

Agenda
Village of Glen Ellyn
Special Village Board Meeting
Monday, April 29, 2013
6:30 p.m. – Galligan Board Room

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Audience Participation
 - A. Proclamation in recognition of outgoing Trustee Henninger's service to Glen Ellyn.
 - B. 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.

5. Consent Agenda (*Village Manager Franz*)

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 Cooper*)

- A. Resolution No. 13-11, A Resolution Authorizing a Feasibility Study and a Housing Impact Study Concerning the Redevelopment of Certain Property Located within the Village. (*Assistant to the Village Manager Schrader*)
 - B. Motion to approve a license agreement to allow tables and chairs in the public right-of-way for Blackberry Market at 401-405 N. Main Street. (*Planning and Development Director Hulseberg*)
6. Ordinance No. 6130-VC, An Ordinance Amending Certain Provisions in Title 4 of the Glen Ellyn Municipal Code, as Amended to Regulate the Purchase by a Retail Establishment of Certain Used Goods Which are Frequently Stolen in Robberies and Burglaries. (*Trustee Friedberg*)

Police Chief Philip Norton will present information on a revised proposed Ordinance that would aid law enforcement in the investigation of certain crimes, particularly when stolen property was likely to be sold for cash.

7. Ordinance No. 6124, An Ordinance Approving a Preliminary Plat Subdivision, Subdivision Variations and Zoning Variations for the Amber Ridge Subdivision Proposed on Property Commonly Known as 760 Sheehan Avenue. (*Trustee Hartweg*)

Planning and Development Director Staci Hulseberg will present information regarding the request of K. Hovnanian Homes for approval of a Preliminary Plat of

Subdivision, Subdivision Variations and Zoning Variations to accommodate the construction of a new 23 single-family home lot subdivision on property commonly known as 760 Sheehan Avenue. The property is located at the northwest corner of Route 53 and Sheehan Avenue in the R2 Residential zoning district.

- A. Staff Presentation
- B. Developer Presentation
- C. Resident Comments
- D. Village Board Questions/Discussion

8. Reminders:

- The next Special Village Board Meeting is scheduled for Monday, May 13, 2013, beginning at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

9. Other Business?

10. Adjournment

11. Press Conference



Proclamation

**HONORING
CARL HENNINGER
FOR HIS YEARS OF SERVICE
ON THE BOARD OF TRUSTEES
OF THE VILLAGE OF GLEN ELLYN**

WHEREAS, Carl Henninger has served as Village Trustee for four years; and

WHEREAS, Carl has served as Trustee Liaison to the Building Board of Appeals Commission and the Finance Commission, as well as a Representative of the DuComm Board of Directors; and

WHEREAS, serving a term on the Village Board requires many hours of reading, researching, studying and attending approximately 250 night meetings; and

WHEREAS, Carl's four years as Trustee satisfies his public service commitment at set forth by the voters of Glen Ellyn; and

WHEREAS, Carl will be remembered for his Finance Commission input and finance reports that will live on after his term; and

WHEREAS, during Carl's term of office, Glen Ellyn remained a leader in DuPage County and in the Chicago metropolitan area in its efforts to provide services and maintain a high quality of living for its residents;

WHEREAS, Carl has served the Village with dedication and commitment to a high standard of public service, and his personal dedication to the highest professional ideas and standards has earned him the respect and admiration of the citizens and municipal employees who have worked with him; and

WHEREAS, Trustee Henninger oversaw the 10-Year Capital Plan, GEHS Intergovernmental Agreement, revisions to the GWA Intergovernmental Agreement, Economic Development Incentive Guidelines, Fresh Market Redevelopment Agreement, creation of the Downtown Alliance, partnership with the Chamber of Commerce in its new location at 810 Main Street, development of the History Park, and approval of The Village Links improvement project.

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do convey the appreciation of the Village Board and the residents of Glen Ellyn for the dedication, good humor and quiet effectiveness of Carl Henninger, Village Trustee, and for his many hours of tireless service and immeasurable contributions, which help keep Glen Ellyn a beautiful, safe and vibrant community.

VILLAGE PRESIDENT
ATTEST:

ACTING VILLAGE CLERK

DATE

MEMORANDUM

TO: Mark Franz, Village Manager 3
Al Stonitsch, Assistant Village Manager
FROM: Kristen Schrader, Assistant to the Village Manager K
DATE: April 23, 2013
RE: TIF Roosevelt Road Feasibility Resolution



Background

At the February 11, 2013 Meeting the Village Board approved a Tax Increment Financing (TIF) District Consultant Services Proposal with Kane McKenna and Associates. The Consultant Services Proposal includes a feasibility study, as well as the preparation of an Eligibility Report, Redevelopment Plan, Housing Impact Study and a variety of other items related to the designation of a portion of Roosevelt Road as a TIF District.

Before moving forward with the feasibility study, the Village is required to adopt a TIF Feasibility and Housing Impact Study Resolution. The resolution authorizes Kane McKenna to commence a Feasibility Study, including a Housing Impact Study of the Proposed Redevelopment Project Area. It also provides interested parties with contact information related to the proposed district.

The resolution has been prepared and reviewed by the Village's TIF Attorney, and is attached. The Village Board is requested to review and consider the attached resolution at the Village Board Meeting on April 29. If adopted by the Village Board, the resolution will be sent to all taxing districts within the proposed TIF district.

Also attached is a tentative timeline developed by Kane McKenna for the adoption of the TIF District. This timeline may be adjusted as we move forward with the TIF District adoption process, but provides a solid outline as to the steps required to create the TIF.

Action Requested

These items will be presented to the Village Board via the consent agenda on April 29, 2013:

- Resolution No. _____, A Resolution Authorizing a Feasibility Study and a Housing Impact Study Concerning the Redevelopment of Certain Property Located Within the Village of Glen Ellyn, Illinois.

Recommendation

I recommend that the attached resolution related to the proposed downtown TIF District be approved.

Attachments

- Feasibility/Housing Impact Study Resolution with Exhibits
- Tentative TIF District Adoption Process Timeline

cc: Staci Hulseberg, Planning and Development Director
Kevin Wachtel – Finance Director
Christina Coyle, Assistant Finance Director
Michele Stegall, Village Planner
Dave Silverman, Village Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A FEASIBILITY STUDY
AND A HOUSING IMPACT STUDY CONCERNING
THE REDEVELOPMENT OF CERTAIN PROPERTY LOCATED
WITHIN THE VILLAGE OF GLEN ELLYN, ILLINOIS**

WHEREAS, the Village of Glen Ellyn, DuPage County, Illinois (the “Village”) is a duly organized and existing municipality created under the provisions of the laws of the State of Illinois; and

WHEREAS, the Village is authorized to take certain actions pertaining to redevelopment activities; and

WHEREAS, the Village President and Board of Trustees (the “Corporate Authorities”) find and hereby declare that it is in the best interests of the Village that certain property generally described in Exhibit A attached hereto (the “Proposed Redevelopment Project Area”) be revitalized and redeveloped; and

WHEREAS, the Proposed Redevelopment Project Area has not been subject to maximum growth and development through investment by private enterprise and it is not reasonably anticipated to continue to produce property taxes of the same level as it previously had without certain public assistance by the Village; and

WHEREAS, the Corporate Authority is considering designated the Proposed Redevelopment Project Area as a “Redevelopment Project Area” or “TIF District as contemplated by 65 ILCS 5/11-74.4-1 et seq. (the “TIF Act”); and

WHEREAS, the Corporate Authorities agree that it is necessary to conduct a feasibility study as contemplated by the TIF Act (the “Feasibility Study”) regarding the Proposed Redevelopment Project Area; and

WHEREAS, the Corporate Authority further agree that a Housing Impact Study as contemplated by the TIF Act should be performed with regard to the Proposed Redevelopment Project Area (the “Housing Impact Study”).

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLYN ELLYN, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The foregoing recitals shall be and are hereby incorporated in this Section One as if said recitals were fully set forth herein.

SECTION TWO: The Corporate Authorities will consider the use of various programs including, but not limited to, Tax Increment Allocation Financing pursuant to the TIF Act concerning the Proposed Redevelopment Project Area and may take such actions as they deem appropriate and necessary to induce quality development of the Proposed Redevelopment Project Area and, within their sole discretion, adopt such program(s) deemed necessary and desirable to implement the same.

SECTION THREE: Kane, McKenna and Associates, Inc. is hereby authorized to commence a Feasibility Study which shall include a Housing Impact Study of the Proposed Redevelopment Project Area.

SECTION FOUR: The Village shall immediately transmit a copy of this Resolution to all taxing districts that would be affected by designation of the proposed Redevelopment Project Area as a Redevelopment Project Area or TIF District.

SECTION FIVE: The Village of Glen Ellyn, ATTN: Kristen Schrader, Assistant to the Village Manager, whose address is Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois 60137 and whose phone number is (630) 469-5000 may be contacted for additional information about the Proposed Redevelopment Project Area. The Village of Glen Ellyn, ATTN: Kristen Schrader, Assistant to the Village Manager, shall also receive all comments and suggestions regarding the Proposed Redevelopment Project Area to be studied.

SECTION SIX: If any section, paragraph, clause or provisions of this Resolution shall be valid, said invalidity shall not affect any other provision of this Resolution.

SECTION SEVEN: This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law. The Village Clerk is directed to publish this Resolution in pamphlet form.

Approved by the Village President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois this _____ day of _____, 2013.

Village President

ATTEST:

Village Clerk

EXHIBIT A

DESCRIPTION

(A general area description, not legal)

Roosevelt Road TIF Boundaries

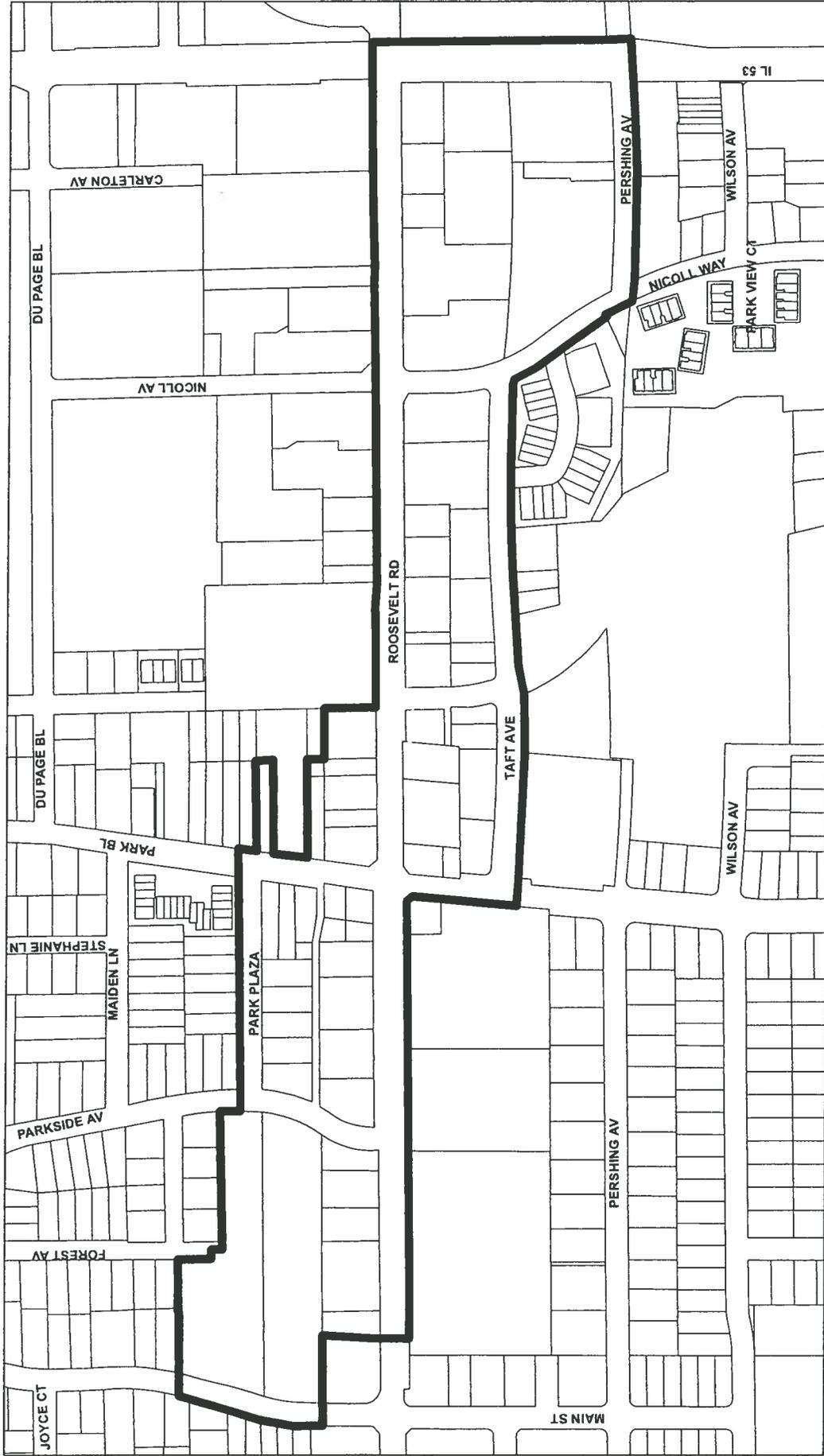


EXHIBIT B
Overview of TIF

The Purposes of the Proposed Redevelopment Plan and Project:

The Village recognizes the need for implementation of a strategy to revitalize properties within the boundaries of the Proposed Redevelopment Project Area and to stimulate and enhance private development. Business attraction and expansion are key components of the strategy. The needed private investment will be possible only if Tax Increment Financing (TIF) is adopted pursuant to the terms in the Tax Increment Allocation Redevelopment Act, Illinois Compiled Statutes, chapter 65, Section 5/11-74.4-1 et seq. (the “TIF Act”), as amended. Incremental property tax revenue generated by the development will play a decisive role in encouraging private development. The Proposed Redevelopment Project Area contains conditions that may have precluded intensive private investment in the past which will be eliminated. Ultimately, the implementation of the Redevelopment Plan and Project will benefit the Village and all the taxing districts, which encompass the Proposed Redevelopment Project Area in the form of a significantly expanded tax base.

An Overview of TIF

TIF allows municipalities to carry out redevelopment activities on a local basis. The technique is used to pay for the public improvements and other services needed to prepare the Redevelopment Project Area for private investment. Through TIF, a community captures the increase in local real estate taxes, which result from the Redevelopment Project Areas. This increase in taxes may be used to pay for the public and other eligible costs as defined by the TIF Act involved in the project.

Under TIF, the current equalized assessed valuation of all taxable real estate within the designated area is “frozen” at that level. This is the base EAV. Taxes are levied on the base EAV in the Redevelopment Project Area, including the County, school districts, township, etc. However, the growth in property tax revenues as a result of the private investment in the Redevelopment Project Area (the tax increment) is put into a special “tax allocation fund”. These funds are then used to pay for the public investment made in the Redevelopment Project Area.

MEMORANDUM

TO: Mark Franz, Village Manager *J*
FROM: Staci Hulseberg, Director of Planning & Development *SH*
DATE: April 23, 2013
FOR: April 29, 2013 Village Board Meeting
RE: License Agreement for Blackberry Market



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. This year, the Planning and Development Department mailed draft license agreements to ten (10) restaurants and one (1) mobile cart owner who had previously expressed interest in locating structures on the public sidewalk in the downtown.

Issues

Blackberry Market has submitted a signed license agreement and supplemental documentation that is attached and ready for Village Board consideration. Heaven-Lee Hot Dogs, Starbucks, Einsteins, Vitorio's and Flour + Wine have previously received license agreements this year.

Recommendation

A draft license agreement is attached to allow tables and chairs in the public right-of-way for Blackberry Market at 401-405 N. Main Street.

The applicant has submitted all the required information including the \$50 license agreement fee, signed license agreement and certificate of liability insurance.

Action Requested

It is requested that the Village Board make a motion to approve a license agreement for Blackberry Market.

Attachment: Blackberry Market License Agreement

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 Blackberry Market ("Licensee") pertaining to the property located at 401-405 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, 2013 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 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,

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

LICENSEE:

Blackberry Market
401-405 Main St.
Anna Davidson

By: _____

Name: _____

Title: _____

By: Anna Davidson

Name: Anna Davidson

Title: Owner

A-6

MEMORANDUM

TO: Mark Franz, Village Manager *MF*
FROM: Phil Norton, Chief of Police *PN*
DATE: April 24, 2013
RE: SECONDHAND DEALER LICENSE II



Background

On January 28, 2013, the Village Board considered an ordinance that would aid law enforcement in the investigation of certain crimes, particularly when stolen property was likely to be sold for cash. The Village Board rejected the ordinance and asked for further modifications based on statements made by local business owners.

Additionally, there is confirmation that several other municipalities have experienced success with a similar ordinance. Some of those communities are Aurora, Bartlett, Bolingbrook, Elmhurst, Glendale Heights, Hanover Park, Oswego, West Chicago, and Villa Park.

Issues

The draft ordinance has been revised to remove coins and currency from items that would need to be entered into an on-line database. It also removes any fees from the local business owners directly involved in such transactions, and instead all costs will be borne by the Village.

Action Requested

The intent of this ordinance is to allow investigators to identify those responsible for stealing property and, in some cases, recover the property. I recommend that this amendment is presented to the Village Board for approval.

Attachments:

- Memo dated January 22, 2013 from Deputy Chief Bill Holmer detailing the original proposed ordinance.
- Red-lined version of ordinance showing modifications.

MEMORANDUM

TO: Phil Norton, Chief of Police
FROM: Bill Holmer, Deputy Chief of Police *WH*
DATE: January 22, 2013
RE: SECONDHAND DEALER ORDINANCE - PROPOSAL



Background

The Police Department has prepared an ordinance amendment to regulate secondhand stores in an attempt to protect businesses and victims of burglaries and thefts. This would be applicable to stores such as Midwest Gold Buyers located at 321 Roosevelt Road and most of our local jewelry stores. The common factor between the stores that would be governed by this ordinance is that they purchase items like gold and other jewelry from customers. Unfortunately, this type of activity could also attract the criminal element. For example, it would not be uncommon for someone to break into a home, steal jewelry, and then sell it to a local store for cash. In the past, this type of activity was seen mostly at pawnshops. However, this activity has grown over the past five years and now includes virtually every jewelry store. These transactions can also apply to electronics, coin collections and other small valuables.

Over the last couple of years, a system called Leadsonline has been developed, which is a database designed to be a clearinghouse for property purchased as described above. This system provides a location for police to search for property that has been reported stolen. Our investigators have had success recovering stolen property and arresting thieves because of this system. The most recent success using this system occurred last week. In that case, an elderly Glen Ellyn resident reported items stolen from her home. Our investigators interviewed suspects, but had little evidence until they discovered the stolen silver had been sold to a business that reported the purchase to Leadsonline. The seller was, in fact, one of the suspects. The cost for the Department to subscribe to Leadsonline is about \$3000 annually. There is no cost to a business from Leadsonline to enter/upload their data to the system.

One of the benefits of participating in Leadsonline is that many communities are already participating. Therefore, the amount of items being entered into the system is quite large as noted in the above case.

Issues

The Department solicited input from the business owners that we thought would be impacted by the ordinance. On October 2, 2012, we hosted a meeting with representatives from those businesses. We heard a lot of negative feedback about having to report purchases and also having to hold purchased property for a specified period of time. We adjourned the meeting and promised to examine the original proposal considering the feedback received.

The attached amendment was put together with assistance from the Village Attorney and considers the feedback from those in attendance at the meeting. The most notable modifications are that we more narrowly focused the transactions we are seeking to regulate. We are primarily looking at transactions involving jewelry or electronics. By focusing on these transactions we were able to eliminate businesses such as an antique store that takes in furniture from an estate or a bicycle shop that takes a bicycle on trade for a new purchase. Additionally, we reduced the time required of a store to hold purchased jewelry (before reselling or melting) from the industry standard 30 days to 7 days. Our research found licensing fees ranging from \$500 - \$1500; we set ours at \$250.

Action Requested

The intent of this ordinance is to allow investigators to identify those responsible for stealing property and, in some cases, recover the property. I recommend that this amendment is presented to the Village Board for approval.

Attachments:

1. Ordinance amendment
2. Status memorandum dated October 3, 2012
3. Copy of letter sent to businesses dated January 22, 2013

Village of Glen Ellyn

Ordinance No. _____ -VC

**An Ordinance of the Village of Glen Ellyn
Amending Certain Provisions in Title 4 of the Glen Ellyn Municipal Code, as Amended
To Regulate the Purchase by a Retail Establishment of Certain Used
Goods Which are Frequently Stolen in Robberies and Burglaries.**

**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 of the Village of Glen Ellyn
Amending Certain Provisions in Title 4 of the Glen Ellyn Municipal Code,
as Amended To Regulate the Purchase by a Retail Establishment of Certain
Used Goods Which are Frequently Stolen in Robberies and Burglaries.**

Whereas, the Village of Glen Ellyn is an Illinois home rule municipal corporation (“*Village*”), and is authorized under Section 6, Article XII, of the Illinois Constitution to exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

Whereas, the sale, purchase, and exchange of stolen goods fuel the sales and purchases of illegal drugs and other criminal activity; and

Whereas, there are certain types of goods which are often stolen in robberies and burglaries and then sold to others for retail sale; and

Whereas, the retail merchants often are not aware that the goods are stolen, but the public welfare would be served by a system of recording such goods which are sold to merchants for retail sale to others; and

Whereas, the prompt reporting of a class of secondhand goods that are sold, pawned, purchased, or exchanged will greatly aid the Village of Glen Ellyn Police Department in identifying and recovering stolen goods; and

Whereas, the corporate authorities of the Village of Glen Ellyn have determined that it is proper, necessary and in the best interest of the Village of Glen Ellyn to adopt this legislation regulating and licensing the businesses of dealers in certain secondhand goods; and

Whereas, the Corporate Authorities have developed a class of goods which are often stolen and then attempted to be sold; and

Whereas, this legislation is the act of the corporate authorities of the Village of Glen Ellyn, pursuant to its home rule powers as granted by Article VII, Section 6 of the Illinois Constitution of 1970,

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

Section 1. Recitals: The foregoing recitals are incorporated as if fully set forth in this Section 1.

Section 2. Amendments: Chapter 29 of Title 3 of the Glen Ellyn Municipal Code, as amended, shall be and is hereby repealed in its entirety and will be replaced with the following new Chapter 29 that will be and read as follows:

Chapter 29

SECONDHAND GOODS PURCHASED FOR RETAIL SALES

3-29-1: REGISTER OF LICENSE REQUIRED:

No person, firm or corporation shall conduct, engage in, maintain, operate or carry on any business within the Village of Glen Ellyn dealing in the listed secondhand goods, wares and merchandise, as defined herein, either by himself or itself, or through an agent, employee or partner without first having obtained a license issued by the Village of Glen Ellyn, as provided herein for each separate place, premise, or location where such business is to be conducted.

3-29-2: DEFINITIONS:

(a) *Secondhand Goods Dealer* means any individual, corporation, business, partnership or other entity (1) who engages in the business of purchasing, selling, receiving, trading, consignment selling or otherwise transferring for value any Secondhand Goods, as defined herein, or (2) who purchases any Secondhand Goods, as defined herein, for purposes of recycling or salvaging such items. A Secondhand Goods Dealer shall not include (1) sales or exchanges of used articles and materials conducted or controlled by charitable, religious, or community organizations, including, but not limited to, schools, Boy Scouts, Girl Scouts, and

youth athletics groups, which accept donated items to resell for fundraising activities, and (2) residents of the Village conducting garage sales held not more than two weekends every year provided such residents are not engaged therein as a business. A Secondhand Goods Dealer licensed under this Chapter 29 is sometimes referred to as "Licensee".

(b) *Secondhand Goods* means, including but not limited to, any described goods, wares and merchandise which were previously owned or used by any person other than the manufacturer, wholesaler, or retailer with a value, such as :

- (1) Audio-visual equipment, including but not limited to any stereo, speaker, radio, video recorder, video camera, television set, tape or disc player;
- (2) Cameras and other photographic instruments and equipment;
- (3) Computers, printers, software, and computer supplies;
- (4) Electronic equipment other than electronic toys and games;
- (5) Jewelry;
- (6) Precious Metals and Stones, as defined herein;
- (7) Telephones, including, but not limited to pager and cellular phones and other satellite signal devices;
- (8) Valuable Metals, as defined herein;

(c) *Precious Metals and Stones* means any article combining precious metals, including but not limited to silver, gold, and platinum, such as, but not limited to, jewelry, ~~commemorative coins, or other items of memorabilia, United States or foreign currency,~~ or any articles containing any genuine diamond, ruby, emerald, sapphire or pearl of any value and any other genuine stone or gem.

(d) *Valuable Metals* means aluminum, copper, lead, titanium, stainless steel, copper alloy or brass, formed as a bar, cable, rod, tubing, wire, wire scrap, clamp, connector, bushing or bearing or other appurtenances utilized or that can be utilized by persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy, in telephone, telegraph or other communications, or by railroads; or any copper, copper alloy or brass, or aluminum materials utilized for the purpose of plumbing, storm doors and windows, siding, or gutters of building structures or automotive parts.

**3-29-3: APPLICATION; INVESTIGATION OF APPLICANT;
QUALIFICATIONS:**

(a) An application for a Secondhand Goods Dealer license shall be made on a form provided by the Village Clerk, who shall provide a copy of the application to the Chief of Police, or his designee, to investigate each licensee applicant. ~~Each applicant shall pay a non-refundable fee of \$250.00 with each application submitted.~~

The Chief of Police shall determine whether or not such applicant has complied with the laws of the State of Illinois and the provisions of this Ordinance applicable to said business, and whether the applicant is a person of good character and repute. No license shall be issued to any person, partnership, corporation or other entity, if any owner, manager, partner, officer, director, employee, or shareholder owning more than five (5) percent of the shares of stock in the corporation has been convicted of any felony offense or convicted of the offense(s) of possession of stolen goods, burglary, robbery, or who has been convicted of any criminal offense involving dishonesty or moral turpitude.

(b) Every applicant for a Secondhand Goods Dealer license, as well as every owner, partner, manager, officer, director, employee, and in the case of a corporate applicant, every shareholder owning more than twenty-five percent (25%) of the shares of stock in the corporation shall undergo a criminal background investigation, which investigation may include fingerprinting, prior to the issuance of a Secondhand Goods Dealer license.

(c) Existing businesses located in the Village of Glen Ellyn on the date this Ordinance becomes effective shall have thirty (30) days to apply for a license required under this Chapter 29. The Village Clerk shall endeavor to send a notice to existing businesses which the Clerk believes may require such a license, but all entities which need a license shall be required to apply, even absent such notice.

3-29-4: BUSINESS LOCATION; ZONING; INSPECTION; CODE COMPLIANCE:

(a) Every applicant for a Secondhand Goods Dealer license must state in the application the address of the building and premises on which the person or entity is conducting or proposing to conduct a business dealing in Secondhand Goods.

(b) Such building and premises must comply with all Village zoning, building, fire and health codes, ordinances, rules and regulations, as well as all other applicable Village codes, ordinances, rules and regulations and must be maintained in good repair, free of litter and debris and kept in a safe condition for employees, customers, and other persons present at the business location stated in the application ("Licensed Premises").

(c) Any business licensed under this Chapter 29 must comply with all laws of the State of Illinois and all other applicable governmental rules and regulations, and must not be conducted, operated, maintained or carried on so as to constitute a nuisance.

3-29-5: ISSUANCE OF LICENSE:

(a) Upon compliance with all the requirements of this Chapter 29, a Secondhand Goods Dealer license will be issued to the applicant for the Licensed Premises.

(b) Each license will be valid from the date of issuance until the following April 30th and shall be subject to re-issuance for the period from May 1st to April 30th of each year thereafter.

~~3-29-6: ANNUAL FEE:~~

~~The annual license fee for a Secondhand Goods Dealer license shall be Two Hundred Fifty Dollars (\$250.00). The initial application fee shall be applied to the first year annual fee.~~

3-29-7: DUTY TO REPORT STOLEN OR LOST ARTICLES:

Each Licensee or employee or agent must report to the Chief of Police, or his or her designee, any Secondhand Goods sought to be sold to the Licensee or placed on consignment with the Licensee, if the Licensee or his employee or its agent reasonably believes that the Secondhand Goods was stolen or that the Secondhand Goods was lost and found by the person attempting to sell it or place it on consignment.

3-29-8: RECORD REQUIREMENTS:

All Licensees doing business in the Village of Glen Ellyn shall participate as fully required by reporting the data to an on-line database: *leadsonline.com*. This reporting requirement records things including, but not limited to:

- (1) accurate account and description of the Secondhand Goods including the brand name, if any;
- (2) amount of money paid for the Secondhand Goods;
- (3) serial number or other identification number of the Secondhand Goods;
- (3) time and date of the transaction; and
- (4) name and residence address of the person selling or placing the Secondhand Goods on consignment.

Any Secondhand Goods purchased or received on consignment must be clearly digitally photographed in color so as to be able to clearly identify the Secondhand Goods, including any serial numbers or other identifying marks. All photographs taken must be maintained and preserved as provided in this Section 3-29-8. This requirement does not apply to any Secondhand Goods purchased from dealers possessing a federal employer identification number who have provided a receipt to the Licensee.

Any failure to follow the reporting requirements of the website shall be considered a violation of Chapter 29.

3-29-9: IDENTIFICATION REQUIRED:

- (a) It is unlawful for any Licensee, agent or employee of a Licensee to fail to request and require identification to be shown by each person selling any article to

the Licensee or placing such article on consignment with the Licensee. The Licensee, agent, or employee of the Licensee must photocopy the identification presented and retain the photocopies as records under Section 3-29-8. In addition to a valid driver's license or identification card, other acceptable forms of pictured identification include an employee or student identification card, pictured credit card, or a pictured civic, union or professional association membership card. If the person selling the Secondhand Goods to the Licensee or placing the Secondhand Goods on consignment with the Licensee does not present identification issued by the State of Illinois, the Licensee must digitally photograph the person in color print and record such person's name, residence address, date of birth, gender, height and weight on the reverse side of the photograph.

(b) The Licensee must maintain the records required by this section in electronic form, in a manner approved in writing by the Chief of Police.

(c) Any Secondhand Goods deposited, pawned or pledged shall be entered into the leadsonline.com database within twelve (12) hours of receipt of the article. The Chief of Police may in writing to the Licensee, designate another electronic database which shall satisfy the reporting provision of Chapter 29. The Chief of Police, for good reasons presented, may waive or modify any requirement of Sections 3-29-8 or 3-29-9 or 3-29-13.

3-29-10: INSPECTION OF RECORDS:

The record book, electronic records, video surveillance records, digital photographs, as well as every Secondhand Goods purchased or received on consignment will at all times be open to inspection by the Chief of Police, or his or her designee, during the Licensee's business hours. The record book, electronic records, and all photographs taken must be maintained for a period of three (3) years after the date on which the record was prepared.

3-29-11: MONTHLY REPORT:

Except as may be otherwise provided in this Chapter 29, every Licensee must prepare and deliver to the Chief of Police, or his designee, a legible exact copy of the record book and computer generated record, including copies of the digital photographs, as required in this Chapter 29, for all transactions made during the preceding calendar month. This record must be delivered no later than twelve (12:00 p.m.) noon on the third (3rd) day of each month showing transactions in the prior month.

3-29-12: TRANSACTIONS WITH PROHIBITED PARTIES:

(a) It is unlawful for any Licensee, or his or its agent or employee, to purchase any Secondhand Goods from a person under the age of eighteen (18) years, or when the ownership of the Secondhand Goods is claimed by a minor, or when the Secondhand Goods are in the possession or control of a minor without the written consent of the minor's parent or legal guardian, The consent must be signed by the minor's parent or legal guardian in the presence of the Licensee or his employee or agent who must include the consent in the report required under Section 3-29-8.

(b) It is unlawful for any Licensee to purchase any Secondhand Goods from any person appearing to be intoxicated or under the influence of any drug or controlled substance or from any person known to have been convicted of theft, burglary, deceptive practices, robbery or armed robbery. It is the duty of every Licensee, or agent or employee of a Licensee, to return any Secondhand Goods purchased or received on consignment to the lawful owner of such article without the payment of the money paid by the Licensee, or any other cost or charge of any kind, in cases where the Secondhand Goods have been stolen from or lost by the lawful owner, and the lawful owner can clearly establish ownership.

3-29-13: SALE OF PROPERTY:

No article purchased or received on consignment by any Licensee shall be sold by the Licensee, altered from its original state, or removed from the place of business of such Licensee for a period of at least seven (7) days after purchase. Removal from place of business shall not apply to items stored at a central corporate location.

3-29-14: PROHIBITED ITEMS:

No Licensee, or agent or employee of a Licensee, may purchase or receive on consignment any firearm, stun gun or taser or any article, the possession of which is prohibited pursuant to Section 24-1 (a)(1) of the Illinois Criminal Code, 720 ILCS 5/241(a)(1).

3-29-15: REVOCATION OR SUSPENSION; HEARING:

(a) Any license issued under this Chapter 29 may be revoked or suspended for not more than thirty (30) days by the Village President by reason of a violation of any of the provisions of this Chapter 29, following a hearing,

(b) When a hearing is set by the Village President in a revocation or suspension proceeding, the Licensee will receive not less than 20 days written notice, which notice will contain the charges made, as well as the time and place when the hearing will be held.

(c) At a hearing conducted pursuant to this Section 3-29-16, the Licensee will have the right to be represented by counsel, to present witnesses, to testify and cross-examine any other witnesses. Proceedings will be conducted under oath.

(d) The Village President will preside at the hearing and the Village President will make the final determination.

(e) If any decision adverse to the Licensee is made by the Village President after a hearing, the Village President will provide the Licensee with the written reason or reasons for such decision, as well as a notice of the Licensee's right to seek administrative review of the decision.

(f) The provisions of the Administrative Review Act of Illinois (735 ILCS 5/3-101 et, seq.) will apply and govern all proceedings for the judicial review of final determinations of the Village President and Board of Trustees under this Section 3-29-

16. In the event that the Administrative Review Act shall be determined to not apply, the Licensee may seek any appropriate judicial review.

3-29-16: PENALTY:

(a) Notwithstanding any other provision of this Chapter 29 to the contrary, any person who violates the provisions of this Chapter 29 shall be fined an amount not less than \$150.00 or more than \$750.00 for each offense. Each day on which a violation continues shall be deemed a separate offense.

(b) A violation of the provisions of this Chapter 29 by an employee or agent of the Licensee will be imputed to the Licensee and will be considered the act of the Licensee for which the license issued may be suspended or revoked as provided by Section 3-29-16.

Section 3. Savings Clause: Should any portion of this Ordinance be declared void or unenforceable by any court of competent jurisdiction, such ruling shall not affect the validity of the surviving portions of this Ordinance.

Section 4. Effective Date: This Ordinance shall be in full force and effect upon its passage, approval and publication in the manner required by law.

Passed by the Village 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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A-7

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Hulseberg, Planning and Development Director
 Michele Stegall, Village Planner *mjs* *SH*

DATE: April 24, 2013

RE: Amber Ridge Subdivision



Staff has spoken with K. Hovnanian Homes to see how they plan to proceed following the April 15 Village Board meeting. The petitioner has indicated that they are willing to proceed with any of three options including the 23-lot option recommended by the Plan Commission, a 15-lot option fronting Sheehan Avenue and a 22-lot option with 7, 25% LCR variations. Each option is described further below along with a list of pros and cons.

Plan Commission Recommendation. With this option, the petitioner would proceed with the project as recommended by the Plan Commission which would include a 23-lot subdivision with a 22% LCR variation on 8 lots and a 25% LCR variation on 3 lots. The LCR variations would be specific to certain lots.

Pros.

- Incorporates public safety enhancements on Sheehan Avenue in front of the school including a new crosswalk, school signs and flashing beacons.
- Includes a designated pedestrian path between Lots 6 and 7 for children walking to and from Glen Crest Middle School.
- Eliminates the existing dead end on Montclair Avenue which has a substandard turning radius that can be problematic for snow plows, delivery trucks and emergency vehicles.
- Provides greater vehicular connectivity throughout the area for residents and emergency vehicles.
- Provides more convenient access to the signalized Sheehan Avenue and Route 53 intersection for residents to the north wishing to turn left on Route 53.
- The size of the resulting lots and homes would be comparable to the surrounding area.
- With the connected road pattern the property would be incorporated into the surrounding neighborhood.

Cons.

- Requires considerable tree removal.
- Net loss of 3 parking spaces on Sheehan Avenue.
- Increased traffic in the neighborhoods to the north generated by the new homes is estimated at one additional car every six minutes or longer during peak hours.
- Increased traffic on Sheehan Avenue generated by the new homes is estimated at one additional car every three minutes or longer during peak hours.

22-Lot Option. In response to Village Board comments, the developer indicated that they would be willing to revise their plan to reduce the number of lots to 22 with a 25% LCR variation on 7 lots of the petitioner's choice, excluding the 3 largest pie shaped lots (Lots 3, 4 and 15). With this option, the developer has requested that that Village assume the cost of the on-street parking changes on Sheehan Avenue. The lot that would be removed would be along the south property line (between Lots 4 and 12) west of Amber Ridge Drive.

Pros.

- All of the pros identified above with the 23-lot option.
- Addresses the Plan Commission's concern about an unusually large home being constructed on one of the large pie shaped lots while allowing for a greater diversification of homes within the subdivision.
- Reduces the number of LCR variations.
- Eliminates the corner side yard setback variation on Lot 12.
- Increases the size of 8 lots on the south property line by roughly 1,150 square feet each.

Cons.

- All of the cons identified with the 23-lot option.
- Village cost to complete on-street parking improvements on Sheehan Avenue estimated at \$15,000.

15-Lot Option. With this option, the property would be subdivided into 15-lots with each lot fronting Sheehan Avenue. In order to proceed with this option, the petitioner would need to amend their plans and appear before the Plan Commission with the revised proposal, which would include, among other things, an updated stormwater plan, traffic study, tree plan and utility plan. The size of the lots would be roughly 19,400 square feet each and the petitioner has indicated that they would plan to build 3,500 to 4,100 square foot homes. The petitioner has confirmed that the installation of a frontage road is not an option with this plan. Assertions have been made that the developer originally submitted a 15-lot plan to Village staff. While this alternative may have been briefly discussed, a plan for this option was never presented or submitted to staff by the developer. If it had been, we would have included it in the material that was forwarded to the Plan Commission for their pre-application meetings.

Pros.

- A greater number of existing trees could be preserved.
- No zoning or subdivision variations required.
- No traffic increase in the subdivisions to the north.

Cons.

- Creates 15 new curb cuts across from Glen Crest Middle School introducing multiple locations for potential new vehicle to vehicle and vehicle to pedestrian conflicts including the addition of new driveways across from 90 degree parking stalls and potential conflicts with motorists backing out of these parking spaces and the driveways opposite them.
- School District 89 officials have expressed great concern about this design for safety reasons.
- The subdivision would have a different character from the neighborhoods in the surrounding area.

- A pedestrian connection between Montclair Avenue and Sheehan Avenue could not be required.
- The pedestrian enhancements in front of Glen Crest Middle School, including new crosswalks, school signs and flashing beacons could not be required.
- The existing Montclair dead end that provides a substandard turning radius for snow plows, delivery trucks and emergency vehicles would remain.

Additional Site Plan Comments. Village management believes the double-loaded road options with a single road termination hundreds of feet east of the school's main entrance and a newly designated crosswalk are safer options than the 15-lot option for many of the reasons identified above. There are locations in the Village where single-family homes and driveway curb cuts are located across the street from other schools. However, they have fewer curb cuts than proposed in this situation, do not have 90 degree parking in front of the school and some are located on streets that are one-way during school hours. In addition, none are located next to a major arterial road and other options may not have existed when these properties were developed.

K. Hovnanian has verbally indicated that their return is actually less with the 23-lot option than it would be with the 15-lot option as roughly \$1 million in infrastructure costs are needed to accommodate construction of the new road and associated sidewalk, parkway trees, street lights and utility extensions. They have further indicated that approximately \$200,000 is being spent on other Village requested enhancements not required by Code including landscape buffers, the pedestrian path between Lots 6 and 7 and the improvements on Sheehan including a new crosswalk, school signs, flashing beacons and on-street parking changes. Therefore, although the developer is willing to proceed with the 22-lot plan as outlined above, they have indicated that a 21-lot plan is not an option.

LCR Comments. An attached garage product is more in keeping with the character of the surrounding neighborhood. A 25% lot coverage ratio for the attached garage product as proposed by the developer is essentially the same as a detached garage product. Since the coverage is the same and the character is more desirable, staff does not have a concern with granting an LCR variation. In addition, all of the proposed lots comply with the minimum required lot area, width and depth and the 2,500-3,100 square foot homes proposed with the 23-Lot option are not unusually large. If a reasonably sized attached garage home cannot be constructed in accordance with the Zoning Code, we may want to reevaluate this standard. If the Village Board would like to see examples of what the proposed homes would look like, the petitioner is in the process of constructing similarly sized homes in the Glenrise Grove subdivision north of the Village. These homes are being constructed on lots with similar widths and the same required 30-foot front yard setback. For the Board's convenience a map of this area is attached.

Stormwater. At the April 15 Village Board meeting, some Trustees expressed concern that granting a lot coverage ratio variation could exacerbate stormwater problems in the area. The lot coverage ratio calculation includes only roofed over structures and does not include impervious surfaces. A detached garage option actually results in more impervious surface due to the length of the driveway. Attached is a very small sampling of 2010 building permits previously compiled for another project that shows the increased impervious surface that can be created with detached garages. Regardless of the design, the petitioner will need to comply with the

requirements of the DuPage County Stormwater Ordinance which is one of the strictest stormwater ordinances in the country. To comply with the Stormwater Ordinance, the plan calls for directing stormwater into a new detention basin that would be constructed as part of the project. The rate that stormwater is released from the basin would be controlled in contrast to the uncontrolled runoff currently coming from this site which presently does not have a detention basin. With the application of the Stormwater Ordinance requirements, it is common to see an improvement in stormwater conditions after completion of a subdivision. In addition, since the property sits lower than the neighborhood to the north and the stormwater flows in a southeast direction, the project should not have a negative stormwater impact on the properties to the north. A greater issue for flooding in the Village is the lack of a maximum impervious surface coverage. Large patios and long driveways have resulted in up to 70% of properties being covered by impervious surfaces. Village staff is working on code revisions to address this issue.

Process. Draft Ordinances approving the 22-lot and 23-lot options have been prepared for the Village Board's consideration. The condition requiring a path to be constructed in the wetland/detention area on the east side of the property has been removed from the 23-Lot Ordinance. The Ordinance approving the 22-lot option is written in accordance with the proposal as described above, including the Village picking up the cost for the on-street parking changes on Sheehan Avenue and denial of the requested corner side yard setback variation. If the Board is in favor of proceeding with either of these options, a motion could be made to approve the corresponding Ordinance. If the Board is in favor of the 15-lot plan, we would suggest that the Board direct the developer to prepare revised plans and remand the request back to the Plan Commission for review using a combined preliminary/final one-step process.

Village Board Action. The Village Board is requested to approve either the 22 or 23-lot option or to remand the case back to the Plan Commission.

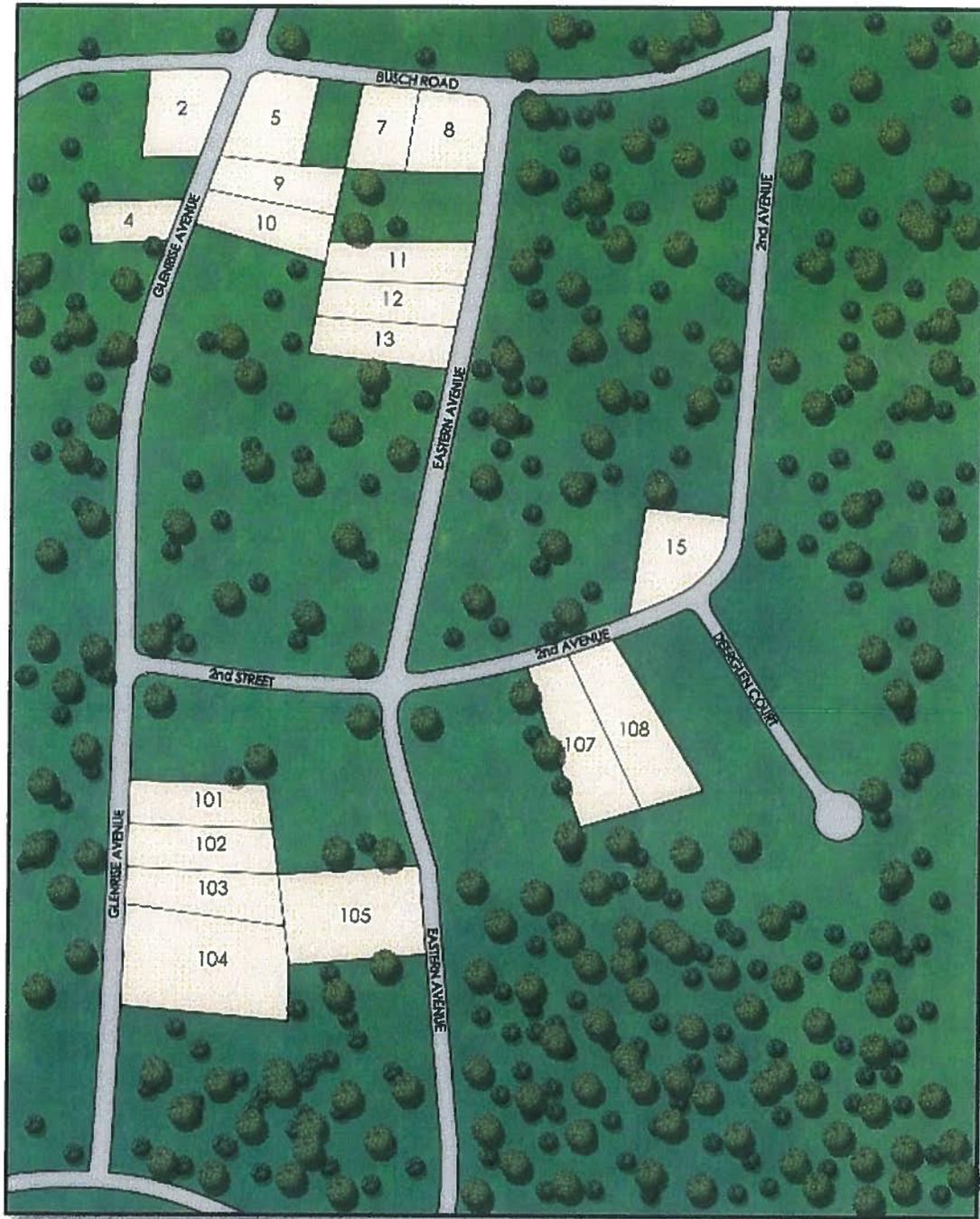
Cc: Julie Tappendorf, Village Attorney
Phil Norton, Police Chief
Julius Hansen, Public Works Director
Bob Minix, Public Works Professional Engineer
Ray Ulreich, Stormwater Engineer
Tom Adomshick, Village Traffic Consultant

Attachments: Building Permit Sampling
Glenrise Grove Plan
Correspondence received since April 15 Village Board meeting
Ordinance Approving 23-Lot Option
Ordinance Approving 22-Lot Option

2010 Sampling - New Single Family Home Permits

	Lot Area	Roofed Areas	Equivalent Lot Coverage with Bonuses	Impervious Coverage	Garage Type
374 Oak	30,493	3,551.88	11.6%	18.1%	Attached
251 Taylor	11,413	2,614.53	22.9%	40.1%	Attached
781 Revere	14,460	3,569	24.7%	48.3%	Detached
206 Bryant	14,925	3,222.05	21.6%	30.2%	Attached
358 Marion	7,581	2,107.90	27.8%	48.6%	Detached

GLENRISE GROVE



Michele Stegall

From: Mark Pfefferman [mark.pfefferman@gmail.com]
Sent: Wednesday, April 17, 2013 3:14 PM
To: JIsherwood@KHOV.COM; Akonovodoff@khov.com; Bmurphy@khov.com
Cc: Village Board; Mark Franz; Staci Hulseberg; Michele Stegall; Tappendorf, Julie; Diamond, Stewart; Sean Buckley; Keith Kinch
Subject: Amber Ridge of Glen Ellyn

Dear Mr. Konovodoff, Mr. Isherwood, and Mr. Murphy,

It was great to meet you over the last few days! Thank you again for choosing Glen Ellyn for your new Amber Ridge neighborhood. Thank you also for your flexibility, cooperation and willingness to address concerns. Finally, thank you for the professional and fair way you have conducted yourselves. You represent your company very well and should be proud.

Communication with an elected official for whom I have the utmost respect encouraged me to write to you to clarify my views with regard to the proposed Amber Ridge homes. He thought it may assist you and all involved, who will be copied. Please know that what follows represents my opinion, and not necessarily that of any other member of the Village Board, Village Management/Planning Teams, Plan Commission or public. Please accept this from the Village President only. I am educated on development, on all of Glen Ellyn and on this neighborhood. I love and support all three!

In short, like the Village Board, Plan Commission, Management, School District and every single neighbor who has written or spoken, I enthusiastically support and encourage your development.

To clarify:

- I. The proposed homes appear to be of quality and character. Thank you.
- II. As many of the Village Board members stated so well, density and storm water are of great concern. I am confident you will address the latter in partnership with the Village and the County. It would be my preference that the Village be ultimately responsible for the stormwater lines.
- III. It is said developing this parcel is unique and difficult. In all candor, rectangular parcels next to wetlands are developed frequently. I would have to believe your firm has experience with a similar parcel elsewhere across the country. In fact, unknown to the Plan Commission and Village Board until recently, you came to the Village with a plan that required no variations and developed the parcel nicely in my opinion. I support that plan. To me, it is a win for Glen Ellyn's economic development efforts, your new homeowners, the existing neighbors, the environment, the school, traffic, blending the three neighborhoods on Sheehan and saving ongoing Village expenses. If it does come to fruition, my only request would be that you offer a variety of aesthetically pleasing and well-constructed homes and no three are the same. What a grand, living, and highly visible advertisement that would be for K. Hovnanian!
- IV. You have admirably tried to accommodate a plan that offers more homes than your initial plan and that connects Montclair to Sheehan. I sincerely appreciate your efforts of staff's noble and well-intentioned requests. While I believe connectivity is extremely important, connectivity and density do not seem to be compatible to me with this development. If I heard you correctly, you mentioned that if you meet LCR requirements in the presented plan (which is especially important given the requested narrow right of way) you can only build 19 or fewer homes, which is not

financially viable for you. It is important to note that the Village has and will have **vehicular connectivity** between Rolling Hedge, Brentwood, Glen Park, Buena Vista Estates and the proposed Amber Ridge using **existing roads** that afford all of these neighborhoods easy integration and access to controlled intersections both east and west.

V. Given the schools the park, baby strollers, dog walkers and runners, **pedestrian connectivity** in the area is key. Glen Crest is the largest school and has been mentioned numerous times. Please know that students, parents, and many others use the current path between Sheehan and Montclair on their way to Park View and St. James schools as well. Bicycles abound. I request that whatever new plan you submit includes the pedestrian path from Montclair to Sheehan and beacons in the location you graciously agreed to provide in the present plan. This is a win for the Village and your new homeowners – safe, easy and convenient passage to schools, Panfish Park, Starbucks, etc.

VI. Finally, please know that I realize, respect and appreciate that you have worked in good faith with the Village and the church for well over a year. Your development could have been “under cover” and perhaps even under contract with several, if not all, of the homes sold by now. I appreciate your patience. We are working on streamlining our development processes in Glen Ellyn. In my opinion, it is time to move on and go with your original plan, with the added pedestrian path as stated, a normally-sized and functioning parkway, generous landscaping and a row of beautiful homes on larger lots with no LCR limitations now and nice possibilities in the future if the new homeowners desire to add on/improve their properties.

I sincerely hope this helps. Please note, again, that this is my opinion with no further representations expressed or implied. For variation requests at board meetings, I only vote in case of a tie.

I look forward to working with you and wish you nothing but success.

With appreciation, gratitude and respect,

Mark

Mark Pfefferman

Glen Ellyn Village President

Michele Stegall

From: Mark Pfefferman [mark.pfefferman@gmail.com]
Sent: Friday, April 19, 2013 10:20 AM
To: Village Board; Staci Hulseberg; Michele Stegall; Mark Franz
Subject: Fwd: 15 Home plan with modifications - WIN WIN WIN
Attachments: 15 Houses.docx

Hello and FYI from Mr. Eber regarding Amber Ridge.

I received this well-after the letter I wrote on this subject and have no intentions of presenting this plan as suggest or comment any further on Amber Ridge.

Thanks. I hope you and your families were okay during our storm event. Many Glen Ellynites did not fare well. They are in our thoughts. The Village team did an outstanding job in response.

Stay warm and dry,
Mark

From: Norris Eber <norris@abbell.com>
Date: April 17, 2013, 9:31:37 PM CDT
To: Sean Buckley <buckley1014@yahoo.com>
Subject: 15 Home plan with modifications - WIN WIN WIN

Sean

I will leave it to you to forward this to the Village President with the attached modified 15 home plan.

As you study the plan it proposes a frontage drive in front of the homes (with the lot depths plenty of room) to achieve a two (2) curb cuts onto Sheehan plan.

The West end curb cut would be a right in and right out only curb cut to enhanced safety on the school end of Sheehan.

This plan/design allows a lot of wins:

- 1.) Very few to no variances would be needed

- 2.) North lot line – SAVE A LOT OF TREES
- 3.) North lot line – Public Easement for sewer maintenance provided by the Village’s team not private parties.
- 4.) North lot line – Better use of natural elements to reduce water run-off into existing homes on North lot line
- 5.) Traffic on Sheehan greatly reduced with only 15 homes and NO traffic from Montclair, safer for Sheehan and school.
- 6.) West end curb cut is a “Right in/ Right out” exit to maximize safety BUT emergency vehicles can drive over the curb or it can be a painted on pavement.
- 7.) Sidewalk on Sheehan can be installed
- 8.) Eliminate need to lose 7 parking spaces by soccer/baseball fields

Yes the developer will have to install a frontage drive but there a lot of other savings for him to of set it.

This was the developers original presentation to Planning (interesting enough it was not in the FOIA information we received) he admitted it makes money for him.

This works for all, except for anyone who’s ONLY goal is to extend Montclair to Sheehan.

Hope the Village President can present as the WIN WIN WIN plan.

Thanks:

Norris R. Eber

173 Stonegate Ct

Glen Ellyn, IL

Amber Ridge – Initial Concept Design

Preliminary Concept Site Design



Lot Standards	
# of Lots	15
Min Width	66'
Min Depth	294'
Typical Lot Size	19,404 Square Feet
Allowable Lot Coverage	3,880 Square Feet



Michele Stegall

From: Yahoo [buckley1014@yahoo.com]
Sent: Friday, April 19, 2013 4:37 PM
To: Mark Franz; Staci Hulseberg; Michele Stegall
Cc: Village Board; Jon Isherwood
Subject: Amber Ridge
Attachments: 15 House jpeg with arrows.jpg

Village Staff,

I want to send out a follow up email to Mark's. The neighbors think there is a lot of value to considering the 15 home design. We're disappointed this design was never shared with us during the Pre Planning portion, even after your commitment of working with us. The residents feel the Village Staff has not taken the needs of the neighbors seriously when requiring KH to have Montclair pushed through. We were left up to our own devices to create alternatives, when it should have been up to the Village Staff to help suggest a plan that would be mutually beneficial to all.

As you are all aware, the water issues caused by the last two days of rain has flooded many Glen Ellyn properties. Especially the properties around the Sheehan development. This has caused a quiet uproar of the neighbors within the last 24 hrs over a plan that may have potentially 21 homes. That amount of homes will be detrimental to existing residents of Glen Ellyn. I understand from previous conversations a plan has to benefit Glen Ellyn residents as a whole, but when a plan has so many flaws and so many variances, how does that benefit anyone? All along we've been in favor of a development, but not a development riddled with variances. It has been communicated by Jon and others under oath that the 15 home design is feasible, and it adds to the current character of the Sheehan neighborhood.

We're all very appreciative of the Trustees giving Jon the opportunity to come back with a viable design. The neighbors hope the Village Staff reconsiders their stance on the 15 home design and enable the Trustees the opportunity to deliberate its feasibility. Over the last year we've been very active as a neighborhood in communicating our interests to the Staff and I hope that won't go unnoticed. We also had 78 out of 80 neighbors show their disapproval through a petition, not over the development, but of the design. I also hope that does not go unnoticed. We would like the Staff to work with KH on a development that shows the unique character of Glen Ellyn and one that won't have lasting negative effects for years to come. Our wish is you can prove the neighbor's perceptions inaccurate and reconsider your viewpoint on this plan and move it forward.

I'm including a rendition of the design based on Jon's PowerPoint slide he introduced to the Planning Committee. Again, we're not Land Planners, but with support from Joe Abel, we improved the design slightly.

15 Home Design:

As you study the plan it proposes a frontage drive in front of the homes (with the lot depths plenty of room) to achieve a two (2) curb cuts onto Sheehan plan.

This plan/design allows a lot of wins:

- 1.) Very few to no variances would be needed
- 2.) North lot line – Preservation of Trees
- 3.) North lot line – Public Easement for sewer maintenance provided by the Village's team not private parties.
- 4.) North lot line – Better use of natural elements to reduce water run-off into existing homes on North lot line
- 5.) Traffic on Sheehan greatly reduced with only 15 homes and no traffic from Montclair, safer for Sheehan and school.
- 6.) West end curb cut is a "Right in/ Right out" exit to maximize safety BUT emergency vehicles can drive over the curb or it can be a painted on pavement.
- 7.) Sidewalk on Sheehan can be installed
- 8.) Eliminate need to lose 7 parking spaces by soccer/baseball fields.

Sean Buckley
Acuity Brands Lighting
Director-Sales
630-390-4306

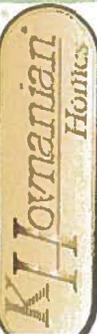
Sent from my iPhone 5

Amber Ridge – Initial Concept Design

Preliminary Concept Site Design



Lot Standards	
# of Lots	15
Min Width	66'
Min Depth	294'
Typical Lot Size	19,404 Square Feet
Allowable Lot Coverage	3,880 Square Feet



Michele Stegall

From: Mark Pfefferman [mark.pfefferman@gmail.com]
Sent: Tuesday, April 23, 2013 7:18 AM
To: Mark Franz; Staci Hulseberg; Michele Stegall
Subject: Fwd: Important Follow-up to August email. Concerned New Resident on Montclair Ave. Looking for Your Guidance/Support
Attachments: Residents of Rolling Hedge and Brentwood Court.docx

FYI so we all are copied...

----- Forwarded message -----

From: **Phil Cloutier** <pcloutier@bretford.com>
Date: Mon, Apr 22, 2013 at 10:17 PM
Subject: Fwd: Important Follow-up to August email. Concerned New Resident on Montclair Ave. Looking for Your Guidance/Support
To: mpfeffermanvb@glenellyninfo.org, rfriedberg@glenellyninfo.org, pcoopervb@glenellyninfo.org, phartwegvb@glenellyninfo.org, Carl Henninger <chenningervb@glenellyninfo.org>, pladesicvb@glenellyninfo.org, dmcginley@glenellyninfo.org
Cc: Vicki Cloutier <leo1982ny@gmail.com>

Good evening Trustees of Glen Ellyn,

My wife, Vicki, and I would like to thank you for allowing us and our neighbors the forum to be heard regarding the proposed Amber Ridge development. Since last Monday's meeting, we've had the chance to reflect and wanted to share our thoughts:

After further reviewing the 15-home design originally proposed by K. Hovanian to the Village Planning Staff back in April '12, we strongly feel this solution would be the ideal, echoing our Village President's similar opinion on this matter in his email to K. Hovanian (4/17/13).

Because this plan was just recently revealed in late Feb., we and our neighbors were under the impression for quite some time that we were facing a mutually-exclusive plan that benefited a few yet had negative impact to others (i.e. to the Village based on variances of town codes, continuity of existing neighborhoods, existing home values and our children's safety).

In our humble estimation, the 15-home solution is the ideal win-win-win solution for the Village, the builder and existing neighbors:

- For the character and continuity of the existing neighborhood(s).
- For the builder to develop the property as desired originally (and within their right), allowing for the best home designs possible.
- For the Village to not accept variance precedents which will likely pose concerns for future new construction or renovations throughout the entire Village.
- For the safety of our children. Our oldest of three girls will be attending Glen Crest Middle School beginning next year and we strongly believe our children's safety will be far less compromised with the original 15-home plan versus creating Montclair as an unnecessary thruway.

We thank you for your consideration and strongly urge you to support the builder with the original 15-home plan.

Best Regards,

Phil and Vicki (and girls)

Phil Cloutier

VP - Sales, Marketing & Customer Care

Bretford

pcloutier@bretford.com

130 S. Montclair Ave.

Glen Ellyn, IL

Mobile: 224-361-5505

----- Forwarded message -----

From: **Phil Cloutier** <pcloutier@bretford.com>

Date: Sun, Apr 7, 2013 at 9:24 PM

Subject: Important Follow-up to August email. Concerned New Resident on Montclair Ave. Looking for Your Guidance/Support

To: mpfeffermanvb@glenellyninfo.org, rfriedberg@glenellyninfo.org, pcoopervb@glenellyninfo.org, phartwegvb@glenellyninfo.org, chenningervb@glenellyninfo.org, pladesicvb@glenellyninfo.org, dmcginley@glenellyninfo.org

Cc: Vicki Cloutier <leo1982ny@gmail.com>

Good evening trustees of Glen Ellyn.

As a follow-up to my email from August (below), my wife, Vicki and I wanted to share with you our more urgent concerns regarding the proposed new development off of Sheehan (with a cut through to Montclair Ave.) in the Rolling Hedge neighborhood.

After following the discussions in detail, we were shocked on Thurs. night when the Town Planning Committee decided to allow the proposed development (*without compromise and with all of the variances intact*) to be passed along to the town trustees for a vote on April 15. As new residents here in Glen Ellyn, we derived from this decision that the Town Planning Committee is much more sensitive to profits of a builder (and expanding the tax basin) at the cost of; undermining existing building codes, diminishing existing taxpayer's home values, and ultimately compromising the safety of families in the Rolling Hedge neighborhood.

I went on record during the review and stated that Vicki and I are; open to a new development, builders have the right to build new homes, people have the right to buy new homes - but not at the expense of the character of the neighborhood, costs of existing home values, or residents' safety. I believe I speak for my neighbors that we are almost all open to compromise. It is sad to see the Planning Committee is not.

We are imploring you to review this proposal in detail and support the families of Rolling Hedge by simply asking the questions:

- **Why were all the variances granted to the builder?**
- **Specifically, why was the builder granted hardship variances for the Lot Coverage Ratio (LCR)?** It was stated multiple times that the builder did not prove necessary hardship to qualify for the variances. It was cited by the builder and Planning Committee during the meetings that profits are a key concern for the builder. How should that have *any* bearing on this? First of all, our home values should not become subsidy for a private enterprise - period. Secondly, the housing market has

shifted considerably in favor of sellers and builders since the proposal was first made. Good homes, in good neighborhoods in great towns with great schools will always sell - no matter what the economic conditions.

- **What precedent does this set for the character of the neighborhood - and for Glen Ellyn as a whole going forward?**
- **Why weren't alternative street configurations and suggestions from experts (allowing for a win/win/win) considered - or compromised?**
- **Why weren't alternative home densities from the builder, residents or experts realistically considered - or compromised?** The first option from the builder was 15 homes all coming off of Sheehan. The existing option has 23 homes cutting through from Sheehan to Montclair.

We urgently ask you to look into this with a moral responsibility to the town, residents and yourself - and either work with the residents, builder and planning board to come to a compromise - or simply reject on the grounds that this proposal was passed by overlooking existing codes in the interest of profits for a private enterprise...all at the costs of the committed residents of the Rolling Hedge neighborhood.

Thank you for your due diligence in this matter!

Phil and Vicki Cloutier (and family)

Phil Cloutier

VP - Sales, Marketing & Customer Care

Bretford

pcloutier@bretford.com

Toll free: 800.521.9614 ext 1648

Mobile: 224.361.5505

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From: **Phil Cloutier** <pcloutier@bretford.com>

Date: Sat, Aug 4, 2012 at 11:21 AM

Subject: Concerned New Resident on Montclair Ave. Looking for Your Guidance/Support

To: phartwegvb@glenellyninfo.org, chenningervb@glenellyninfo.org

Cc: Vicki Cloutier <leo1982ny@gmail.com>

Hi Phil and Carl,

We understand you are town Trustees here in Glen Ellyn and we are kindly asking for your guidance and support for both us and our neighbors.

First of all, I wanted to take a moment to voice our positive impression of the town since moving in from Massachusetts in June of this year. My wife, Vicki, and our three daughters (ages 10, 8 and 4) live on Montclair Ave. in Brentwood Court.

We selected our house because of the quiet neighborhood, relative safety of the streets (two cul-de-sacs for the kids to ride bikes in), and quality of the homes....not to mention the reputation of the town

and schools. We truly love the neighborhood but are concerned that a new development scheduled to be built off of the existing Montclair cul-de-sac will greatly impact the value of our home - and most importantly, the safety of our three girls.

When we entered into agreement on our house in Feb., the new development wasn't on the radar to the best of our knowledge. Had we known that beginning in April, some of the town staff and the proposed builder agreed in principle to extend our road through to Sheehan, we likely would not have chosen to live in our new home.

Being relatively new to the neighborhood and just getting up-to-speed on the developments at-hand, we kindly ask you to review the attached memo from the residents of our neighborhood who are collectively concerned; not only with the new development itself - and the impact to our home values and safety of our neighborhood, but with the concern that our voice as taxpayers and homeowners in this town is not being given the proper merit.

Please review and we look forward to hearing from you and for your support in this matter.

Kind regards,

Phil and Vicki Cloutier
130 S. Montclair Ave
Glen Ellyn, IL
(630) 793-5178 H

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Phil Cloutier
VP of Sales and Marketing

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Mobile: (224) 361-5505

<http://www.bretford.com>

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Michele Stegall

From: Mark Pfefferman [mark.pfefferman@gmail.com]
Sent: Wednesday, April 24, 2013 9:51 AM
To: Staci Hulseberg; Mark Franz; Michele Stegall; Village Board
Subject: Fwd: Thank you for your efforts to promote the 15 Home Design and listening to concerned neighbors.

FYI

----- Forwarded message -----

From: Mark Pfefferman <mark.pfefferman@gmail.com>
Date: Wed, Apr 24, 2013 at 9:50 AM
Subject: Re: Thank you for your efforts to promote the 15 Home Design and listening to concerned neighbors.
To: Carey & Rob <Carey.Fredrick@smwe.com>

Dear Mr. and Mrs. Frederick,

Thank you for your thoughtful email and the accompanying photo. It is appreciated and respected. The picture is particularly helpful. I will copy Village Management to ensure we all have all the information available to us as we head into Monday's meeting.

Please know:

- I believe my colleagues on the Village Board share both my wisdom and concern for residents. They have shown such in many issues that have come before the board, most recently during the Hawthorne Avenue case when they voted to narrow the street design at residents' request.
- Trustee Hartweg is anything but callous. He is opinionated. He is a fine man and elected official.
- As an FYI, I do not contact my elected colleagues in between meetings to influence votes. As a public servant, I believe our customers (you, the taxpayers) expect and require debate to be done at public meetings.

As you suggest, quality of life is extremely important here in Glen Ellyn. Our board has shown great progress in creating win-win situations for the entire Village. I have not seen the new Amber Ridge plan, but I hope it does the same.

Thank you again. Please contact us with any further questions or comments. I look forward to seeing you on Monday.

Very sincerely,

Mark

On Tue, Apr 23, 2013 at 6:41 PM, <Carey.Fredrick@smwe.com> wrote:
Dear President Pfefferman,

Rob and I wanted to take a minute to thank you for your succinct and astute comments during the recent Village Board meeting regarding the 15 Home Design for Amber Ridge. We were thrilled to see you reiterate that exact reasoning in a direct letter to K.Hovanian Homes by again pointing out

that the 15 Home Design requires no variations, promotes K Hovanians's economic development efforts, supports the new homeowners, the existing neighbors, the environment, the school, traffic, blending the three neighborhoods on Sheehan and saves ongoing Village expenses. We would also agree it is a win win for Glen Ellyn.

We are disappointed that more of the Village Trustees do not currently share your wisdom nor your concern for the residents. This was really hit home with Trustee Hartweg's comment "you will get used to it" as it relates to the additional 300 cars travelling through our quiet neighborhood and "life is what you make it". We found these comments quite callous. Apparently the Builder's donation, the additional tax revenue and what is best for K. Hovanian is what takes precedent.

With that said, here is another issue that has raised serious concerns with the proposed "S" Design and that is flooding. I have attached a picture of Sheehan after the rain last week. Do the Village Trustees really think that razing nine acres of trees won't have an effect on flood waters? Again, I was surprised to see the Village Trustees were so quick to address and dismiss the concerns of flooding in the new Amber Ridge and existing Rolling Hedge neighborhoods. They are satisfied to "leave it to the experts". we are sure "experts" were involved with the Lake Ellyn developments and developments all through town, but that does not change the fact that we have prevalent flooding issues throughout Glen Ellyn. When you kill the environment and replace it with too much concrete, where can the water go? Based on the comments made by Trustee Hartweg, we guess like the additional 300 cars, "we'll get used to it".

We too agree life is what you make it, which is just one of the reasons we are writing this letter. We hope that between now and our next meeting that you will be able to reason with some of your fellow Trustees in an effort to compromise and choose the plan that works for all parties involved and truly creates a win win for Glen Ellyn. Thank you for your time and service.

Sincerely,
Rob and Carey Fredrick

Carey Fredrick, CS, CSW
Director of Global Accounts, Midwest
Ste. Michelle Wine Estates
154 S. Montclair Avenue
Glen Ellyn, IL 60137
708-945-9462
630-469-4775 Fax

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23-Lot Option

Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving
a Preliminary Plat Subdivision, Subdivision Variations and Zoning Variations
for the Amber Ridge Subdivision Proposed on Property
Commonly Known as 760 Sheehan Avenue
Glen Ellyn, IL 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 Approving
a Preliminary Plat Subdivision, Subdivision Variations and Zoning Variations
for the Amber Ridge Subdivision Proposed on Property
Commonly Known as 760 Sheehan Avenue
Glen Ellyn, IL 60137**

Whereas, K. Hovnanian Homes, contract purchaser of 8.86 acres of land commonly known as 760 Sheehan Avenue has petitioned the Village President and Board of Trustees for approval of the following:

1. A Preliminary Plat of Subdivision in accordance with Section 303 of the Glen Ellyn Subdivision Regulations Code.
2. The following variations from the Glen Ellyn Subdivision Regulations Code:
 - a. A variation from Section 403(5) to allow a street right-of-way width of 50-feet in lieu of the minimum right-of-way width of 66 feet required.
 - b. A variation from Section 401(7) to allow Lots 3 to 12 to front on two non-intersecting streets.
 - c. A variation from Section 408(2) to allow the absence of parkway trees along that portion of Sheehan Avenue adjacent to the wetland and south of Lot 13.
 - d. A variation from Section 408(2) to grant a waiver from the requirement to establish a parkway tree escrow and to allow the required parkway trees to be installed by the developer rather than the Village.
3. The following variations from the Glen Ellyn Zoning Code:
 - a. A variation from Section 10-4-8(E)1 to allow a lot coverage ratio of 25% in lieu of the maximum lot coverage ratio of 20% permitted.
 - b. A variation from Section 10-4-8(E)3(a) to forgo any garage bonus in relation to the lot coverage ratio that allows the first 500 square feet of area to be excluded from the calculation.
 - c. A variation from Section 10-4-8(D)2 to allow a rear yard setback of 34 feet on Lots 4, 5, 13, 14 and 16 in lieu of the minimum rear yard setback of 40 feet required.
 - d. A variation from Section 10-4-8(D)5 to allow the southern yards of Lots 4-12 to be treated as rear yards in lieu of second front yards.

- e. A variation from Section 10-4-8(D)4 to allow a corner side yard setback of 20 feet on Lot 12 in lieu of the minimum corner side yard setback of 30 feet required.

all to allow the subject property to be subdivided into 23 single-family home lots to be known as the Amber Ridge Subdivision; and

Whereas, the subject property is located at the northwest corner of Route 53 and Sheehan Avenue and is zoned R2 Residential District; and

Whereas, the subject property is legally described as follows:

LOT F (EXCEPT THE SOUTH 40 FEET THEREOF) IN MILTON TOWNSHIP SUPERVISORS ASSESSMENT PLAT #5, BEING A PART OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ AND PART OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 1944 AS DOCUMENT 464576 , IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-23-223-015 and 05-23-223-016; and

Whereas, the petitioner appeared before the Glen Ellyn Plan Commission for pre-application meetings on May 10, 2012 and August 9, 2012; and

Whereas, following due and proper publication of notice in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on February 28, 2013, March 14, 2013 and April 4, 2013 to consider the petitioner's requests for approval of a Preliminary Plat of Subdivision, Subdivision Variations and Zoning Variations at which hearing the petitioner presented evidence and testimony in support of the requests and eleven (11) members of the public spoke in opposition to the requests and an attorney and land planner hired by some of the neighboring residents also addressed the Commission and expressed opposition to the requests; and

Whereas, based upon the evidence, testimony, and exhibits presented at the February 28, 2013, March 14, 2013 and April 4, 2013 Plan Commission public hearing, by a vote of six (6) "yes"

and four (4) “no”, the Glen Ellyn Plan Commission recommended approval of the requested Preliminary Plat of Subdivision, Subdivision Variations and Zoning Variations as set forth in the minutes from the February 28, 2013 and March 14, 2013 Plan Commission meetings and the draft minutes from the April 4, 2013 Plan Commission meeting all of which are attached hereto as Exhibits “A-C”; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn have reviewed the evidence and exhibits presented at the February 28, 2013, March 14, 2013 and April 4, 2013 public hearing before the Plan Commission and have considered the findings and fact and recommendations of the Plan Commission.

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 February 28, 2013 and March 14, 2013 minutes of the Plan Commission and the draft minutes from the April 4, 2013 Plan Commission meeting attached hereto as Exhibits "A-C" and the findings of fact set forth therein and in Exhibit “D” attached hereto are hereby adopted as the findings of fact and conclusions of the President and Board of Trustees of the Village of Glen Ellyn based upon their review of the evidence, exhibits, and materials presented at the February 28, 2013, March 14, 2013 and April 4, 2013 public hearing before the Plan Commission.

Section Two: Based upon the findings of fact and recommendations of the Plan Commission as adopted herein, the President and Board of Trustees hereby grant approval of the requested Preliminary Plat of Subdivision, Subdivision Variations and Zoning Variations for the property legally described herein above.

Section Three: This grant of approval of a Preliminary Plat of Subdivision, Subdivision Variations and Zoning Variations shall be subject to the following conditions:

A. The subdivision shall be constructed and platted in substantial conformance with the plans and testimony presented at the February 28, 2013, March 14, 2013 and April 4, 2013 Plan Commission public hearing and with the petitioner's application packet stamped received February 14, 2013, including the following plans and documents referenced below as though they were attached hereto:

1. Letter from Jon Isherwood dated January 24, 2013
2. Letter from William J. Zalewski dated January 21, 2013
3. Memorandum from Jedd Anderson dated January 23, 2013
4. Application for Major Subdivision Approval signed January 24, 2013
5. Major Subdivision Application Additional Information stamped received February 14, 2013
6. Application for Variation revised January 24, 2013
7. Approval Standards and Findings of Fact – Section 310 – Subdivision Regulations Code updated January 24, 2013
8. Letter from Jon Isherwood and Scott Barenbrugge regarding Lot Coverage Ratio dated July 2, 2013
9. Quantitative Summary revised January 24, 2013
10. Preliminary Grading and Drainage Plan revised January 18, 2013
11. Preliminary Sanitary and Water Main Plan revised January 18, 2013
12. Preliminary Wetland Mitigation Plan dated January 18, 2013
13. Existing Tree Survey revised January 18, 2013
14. Wetland Submittal Prepared by Christopher B. Burke Engineering, Ltd. dated January 2013
15. Wetland Buffer Submittal Prepared by Christopher B. Burke Engineering, Ltd. dated January 2013
16. Tree Removals and Preservation Plan revised January 25, 2013
17. Tree Removals and Preservation Table revised January 25, 2013
18. Final Landscape Plan revised January 25, 2013 a reduced copy of which is attached hereto as Exhibit “E”
19. Preliminary Plat of Subdivision revised January 18, 2013 a reduced copy of which is attached hereto as Exhibit “F”
20. Anti-Monotony Restrictions stamped received February 14, 2013 (2 pages)

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

- B. That lot coverage ratio garage bonuses shall not be applied to any of the individual single-family home lots in the subdivision.
- C. That the required impact fees for each home be submitted prior to the issuance of a building permit for each home.
- D. That the species of parkway trees be selected from a list approved by the Village with no more than 20% of the same species being planted in the rights-of-way adjacent to the subdivision and such trees must have a minimum caliper of 2.5 inches.

- E. That the homeowner's association shall be responsible for the maintenance of the landscaping in the Sheehan Avenue right-of-way.
- F. That at the time of final approval, a pedestrian easement agreement with the Village for the pathway on Outlot 24 shall be entered into and such agreement shall be substantially in the form of Exhibit "G" attached hereto.
- G. That the following items be addressed prior to review of the Final Plat of Subdivision.
 - 1. That the Homeowners Association Covenants submitted with the final subdivision application include the following provisions:
 - a. Provide the Village with the ability to enter the property to maintain the common areas on the site in the event the association fails to do so and to charge the cost of any related work back to the association.
 - b. Reflect the maintenance responsibilities of the association for the stormwater facilities and special management areas on the property as well as the landscape buffer proposed in the Sheehan Avenue right-of-way.
 - c. Establish an anti-monotony clause in conformance with the anti-monotony restrictions in the application packet.
 - d. Require the style of fencing to be used along the rear property lines to be limited to a single style that conforms to the requirements in the Zoning Code.
 - 2. That all necessary utility, drainage, conservation and other easements not currently shown on the plans be fully incorporated into the plans including easements over the stormwater and wetland areas.
 - 3. That the plans be revised to incorporate the pavement markings, school crossing signs and beacons identified in the February 4, 2013 letter from Thomas Adomshick.
 - 4. That the plans be revised to incorporate 4 additional parkway trees on the north side of Sheehan Avenue between Amber Ridge Drive and the wetland.
 - 5. Unless objected to by IDOT, that the plans be revised to show the existing sidewalk in the Route 53 right-of-way as being repaired or replaced to the satisfaction of the Public Works Department and will work with the Village Public Works Department to determine if parkway trees are appropriate and feasible in the adjacent Route 53 right-of-way.
 - 6. That the petitioner work with the Public Works Department on the design of the Sheehan Avenue parkway including the location of the landscaping, sidewalk, street lights and utilities.
 - 7. The petitioner will work with the Public Works Department to ensure street lighting in the northern Sheehan Avenue right-of-way provides adequate illumination.

8. That the plans be amended to provide access to the stormwater facility satisfactory to the Public Works Department through one of the outlots rather than through Lot 13.
 9. That the petitioner work with the Village to further evaluate the tree preservation plan with the goal of preserving additional trees on the property. As part of this review, the impact of relocating the private storm sewer line proposed in the rear of Lots 15-23 should be evaluated.
- H. That the lot coverage ratio variance would be for 11 of the 23 lots; with a 22% lot coverage ratio allowed on 8 of the lots and a 25% lot coverage ratio allowed on 3 of the lots. The lots for which the variance is granted are Lots 2, 6, 8, 9, 11, 14, 17, 19, 20, 21 and 22.
- I. That the storm sewer system be acceptable to both the Village Stormwater Engineer and the Public Works Department.
- J. That curbing be added where the parking spaces will be removed on Sheehan Avenue and this work shall be done at the Village's expense.

Section Four: The petitioner shall file an application for approval of a Final Plat of Subdivision with the Director of the Department of Planning and Development within twelve (12) months after the passage and approval of this Ordinance, or this Ordinance shall become null and void provided, however, that the Village Board may, by motion, grant an extension of this provision.

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

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

Section Seven: 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 _____ 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 ____.)

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Sheehan\Sheehan 760, K Hovanian\Ordinance Approval v2 23
lot.doc

22-Lot Option

Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving
a Preliminary Plat Subdivision, Subdivision Variations and Zoning Variations
for the Amber Ridge Subdivision Proposed on Property
Commonly Known as 760 Sheehan Avenue
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**Adopted by the
President and the Board Of Trustees
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**An Ordinance Approving
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Commonly Known as 760 Sheehan Avenue
Glen Ellyn, IL 60137**

Whereas, K. Hovnanian Homes, contract purchaser of 8.86 acres of land commonly known as 760 Sheehan Avenue has petitioned the Village President and Board of Trustees for approval of the following:

1. A Preliminary Plat of Subdivision in accordance with Section 303 of the Glen Ellyn Subdivision Regulations Code.
2. The following variations from the Glen Ellyn Subdivision Regulations Code:
 - a. A variation from Section 403(5) to allow a street right-of-way width of 50-feet in lieu of the minimum right-of-way width of 66 feet required.
 - b. A variation from Section 401(7) to allow Lots 3 to 12 to front on two non-intersecting streets.
 - c. A variation from Section 408(2) to allow the absence of parkway trees along that portion of Sheehan Avenue adjacent to the wetland and south of Lot 13.
 - d. A variation from Section 408(2) to grant a waiver from the requirement to establish a parkway tree escrow and to allow the required parkway trees to be installed by the developer rather than the Village.
3. The following variations from the Glen Ellyn Zoning Code:
 - a. A variation from Section 10-4-8(E)1 to allow a lot coverage ratio of 25% in lieu of the maximum lot coverage ratio of 20% permitted.
 - b. A variation from Section 10-4-8(E)3(a) to forgo any garage bonus in relation to the lot coverage ratio that allows the first 500 square feet of area to be excluded from the calculation.
 - c. A variation from Section 10-4-8(D)2 to allow a rear yard setback of 34 feet on Lots 4, 5, 13, 14 and 16 in lieu of the minimum rear yard setback of 40 feet required.
 - d. A variation from Section 10-4-8(D)5 to allow the southern yards of Lots 4-12 to be treated as rear yards in lieu of second front yards.

- e. A variation from Section 10-4-8(D)4 to allow a corner side yard setback of 20 feet on Lot 12 in lieu of the minimum corner side yard setback of 30 feet required.

all to allow the subject property to be subdivided into 23 single-family home lots to be known as the Amber Ridge Subdivision; and

Whereas, the subject property is located at the northwest corner of Route 53 and Sheehan Avenue and is zoned R2 Residential District; and

Whereas, the subject property is legally described as follows:

LOT F (EXCEPT THE SOUTH 40 FEET THEREOF) IN MILTON TOWNSHIP SUPERVISORS ASSESSMENT PLAT #5, BEING A PART OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ AND PART OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 1944 AS DOCUMENT 464576 , IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-23-223-015 and 05-23-223-016; and

Whereas, the petitioner appeared before the Glen Ellyn Plan Commission for pre-application meetings on May 10, 2012 and August 9, 2012; and

Whereas, following due and proper publication of notice in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on February 28, 2013, March 14, 2013 and April 4, 2013 to consider the petitioner's requests for approval of a Preliminary Plat of Subdivision, Subdivision Variations and Zoning Variations at which hearing the petitioner presented evidence and testimony in support of the requests and eleven (11) members of the public spoke in opposition to the requests and an attorney and land planner hired by some of the neighboring residents also addressed the Commission and expressed opposition to the requests; and

Whereas, based upon the evidence, testimony, and exhibits presented at the February 28, 2013, March 14, 2013 and April 4, 2013 Plan Commission public hearing, by a vote of six (6) "yes"

and four (4) “no”, the Glen Ellyn Plan Commission recommended approval of the requested Preliminary Plat of Subdivision, Subdivision Variations and Zoning Variations as set forth in the minutes from the February 28, 2013 and March 14, 2013 Plan Commission meetings and the draft minutes from the April 4, 2013 Plan Commission meeting all of which are attached hereto as Exhibits “A-C”; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn have reviewed the evidence and exhibits presented at the February 28, 2013, March 14, 2013 and April 4, 2013 public hearing before the Plan Commission and have considered the findings and fact and recommendations of the Plan Commission.

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 February 28, 2013 and March 14, 2013 minutes of the Plan Commission and the draft minutes from the April 4, 2013 Plan Commission meeting attached hereto as Exhibits "A-C" and the findings of fact set forth therein and in Exhibit “D” attached hereto are hereby adopted as the findings of fact and conclusions of the President and Board of Trustees of the Village of Glen Ellyn based upon their review of the evidence, exhibits, and materials presented at the February 28, 2013, March 14, 2013 and April 4, 2013 public hearing before the Plan Commission.

Section Two: Based upon the findings of fact and recommendations of the Plan Commission as adopted herein, the President and Board of Trustees hereby grant approval of the requested Preliminary Plat of Subdivision, Subdivision Variations and Zoning Variations for the property legally described herein above.

Section Three: This grant of approval of a Preliminary Plat of Subdivision, Subdivision Variations and Zoning Variations shall be subject to the following conditions:

A. The subdivision shall be constructed and platted in substantial conformance with the plans and testimony presented at the February 28, 2013, March 14, 2013 and April 4, 2013 Plan Commission public hearing and with the petitioner's application packet stamped received February 14, 2013, including the following plans and documents referenced below as though they were attached hereto:

1. Letter from Jon Isherwood dated January 24, 2013
2. Letter from William J. Zalewski dated January 21, 2013
3. Memorandum from Jedd Anderson dated January 23, 2013
4. Application for Major Subdivision Approval signed January 24, 2013
5. Major Subdivision Application Additional Information stamped received February 14, 2013
6. Application for Variation revised January 24, 2013
7. Approval Standards and Findings of Fact – Section 310 – Subdivision Regulations Code updated January 24, 2013
8. Letter from Jon Isherwood and Scott Barenbrugge regarding Lot Coverage Ratio dated July 2, 2013
9. Quantitative Summary revised January 24, 2013
10. Preliminary Grading and Drainage Plan revised January 18, 2013
11. Preliminary Sanitary and Water Main Plan revised January 18, 2013
12. Preliminary Wetland Mitigation Plan dated January 18, 2013
13. Existing Tree Survey revised January 18, 2013
14. Wetland Submittal Prepared by Christopher B. Burke Engineering, Ltd. dated January 2013
15. Wetland Buffer Submittal Prepared by Christopher B. Burke Engineering, Ltd. dated January 2013
16. Tree Removals and Preservation Plan revised January 25, 2013
17. Tree Removals and Preservation Table revised January 25, 2013
18. Final Landscape Plan revised January 25, 2013 a reduced copy of which is attached hereto as Exhibit “E”
19. Preliminary Plat of Subdivision revised January 18, 2013 a reduced copy of which is attached hereto as Exhibit “F”
20. Anti-Monotony Restrictions stamped received February 14, 2013 (2 pages)

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

- B. That lot coverage ratio garage bonuses shall not be applied to any of the individual single-family home lots in the subdivision.
- C. That the required impact fees for each home be submitted prior to the issuance of a building permit for each home.
- D. That the species of parkway trees be selected from a list approved by the Village with no more than 20% of the same species being planted in the rights-of-way adjacent to the subdivision and such trees must have a minimum caliper of 2.5 inches.

- E. That the homeowner's association shall be responsible for the maintenance of the landscaping in the Sheehan Avenue right-of-way.
- F. That at the time of final approval, a pedestrian easement agreement with the Village for the pathway on Outlot 24 shall be entered into and such agreement shall be substantially in the form of Exhibit "G" attached hereto.
- G. That the following items be addressed prior to review of the Final Plat of Subdivision.
 - 1. That the Homeowners Association Covenants submitted with the final subdivision application include the following provisions:
 - a. Provide the Village with the ability to enter the property to maintain the common areas on the site in the event the association fails to do so and to charge the cost of any related work back to the association.
 - b. Reflect the maintenance responsibilities of the association for the stormwater facilities and special management areas on the property as well as the landscape buffer proposed in the Sheehan Avenue right-of-way.
 - c. Establish an anti-monotony clause in conformance with the anti-monotony restrictions in the application packet.
 - d. Require the style of fencing to be used along the rear property lines to be limited to a single style that conforms to the requirements in the Zoning Code.
 - 2. That all necessary utility, drainage, conservation and other easements not currently shown on the plans be fully incorporated into the plans including easements over the stormwater and wetland areas.
 - 3. That the plans be revised to incorporate the pavement markings, school crossing signs and beacons identified in the February 4, 2013 letter from Thomas Adomshick.
 - 4. That the plans be revised to incorporate 4 additional parkway trees on the north side of Sheehan Avenue between Amber Ridge Drive and the wetland.
 - 5. Unless objected to by IDOT, that the plans be revised to show the existing sidewalk in the Route 53 right-of-way as being repaired or replaced to the satisfaction of the Public Works Department and will work with the Village Public Works Department to determine if parkway trees are appropriate and feasible in the adjacent Route 53 right-of-way.
 - 6. That the petitioner work with the Public Works Department on the design of the Sheehan Avenue parkway including the location of the landscaping, sidewalk, street lights and utilities.
 - 7. The petitioner will work with the Public Works Department to ensure street lighting in the northern Sheehan Avenue right-of-way provides adequate illumination.

8. That the plans be amended to provide access to the stormwater facility satisfactory to the Public Works Department through one of the outlots rather than through Lot 13.
 9. That the petitioner work with the Village to further evaluate the tree preservation plan with the goal of preserving additional trees on the property. As part of this review, the impact of relocating the private storm sewer line proposed in the rear of Lots 15-23 should be evaluated.
- H. That the number of lots shall be reduced to 22 and that the lot to be eliminated shall be along the southern property line thereby eliminating the need for the requested corner side yard setback on Lot 12 which is not approved.
- I. That the lot coverage ratio variation granted herein, may be applied to seven lots of the petitioner's choosing, with the exception of Lots 3, 4 and 15. The remainder of the lots shall comply with the maximum lot coverage ratio permitted by the Zoning Code.
- J. That the storm sewer system be acceptable to both the Village Stormwater Engineer and the Public Works Department.
- K. That curbing be added where the parking spaces will be removed on Sheehan Avenue and this work shall be done at the Village's expense.

Section Four: The petitioner shall file an application for approval of a Final Plat of Subdivision with the Director of the Department of Planning and Development within twelve (12) months after the passage and approval of this Ordinance, or this Ordinance shall become null and void provided, however, that the Village Board may, by motion, grant an extension of this provision.

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

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

Section Seven: 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 _____ 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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