Identity Systems Division

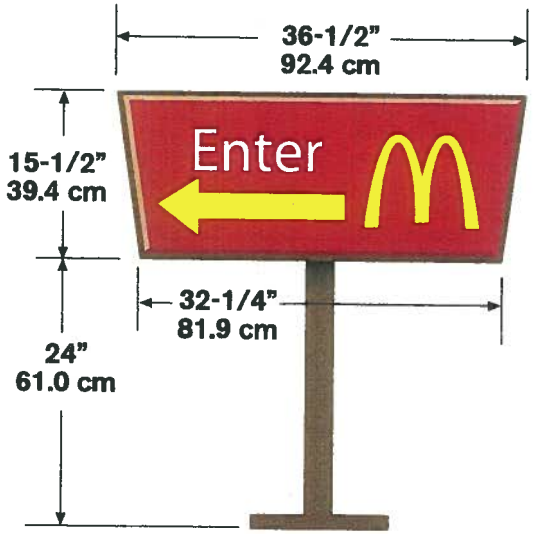


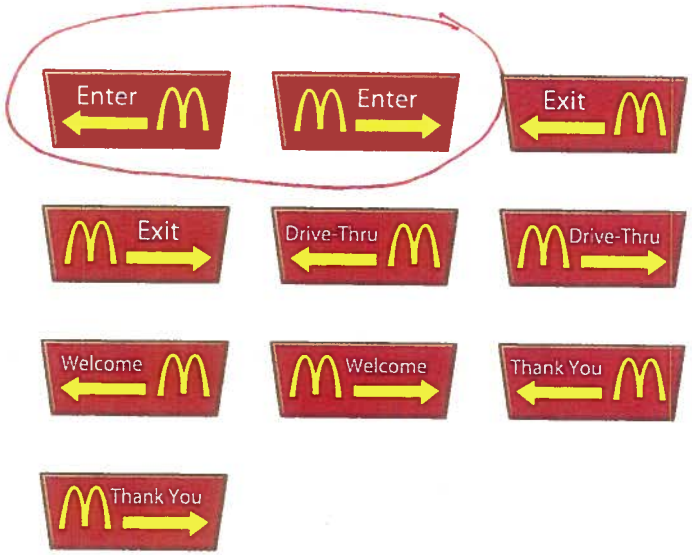
Ilumination:	LED
Electrical:	.50 AMPS 120V 60Hz
Power Supply:	HIGH PERFECTION LP 1040-24
Ship Weight:	30 lbs.
Other:	• Shown with available faces • 4' and 6' pole also available

LED Directional Sign w/o Arch

Existing (8)

Everbrite
Identity Systems Division



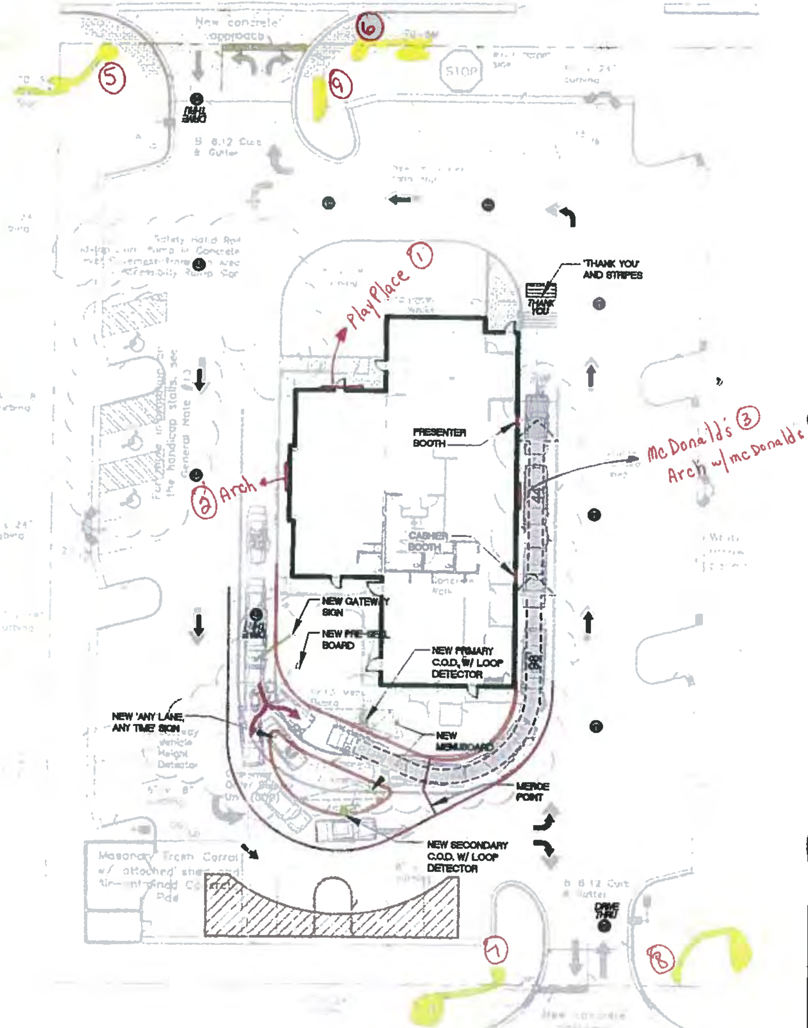


Ilumination:	LED
Electrical:	.50 AMPS 120V 60Hz
Power Supply:	HIGH PERFECTION LP 1040-24
Ship Weight:	30 lbs.
Other:	• Shown with available faces • 4' and 6' pole also available

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI. 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

9

AERIAL PHOTO



SBS DRIVE-THRU LAYOUT

SCALE: 1/32" = 1'-0"

SCOPE OF WORK SUMMARY

LF OR CURB
PROPOSED:

SF OF PAVING
PROPOSED:

\# OF ORDER POINTS
EXIST: 1
PROPOSED: 2

DT CAR CAPACITY
EXIST: 9
PROPOSED: 12

PARKING STALLS
EXIST: 49
PROPOSED: 43

ADDED SLIDING WINDOW
NO

SIGNAGE (n) = NEW
POLE MOUNTED:
MONUMENT:
GATEWAY: 1(n)
PRE-SELL BOARD: 1(n)
C.O.D.: 2(n)
WINDOW POSITION:
BOLLARD SIGN:
DIRECTIONAL:
MENUBOARD: 2(n)

Existing Signage

Lend Lease
1 North Wacker, Suite 870
Chicago, IL 60606

Confidentiality Statement

THE RECIPIENT OF THESE MATERIALS UNDERSTANDS THAT COPYRIGHT IN THE MATERIALS IS OWNED BY LEND LEASE, AND ALSO, THAT THE MATERIALS CONTAIN PRIVILEGED AND CONFIDENTIAL BUSINESS INFORMATION OF THE RECIPIENT. ACCORDINGLY, THE RECIPIENT AGREES TO RETAIN THESE MATERIALS IN STRICT CONFIDENCE AND AGREES NOT TO DISCLOSE THESE MATERIALS TO ANY OTHER PARTY AND FURTHER AGREES NOT TO MAKE COPIES OF THE MATERIALS. THE RECIPIENT AGREES TO USE THE MATERIALS ONLY FOR THE LIMITED PURPOSE FOR WHICH LEND LEASE HAS MADE THE MATERIALS AVAILABLE, AND RECIPIENT AGREES TO RETURN ALL MATERIALS TO LEND LEASE EITHER UPON COMPLETION OF THE INTENDED PURPOSE OR UPON THE REQUEST OF LEND LEASE, WHICHEVER COMES FIRST.

NORTH ARROW

N

STORE NUMBER:
12-0025

McDonald's SBS

Project Address
445 W. Roosevelt Rd.
Glen Ellen, IL

Date
9.16.2011

Title:
SITE PLANS

Sheet #:
SP-01

A-6j

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Hulseberg, Planning and Development Director
Michele Stegall, Village Planner
Michael Strong, Planning Intern

DATE: May 8, 2012

RE: 427 Main Street – Commercial Façade Improvement Grant Application

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Background. The Commercial Façade Improvement Program was created to facilitate the private sector in making exterior improvements that benefit the overall appearance, quality and vitality of the Village's commercial districts. Approved projects are eligible to receive a matching grant of fifty (50) percent of the actual improvement costs up to a maximum of $15,000.

On March 27, 2012, Katy Balabinis, owner of Katy's Boutique located at 427 Main Street, applied for a $3,440 Commercial Façade Improvement Grant for the installation of a new Shine-Awn awning for the building located on the aforementioned property. This retail and office building is located in the C5A Central Business District Central Retail Core Sub-district on the east side of Main Street, north of Hillside Avenue and south of Duane Street.

There is an existing awning on the property that extends across the entire storefront of the business which is in great need of replacement. Chamber and Village representatives approached the owner and requested she replace the awning. She agreed subject to grant funding availability and some free trimming which has now been completed by Public Works. The proposed awning will be constructed using a high performance composite vinyl that is flame resistant. The design of the awning will be Firesist Sunbrella burgundy, which will match the existing awning. The total cost estimate for the project is $6,880. The applicant is requesting a fifty (50) percent matching grant totaling $3,440 to assist with the completion of the project.

Issues. Façade Improvement Grants are available to all commercial properties in the Village. Eligible applicants include the owners of commercial buildings or commercial businesses. Work which qualifies for assistance through the Commercial Façade Improvement Grant includes improvements to the exterior of a building which are visible from the public right-of-way. These improvements include façade repair and treatment, window frame replacement, exterior doors, awnings, exterior lighting, restoration of original architectural features, and other projects which will provide permanent exterior improvements to the property. Additionally, applicants must plan to install a minimum of $1,000 of material improvements.

The petitioner intends to install a new awning that would match the existing awning on the building. This renovation is consistent with the Appearance Review Guidelines Section 3.7.1 *"Awnings should be shaped to reflect structural bays and proportioned to serve the functional and aesthetic value of protecting pedestrians and window displays."* The proposed awning will enhance the appearance of the storefront by

upgrading the outdated and deteriorating awning that currently exists on the façade of the building. Additionally, the design of the bubble awning above the main doorway compliments the arched parapet of the main entry way.

Over the past several months, Village staff has been in contact with the owner about improving the façade of the building by recovering of the existing awning. Although the proposed awning includes signage, the petitioner's application was received prior to the provision of the grant guidelines. This improvement will enhance the appearance of the building and staff has no concerns with the Village Board awarding the requested grant.

Action Requested

The Village Board may approve this request for a $3,480 Commercial Façade Improvement Grant, approve a different grant amount, or choose to deny the request.

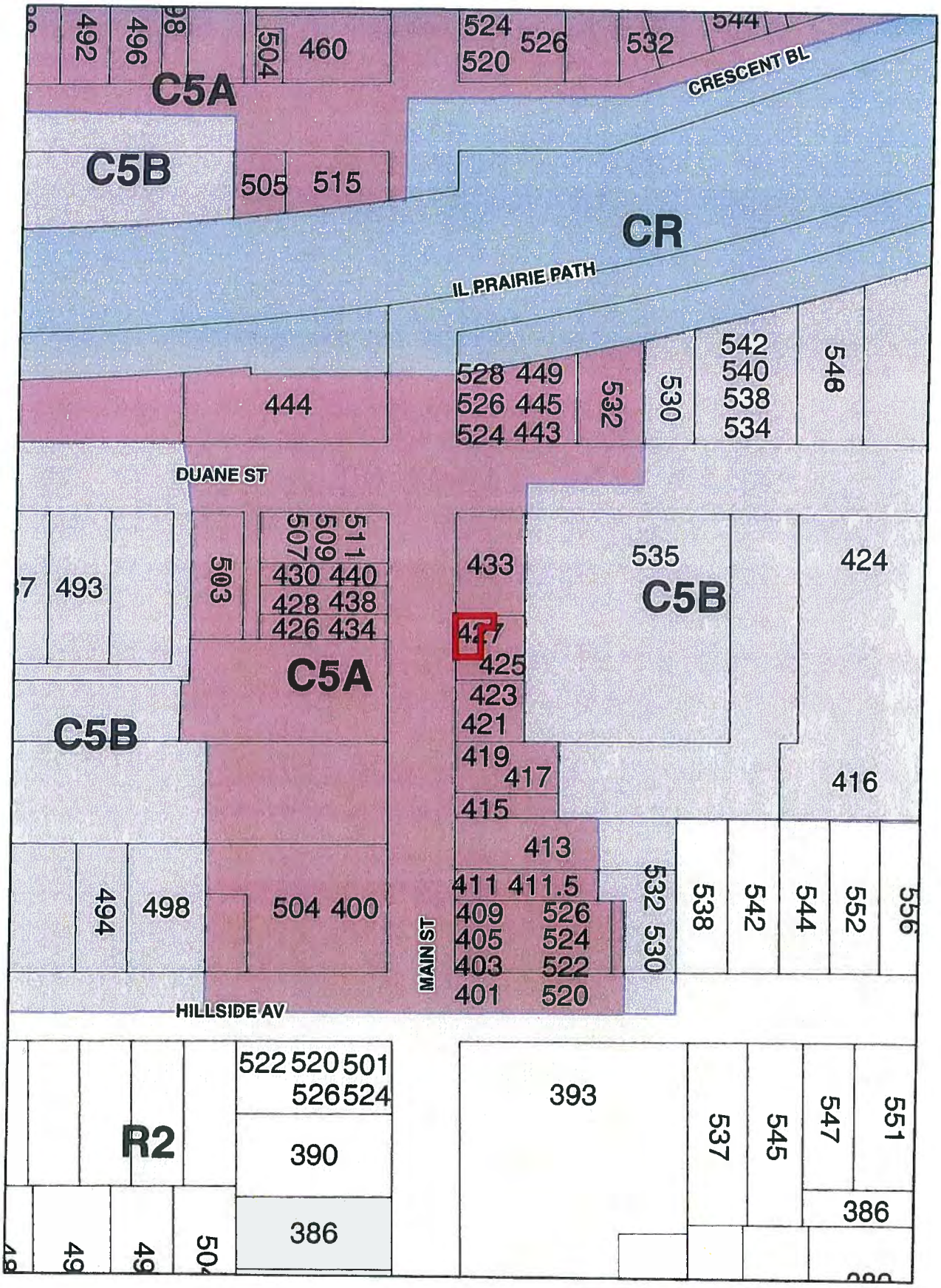
Attachments

- Location Map
- Commercial Façade Improvement Grant Application
- Excerpt from Appearance Review Guidelines Section 3.7

cc: Katy Balabinis, Property Owner and Petitioner

X:\Plandev\PLANNING\Grants\Facade Improvement\427 Main - Katys Boutique\VB Memo - 041712.doc

427 Main Street, Glen Ellyn, IL 60137



Prepared By: Michael Strong
Date Prepared: April 17, 2012

0 175 350 700 Feet

N

VILLAGE OF GLEN ELLYN
Commercial Façade Improvement Grant Application

REQUIRED SUBMITTALS WITH APPLICATION:

1. Current digital photos of all building facades visible from the public right-of-way which will receive improvements
2. A schematic drawing with enough detail to depict the proposed improvements
3. Signed vendor contract(s) with cost for proposed improvements
4. Consent from the building owner for proposed improvements, by signature on this form
5. Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification

BUSINESS OWNER INFORMATION

Business Owner Name: KATY BALABANIS

Home Address: 124 DANADA DR., WHEATON 60189

Business Name: KATY'S BOUTIQUE

Business Address: 427 MAIN ST., GLEN ELLYN 60137

Business Phone: 630 469-4900 Fax Number 630 790-4623

Home Phone 630 682-7555 Email Address: KATY427@ATTGLOBAL.NET

If tenant, what is the expiration date of your current lease? _____

If buyer under contract or tenant, who is the property owner?

Property Owner Name: SAME

Property Owner Address: SAME

Property Owner Phone: SAME

Property Owner Fax: SAME

Property Owner E-mail: SAME

RECEIVED
MAR 27 2012
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

DESCRIPTION OF PROPOSED IMPROVEMENTS

AWNING REPLACEMENT

ITEMIZED ACTIVITY DESCRIPTION	COST
"SHINE-AWN"	6,570-
PERMITS	100-

TOTAL PROJECT COST: 6670-

AMOUNT OF GRANT ASSISTANCE REQUESTED: 3315-

APPLICATION CERTIFICATION

I, the undersigned, certify that I have read the program description and requirements for the Village of Glen Ellyn Façade Improvement Grant Program. I certify that all information provided herein is true and accurate to the best of my knowledge. I understand that the improvements described in this application must receive all required permit approvals from the Village of Glen Ellyn prior to the commencement of construction.

Furthermore, I, the undersigned, my successors and assigns, hereby agree to save and hold harmless the Village of Glen Ellyn and any of its employees, officers and directors from all cost, injury and damage to any person or property whatsoever, any of which is caused by an activity, condition or event arising out of the performance, preparation for performance or nonperformance of any project improvement included in my grant application. The above cost, injury, damage or other injury or damage incurred by or to any of the above shall include, in the event of an action, court costs, expenses of litigation and reasonable attorneys' fees. I understand that if my business moves out of the Village of Glen Ellyn within 3 years I will be required to repay the Village in an amount as described on page 3 of the grant packet.

KATY BALABINIS
Applicant Name (PRINT)

Applicant Signature

3/16/12
Date

CONSENT FROM PROPERTY OWNER (Required if different from Applicant)

Property Owner Name (PRINT)

Property Owner Signature

Date

**********Office Use Only**********

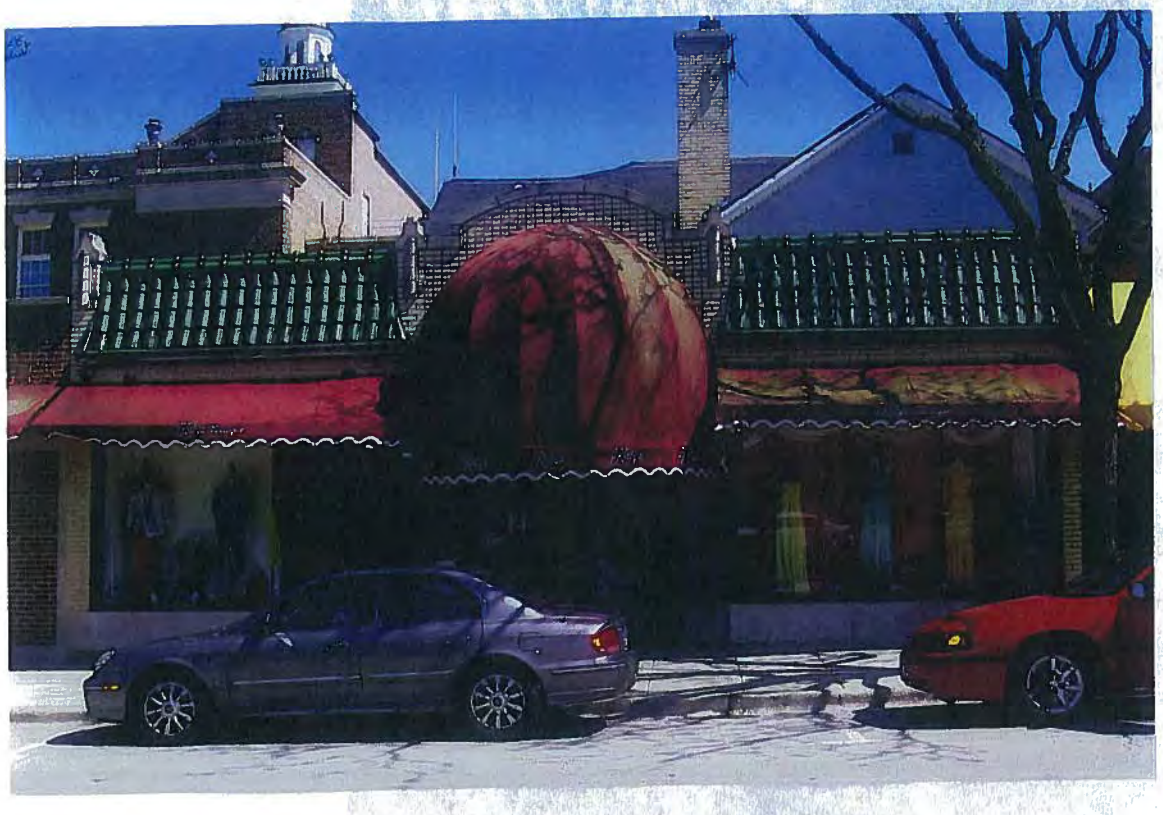
Application is: _____ Approved _____ Denied

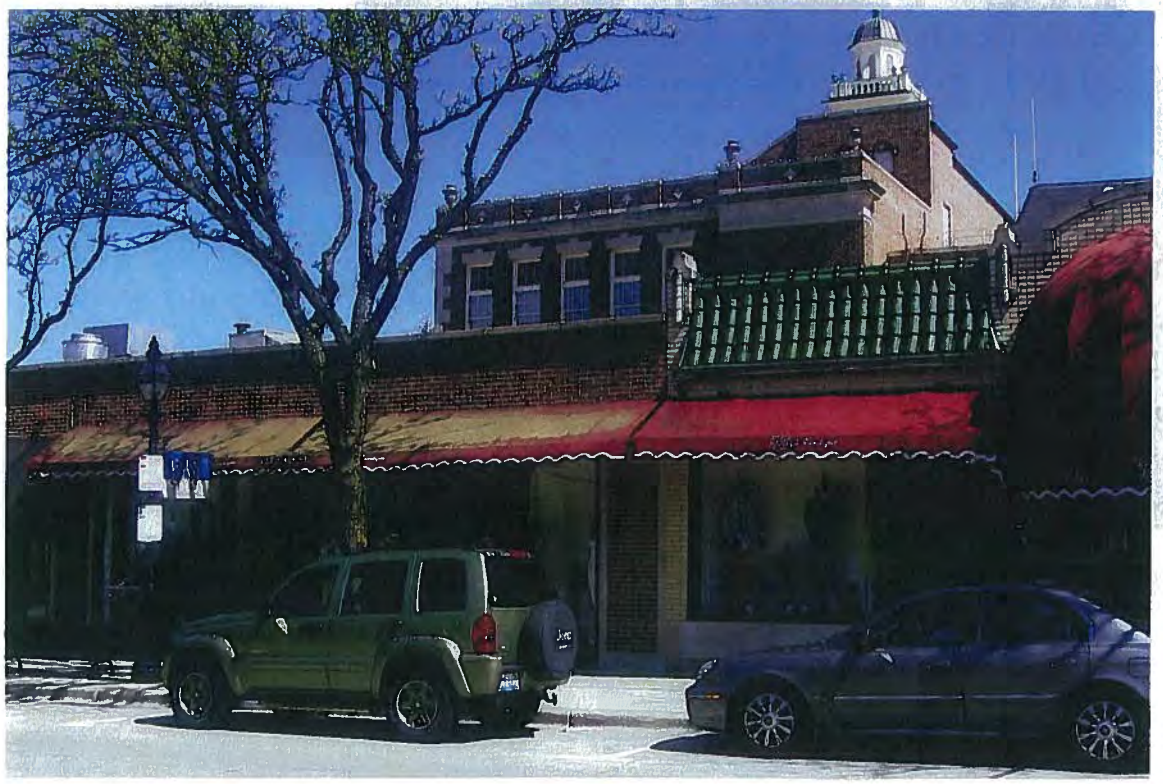
Village President

Date

Planning and Development Director

Date





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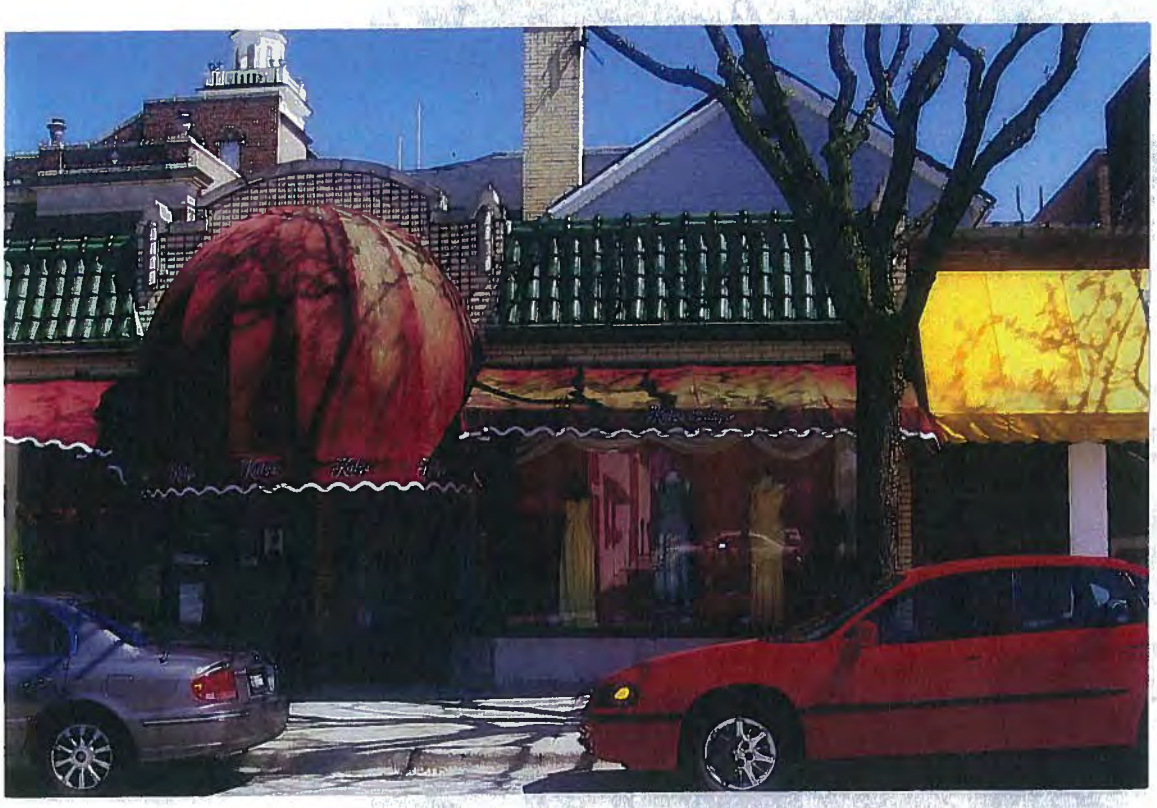
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN



6.F

Shine-Awn

6631 W. 16th Street
Berwyn, IL 60402
(708) 484-0551
(708) 484-0558 (fax)

Estimate/Proposal

DATE	ESTIMATE NO.
11/23/2011	4476

NAME / ADDRESS
Katy's Boutique Owner 427 Main Street Glen Ellyn IL 60137 630 469 4900 fx 630 790 4623

SHINE AWN

P.O. NO.	TERMS	REP	PROJECT	JOB LOCATION
	Net 15	Jerry	awning recover	

ITEM	DESCRIPTION	TOTAL
Awn. Recover	I have looked at the location an have a price for a recover of the awnings here. Permits are not included for this recover. The village now requires flame retardant material on awning. The manufacturer of your original fabric Sunbrella does make a burgundy Firesist Sunbrella that can be used. The front awning bubble will be removed and brought to the shop for recover. It is 9' tall by 9' pro by 11'6" wide. Total cost for this awning to be recovered is $2250.00. There are also 2 rollout awnings at 17' each and 2 rollout awnings at 14' wide. These both extend approximately 8'7" Two of these units have end covers on them. The fabric will be removed and duplicated using the best of industry standards. Although the hardware looks in good condition, there may be some frame work or parts replacement needed. We will inform you of the cost if any when the work is being done. Total for the recover of these 62' of rollout awning would be $4630.00. Although there was a small price increase effective for January this year you can still save $400.00 by doing the straight style valance without the painted design on the bottom. Not yet deducted on the right. Total for the job is $6880.00. Thank you for the interest. Please let us know if there are any questions. I can be	6,880.00

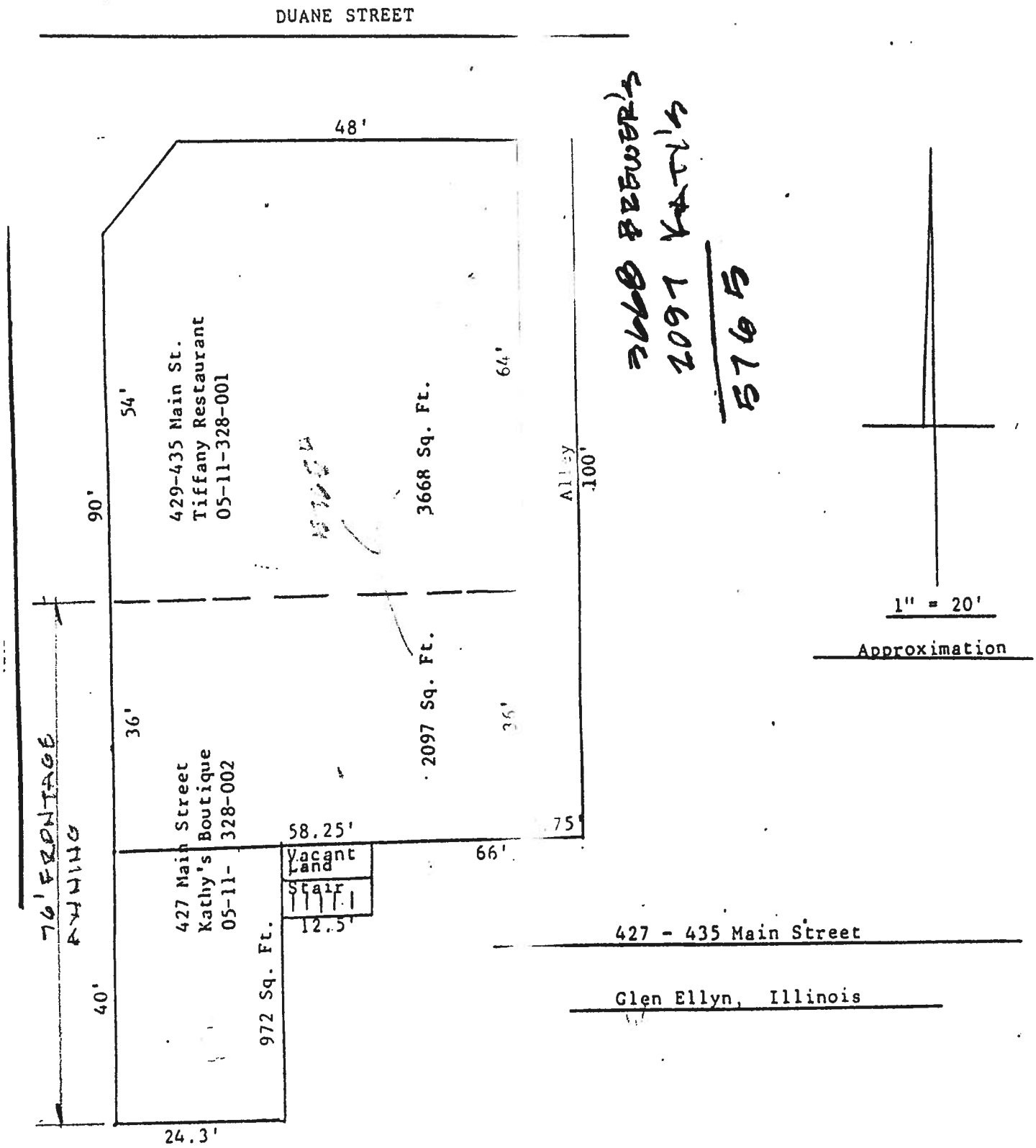
Thank you for your interest!	TOTAL

After the company goes into production of the above mentioned work, the contract cannot be cancelled and the purchaser is responsible for the whole amount contracted herein. The merchandise is the property of Shine Awn, Inc. until the whole amount of the contract is paid in full, whether on the truck, in the shop, or installed at location. A service charge of 1-1/2 percent monthly will be added to any unpaid balance beginning 30 (thirty) days after the date of installation.

SIGNATURE

RECEIVED
APR 1 0 2012
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

Friday, March 23, 2012
Shine-Awn


DUANE STREET
48'
54'
90'
429-435 Main St.
Tiffany Restaurant
05-11-328-001
3668 Sq. Ft.
64'
Alley
100'
2097 Sq. Ft.
36'
35'
427 Main Street
Kathy's Boutique
05-11-328-002
58.25'
75'
66'
Vacant Land
Stair
12.5'
972 Sq. Ft.
40'
24.3'
76' FRONTAGE
AWNING
1" = 20'
Approximation
427 - 435 Main Street
Glen Ellyn, Illinois

the bottom and top edges of awnings should line up with the adjacent awnings or with the horizontal line established by the door head or top of display windows.

3.7.1 Awnings should be shaped to reflect structural bays (defined by fire walls, columns, arches, pilasters etc.) and proportioned to serve the functional and aesthetic value of protecting pedestrians and window displays. Awnings across a single building front of the typically narrow historic downtown storefront can provide shelter and continuity where there is more than one business in a single storefront.

Awnings should be shaped in accord with the opening, which they cover. Bulbous, curvilinear awnings over rectangular shapes and back-lighted awnings are generally inappropriate.

3.7.2 Awnings should be made of fabric with no internal illumination, and with valances to complete a defined protective space. Awning material should be selected for fire and fade resistance, with color and styling to blend into the building face and adjacent building features. In the downtown, canvass rather than metal awnings are appropriate. Harsh contrast, bold patterns and bright colors draw attention to the awning at the expense of the basic architecture of the building and the overall composition of the streetscape. A valance should extend along the bottom of the awning.

3.7.3 Canopies and awnings should not obscure original architectural detail.

3.8 Minimize utilitarian elements on building surfaces. Utilities should preferably be located below ground and enter a building unseen. Where this is not possible, these elements should be consolidated and reduced in scale to minimize their apparency from public rights-of-way. They should enter the building through a wall or roof where they are least visible from the main entry. Building components such as air conditioners, burglar alarms, vents and other items should similarly be as inconspicuous as possible, being located away from the front facade and painted to blend into the wall of which they are a part. Through the wall and window air conditioners should not be used on facades facing public-rights-of way.

3.9 Entrances to business establishments should have large glass areas, and where possible, be sheltered from the wind and rain. The focus of the ground floor uses and design should be a pedestrian orientation. The design and proportion of the door should relate to the proportion and detailing of the adjacent windows and walls. Entrances should be clearly visible from the parking area or line of approach and appropriately lighted.