

A G E N D A

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, JANUARY 25, 2021, AT 6:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, IL, DUPAGE COUNTY, ILLINOIS

DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 312 626 6799

Meeting ID: 810 2459 5486

Written Public Comments Can Be Submitted By 5:15 pm on January 25, 2021 to mmertens@willowbrook.il.us

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. VISITORS' BUSINESS - Public Comment is Limited to Three Minutes Per Person
5. OMNIBUS VOTE AGENDA:
 - a. Waive Reading of Minutes (APPROVE)
 - b. Minutes - Village Board Meeting - January 11, 2021 (APPROVE)
 - c. Warrants - \$408,264.03 (APPROVE)
 - d. ORDINANCE NO. 21-0-04 - An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6 (PASS)
 - e. RECEIVE - Receive Plan Commission Recommendation - Public Hearing Case 21-02: 6401 Meadow Lane Addition - Pete Baftiri on behalf of Jain Bhagwan, 6401 Meadow Lane, Willowbrook IL 60527. Consideration of a petition for approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback from thirty feet (30') to twenty-four point forty-six feet (24.46') and approval of a variation from Section 9-5B-3(G) to increase the maximum FAR from 0.30 to 0.39 to allow for the construction of a 1,081 square foot addition to house an indoor swimming pool, and other such relief from Title 9 of the Village Code, as necessary. (RECEIVE)

f. ORDINANCE NO. 21-0-05 - An Ordinance Abating the Taxes
Heretofore Levied for the Year 2020 to Pay the Principal and
Interest on the \$4,930,000 General Obligation Bonds
(Alternate Revenue Source) Series 2015 of the Village of
Willowbrook, DuPage County, Illinois (PASS)

NEW BUSINESS

6. ORDINANCE NO. 21-0-06 - An Ordinance Rezoning Certain
Territory, Granting Certain Variations from the Subdivision
Regulations and Granting Approval of a Final Plat of
Subdivision - 6544 Tennessee Avenue - Pye's Resubdivision
(PASS)

PRIOR BUSINESS

7. TRUSTEE REPORTS
8. ATTORNEY'S REPORT
9. CLERK'S REPORT
10. ADMINISTRATOR'S REPORT
11. MAYOR'S REPORT
12. CLOSED SESSION
13. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, JANUARY 11, 2021 AT 6:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

DUE TO THE COVID 19 PANDEMIC, THE VILLAGE WILL BE UTILIZING A ZOOM CONFERENCE CALL FOR THIS MEETING.

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Mayor Frank Trilla.

2. ROLL CALL

Those physically present at roll call were Mayor Frank A. Trilla, Trustees Michael Mistele, and Umberto Davi, Village Administrator Brian Pabst, and Deputy Clerk Mardegan.

Present Via conference call, due to the COVID-19 Pandemic, were Village Clerk Deborah Hahn, Trustees Sue Berglund, Gayle Neal, Paul Oggerino, and Greg Ruffolo, Village Attorney Thomas Bastian, Assistant Village Administrator Michael Mertens, Director of Finance Carrie Dittman, Chief Robert Schaller, Deputy Chief Lauren Kasper, Building Official Roy Giuntoli, Planning Consultant Ann Choi, and Code Enforcement Officer Karyn Byrne.

Absent: None.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Trustee Davi to lead everyone in saying the Pledge of Allegiance.

4. VISITORS' BUSINESS

None presented and no written comments were received.

5. OMNIBUS VOTE AGENDA

Mayor Trilla read over each item in the Omnibus Vote Agenda for the record.

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Special Village Board Meeting - December 14, 2020 (APPROVE)

- c. Monthly Financial Report - December 2020 (APPROVE)
- d. Warrants - \$472,746.85 (APPROVE)
- e. ORDINANCE NO. 21-O-01 - An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6 (PASS)
- f. MOTION - A Motion to Approve the 2020 Motor Fuel Tax (MFT) Roadway Maintenance Program and Village Hall Parking Lot - Pay Estimate No. 2 (FINAL) - Brothers Asphalt Paving, Inc. (PASS)
- g. RECEIVE - Receive Plan Commission Recommendation - Public Hearing Case 20-12: Consideration of a petition to rezone the subject property from the R-1 Single Family Residence District to the R-2 Single Family Residence District, and review and recommendation regarding a Final Plat of Subdivision for 6544 Tennessee Avenue, Willowbrook, Illinois (minor subdivision for a two residential lot subdivision) and approval of a written recommendation regarding a Final Plat of Subdivision for 6544 Tennessee Avenue, Willowbrook, Illinois (minor subdivision for a two residential lot subdivision). The applicant proposes to subdivide the existing R-1 zoned single-family lot into two separate R-2 zoned single-family lots. (RECEIVE)
- h. ORDINANCE NO. 21-O-02 - An Ordinance Approving and Authorizing the Execution of a Termination of a Memorandum of Agreement (PASS)
- i. RESOLUTION NO. 21-R-02 - A Resolution Approving and Authorizing the Execution of a Two-Year Independent Contractor Agreement for Code Enforcement Services (ADOPT)

Mayor Trilla asked the Board if there were any items to be removed from Omnibus Vote Agenda.

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to approve the Omnibus Vote Agenda.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

6. ORDINANCE NO. 21-0-03 - An Ordinance Amending Section 9-6-1 Entitled "General Conditions" of Chapter 6 Entitled "Business Districts" and Section 9-12-10 Entitled "Temporary Uses" of Chapter 12 Entitled "Accessory Uses and Home Occupations" of Title 9 Entitled "Zoning Regulations" of the Municipal Code of the Municipal Code of the Village of Willowbrook (PASS)

Consultant Choi stated, in response to an inquire from a local business owner of a gas station, the Village of Willowbrook initiated the text amendment before you. This would allow the use of outdoor displays of merchandise at automotive service station and drug stores with a minimum of gross floor area of 13,500 square feet. The Village has prohibited the outdoor display of merchandise at service stations to prevent these businesses from having large unattractive displays, these were primarily aesthetic and safety concerns. The perception of the industry has changed as well, and gas stations are now expected to sell a much broader variety of items such as windshield washer fluid, anti-freeze, melting salt, oil products, gas drying agents, propane, firewood, and mulch. If these items were more visible there would be more foot traffic and increase sales which would in return provide an increase in retail sales tax for the Village. The Plan Commission conducted a public hearing on this petition at their November 4, 2020 meeting and this public hearing was continued to December 2, 2020 as a definitive consensus was not reached by the members of the Plan Commission. Most of the commissioners expressed support for allowing the outdoor display of merchandise at gas station and drugstores by-right with restrictions, and planning staff was instructed to look at alternatives to achieve this. This petition is to consider a text amendment to allow the "outdoor display of merchandise" as a temporary use at automobile service stations and drugstores. As a temporary use permit, gas stations would need to reapply annually (calendar year) with the building department. The Village's building department currently charges approximately anywhere between \$300 to \$400 for an annual temporary use permit which includes a plan review and a final building inspection. The proposed conditions are listed on page two (2) and three (3) under section one (1) and pages three (3) and five (5) under section three (3) of the ordinances. The conditions are:

1. The sum of all merchandise display areas shall be no larger than one hundred square feet (100 SF) in size unless an exception to this provision has been granted by the Village Administrator or his/her designee.

2. All outdoor displays shall be located immediately adjoining the side or front facade of the principal building or underneath a canopy, but not within a required yard.
3. Such outdoor display of merchandise shall be incidental to the primary business and shall be located only on private property.
4. Merchandise shall not be located within required parking spaces or those spaces designated for disabled persons.
5. At least three feet (3') of walkway shall be always maintained for pedestrian traffic, and if applicable, as required by the Illinois Accessibility Code.
6. No individual item or stack of items may exceed six feet (6') in height unless an exception to this provision has been granted by the Village Administrator or his/her designee.

Trustee Berglund asked if this is related to Pete's Fresh Market?

Consultant Choi answered that this text amendment does not pertain to Pete's Fresh Market, it only gas stations and drug stores.

Building Official Giuntoli added, Pete's Fresh Market, through their PUD entitlement approval, could display their stock outside. Staff is working with them, so they do not block ingress or egress.

Mayor Trilla asked if we are at the 100 square feet?

Consultant Choi stated it is written into the condition that there is an exception to the provision if it is granted by the Village Administrator. It will be evaluated on a case-by-case basis.

MOTION: Made by Trustee Oggerino and seconded by Trustee Ruffolo to pass Ordinance No. 21-0-03 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

7. PRIOR BUSINESS

TRUSTEE REPORTS

Trustee Neal has no report.

Trustee Ruffolo had no report.

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Trustee Mistele had no report.

Trustee Berglund had no report.

Trustee Davi had no report but wished everyone a Happy New Year.

Trustee Oggerino had no report.

8. ATTORNEY'S REPORT

Attorney Bastian had no report.

9. CLERK'S REPORT

Clerk Hahn had no report.

10. ADMINISTRATOR'S REPORT

ADMINISTRATOR'S REPORT

Administrator Pabst stated that the lighting installed by public Works is over the amount of \$5000. The amount is \$5, 804.00 which must be approved at the Board Meeting.

- a. Expenditure in Excess of \$5,000: Replacement of the Existing Lighting Systems with LED Lighting at the Village of Willowbrook Public Works Facility Through a ComEd Enhancement Grant (\$5,804.00)

11. MAYOR'S REPORT

Mayor Trilla related the legislative session is in full swing in Springfield. There are over twelve hundred pages legislation being negotiated. The DuPage Mayors and Managers have sent a letter to slow this process down due to the large content.

12. CLOSED SESSION

CLOSED SESSION

- Collective Bargaining 5 ILCS 120/2 (c) (2)

Mayor Trilla stated that Closed Session will occur as a separate meeting using the call-in number following the recess of the regular meeting.

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MOTION: Made by Trustee Davi and seconded by Trustee Mistele to recess to closed session at the hour of 7:02 p.m.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

Reconvene the regular Village Board meeting at 7:26 p.m.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

13. RESOLUTION NO. 21-R-02 - A Resolution Approving and Authorizing the Mayor to Execute and Authorizing the Village Clerk to Attest to, On Behalf of the Village of Willowbrook, A Three(3) Year Collective Bargaining Agreement Between the Village of Willowbrook and the Illinois FOP Labor Council (ADOPT)

Mayor Trilla asked the Board if there were any questions or comments. No questions from Board members.

MOTION: Made by Trustee Mistele and seconded by Trustee Davi to adopt Resolution No. 21-R-03 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

14. ADJOURNMENT

MOTION: Made by Trustee Ruffolo and seconded by Trustee Davi to adjourn the Regular Meeting at the hour of 7:30 p.m.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ, and APPROVED.

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_____, 2021.

Frank A. Trilla, Mayor

Minutes transcribed by Deputy Clerk Christine Mardegan.

WARRANTS

January 25, 2021

GENERAL CORPORATE FUND	-----	\$259,851.18
WATER FUND	-----	\$145,587.85
WATER CAPITAL IMPROVEMENTS FUND	-----	\$1,855.00
MOTOR FUEL TAX FUND	-----	970.00
 TOTAL WARRANTS	-----	\$408,264.03

Carrie Dittman, Director of Finance

APPROVED:

Frank A. Trilla, Mayor

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
01/19/2021	APCH	96578*	ACCESS ONE, INC.	PHONE - TELEPHONES	455-201	10	455.18
				PHONE - TELEPHONES	455-201	10	49.30
				PHONE - TELEPHONES	455-201	10	49.30
				PHONE - TELEPHONES	455-201	10	58.30
				INTERNET/WEBSITE HOSTING	460-225	10	400.00
				PHONE - TELEPHONES	455-201	20	91.76
				PHONE - TELEPHONES	455-201	20	91.76
				PHONE - TELEPHONES	630-201	30	302.88
				PHONE - TELEPHONES	630-201	30	58.30
				INTERNET/WEBSITE HOSTING	640-225	30	400.00
				TELEPHONES	710-201	35	91.76
				CHECK APCHK 96578 TOTAL FOR FUND 01:			<u>2,048.54</u>
01/19/2021	APCH	96579*	VERIZON WIRELESS	PHONE - TELEPHONES	410-201	05	42.46
				PHONE - TELEPHONES	455-201	10	84.92
				PHONE - TELEPHONES	630-201	30	821.81
				TELEPHONES	710-201	35	84.92
				TELEPHONES	810-201	40	42.46
				CHECK APCHK 96579 TOTAL FOR FUND 01:			<u>1,076.57</u>
01/26/2021	APCH	96580	AMERICAN TRAFFIC SOLUTIONS	RED LIGHT - CAMERA FEES	630-247	30	22,475.00
				RED LIGHT - MISC FEE	630-249	30	3,000.00
				CHECK APCHK 96580 TOTAL FOR FUND 01:			<u>25,475.00</u>
01/26/2021	APCH	96582	B & E AUTO REPAIR & TOWING	MAINTENANCE - VEHICLES	630-409	30	743.07
01/26/2021	APCH	96583	BATTERY DISTRIBUTORS	MAINTENANCE - RADIO EQUIPMENT	630-421	30	1,308.59
01/26/2021	APCH	96584	CDW GOVERNMENT, INC.	DRUG FORFEITURE EXP - STATE	650-348	30	34,550.00
01/26/2021	APCH	96585	CHICAGO TRIBUNE	PRINTING, PUBLISHING & TRANSCRIPTION	455-302	10	203.77
01/26/2021	APCH	96586	CHOICE OFFICE EQUIP & SUPPLIES IN COPY SERVICE		455-315	10	520.25
01/26/2021	APCH	96587*	CHRISTOPHER B. BURKE	CONSULTING	455-306	10	198.00
				FEES - ENGINEERING-REIMB	520-245	15	333.60
				FEES - ENGINEERING-REIMB	520-245	15	110.00
				FEES - ENGINEERING-REIMB	520-245	15	220.00
				PLAN REVIEW - ENGINEER-REIMB	520-254	15	959.84
				FEES - ENGINEERING	720-245	35	385.00
				FEES - ENGINEERING	720-245	35	277.50
				PLAN REVIEW - CIVIL ENGINEER	820-254	40	440.00

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
				PLAN REVIEW - BUILDING CODE-REIMB	820-258	40	244.09
				PLAN REVIEW - BUILDING CODE-REIMB	820-258	40	229.37
				PLAN REVIEW - BUILDING CODE-REIMB	820-258	40	110.00
				CHECK APCHK 96587 TOTAL FOR FUND 01:			<u>3,507.40</u>
01/26/2021	APCH	96588	CINTAS CORPORATION NO 2	MAINTENANCE - GARAGE	725-413	35	33.14
				BUILDING MAINTENANCE SUPPLIES	466-351	10	374.34
				OPERATING SUPPLIES & EQUIPMENT	710-401	35	234.81
				OPERATING SUPPLIES & EQUIPMENT	710-401	35	71.43
				CHECK APCHK 96589 TOTAL FOR FUND 01:			<u>680.58</u>
01/26/2021	APCH	96589#	CITY WIDE OF ILLINOIS	CODE ENFORCEMENT INSPECTION	830-119	40	1,583.75
				CODE ENFORCEMENT INSPECTION-REIMB	830-119	40	280.00
				CHECK APCHK 96590 TOTAL FOR FUND 01:			<u>1,863.75</u>
01/26/2021	APCH	96590	CODE ENFORCEMENT REPRESENTATIVES	ENERGY/COMED (835 MIDWAY)	466-240	10	329.16
				RED LIGHT - COM ED	630-248	30	33.98
				RED LIGHT - COM ED	630-248	30	43.47
				RED LIGHT - COM ED	630-248	30	44.56
				ENERGY - STREET LIGHTS	745-207	35	540.21
				ENERGY - STREET LIGHTS	745-207	35	53.23
				ENERGY - STREET LIGHTS	745-207	35	486.34
				CHECK APCHK 96591 TOTAL FOR FUND 01:			<u>1,530.95</u>
01/26/2021	APCH	96591*#	COMED	EMP DED PAY - FSA FEE	210-221	00	35.70
				HEALTH/DENTAL/LIFE INSURANCE	455-141	10	14.30
				CHECK APCHK 96592 TOTAL FOR FUND 01:			<u>50.00</u>
01/26/2021	APCH	96592#	DISCOVERY BENEFITS SIMPLIFY	RADIO DISPATCHING	675-235	30	3,283.14
				RADIO DISPATCHING	675-235	30	67,068.50
				CHECK APCHK 96593 TOTAL FOR FUND 01:			<u>70,351.64</u>
01/26/2021	APCH	96593	DU-COMM	MAINTENANCE - BUILDING	466-228	10	73.83
01/26/2021	APCH	96595	EWS WELDING SUPPLY, INC	MAINTENANCE - GARAGE	725-413	35	6.93
01/26/2021	APCH	96596	FLEETPRIDE TRUCK & TRAILER PARTS	SPECIAL RECREATION ASSOC PROGRAM DUES	590-518	20	19,655.43
01/26/2021	APCH	96597	GATEWAY SRA	MAINTENANCE - BUILDING	466-228	10	755.20

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
MAINTENANCE - GARAGE							
01/26/2021	APCH	96599	GEWALT HAMILTON ASSOCIATES INC	PLAN REVIEW - TRAFFIC CONSULTANT	725-413	35	203.60
01/26/2021	APCH	96601	HALOCK SECURITY LABS	CONSULTING SERVICES - IT	520-258	15	1,296.00
01/26/2021	APCH	96602	HR SIMPLIFIED	HEALTH/DENTAL/LIFE INSURANCE	460-306	10	9,400.00
01/26/2021	APCH	96605	J. P. COOKE CO.	OFFICE SUPPLIES	455-141	10	100.00
01/26/2021	APCH	96606	JULIE, INC.	J. U. L. I. E.	610-301	25	136.40
01/26/2021	APCH	96608	KING CAR WASH	FUEL/MILEAGE/WASH	755-332	35	1,746.58
01/26/2021	APCH	96609#	KONICA MINOLTA BUSINESS SOLUTION	COPY SERVICE	630-303	30	325.00
				COPY SERVICE	630-315	30	215.91
				COPY SERVICE	630-315	30	62.01
				COPY SERVICE	810-315	40	528.60
				CHECK APCHK 96609 TOTAL FOR FUND 01:			806.52
01/26/2021	APCH	96610	LEONARD B CANNATA	RED LIGHT - ADJUDICATOR	630-246	30	638.00
01/26/2021	APCH	96612	MITECHS, INC.	CONSULTING SERVICES - IT	460-306	10	918.75
01/26/2021	APCH	96613	NATIONAL FIRE PROTECTION ASSN	FEES/DUES/SUBSCRIPTIONS	810-307	40	175.00
01/26/2021	APCH	96614#	NJ RYAN TREE & LANDSCAPE LLC	CONTRACTED MAINTENANCE	570-281	20	5,550.00
				TREE MAINTENANCE	750-338	35	4,500.00
				TREE MAINTENANCE	750-338	35	7,200.00
				TREE MAINTENANCE	750-338	35	6,000.00
				TREE MAINTENANCE	750-338	35	4,950.00
				TREE MAINTENANCE	750-338	35	6,600.00
				CHECK APCHK 96614 TOTAL FOR FUND 01:			34,800.00
01/26/2021	APCH	96615	NORTH EAST MULTI REGIONAL TRNG.	SCHOOLS/CONFERENCES/TRAVEL	630-304	30	300.00
01/26/2021	APCH	96616	PIONEER PRESS	PRINTING & PUBLISHING	630-302	30	65.00
01/26/2021	APCH	96617	RAGNA SOFT INC	EDP LICENSES	640-263	30	1,225.00
01/26/2021	APCH	96619	RATHS, RATHS & JOHNSON, INC.	PLAN REVIEW - STRUCTURAL-RETIME	820-255	40	880.50
				PLAN REVIEW - STRUCTURAL-RETIME	820-255	40	1,081.50
				CHECK APCHK 96619 TOTAL FOR FUND 01:			1,962.00
01/26/2021	APCH	96620	RAY O'HERRON CO., INC.	UNIFORMS	630-345	30	273.56
				UNIFORMS	630-345	30	699.00

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
01/26/2021	APCH	96621	Rosie's Gaming, LLC	CHECK APCHK 96620 TOTAL FOR FUND 01:			972.56
01/26/2021	APCH	96622	ROY GIUNTOLI	Did not open due to covid	210-101	00	5,000.00
				FEES/DUES/SUBSCRIPTIONS	810-307	40	60.00
01/26/2021	APCH	96623*	SATELLITE PHONE STORE	PHONE - TELEPHONES	455-201	10	65.76
				PHONE - TELEPHONES	630-201	30	65.76
				CHECK APCHK 96623 TOTAL FOR FUND 01:			131.52
01/26/2021	APCH	96624	SBOC	FEES/DUES/SUBSCRIPTIONS	810-307	40	75.00
01/26/2021	APCH	96625	T.P.I.	PLAN REVIEW - BUILDING CODE-REIMB	820-258	40	6,073.54
				PLAN REVIEW - BUILDING CODE-REIMB	820-258	40	8,025.00
				PART TIME - INSPECTOR-REIMB	830-109	40	3,360.00
				PLUMBING INSPECTION-REIMB	830-115	40	450.00
				CHECK APCHK 96625 TOTAL FOR FUND 01:			17,908.54
01/26/2021	APCH	96627	THOMSON REUTERS - WEST	FEES/DUES/SUBSCRIPTIONS	630-307	30	185.57
01/26/2021	APCH	96628	TWIN SUPPLIES, LTD	Maintenance - PW BUILDING	725-418	35	5,018.00
01/26/2021	APCH	96629*	USABLEBOOK	Maintenance - EQUIPMENT	740-411	35	136.40
01/26/2021	APCH	96630*	WAREHOUSE DIRECT	OFFICE SUPPLIES	455-301	10	38.01
				OFFICE SUPPLIES	455-301	10	55.60
				COMMISSARY PROVISION	455-355	10	17.97
				OFFICE SUPPLIES	610-301	25	14.88
				UNIFORMS	630-345	30	253.27
				OPERATING EQUIPMENT	630-401	30	2.78
				OPERATING EQUIPMENT	630-401	30	20.97
				OPERATING EQUIPMENT	630-401	30	6.16
				OFFICE SUPPLIES	710-301	35	162.95
				CHECK APCHK 96630 TOTAL FOR FUND 01:			572.59
01/26/2021	APCH	96631	WBK ENGINEERING LLC	PLAN REVIEW - PLANNER	520-257	15	11,187.72
01/26/2021	APCH	96632*	WESTOWN AUTO SUPPLY COMPANY	MAINTENANCE - VEHICLES	735-409	35	70.79
				Total for fund 01 GENERAL FUND			259,851.18

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 02 WATER FUND							
01/19/2021	APCH	96578*	ACCESS ONE, INC.	PHONE - TELEPHONES	401-201	50	91.92
				PHONE - TELEPHONES	401-201	50	91.76
				CHECK APCHK 96578 TOTAL FOR FUND 02:			183.68
01/19/2021	APCH	96579*	VERIZON WIRELESS	PHONE - TELEPHONES	401-201	50	84.92
01/26/2021	APCH	194 (E)	DUPAGE WATER COMMISSION	PURCHASE OF WATER	420-575	50	118,271.09
01/26/2021	APCH	96581	ASSOCIATED TECHNICAL SERV. LTD.	LEAK SURVEYS	430-276	50	738.50
01/26/2021	APCH	96591*	COMED	ENERGY - ELECTRIC PUMP	420-206	50	1,374.60
01/26/2021	APCH	96594	ETP LABS' INC	SAMPLING ANALYSIS	420-362	50	100.00
01/26/2021	APCH	96600	H AND R CONSTRUCTION INC.	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	4,500.00
				WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	3,400.00
				CHECK APCHK 96600 TOTAL FOR FUND 02:			7,900.00
01/26/2021	APCH	96603	HUNTER ASPHALT PAVING INC	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	2,825.00
01/26/2021	APCH	96604	ILLINOIS TOLLWAY	SCHOOLS CONFERENCE TRAVEL	401-304	50	8.00
01/26/2021	APCH	96607	KEVRON PRINTING & DESIGN INC	PRINTING & PUBLISHING	401-302	50	320.00
01/26/2021	APCH	96611	MID AMERICAN WATER	MATERIAL & SUPPLIES - DISTRIBUTION	430-476	50	1,215.39
01/26/2021	APCH	96618	RAGS ELECTRIC, INC	WELLHOUSE REPAIRS & MAINTENANCE - L.H	425-473	50	463.22
01/26/2021	APCH	96626	TAMELING GRADING	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	10,902.25
01/26/2021	APCH	96629*	USAELUEBOOK	MATERIAL & SUPPLIES - DISTRIBUTION	430-476	50	929.20
01/26/2021	APCH	96632*	WESTOWN AUTO SUPPLY COMPANY	WELLHOUSE REPAIRS & MAINTENANCE - L.H	425-473	50	272.00
				Total for fund 02 WATER FUND			145,587.65

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User: DSCHMIDT
DB: Willowbrook

CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK
CHECK DATE FROM 01/13/2021 ~ 01/26/2021

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Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
01/26/2021	APCH	96587*	CHRISTOPHER B. BURKE	ENGINEERING	430-245	56	970.00
Total for fund 04 MOTOR FUEL TAX FUND							970.00

Fund: 04 MOTOR FUEL TAX FUND

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 09 WATER CAPITAL IMPROVEMENTS FUND							
01/26/2021	APCH	96587*	CHRISTOPHER B. BURKE	WATER SYSTEM IMPROVEMENTS	440-600	65	1,855.00
				Total for fund 09 WATER CAPITAL IMPROVEMENTS FU			1,855.00
				TOTAL - ALL FUNDS			408,264.03

* ! - INDICATES CHECK DISTRIBUTED TO MORE THAN ONE FUND

##'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE DEPARTMENT

VILLAGE OF WILLOWBROOK

BOARD MEETING
AGENDA ITEM - HISTORY/COMMENTARY

AN ORDINANCE EXTENDING TEMPORARY EXECUTIVE POWERS PURSUANT TO
65 ILCS 5/11-1-6

AGENDA NO. 5.d.

AGENDA DATE: 01/25/21

STAFF REVIEW: Mike Mertens, Assistant Village Administrator

SIGNATURE: *M. Mertens* / mm

LEGAL REVIEW: Thomas Bastian, Village Attorney

SIGNATURE: *T. Bastian* / mm

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: *B. Pabst* / mm

REVIEWED & APPROVED BY COMMISSION: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)

In late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged in China. The World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020.

On March 9, 2020 Illinois Governor JB Pritzker declared all counties in the State of Illinois as a disaster area, (Governor's Disaster Proclamation). Following the lead of Governor J. B. Pritzker, health agencies on both the State and Federal level, the DuPage County Board on March 16, 2020 passed the DuPage County Disaster Proclamation. The Centers for Disease Control (CDC) and World Health Organization have declared the COVID-19 a global pandemic. The Centers for Disease Control and Prevention has reported 24,135,690 confirmed cases and 400,306 deaths in the United States and the Illinois Department of Public Health has reported 1,081,354 confirmed cases and 18,398 deaths that are attributable to COVID-19 as of January 21, 2021.

On July 24, 2020 Illinois Governor JB Pritzker issued an additional Executive Order amending the criteria. On October 20, 2020, the Governor implemented additional restrictions limiting gatherings sizes and banning indoor bar and restaurant services beginning on October 23, 2020 for regions 7 and 8. On December 11, 2020 the Governor issued Executive Order 2020-74 further tightening restrictions on bars, restaurants, and social gatherings to help mitigate the spread of COVID-19. On November 20, 2020, the Governor implemented Tier 3 Resurgence Mitigation restrictions to combat the exponential growth of COVID-19 within the State. On January 15, 2021, the Governor released the Tier 3 restrictions for regions that have met certain criteria. The Village of Willowbrook is part of Region 8 and this Region has met criteria to be reclassified to Tier 2 restrictions (attached).

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

It is the policy of the Village of Willowbrook that the corporate authorities will be prepared to address any emergencies and, therefore, pursuant to Section 5/11-1-6 of the Illinois Municipal Code, it is necessary and appropriate to establish standards for the determination of whether a state of emergency exists authorizing the mayor to exercise extraordinary power and authority, by executive order, during the possible state of emergency,

to ensure that the effects of COVID-19 are mitigated and minimized and that residents and visitors in the Village remain safe and secure.

If the ordinance is approved, it would allow for the following items allowable through the code of ordinances:

- a) All actions reasonably and expeditiously necessary to respond to the local state of emergency; and
- b) Approve previously appropriated expenditures of the Village for the purpose of continuing the operations of the Village; and
- c) In the event the local state of emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the Village during the existence of the local state of emergency;
- d) Canceling meetings of any board or commission to which the Mayor appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice;
- e) Suspend licenses or permits for special events or any other licenses or permits issued by the Village which in the judgment of the Mayor could impact the public health or well-being of residents or visitors to the community;
- f) Authorize any purchase for which funds are available reasonably related to the local state of emergency; and
- g) Authorize to close Village facilities as is reasonably required to protect the health of the public and employees of the Village related to the local state of emergency.

This Extension of the Temporary Executive Power Ordinance will be in full effect until the next regular meeting of the Village Board of the Village of Willowbrook.

ACTION PROPOSED: Pass the Ordinance.

ORDINANCE NO. 21-O-04

**AN ORDINANCE EXTENDING TEMPORARY
EXECUTIVE POWERS PURSUANT TO 65 ILCS 5/11-1-6**

WHEREAS, on March 23, 2020, the Governor of the State of Illinois issued Executive Order 2020-10 ordering all individuals, with certain exceptions, to shelter in place through April 7, 2020; and

WHEREAS, during the March 23, 2020 regular meeting of the Mayor and Board of Trustees of the Village of Willowbrook, the Village Board adopted and approved Ordinance 20-O-08, entitled “An Ordinance Establishing Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6”; and

WHEREAS, on March 23, 2020, Village Mayor, Frank A. Trilla, signed a “Proclamation Declaring An Emergency In The Village Of Willowbrook Due To The Coronavirus (COVID-19) Outbreak”; and

WHEREAS, on April 1, 2020, the Governor of the State of Illinois issued Executive Order 2020-18 extending for an additional thirty (30) days certain executive orders, including Executive Order 2020-10, ordering all individuals, with certain exceptions, to shelter in place through April 30, 2020; and

WHEREAS, effective May 1, 2020, Governor JB Pritzker signed Executive Order 2020-32 extending for another thirty (30) days prior Executive Orders continuing shelter-in-place orders until May 30, 2020; and

WHEREAS, during the April 27, 2020 regular meeting of the Mayor and Board of Trustees of the Village of Willowbrook, the Village Board adopted and approved Ordinance 20-O-13,

entitled "An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6"; and

WHEREAS, during the May 11, 2020 regular Village Board Meeting of the Mayor and Board of Trustees of the Village of Willowbrook, the Village Board adopted and approved Ordinance 20-O-17, entitled "An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-6"; and

WHEREAS, during the May 26, 2020 Village Board meeting of the Mayor and Board of Trustees, the Village Board adopted and approved Ordinance No. 20-O-19 extending temporary executive powers; and

WHEREAS, during the June 8, 2020 Village Board Meeting of the Mayor and Board of Trustees, the Village Board adopted and approved Ordinance No. 20-O-21 extending temporary executive powers; and

WHEREAS, during the June 22, 2020 Village Board Meeting of the Mayor and Board of Trustees, the Village Board adopted and the Mayor approved Ordinance No. 20-O-23 extending temporary executive powers; and

WHEREAS, on June 26, 2020, Governor JB Pritzker issued Executive Order 2020-44 (COVID-19 Executive Order No. 42) which extended prior Executive Orders related to the COVID-19 pandemic and again declared all counties in the State of Illinois disaster areas for an additional thirty (30) days; and

WHEREAS, on July 24, 2020, Governor JB Pritzker extended the Disaster Proclamations, previously issued, for an additional thirty (30) days; and

WHEREAS, on August 21, 2020, Governor JB Pritzker extended the disaster proclamation, previously issued, for an additional thirty (30) days; and

WHEREAS, on October 16, 2020, Governor JB Pritzker again extended the disaster proclamation for an additional thirty (30) days; and

WHEREAS, on November 13, 2020, Governor JB Pritzker again extended the disaster proclamation for an additional thirty (30) days; and

WHEREAS, on December 11, 2020, Governor JB Pritzker, by Executive Order 2020-74, extended the disaster proclamation for an additional thirty (30) days; and

WHEREAS, the corporate authorities of the Village believe it is reasonable and necessary for the temporary executive powers afforded by Village Ordinances 20-O-08, 20-O-10, 20-O-13, 20-O-17, 20-O-19, 20-O-21, 20-O-23, 20-O-26, 20-O-29, 20-O-32, 20-O-36, 20-O-38, 20-O-44, 20-O-45, 20-O-48, 20-O-53, 20-O-55, 20-O-63 and 20-O-01 be extended to the adjournment of the next regularly scheduled Village of Willowbrook Mayor and Board of Trustees' meeting.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION 1. The corporate authorities of the Village hereby determine that it is advisable, necessary and in the best interests of the public health, safety and welfare of the Village that the Village extend the temporary executive powers afforded by Village Ordinances 20-O-08, 20-O-10, 20-O-13, 20-O-17, 20-O-19, 20-O-21, 20-O-23, 20-O-26, 20-O-29, 20-O-32, 20-O-36, 20-O-38, 20-O-44, 20-O-45, 20-O-48, 20-O-53, 20-O-55, 20-O-63 and 21-O-01, and as further extended by this Village Ordinance 21-O-04, until the adjournment of the next regularly scheduled meeting of the Village of Willowbrook Mayor and Board of Trustees.

SECTION 2. The officials, officers and employees of the Village are hereby authorized to take such further actions as are necessary to carry out the intent and purpose of this Ordinance.

SECTION 3. This Ordinance shall be in full force and effect upon and after its passage, approval and publication in accordance with law.

PASSED and APPROVED this 25th day of January, 2021.

ROLL CALL VOTE:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn, Village Clerk



SPRINGFIELD, ILLINOIS

FILED
INDEX DEPARTMENT
DEC 11 2020
IN THE OFFICE OF
SECRETARY OF STATE

December 11, 2020

Executive Order 2020-74

EXECUTIVE ORDER 2020-74
(COVID-19 EXECUTIVE ORDER NO. 70)

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 830,000, and taking the lives of more than 14,000 residents; and,

WHEREAS, as Illinois adapts and responds to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and that continues to be without an effective treatment or vaccine, the burden on residents, healthcare providers, first responders, and governments throughout the State is unprecedented; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, public health research and guidance indicates the necessity and efficacy of wearing cloth face coverings in public settings where social distancing measures are difficult to maintain, and indicates that the risk of transmission outdoors is less than the risk of transmission indoors; and,

WHEREAS, public health guidance advises that minimizing physical interactions between people who do not reside in the same household is critical to slowing the spread of COVID-19; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, in addition to causing the tragic loss of more than 14,000 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, many executive agencies in the State have focused their limited resources on the ongoing response to the COVID-19 pandemic; and,

WHEREAS, the COVID-19 pandemic has required the Illinois Department of Agriculture (IDOA) to address the outbreak's impact on the State's food supply chain through regulation and oversight of meat and poultry facilities and livestock management facilities; and,

WHEREAS, the COVID-19 pandemic's disruption to the livestock market has required IDOA to concentrate its resources on working with livestock owners and producers in addressing safe and environmental animal disposal concerns through its oversight and regulation of the Dead Animal Disposal Act; and,

WHEREAS, IDOA regulates and investigates many other industries that have been directly impacted by the COVID-19 pandemic including, but not limited to, pesticide applicators, animal shelters, pet shops, and gas stations, and the continued, proper regulation of these industries requires IDOA to commit additional time and resources into creating new procedures for conducting remote investigations and trainings; and,

WHEREAS, the COVID-19 pandemic's detrimental impact to IDOA's regulated industries has required IDOA to place additional time and resources into organizing and managing the timely implementation of the Business Interruption Grant Program; and,

WHEREAS, on December 11, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-40, 2020-41, 2020-42, 2020-45, 2020-47, 2020-50, 2020-53, 2020-56, 2020-57, 2020-60, 2020-61, 2020-62, 2020-63, 2020-64, 2020-65, 2020-66, 2020-67, 2020-68, 2020-69, 2020-70, 2020-72, and 2020-73 and hereby incorporate the WHEREAS clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective December 11, 2020:

Part 1: Re-Issue of Executive Orders.

Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-40, 2020-41, 2020-42, 2020-45, 2020-47, 2020-50, 2020-53, 2020-56, 2020-57, 2020-60, 2020-61, 2020-62, 2020-63, 2020-64, 2020-65, 2020-66, 2020-67, 2020-68, 2020-69, 2020-70, 2020-72, and 2020-73 as follows:

Executive Order 2020-04 (Closure of James R. Thompson Center; waiver of sick leave requirement for State employees):

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through **January 9, 2021**. Nothing in Section 2 precludes the Department of Central Management Services from designating specific points of ingress and egress and controlling traffic flow in the James R. Thompson Center for State employees, members of the public attending to State business, and members of the public patronizing the businesses and food court.

Executive Order 2020-07 (In-person meeting requirements):

Section 6 of Executive Order 2020-07, as amended by Executive Order 2020-33 and Executive Order 2020-44, is re-issued and extended through **January 9, 2021**.

Executive Order 2020-08 (Secretary of State operations):

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Sections 3, 4, and 5 of Executive Order 2020-08, as amended by Executive Order 2020-39 and Executive Order 2020-44, are re-issued and extended through **January 9, 2021**.

Executive Order 2020-08 is further amended and revised as follows:

Section 6. The provisions of the Illinois Vehicle Code, 625 ILCS 5, providing for the expiration of vehicle registrations and licenses are suspended as follows: (1) all motor vehicle registrations that expire in November 2020 or December 2020 are extended; and (2) all licenses issued pursuant to Chapter 3, Article IX, Remittance Agents, and Chapter 5, Dealers, Transporters, Wreckers and Rebuilders, that expire on December 31, 2020, are extended if an application to renew the license is received by the Office of the Secretary of State by December 31, 2020.

Executive Order 2020-09 (Telehealth):

Executive Order 2020-09, as amended by Executive Order 2020-52, is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-11 (Illinois Department of Corrections notification period):

Section 4 of Executive Order 2020-11 is re-issued and extended through **January 9, 2021**.

Executive Order 2020-12 (Health care worker background checks; Illinois Department of Juvenile Justice notification period):

Sections 1 and 3 of Executive Order 2020-12 are re-issued and extended through **January 9, 2021**.

Executive Order 2020-15 (Suspending provisions of the Illinois School Code):

Sections 5, 6, 7, 8, and 9 of Executive Order 2020-15 are re-issued and extended through **January 9, 2021**.

Executive Order 2020-16 (Suspension of classroom training requirement for security services):

Section 2 of Executive Order 2020-16 is re-issued and extended through **January 9, 2021**.

Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):

Executive Orders 2020-03 and 2020-17, as modified by Executive Order 2020-18, are re-issued and shall remain in effect as specified by Executive Order 2020-18.

Executive Order 2020-20 (Public assistance requirements):

Executive Order 2020-20 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):

Executive Order 2020-21 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-22 (Placements under the Child Care Act of 1969; fingerprint submissions under Health Care Worker Background Check Act):

Sections 4, 5, and the Savings Clause of Executive Order 2020-22 are re-issued and extended through **January 9, 2021**.

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Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):

Executive Order 2020-23 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):

Executive Order 2020-24 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-25 (Garnishment and wage deductions):

Executive Order 2020-25, as amended by Executive Order 2020-55, is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-26 (Hospital capacity):

While several sections of Executive Order 2020-26 had previously been rescinded, Executive Order 2020-26 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-27 (Cadavers testing positive for COVID-19):

Executive Order 2020-27 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-28 (Industrial radiography certifications):

Executive Order 2020-28, as amended by Executive Order 2020-55, is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-29 (In-person education or exams for professional insurance licenses):

Executive Order 2020-29 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-30 (Expired consular identification documents; electronic filings for the Illinois Human Rights Commission):

Sections, 1, 4, 5, and 6 of Executive Order 2020-30 are re-issued and extended through **January 9, 2021**.

Executive Order 2020-34 (Cannabis requirements):

Executive Order 2020-34 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-35 (Illinois Department of Public Health regulatory activities):

Sections 14, 15, 16, and 17 of Executive Order 2020-35 are re-issued and extended through **January 9, 2021**.

Executive Order 2020-36 (Marriage licenses):

Executive Order 2020-36 is re-issued in its entirety and extended through **January 9, 2021**.

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Executive Order 2020-40 (Child Labor Law):

Sections 2 and 4 of Executive Order 2020-40 are re-issued and extended through **January 9, 2021**.

Executive Order 2020-41 (Sports wagering):

Executive Order 2020-41 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-42 (State Fairs):

Executive Order 2020-42 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-45 (Cannabis licenses):

Executive Order 2020-45 is re-issued in its entirety and shall remain in effect as specified by Executive Order 2020-45.

Executive Order 2020-47 (In-person instruction at preK-12 schools):

Executive Order 2020-47 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-50 (Resuming transfers from county jails to Illinois Department of Corrections):

Executive Order 2020-50 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-53 (Region 7 mitigations):

Executive Order 2020-53 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-56 (Region 1 mitigations):

Executive Order 2020-56 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-57 (Cannabis identification cards):

Executive Order 2020-57 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-60 (Region 5 mitigations):

Executive Order 2020-60 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-61 (Regions 7 and 8 mitigations):

Executive Order 2020-61 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-62 (Region 1 Tier 2 mitigations):

Executive Order 2020-62 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-63 (Regions 4 and 10 mitigations):

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Executive Order 2020-63 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-64 (Region 11 mitigations):

Executive Order 2020-64 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-65 (Region 9 mitigations):

Executive Order 2020-65 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-66 (Region 3 mitigations):

Executive Order 2020-66 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-67 (Region 6 mitigations):

Executive Order 2020-67 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-68 (Cannabis registry identification card renewals):

Executive Order 2020-68 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-69 (Region 2 mitigations):

Executive Order 2020-69 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-70 (Regions 5, 7, and 8 Tier 2 mitigations):

Executive Order 2020-70 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-72 (Residential eviction moratorium):

Executive Order 2020-72, as amended and revised below, is re-issued in its entirety and extended through **January 9, 2021**.

Section 1. For purposes of this Executive Order, the following terms are defined as set forth below:

(a) "Covered Person" means any tenant, lessee, sub-lessee, or resident of a residential property who provides to their landlord, the owner of the residential property, or other person or entity with a legal right to pursue an eviction or possessory action, a Declaration under penalty of perjury indicating that:

1. the individual either (i) expects to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), (ii) was not required to report any income in 2019 to the U.S. Internal Revenue Service, or (iii) received an Economic Impact Payment pursuant to Section 2001 of the CARES Act;
2. the individual is unable to make a full rent or housing payment due to a COVID-19 related hardship including, but not limited to, substantial loss of income, loss of compensable hours of work or wages, or an increase in out-of-pocket expenses directly related to the COVID-19 pandemic;

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3. the individual is using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other Non-Discretionary Expenses; and
4. eviction would likely render the individual homeless—or force the individual to move into and live in close quarters in a new congregate or shared living setting—because the individual has no other available housing options.

(b) "Declaration" means the form declaration made available by the Illinois Housing Development Authority (or a similar declaration under penalty of perjury) that tenants, lessees, sub-lessees, or residents of residential properties who are covered by this Executive Order may use to invoke the protections of this Executive Order. Each landlord, owner of a residential property, or other person or entity with a legal right to pursue an eviction or possessory action must provide each tenant, lessee, sub-lessee, and resident with a Declaration at least 5 days prior to commencement of any residential eviction proceeding including, but not limited to, at least 5 days prior to the issuance of a notice of termination of tenancy. Service of the Declaration must conform with the requirements of 735 ILCS 5/9-211.

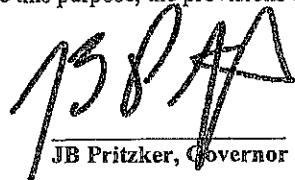
(c) "Non-Discretionary Expenses" include, but are not limited to, food, utilities, phone and internet access, school supplies, cold-weather clothing, medical expenses, child care, and transportation costs, including car payments and insurance.

Section 7. A person or entity may not commence a residential eviction action pursuant to or arising under 735 ILCS 5/9-101 *et seq.* against a tenant who does not owe rent unless the tenant poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property. A tenant shall not be required to provide a Declaration if they are covered by this section.

Executive Order 2020-73 (Tier 3 mitigations):

Executive Order 2020-73 is re-issued in its entirety and extended through **January 9, 2021.**

Part 2: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.



JB Pritzker, Governor

Issued by the Governor December 11, 2020
Filed by the Secretary of State December 11, 2020

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Tier 2 Resurgence Mitigations

UPDATED 1/15/2021

Tier 2 mitigations may be applied to regions that are experiencing a sustained resurgence of COVID-19 or regions that have been under more stringent Tier 3 mitigations but have not yet achieved metrics that allow for a resumption of either Tier 1 or Phase 4 Restore Illinois activities. If a region again experiences a sustained resurgence of COVID-19 with Tier 2 mitigations in place, a return to stricter measures may be necessary to curtail further spread. **Tier 2 includes the following mitigations:**

SETTING	MITIGATION REQUIREMENTS
Bars and Restaurants	<ul style="list-style-type: none">• All bars and restaurants close at 11pm and may reopen no earlier than 6am the following day• No indoor service• All bar and restaurant patrons should be seated at tables outside• No ordering, seating, or congregating at bar (bar stools should be removed)• Tables should be 6 feet apart• No standing or congregating indoors or outdoors while waiting for a table or exiting• No dancing or standing indoors• No tables exceeding 6 people• Reservations required for each party• No seating of multiple parties at one table• Includes private clubs and country clubs• Limit to 10 guests in both indoor and outdoor settings<ul style="list-style-type: none">• Applicable to professional, cultural and social group gatherings.• Not applicable to students participating in-person classroom learning or sports.• This does not reduce the overall facility capacity dictated by general Phase 4 business guidance such as office, personal care, retail, etc.
Meetings, social events and gatherings (including weddings, funerals, potlucks, hotel centers, etc.)	<ul style="list-style-type: none">• Hotel room occupancy should be limited to registered guests only, with the maximum allowance being the number of individuals permissible per existing fire code for each applicable guest room• Hotel fitness centers should be closed, or operated only on a reservation model with capacity limited to 25% of the maximum occupancy for the room• No party buses• Recreation and sporting facilities limit to lesser of 25 guests or 25% of overall room capacity both indoors & outdoors• No groups of more than 10, including fitness classes, but multiple groups are allowed if separated by impermeable barriers and within overall facility capacity limits
Organized group recreational activities (including sports and fitness centers)	<ul style="list-style-type: none">• Face coverings must be worn at all times in fitness centers, including while engaged in individual exercise regardless of person or machine spacing• Sports should follow the mitigation measures set forth in the Winter Update to the All Sport Guidelines, which outlines appropriate levels of practice and competition based on individual sport risk• Outdoor Activities (not included in the above exposure settings) continue per current DCEO guidance

In addition, IDPH recommends the following actions be taken:

- Display prominent masking and distancing signage
- Discourage non-essential travel to other states and international locations
- Discourage groups greater than 4 individuals in ages 12 -17 from congregating outside of school
- Promote work from home when possible

IDPH will continue to track the positivity rate in regions requiring additional mitigations to determine if mitigations can be relaxed, if additional mitigations are required, or if current mitigation should remain in place.

- For regions experiencing a resurgence of COVID-19, Tier 2 mitigations may be applied if a region's sustained test positivity rate is between 8 and 12 percent over a 14-day monitoring period (measured with the 7-day rolling average)
- For regions experiencing declining spread of COVID-19, Tier 2 mitigations will go into effect if a region meets the following three metrics:
 - Test positivity rate is below 12 percent for three consecutive days (measured with the 7-day rolling average)
 - Available intensive care unit (ICU) and medical/surgical bed capacity greater than or equal to 20 percent for three consecutive days (measured with the 3-day rolling average)
 - A sustained decline in the number of COVID-19 patients in the hospital (measured with the 7-day rolling average over 7 of 10 days)

Please see the Illinois Gaming Board's website for Tier 1 and Tier 2 mitigations for casino gambling and video gaming.

Follow the latest regional metrics at: <https://dph.illinois.gov/reagionmetrics>.

For more information on guidance for businesses, please visit the FAQ on [DCEO's website](#).

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:	AGENDA NO. 5e
Receive Plan Commission Recommendation – Public Hearing Case 21-02: 6401 Meadow Lane Addition–Pete Baftiri on behalf of Jain Bhagwan, 6401 Meadow Lane, Willowbrook IL 60527. Consideration of a petition for approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback from thirty feet (30') to twenty-four point forty-six feet (24.46') and approval of a variation from Section 9-5B-3(G) to increase the maximum FAR from 0.30 to 0.39 to allow for the construction of a 1,081 square foot addition to house an indoor swimming pool, and other such relief from Title 9 of the Village Code, as necessary.	AGENDA DATE: 01/25/21

STAFF REVIEW: Ann Choi, Planning Consultant **SIGNATURE:** *A. Choi / mm*

LEGAL REVIEW: Tom Bastian, Village Attorney **SIGNATURE:** *T. Bastian / mm*

RECOMMENDED BY: Brian Pabst, Village Administrator **SIGNATURE:** *B. Pabst / mm*

REVIEWED & APPROVED BY COMMITTEE: **YES** **NO** **N/A**

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

The petitioner, Pete Baftiri (“Applicant”), on behalf of the property owner, Jain Bhagwan, desires to construct a 26'-6” x 42'-10” addition off the rear exterior wall of the residence. The addition is proposed to a maximum height of twenty-one feet (21') and would house an indoor swimming pool for therapeutic purposes to serve its elderly residents. The construction of the addition of the size desired would encroach approximately five point fifty-four feet (5.54') into the required rear yard setback of the property and increase the allowable floor area. As such, the Applicant on behalf of the property owner, has applied for the two following variations from the rear yard setback and floor to area ratio (FAR) requirement within the R-2 Zoning District:

1. Approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback from thirty feet (30') to twenty-four point forty-six feet (24.46'); and
2. Approval of a variation from Section 9-5B-3(G) to increase the maximum FAR from 0.30 to 0.39 to allow for the construction of a 1,081 square foot addition to house an indoor swimming pool.

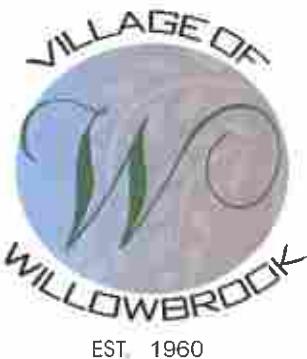
ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

Staff did not object to the requested variations. Due to the current climate of Covid-19 and the unprecedented shutdown of many businesses including health clubs that are only able to provide limited services and access to its facilities, and the increased risks to the elderly population associated with congregating in public places, a hardship that was not previously contemplated, is present. The granting of these variations would allow the property owners, who are elderly, to benefit from the therapeutic purposes of a private indoor swimming pool.

The proposed variation requests were discussed at the January 13, 2021 regular meeting of the Plan Commission. There were two members of the public, the petitioner’s representatives, that came forward in support of the petition. There were four members of the public, nearby residents, that came forward to oppose the petitions. The Village also received three letters, including sixteen signatures from fifteen different households, opposing the petition. These letters and a summary of the public hearing discussion are included in the staff report.

The Plan Commission voted 7-0 denying the proposed petition, to forward a negative recommendation to the Village Board.

ACTION PROPOSED: January 25, 2021: Receive Plan Commission Recommendation.



Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5549

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

MEMORANDUM

Mayor

Frank A. Trilla

Village Clerk

Deborah Hahn

Village Trustees

Sue Berglund

Umberto Davi

Michael Mistele

Gayle Neal

Paul Oggerino

Gregory Ruffolo

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

MEMO TO: Frank A. Trilla, Mayor
Board of Trustees

MEMO FROM: Dan Kopp, Chairman, Plan Commission

DATE: January 25, 2021

SUBJECT: **Zoning Hearing Case 21-02: 6401 Meadow Lane Addition** – Pete Baftiri on behalf of Jain Bhagwan, 6401 Meadow Lane, Willowbrook IL 60527. Consideration of a petition for approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback from thirty feet (30') to twenty-four point forty-six feet (24.46') and approval of a variation from Section 9-5B-3(G) to increase the maximum FAR from 0.30 to 0.39 to allow for the construction of a 1,081 square foot addition to house an indoor swimming pool, and other such relief from Title 9 of the Village Code, as necessary.

At the regular meeting of the Plan Commission held on January 13, 2021, the above referenced application was discussed, and the following motion was made:

MOTION: Made by Remkus and seconded by Wagner that based on the submitted petition and testimony provided, I move that the Plan Commission forward a negative recommendation to the Village Board for the approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback requirement from 30 feet to 24.46 feet and approval of a variation from Section 9-5B-3(G) to increase the FAR requirement from 0.30 to 0.39 for the property located at 6401 Meadow Lane as outlined in the Staff Report prepared for PC 21-02 for the January 13, 2021 Plan Commission meeting.

ROLL CALL: AYES: Chairman Kopp, Vice Chairman Wagner, Commissioners Kaczmarek, Kaucky, Remkus, Soukup, and Walec; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

Should any member of the Board have any questions regarding this matter, please do not hesitate to contact me.

DK:jp



Proud Member of the
Illinois Route 66 Scenic Byway



Village of Willowbrook
Staff Report to the Village Board

Plan Commission

Public Hearing Date: January 13, 2021

Village Board Receive: January 25, 2021

Prepared By: Ann Choi, Village Planning Consultant

Case Title: Zoning Hearing Case No. 21-02: 6401 Meadow Lane Addition

Applicant: Pete Baftiri
55541 Radcliff Rd, Naperville IL 60563

Property Owner: Jain Bhagwan
6401 Meadow Lane, Willowbrook IL 60527

Action Requested: Consideration of a petition for approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback from thirty feet (30') to twenty-four point forty-six feet (24.46') and approval of a variation from Section 9-5B-3(G) to increase the maximum FAR from 0.30 to 0.39 to allow for the construction of a 1,081 square foot addition to house an indoor swimming pool, and other such relief from Title 9 of the Village Code as necessary.

Applicable Regulations: Zoning Ordinance

Location: 6401 Meadow Lane, Willowbrook IL 60527

PINs: 09-24-112-035

Existing Zoning: R-2 Single Family Residence District

Proposed Zoning: R-2 Single Family Residence District

Existing Land Use: Low Density Residential (1-4 du/acre)

Property Size: 0.28 acres

Surrounding Land Use:		Use	Zoning
	North	Single Family Residential	R-2
	South	Single Family Residential	R-2
	East	Single Family Residential	R-2
	West	Single Family Residential	R-2

Necessary Action by Village Board: Receive Plan Commission Recommendation.



Documents Attached:

- Attachment 1: Findings of Fact –Variations
- Attachment 2: Public Hearing Notice
- Attachment 3: Legal Description
- Attachment 4: Boundary and Topographic Survey – 1 sheet (Job. No. 1612705), dated 06/09/2016, prepared by Professional Land Surveying, Inc., and prepared for Koziol Engineering Services
- Attachment 5: Site Plan – 1 sheet, Sheet A1 (Job. No. 20-058), dated 09-21-20 and bearing the latest revision date of 9/23/2020, and prepared by Agama Design Architecture
- Attachment 6: Architectural Drawings – 4 sheets, Sheets A1, A-2, A-4, A-5 (Job. No. 20-058), dated 09-21-20, prepared by Agama Design Architecture
- Attachment 7: Site Engineering Plan – 1 sheet, Sheet A1 (Job. No. 20-058), bearing the latest revision date of 01/05/21, and prepared by Koziol Engineering Services
- Attachment 8: Engineer's Review Letter (CBBEL), dated December 11, 2020
- Attachment 9: Letters Received



Background

Site Description

The 0.28-acre subject property is currently improved with a single-family home. The parcel measures approximately 85' by 146' with a total approximate lot area of 12,383 square feet. The parcel was platted in DuPage County as part of the Gallagher and Henry's Waterford Unit No. 2 Subdivision according to the plat recorded on November 9, 1978 as Document No. R78-108411 in DuPage County, Illinois. The subject property is zoned R-2 Single Family Residence District.

Exhibit 1: Map View of the Subdivisions





Exhibit 3: Zoning Map (R-2 Single Family Residence District)



Development Proposal

The petitioner, Pete Baftiri ("Applicant"), on behalf of the property owner, Jain Bhagwan, desires to construct a 26'-6" x 42'-10" addition off the rear exterior wall of the residence. The addition is proposed to a maximum height of twenty-one feet (21') and would house an indoor swimming pool for therapeutic purposes to serve its elderly residents. The construction of the addition of the size desired would encroach approximately five point fifty-four feet (5.54') into the required rear yard setback of the property and increase the allowable floor area. As such, the Applicant on behalf of the property owner, has applied for the two following variations from the rear yard setback and floor to area ratio (FAR) requirement within the R-2 Zoning District:

1. Approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback from thirty feet (30') to twenty-four point forty-six feet (24.46'); and
2. Approval of a variation from Section 9-5B-3(G) to increase the maximum FAR from 0.30 to 0.39 to allow for the construction of a 1,081 square foot addition to house an indoor swimming pool.

It should be noted that the public hearing notice that was sent to property owners within a 250-foot radius and was noticed in the December 24, 2020 edition of the Doings newspaper incorrectly stated that the variation for the reduce rear yard setback was 25 feet. **The correct variation for a reduced rear yard setback is 24.46 feet.**

Staff Analysis

Appropriateness of Use

Single-family detached homes are permitted uses in the R-2 district. The existing lot currently does not conform to current zoning regulations in terms of the required minimum lot area, lot width and lot depth under the R-2 Single Family District. The subject property is part of the Gallagher and Henry's Waterford Unit No. 2 Subdivision, platted in 1978, and the minimum requirements for lot area and lot depth may have been modified over the years. The minimum required lot depth according to current zoning regulations is 150 feet. The existing lot length along the subject property's north lot line measures 145.91 feet long and along the south lot line measures 146.02 feet long, indicating that the lot depth is deficient by a minimum of 3.98 feet



to 4.09 feet. If the subject property had been platted to current zoning standards and complied with the minimum required lot depth requirement, the variation for the reduced rear yard setback would likely not be required, and only the variation for increased FAR would be needed.

The departures from the bulk regulations for the R-2 district are provided in the following chart:

Bulk Regulation	Code Section	Requirement	Proposed	% Variation
Min. Lot Area	9-5B-3(A)1	13,000 SF	12,377.75 SF	<i>Existing Condition</i>
Min. Lot Width	9-5B-3(B)1	75 feet	85 feet	<i>Existing Condition</i>
Min. Lot Depth	9-5B-3(C)	150 feet	145.91 feet	<i>Existing Condition</i>
Front Yard	9-5B-3(D)1	40 feet	< 40 feet but relief granted by Section 9-5B-3(D)5	Complies
Interior Side Yard	9-5B-3(D)2	8.5 feet	> 8.5 feet	Complies
Rear Yard Setback	9-5B-3(D)4	30 feet	24.46 feet	18.5%
Max. Lot Coverage	9-5B-3(E)	30%	27.59%	Complies
Max. Height	9-5B-3(F)	35 feet or 2 stories	21 feet	Complies
FAR	9-5B-3(G)	0.30	0.39	130%
Min. Habitable Area	9-5B-3(H)	900 SF on 1 st Floor	3,419 SF	Complies

Findings of Fact

Standards for Variations

Section 9-14-4(E) of the Willowbrook Zoning Ordinance establishes seven (7) standards that must be evaluated by the Plan Commission and Village Board. Recommendations may include conditions of approval if appropriate to mitigate any negative impacts created by the variations. A list of the variation standards is provided in **Attachment 1**, along with the proposed findings to be incorporated in the Plan Commission's recommendation and the Village Board's ordinance if approved.

Staff Recommendation

Staff does not object to the requested variations to reduce the rear yard setback requirement and to increase the FAR to accommodate the proposed addition for an enclosed pool. Due to the current climate of Covid-19 and the unprecedented shutdown of many businesses including health clubs that are only able to provide limited services and access to its facilities, and the increased risks to the elderly population associated with congregating in public places, a hardship that was not previously contemplated, is present. The granting of these variations would allow the property owners, who are elderly, to benefit from the therapeutic purposes of a private indoor swimming pool.

Staff therefore recommends approval of the proposed variations from Title 9 of the Village Code for the subject property as legally described in **Attachment 3**, subject to the following conditions:

Recommended Conditions of Approval:

1. The applicant shall revise the Site Plan, included as **Attachment 5**, to reflect the correct variation to reduce the rear yard from twenty feet (25') to twenty-four point forty-six feet (24.46').
2. The variations granted shall only apply to the proposed addition to accommodate an indoor swimming pool. The proposed addition shall not be used as habitable space and/or non-recreational purposes, including, but not limited to, bedrooms, living room, kitchens, etc.



3. The variation shall be null and void if construction of the proposed use is not commenced and a certificate of completion is not granted within twelve (12) months of the date of any approval of the variation by the Village Board.

Planning staff would also recommend acceptance of the submitted written findings of fact in response to the standards of the variations from the zoning ordinance sought, which are included as **Attachment 1** of this report. If the Plan Commission concurs, the following sample recommendation is offered for consideration.

Public Hearing and Communications

The Plan Commission conducted a public hearing on this petition at a regular meeting of the Plan Commission on January 13, 2021. This meeting would typically take place in the Willowbrook Police Department Training Room, 7760 S. Quincy St, Willowbrook, IL 60527. However, due to the current circumstances concerning Covid-19, this meeting was held virtually via Zoom.

Summary of Public Hearing and Communications

Six (6) individuals from the public were sworn in at the public hearing.

1. Present: Approximately seventeen (17) individuals were present. The following members of the Plan Commission were in attendance: Chairman Dan Kopp, Vice Chairman John Wagner, Commissioners Catherine Kaczmarek, Leonard Kaucky, James Soukup, William Remkus, and Maciej Walec. The following Village staff members were present: Planning Consultant Ann Choi, Building Official Roy Giuntoli, and Building and Zoning Secretary Lisa Shemroske. Court Reporter Robin Hejnar was also in attendance.
2. Speakers: Six (6) individuals presented testimony.
3. The project owner's representatives provided testimony in support of the petition.
4. There were four members (4) of the public, that provided testimony in opposition of the petition.

Public Hearing Testimony Notes

Village of Willowbrook Planning & Development Department

Planning Consultant Choi did not object to the requested variations to reduce the rear yard setback requirement and to increase the FAR to accommodate the proposed addition for an enclosed pool. Planning Consultant Choi acknowledged that due to the current climate of Covid-19 and the unprecedented shutdown of many businesses including health clubs that are only able to provide limited services and access to its facilities, and the increased risks to the elderly population associated with congregating in public places, a hardship that was not previously contemplated was present. The granting of these variations would allow the property owners, who are elderly, to maximize the use of their property and benefit from the therapeutic purposes of a private indoor swimming pool.

SPEAKERS COMMENTS SUPPORTING THE PETITION

A total of two speakers supported the petition.

- The property owner's representatives, Ardi Baftiri of AE Luxury Homes, spoke in support of the project because they asserted that the neighborhood is in transition including many new constructed homes and some remodeling. The proposed addition would revitalize one of the older homes in the area and add value to the neighborhood. The proposed addition would include a new roof, new tile,



new stucco, and generally high-quality construction materials. Overall, Mr. Baftiri stated that the proposed addition would increase the value of the surrounding properties. Mr. Baftiri indicated that the purpose of the addition is for therapeutic purposes as the residents are elderly who are unable to go to public health facilities and seems like the only reasonable alternative because of the risks posed to their health. Mr. Baftiri pointed out that the rear yard setback would not be required if the addition were built on a lot that conformed to the current zoning lot depth standard. Mr. Baftiri guaranteed that the requested rear yard setback reduction would be minor, vegetation would be preserved and protected, and additional vegetation would be added for privacy and screening. If approved, their engineering drawings would conform to any Village regulations to address any water drainage issues, so Mr. Baftiri did not believe that drainage would be a future issue.

- Pete Baftiri of AE Luxury Homes, also spoke in support of the project, and asserted that the property owners already invested a significant amount of money into remodeling their home and assured the Plan Commission that the remodeling was very "high-end". Adding a pool to the property would add value to the neighborhood. Mr. Baftiri added that he has been a builder in Willowbrook and in the western suburbs for over twenty-three (23) years and this neighborhood has seen many changes over the years. Mr. Baftiri assured the Plan Commission that drainage issues would be addressed during the engineering review to lessen concerns related to further exacerbating existing flooding issues.

QUESTIONS POSED BY PLAN COMMISSION

Chairman Kopp requested clarification on the Village Engineer's review letter and asked Planning Consultant Choi if the Village Engineer provided an opinion on whether the proposed addition would affect the existing drainage. Planning Consultant Choi indicated she had followed up with the Village Engineer after receiving complaints about the proposed petition. Planning Consultant Choi stated that the grading plan that is included in the staff report was not for the currently proposed project. The applicant (or one of their design professionals) presumably took a plan from a 2016 submittal and superimposed the proposed addition on that plan. As noted in the Village' Engineer's letter dated December 11, 2020, the applicant would be required to submit a detailed grading plan at the time of building permit if the variation is approved. Based on what was submitted, it is difficult to provide more than general comments on what code requires. Planning Consultant Choi acknowledged that the Village appreciates the neighboring residents' input on existing drainage problems at the northeast corner of the site and assured the Plan Commission that this will be considered during the engineering review if the project moves forward.

Chairman Kopp noted that when looking at an aerial of the surrounding properties, many of the homes in the area appeared to have much larger footprints than the subject property including the proposed addition. Planning Consultant Choi explained that the surrounding properties in the area with the larger footprints appear to be one to two stories, whereas the subject property is a full two stories. Planning Consultant Choi believes that the surrounding properties conform to current FAR and lot coverage requirements since a property history search did not produce any previous planning petitions requesting variations for increased FAR or lot coverage in this area.

Commissioner Remkus asked whether the Village should be granting variations because of the Covid-19 pandemic. Personally, Commissioner Remkus was concerned that granting variations due to Covid-19 would be a slippery slope since the pandemic is impermanent and will not be here to stay, but the variations would be granted in perpetuity.



Commissioner Wagner pointed out that the subdivision in which the subject property is located was developed within the guidelines of Willowbrook and may not meet current zoning standards as these standards typically change over time. Commissioner Wagner also pointed out that the public hearing may be moot because of the hearing notice is incorrect and the request was greater than what was published. Commissioner Wagner also questioned the Findings of Fact made in response to the Standards for Variations, and specifically questioned the finding that the property cannot have a reasonable return if the variations were not granted. He also agreed with Commissioner Remkus and did not agree with the reason for granting the variations due to the pandemic.

Commissioner Kaczmarek asked the question if the applicant had reached out to a relator to confirm that the proposed addition would add value to the property. Mr. Baftiri (Pete) responded that as he is a real estate agent and asserted that the improvements made to the property would not just add value to the neighborhood but would increase the values of the surrounding properties. Commissioner Kaczmarek asked Village staff if there were other homes in the area with indoor swimming pools. Building Official Giuntoli responded that he was not aware of permits for indoor pools within this particular neighborhood but there have been indoor pools permitted outside of the Waterford Subdivision.

SPEAKERS COMMENTS NOT SUPPORTING THE PETITION

A total of four speakers opposed the petition.

- Kevin Webb, a nearby resident who resides at 6410 Tremont Street, collected sixteen signatures (15 different households) objecting this petition. Mr. Webb indicated that the neighbors did not believe any value was added to the neighborhood through the finished exterior remodeling (roof and pink walls) which are a matter of personal taste. Mr. Webb also objected to the request for increased FAR as the intention of the zoning ordinance is to preserve the open space in the community and approving the proposed variations would set a dangerous precedent for the area. Mr. Webb also disagreed with the applicants' testimony that the neighborhood is in transition. Mr. Webb also indicated that there were major improvements made to the storm drainage pipe along the property line of the subject property approximately three years ago, and that many residents in the area have also made improvements on their properties to alleviate some of the flooding during heavy rains. Mr. Webb indicated there is a high water table in the area and that he has two sump pumps that run constantly during heavy rains. Mr. Webb objected to the petition because of the displacement of permeable area by a considerable amount of concrete that would force water into the neighboring properties and basements.
- Frederick Stein, a nearby who resides at 6353 Tremont Street, attested to the flooding issues. During heavy rainstorms, water flows were seen coming into his property and resembled an irrigation ditch. Mr. Stein attests that he spent a considerable amount of time and effort to mediate his flooding issues by adding drain tiles and a rain garden and would hate to see all that effort go to waste by the proposed addition. Mr. Stein also added that no indoor pools exist in the area.
- Jerry and Laurie Zeman, nearby residents of 32 years who resides at 6404 Meadow Lane, both concur with Mr. Webb's and Mr. Stein's notations of the problem that were experienced by the previous two speakers. Mr. Zeman attested to the flooding issues and indicated that his sump pump also runs constantly, and during an instance of sump pump failure, his basement was flooded. Mr. Zeman also repeated that there is an extremely high water table in the area and that they experience seepage during heavy rains already. Mr. Zeman indicated that additional weeping tiles per Village code were added to their recent code-compliant basement addition to deal with the additional



water. Mr. Zeman also pointed out that neighbors do not recognize the improvements that have already been completed on the subject property as being consistent with the character of the surrounding homes, and they do not understand the assertion that this will add value to their properties.

- Martin Pennino, a nearby resident who lives on Hidden Brook Lane, conferred that his two sump pumps are running constantly during heavy rains and emphasized that there is a flooding issue in the area despite his property that is located at a high point. Mr. Pennino questioned the size of the proposed pool, stating it is extremely large, and a smaller pool be more appropriate if it is truly intended for therapeutic purposes.

Communications Received

Letters – Concerns Identified

The Village received three (3) letters emails opposing the proposed petition and were presented at the public hearing held on January 13, 2021. These letters are included in this report as **Attachment 9**.

PLAN COMMISSION DISCUSSION

Chairman Kopp views the zoning ordinance as a contract that protects the neighborhood and that there is some expectation of how much can be built based on the zoning ordinance. Chairman Kopp is not in favor of approving the variations because the immediate neighbors are opposed to the petition. Chairman Kopp believes drainage is an issue but explained the drainage issue is not the reason he is opposed to the petition. Chairman Kopp pointed out that if this petition is ultimately not approved and the property owners decide to scale down the size of the addition to comply with the zoning ordinance, the property owners can obtain a building permit without any zoning review to construct the addition. Planning Consultant Choi indicated that the current property already maximized the FAR and that any addition could not bypass zoning review. The property owners would be required to submit a new application for a variation for increased FAR, at a minimum. Chairman Kopp stated that if this is the case, he would likely recommend denial of any application for increased FAR on the subject property.

Commissioner Remkus acknowledged that drainage is a constant and worsening issue. Commissioner Remkus expressed that he would have been more favorable to support the petition if the property owners would have proposed a solution to the excess water that would be displaced by the swimming pool, but since no solutions were presented, Commissioner Remkus opposes the petition.

Motion

The following sample motions were provided in the staff report for the Plan Commission:

Based on the submitted petition and testimony provided, I move that the Plan Commission approve and adopt the Findings of Fact made to the Standards for Variations outlined in the Staff Report for PC 21-02 for the January 13, 2021 Plan Commission meeting; and that the Plan Commission recommend to the Village Board approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback requirement from 30 feet to 24.46 feet and approval of a variation from Section 9-5B-3(G) to increase the FAR requirement from 0.30 to 0.39 for the property located at 6401 Meadow Lane as outlined in the Staff Report dated for the January 13, 2021 Plan Commission meeting and as deliberated by the Plan Commission, subject to the recommended "Conditions of Approval" listed in the Staff Report prepared for PC 21-02 for the January 13, 2021 Plan Commission meeting.



The following motion made by Remkus was seconded by Wagner and approved unanimously, a 7-0 roll call vote of the members present:

Based on the submitted petition and testimony provided, I move that the Plan Commission forward a negative recommendation to the Village Board for the approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback requirement from 30 feet to 24.46 feet and approval of a variation from Section 9-5B-3(G) to increase the FAR requirement from 0.30 to 0.39 for the property located at 6401 Meadow Lane as outlined in the Staff Report prepared for PC 21-02 for the January 13, 2021 Plan Commission meeting.



Attachment 1
Findings of Fact and Standards For Variations (2 pages)

9-14-4(E): Standards for Variations

The Plan Commission shall not recommend and the Board of Trustees shall not grant variations from the regulation of this title unless affirmative findings of fact shall be made as to all of the standards hereinafter set forth, which findings of fact shall be based upon evidence adduced upon the hearing held thereon, that:

(A) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.

Applicant Finding: The variance request does not seek a change in zoning and will retain the character of the zoning district. The request for variance is only for a minor allowance to the FAR so that a pool addition may be built for therapeutic purposes of its elderly residents. The addition is allowed, but a minor size variance is requested in order to accommodate the pool in an orientation that best suits the property lighting and privacy.

Staff Finding: The existing lot currently does not conform to current zoning regulations in terms of the required minimum lot area, lot width and lot depth under the R-2 Single Family District. The subject property is part of the Gallagher and Henry's Waterford Unit No. 2 Subdivision which was platted in 1978 and the minimum requirements for lot area and lot depth may have been modified over the years. The minimum required lot depth according to current zoning regulations is 150 feet. The existing lot length along the subject property's north lot line measures 145.91 feet long and along the south lot line measures 146.02 feet long, indicating that the lot depth is deficient by a minimum of 3.98 feet to 4.09 feet. If the subject property had been platted to current zoning standards and complied with the minimum required lot depth requirement, the variation for the reduced rear yard setback would likely not be required. Therefore, the existing conditions do not allow the property to be used to yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the R-2 zoning district.

(B) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.

Applicant Finding: The proposed variation is not merely for the convenience of the property owner, but rather, if granted, will allow for a more appropriate orientation to the building that suits the property better. Thus, the regulations without variation would create a hardship to the owner and neighbors.

Staff Finding: The requested variations are necessary to alleviate an unusual hardship in making reasonable use of the property. The subject property is a sub-standard lot according to the current zoning regulations as the subject property does not meet the minimum lot area and lot depth requirements. If the subject property had been platted to current zoning standards and complied with the minimum required lot depth requirement, the variation for the reduced rear yard setback would likely not be required.



Additionally, a new wave of Covid-19 is surging across the state of Illinois and the nation and DuPage County has been operating under the Tier 3 Mitigation requirements under the Restore Illinois resurgence plan since November 20, 2020. Under the Tier 3 Resurgence Mitigations, health and fitness centers are not allowed to operate beyond a 25% capacity, no indoor group classes are permitted, and locker room areas are closed. The current health crisis and the increased risks to the elderly population associated with congregating in public places such as health clubs may be considered a demonstrable and unusual hardship.

(C) The alleged hardship has not been created by any person presently having a proprietary interest in the premises.

Applicant Finding: The hardship is not created by any person presently having a proprietary interest in the premises.

Staff Finding: The hardship to the applicant is created by the subject property's sub-standard lot depth that currently does not conform to current zoning regulations. The hardship can also be attributed to the current health crisis and its increased risk to the elderly population. The desire to use the rear yard for recreational purposes and the lack of access to adequate health facilities has not been created by any person having a property interest in the premises.

(D) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Applicant Finding: The variation will not be materially detrimental to the public welfare or injurious to other properties.

Staff Finding: During the building permit review, a set of detailed grading plans will also be required and reviewed by the Village Engineer before a building permit is issued. These reviews will ensure compliance with required codes so that the proposed addition will not be detrimental to the public welfare nor injurious to other property or improvements in the neighborhood.

(E) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

Applicant Finding: Adjacent neighbors are far enough away that the proposed addition will not impact their light and air nor will it substantially increase traffic or the risk of fire.

Staff Finding: The proposed variations will not impair the supply of light and air to adjacent properties, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety. The height of the proposed one-story addition is 21 feet and is well below the permitted maximum height of 35 feet or two stories.

(F) The proposed variation will not alter the essential character of the locality. (Ord. 77-O-4, 2-14-1977)

Applicant Finding: The proposed variation will not alter the essential character of the locality. It is a construction that will enhance the area and fit the character of the neighborhood.



Staff Finding: The proposed variations will accommodate an indoor swimming pool and is consistent with single-family residential development and compatible with the development in the area.

(G) The proposed variation is in harmony with the spirit and intent of this title. (Ord. 97-O-05, 1-27-1997)

Applicant Finding: The proposed variation is in harmony with the spirit and intent of Title 9 of the Code.

Staff Finding: The conditions of approval will allow utilization of the rear yard solely for recreational and therapeutic purposes for its elderly residents and will result in a convenient and safe use of the property. The proposed variation is in harmony with the spirit and intent of Title 9 of the Code.



Attachment 2
Public Hearing Notice (3 pages)

NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 21-02

NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, will conduct a public hearing at a regular meeting of the Plan Commission on the 13th of January 2021 at the hour of 7:00 P.M. This meeting would typically take place in the Willowbrook Police Department Training Room, 7760 S. Quincy St, Willowbrook, IL 60527. However, due to the current circumstances concerning Covid-19, this meeting will be held virtually. Internet address and access instructions will be provided on the Village of Willowbrook's Plan Commission website once available:

<https://www.willowbrookil.org/Archive.aspx?AMID=44>

The purpose of this public hearing shall be to consider a petition for approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback from thirty feet (30') to twenty-five feet (25') and approval of a variation from Section 9-5B-3(G) to increase the maximum FAR from 0.30 to 0.39 to allow construction of a 1,081 square foot addition to house an indoor swimming pool, and other such relief from Title 9 of the Village Code necessary, on the property legally described as follows:

LOT 176 IN GALLAGHER AND HENRY'S WATERFORD UNIT NO. 2, A SUBDIVISION OF PART OF THE NORTH WEST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 9, 1978 AS DOCUMENT R78-108411, IN DUPAGE COUNTY ILLINOIS.

PIN: 09-24-112-035

ADDRESS: 6401 Meadow Lane, Willowbrook, Illinois 60527

The applicant for this petition is Pete Baftiri (and Jain Bhagwan as property owner), 5S541 Radcliffe Road, Naperville, Illinois 60563.

A copy of the Village's petition is on file in the Office of the Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and is available for public inspection.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Ann Choi, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2233, Monday through Friday, between 8:30 A.M. and 4:30 P.M.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. Written comments may be submitted up to the hour of 6:00pm on January 13, 2021 to planner@willowbrook.il.us. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Brian Pabst
Village Administrator
(630) 920-2261

Published in the December 24, 2020 edition of *The Doings* Newspaper.

EQUAL HOUSING UNITIES

is subject to
Housing Act
Illegal to ad-
dence, limita-
tion based
religion, sex,
lal status, or
in the sale,
ing of housing
the Illinois
Act prohibits
based on age,
status, sexual
unfavorable
ss.

not knowing
erising for real
in violation of
ons are hereby
all dwellings
available on an
y basis.

we have
red against in
the sale, rental
cuing, Cet:

Suburb:
using Center
4-8500

nd Suburb:
Housing Center
7-4674

nd Suburb:
using Center
4-8500

1-6780

MENTS





Attachment 3
Legal Description (1 page)

LOT 176 IN GALLAGHER AND HENRY'S WATERFORD UNIT NO. 2, A SUBDIVISION OF PART OF THE NORTH WEST 1/4 OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 9, 1978 AS DOCUMENT R78-108411, IN DUPAGE COUNTY, ILLINOIS.

Property Address: 6401 Meadow Lane, Willowbrook, IL 60527

PIN #: 09-24-112-035



Attachment 4
Boundary and Topographic Survey (1 sheet)

BOUNDARY AND TOPOGRAPHIC SURVEY

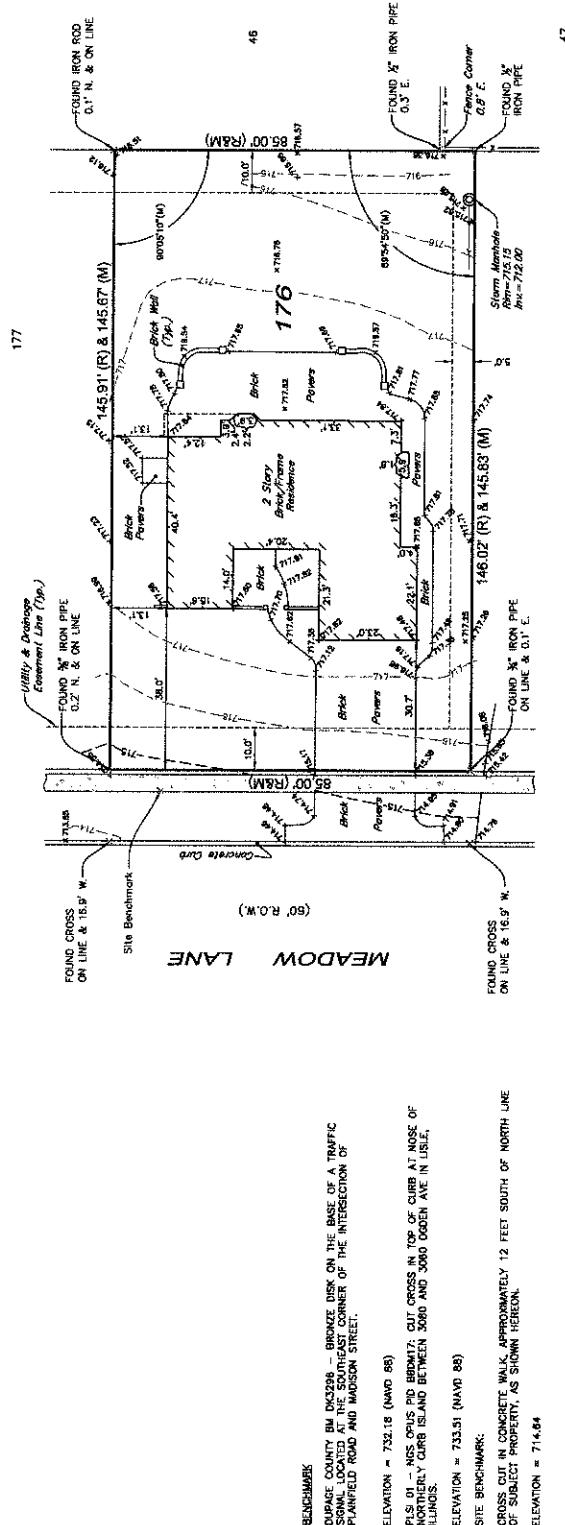
PROFESSIONAL LAND SURVEYING, INC.

3080 OGDEN AVENUE SUITE 307

ISLE, ILLINOIS 60532
PHONE: 630-778-1757
PROFESSIONAL SURVEYING
E-MAIL: info@plsinc.com



SCALE: 1" = 20'
PERMANENT TAX INDEX NUMBER
09-24-112-035



LEGAL DESCRIPTION

LOT 176 IN GALLAGHER AND HENRY'S WATERFORD
UNIT NO. 2, A SUBDIVISION OF PART OF THE
NORTHWEST $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 38
NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED NOVEMBER 9, 1978 AS DOCUMENT
R78-108411, IN DUPAGE COUNTY, ILLINOIS.

CROSS CUT IN CONCRETE WALK, APPROXIMATELY 12 FEET SOUTH OF NORTH LINE
OF SUBDIVISION PROPERTY, AS SHOWN HEREON.
ELEVATION ≈ 714.64

PILOT - 1985 CENSUS PID 188017: CUT CROSS IN TOP OF CURB AT NOSE OF
NORTHERLY CURBLINE AND BETWEEN 3080 AND 3080 OGDEN AVE IN ISLE,
ILLINOIS.
ELEVATION ≈ 735.18 (NAVD 88)

SITE BENCHMARK # 735.51 (NAVD 88)

CROSS CUT IN CONCRETE WALK, APPROXIMATELY 12 FEET SOUTH OF NORTH LINE
OF SUBDIVISION PROPERTY, AS SHOWN HEREON.
ELEVATION ≈ 714.64

SYMBOL LEGEND

STATE OF ILLINOIS
COUNTY OF OGDEN
SURVEYED AREA: 12.389± SQ. FT.
PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREBON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.
REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND LOCAL BUILDING AND ZONING ORDINANCE FOR TERMS OF RECORD NOT SHOWN.
FIELD WORK COMPLETED AND DATED THIS 7TH DAY OF JUNE, 2016.
NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING.
3483
STATE OF ILLINOIS
COUNTY OF OGDEN
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
PLS INC. MY LICENSE EXPIRES 11/30/16
IPLS No. 3483
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
PLS INC. © 2016 PLS INC. ALL RIGHTS RESERVED

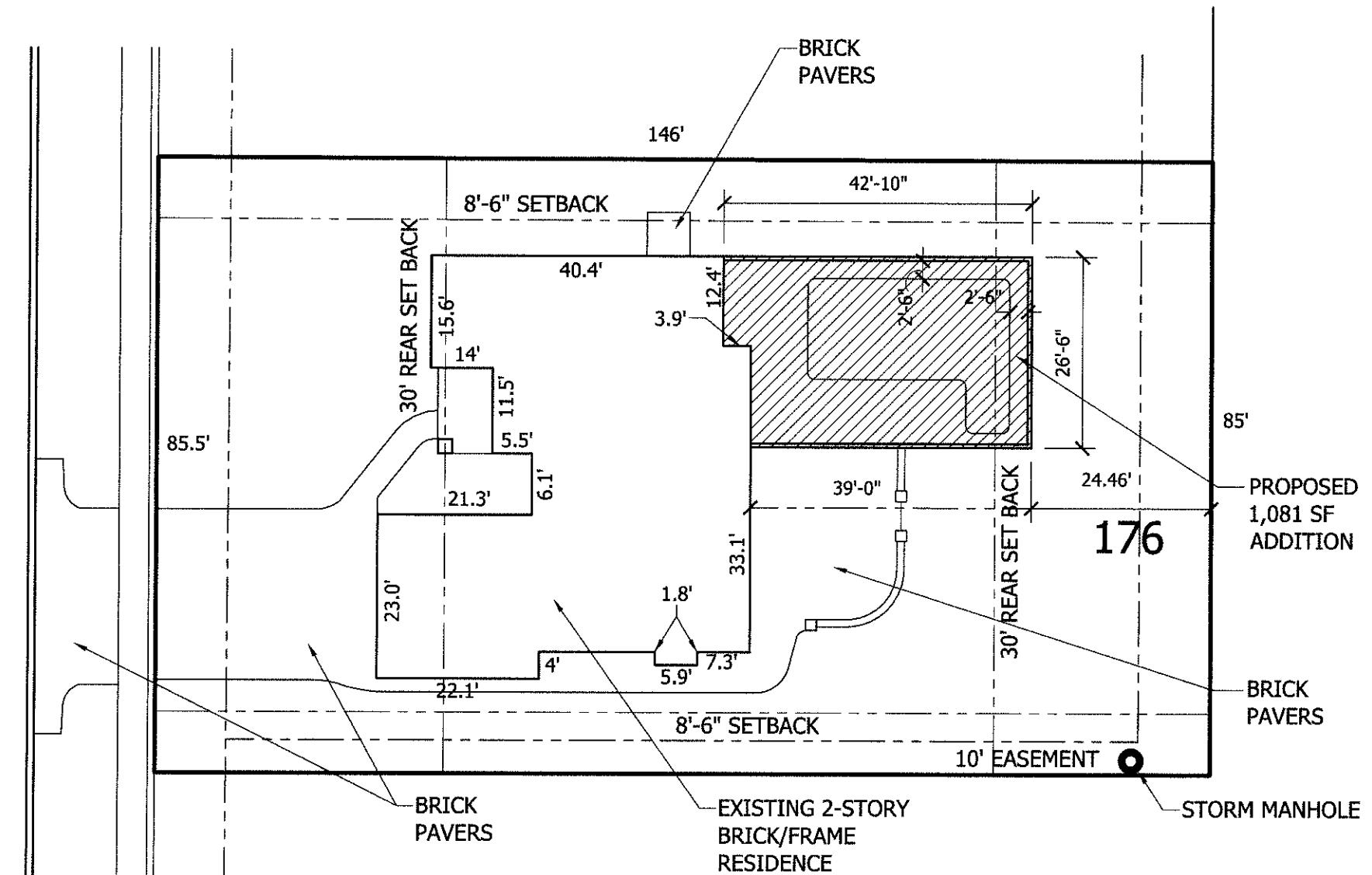


Attachment 5
Site Plan (1 sheet)

SITE INFORMATION	
ZONING CODE =	R2
LOT AREA =	12,388.75
MAX. ALLOWABLE LOT COVERAGE =	30%
EXISTING HOUSE AND GARAGE FOOTPRINT =	2,338 SF
PROPOSED ADDITION FOOTPRINT =	1,081 SF
TOTAL LOT COVERAGE =	3,419 SF
PROPOSED LOT COVERAGE =	27.59%
MAXIMUM F.A.R. =	0.30
MAX. AREA ALLOWED =	3,717 S.F.
EXIST. 1ST FLOOR =	2,338 S.F.
EXIST. 2ND FLOOR =	1,446 S.F.
TOTAL EXISTING AREA =	3,784 S.F.
ADDITION AREA =	1,081 S.F.
TOTAL AREA =	4,865 S.F.
REQUESTED VARIANCE	1,148 S.F.
<u>IMPERVIOUS AREAS</u>	
SIDEWALK AND PORCH =	1,646 SF
BUILDING LOT COVERAGE =	2,761 SF
TOTAL IMPERVIOUS AREA =	4,407 SF
<u>SETBACK REQUIREMENTS</u>	
MIN. FRONT YARD =	40'
MIN. INTERIOR SIDE YARD =	8.5'/10%
MIN. EXTERIOR SIDE YARD =	40'
MIN. REAR YARD =	30'
<u>SETBACK REQUESTED CHANGE</u>	
REAR YARD	25'

 1ST STORY ADDITION
POOL ADDITION
TOTAL: 1,081 S.F.

MEADOW LANE



NOTES:

1. AN UPDATED TOPOGRAPHY AND PLAT OF SURVEY WILL BE REQUIRED PRIOR TO SCHEDULING FINAL INSPECTIONS
2. A TEMPORARY PERIMETER CONSTRUCTION FENCE WILL BE NEEDED THRUOUT THE PROJECT UNTIL THE ADDITIONS ARE SECURED. AN ORANGE SNOW FENCE WITH METALLIC STANCHIONS IS ACCEPTABLE

SITE PLAN - 6401 MEADOW LANE, WILLOWBROOK, IL


 PROJECT: PROPOSED SWIMMING POOL ADDITION
6401 MEADOW LANE
WILLOWBROOK, IL 60527

 CLIENT:
A&E LUXURY HOMES
PHONE: 630-696-7431

 JOB NO.: 20-058
DATE: 09-21-20

 SHEET TITLE
POOL HOUSE
SITE PLAN

SHEET NUMBER

A1



Attachment 6
Architectural Drawings (4 sheets)



AGAMA DESIGNS

GR Architecture

269 Walsh Circle

Yorkville, Illinois 60560

Phone: 630-385-2945

E-mail: albenio@agamadesigns.com

www.agamadesigns.com

Architectural Services • Residential • Commercial • Interior Design

Planning • Design • Construction • Remodeling • Additions

Landscaping • Swimming Pools • Decks • Patios • Fire Pits

Shrubs • Trees • Water Features • Fountains • Waterfalls

Landscaping • Decks • Patios • Fire Pits • Swimming Pools

Shrubs • Trees • Water Features • Fountains • Waterfalls



PROPOSED SWIMMING POOL ADDITION
6401 MEADOW LANE
WILLOWBROOK, IL 60527

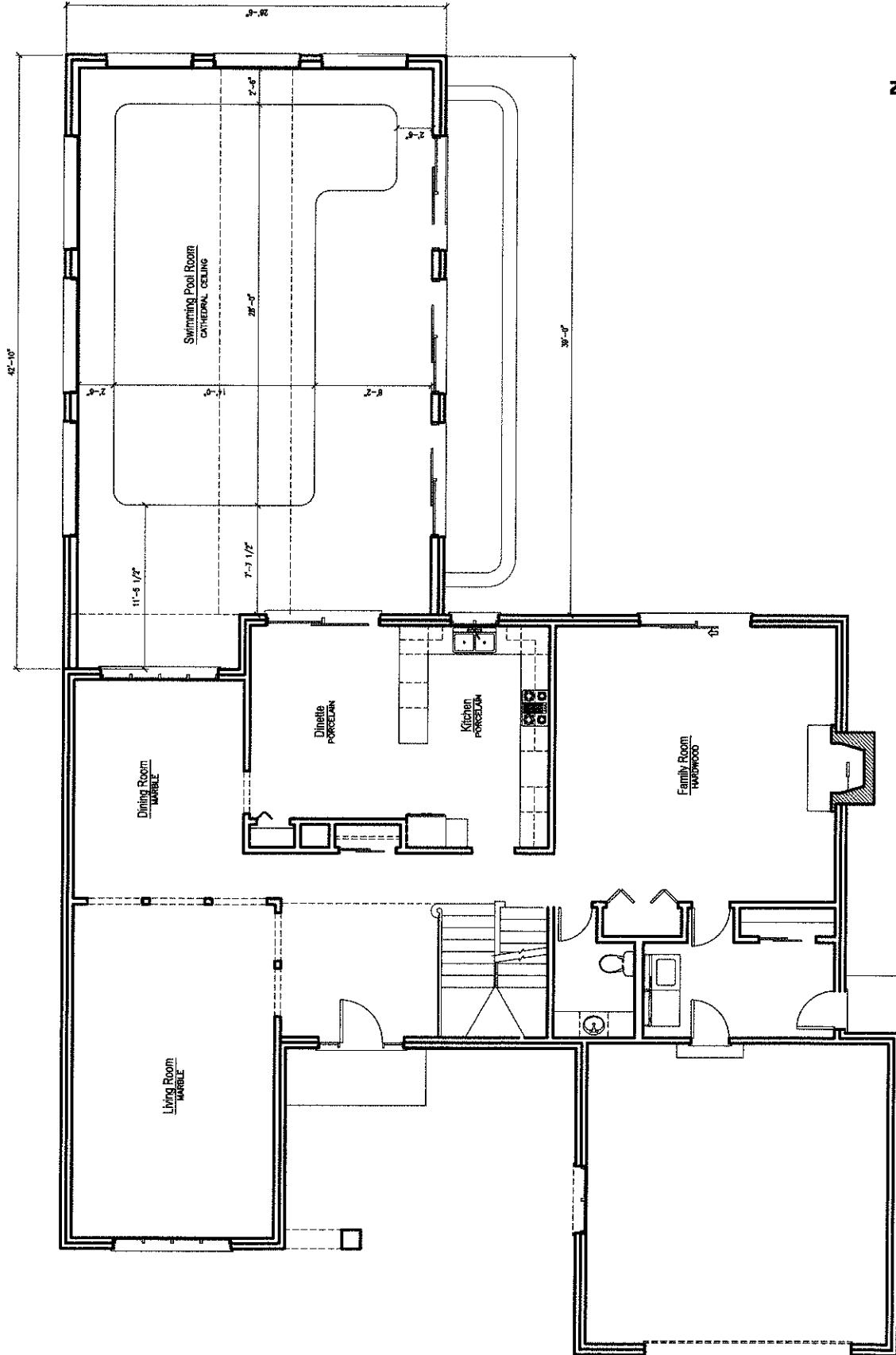
ARCHITECTURE HOMES
PHONE: 800-996-7431

JOB NO.: 25-009
DATE: 08-27-09

SHEET TITLE:
SWIMMING POOL FLOOR PLAN

SHEET NUMBER:
A1

FLOOR PLAN - POOL ADDITION





AGAMA DESIGNS

ARCHITECTURE

269 Walsh Circle

Yorkville, Illinois 60540

Phone: 601-395-2945

E-mail: abern@agamadesigns.com

Architectural services for residential, institutional, and commercial projects. We specialize in custom home designs, renovations, and additions. We also offer interior design services. Our goal is to provide our clients with a positive experience from the initial consultation to the final completion of the project. We believe in working closely with our clients to understand their needs and goals, and then developing a design that meets those needs. We are committed to providing high-quality, creative, and functional designs that are tailored to each individual client's unique needs and preferences. We are also committed to providing excellent customer service and support throughout the entire process.

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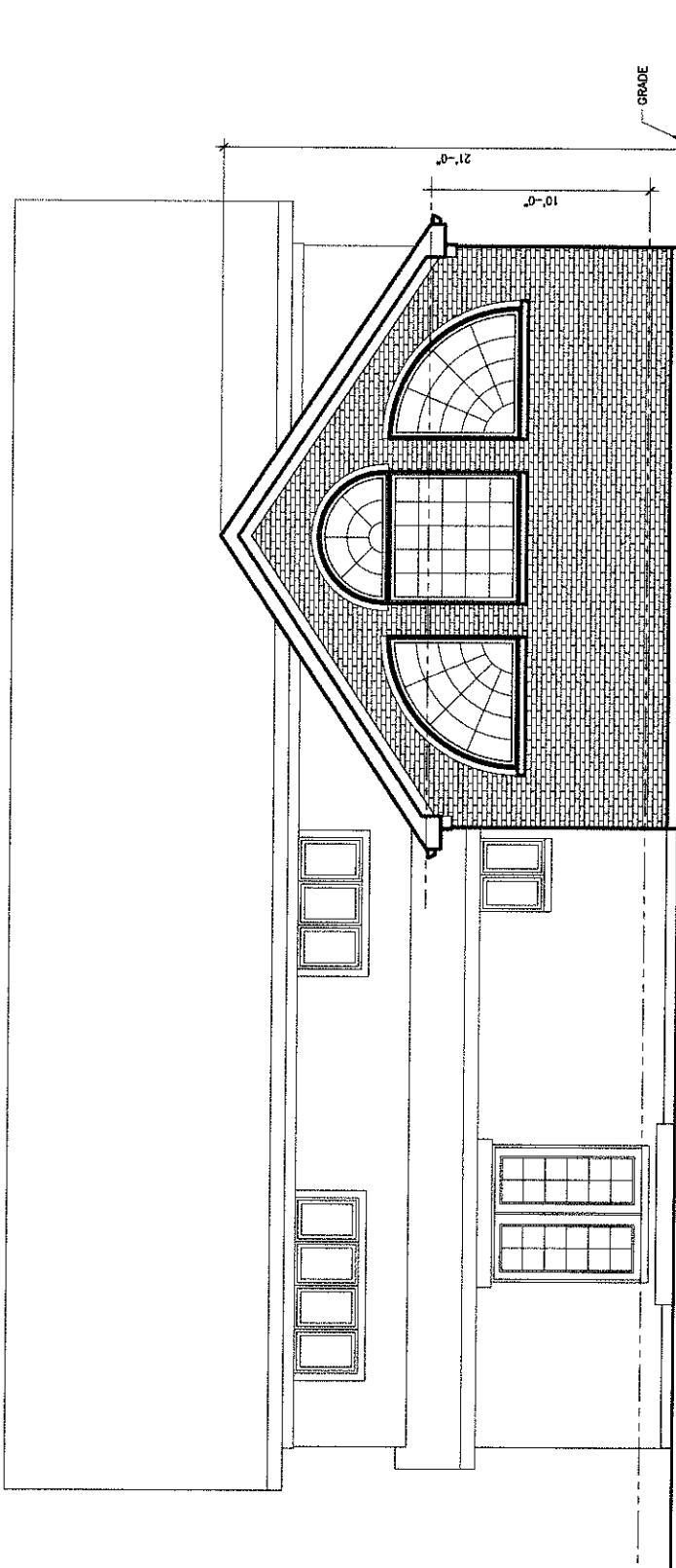
PROPOSED SWIMMING POOL ADDITION
601 MEADOW LANE
WILLOWBROOK, IL 60527
PHONE 890-696-7451
FAX 890-696-7451
E-MAIL abern@agamadesigns.com

JOB NO.: 20-488
DATE: 09-27-20

SHEET TITLE
POOL HOUSE
REAR ELEVATION

SHEET NUMBER

A2



REAR ELEVATION - EAST



AGAMA DESIGNS

architecture

269 Walsh Circle

Yorkville, Illinois 60560

Phone: 630-852-2945

E-mail: alberto@agamadesigns.com



PROPOSED SWIMMING POOL ADDITION

610 MEDOW LANE

WILLOWBROOK, IL 60527

PHONE 630-696-7451

FAX 630-696-7451

DATE:

05-21-00

JOB NO.:

20-45

DATE:

05-21-00

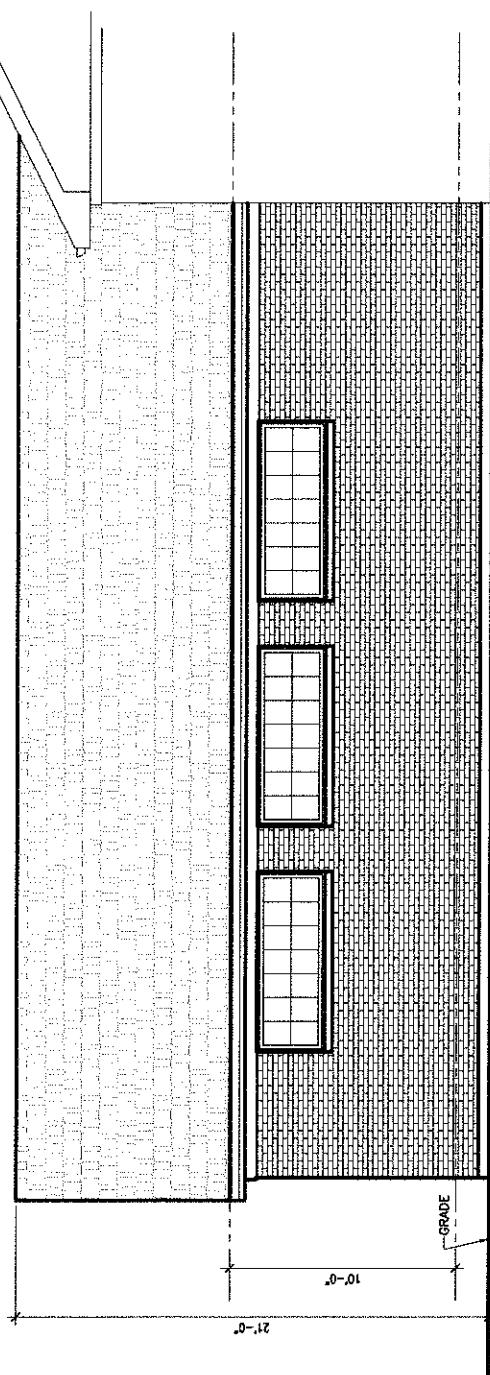
SHEET TITLE:

POOL HOUSE

LEFT SIDE ELEVATION

SHEET NUMBER:

A5



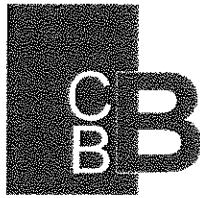
LEFT SIDE ELEVATION - NORTH



Attachment 7
Engineering Drawings (1 sheet)



Attachment 8
Engineer's Review Letter (1 page)



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

December 11, 2020

Village of Willowbrook
835 Midway Drive
Willowbrook, IL 60527

Attention: Ann Choi

Subject: 6401 Meadow Lane – Home Addition
(CBBEL Project No. 900144 LR295)

Dear Ann:

As requested, I have reviewed the Pool House Site Plan and supporting documents for the above property prepared by Agama Design Architecture and dated September 21, 2020. You had also provided previous grading plans from a proposed addition in 2016 which was never constructed. My review was with respect to the requested zoning variation only and is not for building permit or final approval. The project consists of an approximately 41.5' by 26.5' home addition to house an indoor swimming pool. The 1100 square foot addition is less than the threshold to trigger stormwater improvements and does not encroach into easements on the lot. We have no objection, from an engineering standpoint, to a variation being granted. Please note that if the variation is granted, the building permit application should include a grading plan prepared by a licensed professional engineer

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel L. Lynch".

Daniel L. Lynch, PE, CFM
Head, Municipal Engineering Department

Cc Roy Giuntoli – Village of Willowbrook



Attachment 9
Letters Received (4 pages)

From: [Robert Goodridge](#)
To: [Amy Choi](#)
Subject: Zoning Hearing case #21-02
Date: Wednesday, January 13, 2021 6:00:28 PM

Dear Mr. Pabst

We would prefer to maintain the rear yard setback remain at 30 feet and the maximum FAR of 0.30.

Thank you,

Rob

Rob Goodridge
6354 Meadow Ln
Willowbrook Il, 60527

January 12, 2021

Re: Zone Hearing Case No. 21-02: 6401 Meadow Lane Addition

We are a neighboring property owner of the subject property, offering the following two concerns for consideration in review of the Case# PC 21-02

Our first concern relates to the drainage of water in the area. Having recently made an investment to finally solve a persistent drainage problem on our own property, we are concerned that the proposed construction would cause the problems to return. Therefore, we are not in favor of granting any exceptions to the ordinances unless assurances can be given that the planned construction will not cause any drainage issues on neighboring properties.

Our second concern is with the precedent that would be set by the proposed changes to the setback and FAR. Although seemingly a single home on a single street, such an accommodation could become precedent and therefore a slippery slope, which would transform the look and feel of the neighborhood incrementally, without a broader hearing of the matter, and without an explicit decision on the part of the village.

Thank you in advance for considering our inputs

Best regards

Jan and Carol Miecznikowski

6420 Tremont Street

January 12, 2021

Re: Zone Hearing Case No. 21-02: 6401 Meadow Lane Addition
Remonstrance of Adjacent/Neighboring Homeowners

To the Planning Commission of the Village of Willowbrook,

We, the adjacent and neighboring property owners of the subject property offer the following concerns for consideration in review of proposal of the following Case# PC 21-02:

A Petition for approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback from thirty feet (30') to twenty-five feet (25') and approval of a variation from Section 9-5B-3(G) to increase the maximum FAR from 0.30 to 0.39 to allow construction of a 1,081 square foot addition to house an indoor swimming pool at the property located at 6401 Meadow Lane.

The design plans prepared by Agama Design architecture do not adequately depict or address how storm water will be controlled or the potential impact to neighboring properties. The impervious area of the rear yard will be greatly reduced, impacting the natural drainage flow. Drainage flow is a very real concern of the adjacent property owners. The plans depict graphically what seems to be a gutter with no vertical leaders indicated on the pitched gable sides of the elevations of the proposed addition. Without indication of where the storm water is running we assume the storm water will sheet flow on the existing grading, thereby increasing the flow rate of the storm water on the existing grading.

In review of the proposed engineering plans, the notation that all existing grading is to remain cannot be accurate. The proposed addition crosses a site contour line of spot elevation 719.54' to 716.51' in the north eastern corner of the site. The north eastern corner of the site is the lowest point of the site and holds the most storm water runoff currently. As indicated on the engineering plans a storm water manhole is located in the south east corner of the site, however all storm water runoff is being directed to the north east corner. Although the proposed addition shows the grade to be flat, this is not accurate nor are the engineering plans and design plans coordinated to provide same information.

We request that consideration of this petition be continued, to allow adequate time for the Applicant/property owner to properly study and then present to the Plan Commission, the impact of the proposed variation upon stormwater drainage and what types of remedial measures, if any, might adequately prevent or mitigate the issue. In terms of whether the proposed variation will alleviate some demonstrable and unusual hardship posed by the Covid-19 outbreak, we suggest that the Plan Commission take a fresh look at this factor after a study of the stormwater drainage issue. The hardships and restrictions associated by the outbreak may be alleviated over the first half of 2021 as the vaccination program continues to ramp. Health clubs may re-open prior to completion of construction, if not prior to commencement. Finally, as part of the proposal, we would like to see a site logistics plan to ensure the limits of construction are held off the adjacent properties. The existing vegetation along the property lines is requested to be protected from any and all site disturbances.

We also object to the variation to increase the maximum FAR from .30 to .39. We believe the Village of Willowbrook intended for the maximum FAR to align with the open space and greenspace ideals a suburban community desires.

We hope you will take our concerns into consideration and make the decision to disapprove any request for variance or building that may cause harm to our properties.

Thank you.

Considered

Signature	Printed Name	Address
Kevin Webb	KEVIN WEBB	6910 Tremont St.
Annette Price	Annette Price	6900 Tremont St.
Mark Price	Mark PRICE	6900 TREMONT ST.
Fred Stein	Fred Stein	6350 Tremont St.
Bradley Scott	Bradley Scott	6340 Tremont St.
Carla S Harris	Carla S Harris	6330 Tremont St.
Brian J Harris	Brian J Harris	6330 Tremont St.
Geri McCafferty	Gerri McCafferty	6319 Tremont St
Michael McCafferty	Michael McCafferty	6319 Tremont St.
Stacy Kettman	Stacy Kettman	220 Hill Rd
Martha Maggiore	Martha Maggiore	6320 Wesley Rd, Willowbrook
Colin MacLean	Colin MacLean	226 Sunset Ridge Rd, Willowbrook
Carla Williams	Carla Williams	136 Sunset Ridge Rd, Willowbrook
Evan Williams	Evan Williams	136 Sunset Ridge Rd, WB
John Olsen	John Olsen	6409 Meadow Ln, WB
Julie Webb	Julie Webb	6410 Tremont St
Frank Yancy Jr	FRANK YANCY JR	230 Hill Rd #6
Jerry J. Zeman, Jr.	JERRY J. ZEMAN, JR.	6404 MEADOW LN.
Laurie A. Zeman	Laurie A. Zeman	6404 Meadow Ln

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE: AN ORDINANCE ABATING THE TAXES HERETOFORE LEVIED FOR THE YEAR 2020 TO PAY THE PRINCIPAL AND INTEREST ON THE \$4,930,000 GENERAL OBLIGATION BONDS (ALTERNATE REVENUE SOURCE), SERIES 2015 OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS	AGENDA NO. 5.f AGENDA DATE: 1/25/2021
STAFF REVIEW: Carrie Dittman, Director of Finance	SIGNATURE: <i>C. Dittman / mm</i>
LEGAL REVIEW: Thomas Bastian, Village Attorney	SIGNATURE: <i>T. Bastian / mm</i>
RECOMMENDED BY: Brian Pabst, Village Administrator	SIGNATURE: <i>B. Pabst / mm</i>
REVIEWED & APPROVED BY COMMITTEE:	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY) On March 23, 2015, the Village issued \$4,930,000 in General Obligation Bonds (Alternate Revenue Source) to fund the renovation of the police department, to re-paint one of the Village's three water towers, and to refund a portion of the GO (ARS) Bonds, Series 2008. The bond is secured by water fund revenues and income tax receipts. At any time, if water fund revenues and income tax receipts were not sufficient to pay the debt service, the Village could levy a property tax to pay for the annual debt service. The debt service payment will be included in the FY 2021/22 budget.	
ITEM COMMENTARY (BACKGROUND, DISCUSSION, KEY POINTS, RECOMMENDATIONS, ETC.) With the passage of the March 23, 2015 ordinance, every year the DuPage County Clerk automatically prepares an annual property tax levy extension for the payment of the bond debt service unless an annual tax abatement ordinance is filed with the Clerk's office. The Village Board will pass an ordinance such as this one each year until the bonds are paid off in 2034.	
ACTION PROPOSED: Pass the Ordinance abating the taxes levied for the year 2020 to pay the principal and interest on the \$4,930,000 General Obligation Bonds.	

ORDINANCE NO. 21-O-05

AN ORDINANCE ABATING THE TAXES HERETOFORE LEVIED FOR THE YEAR 2020 TO PAY THE
PRINCIPAL AND INTEREST ON THE \$4,930,000 GENERAL OBLIGATION BONDS
(ALTERNATE REVENUE SOURCE), SERIES 2015 OF THE VILLAGE OF WILLOWBROOK,
DU PAGE COUNTY, ILLINOIS

WHEREAS, the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois (the "VILLAGE"), by Ordinance Number 15-O-06, passed on March 23, 2015 (the "BOND ORDINANCE"), did provide for the issue of \$4,930,000 General Obligation Bonds (Alternate Revenue Source), Series 2015 (the "BONDS"), and the levy of a direct annual tax sufficient to pay principal and interest on the BONDS, and in particular, taxes were levied in the amount of \$347,450.00 for the year 2020 for the BONDS; and

WHEREAS, the Village has the Pledged Revenues (as defined in the BOND ORDINANCE) in the appropriate account or fund pursuant to the BOND ORDINANCE for the purpose of paying the principal and interest on the BONDS up to and including December 30, 2021; and

WHEREAS, it is necessary and in the best interest of the VILLAGE that the tax heretofore levied for the year 2020 to pay such debt service on the BONDS be abated.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION ONE: The tax heretofore levied for the year 2020 in the BOND ORDINANCE is hereby abated in its entirety.

SECTION TWO: That the Village Clerk shall and is hereby authorized to file with the County Clerk of DuPage County a certified copy of this Ordinance, and it shall be the duty of said County Clerk to abate said tax levied for the year 2020 in accordance with the provisions hereof.

SECTION THREE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED and APPROVED this 25th day of January 2021.

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn, Village Clerk

ROLL CALL VOTE:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of DuPage County, Illinois, and as such official I do further certify that on the _____ day of _____ 2021, there was filed in my office a duly certified copy of Ordinance No. _____ entitled:

AN ORDINANCE ABATING THE TAXES HERETOFORE LEVIED FOR THE YEAR 2020 TO PAY THE PRINCIPAL AND INTEREST ON THE \$4,930,000 GENERAL OBLIGATION BONDS (ALTERNATE REVENUE SOURCE), SERIES 2015 OF THE VILLAGE OF WILLOWBROOK, DU PAGE COUNTY, ILLINOIS

duly passed by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, on the 25th day of January 2021, and that the same has been deposited in the official files and records of my office.

County Clerk of DuPage County, Illinois

[SEAL]

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:

AN ORDINANCE REZONING CERTAIN TERRITORY, GRANTING CERTAIN VARIATIONS FROM THE SUBDIVISION REGULATIONS AND GRANTING APPROVAL OF A FINAL PLAT OF SUBDIVISION – 6544 TENNESSEE AVENUE – PYE’S RESUBDIVISION

AGENDA NO. 6.**AGENDA DATE:**
01/25/21**STAFF REVIEW:** Ann Choi, Planning Consultant**SIGNATURE:** *A. Choi / mm***LEGAL REVIEW:** Tom Bastian, Village Attorney**SIGNATURE:** *T. Bastian / mm***RECOMMENDED BY:** Brian Pabst, Village Administrator **SIGNATURE:** *B. Pabst / mm***REVIEWED & APPROVED BY COMMITTEE:** YES NO N/A **ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)**

The petitioners and property owners, David and Lisa Pye, is requesting to rezone the property at 6544 Tennessee Avenue from the R-1 Single Family Residence Zoning District to the R-2 Single Family Residence Zoning District. The 1.36-acre subject property is currently improved with a single-family home and detached garage. The parcel measures approximately 181' by 326' with a total approximate area of 59,260 square feet. The petitioner proposes to subdivide the property into two buildable lots that comply with the minimum lot requirements of the R-2 Zoning District. The two new lots will comply in all respects with the R-2 zoning district bulk standards without variations. A right-of-way dedication on Tennessee Avenue is required for the new Carrington Club cul-de-sac and is reflected in the Final Plat of Subdivision. The Final Plat also includes a Wetlands & Conservation Easement. The proposed subdivision qualifies as a minor subdivision and can proceed directly to final plat approval, without a public hearing, but with Plan Commission review and recommendation prior to Village Board consideration. The rezoning requires a public hearing.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

Staff has no objection to the proposed rezoning and subdivision request. The request complies with the guidelines set forth in the Village’s Comprehensive Plan and other land development regulations. The requested zoning and lot configurations should have no negative impacts on surrounding land uses. Consistent with the development patterns for new development to the north, no subdivision improvements such as curb, gutter, sidewalks or streetlights will be required with development on these lots as these would be largely inconsistent with the other properties in the area. The Comprehensive Plan designates Tennessee Avenue as a rural cross section with no need for these improvements. Therefore, the following variations from the subdivision regulations should be specifically included:

1. That Section 10-7-2(C) of the subdivision regulations related to curb and gutter drainage improvements be waived.
2. That Section 10-7-4(A) of the subdivision regulations related to sidewalks be waived.
3. That Section 10-7-4(D) of the subdivision regulations related to streetlights be waived.

The rezoning and subdivision requests were discussed at the December 16, 2020 special meeting of the Plan Commission. There was one member of the public, the petitioner’s representative, that came forward in support of the petition. The Plan Commission voted 7-0 in favor of the proposed petition, to forward a positive recommendation to the Village Board.

ACTION PROPOSED: January 11, 2021: Receive Plan Commission Recommendation.

January 25, 2021: Consideration of Attached Ordinance.

ORDINANCE NO. 21-O-06

**AN ORDINANCE REZONING CERTAIN TERRITORY, GRANTING CERTAIN
VARIATIONS FROM THE SUBDIVISION REGULATIONS AND GRANTING
APPROVAL OF A FINAL PLAT OF SUBDIVISION –
6544 TENNESSEE AVENUE – PYE'S RESUBDIVISION**

WHEREAS, on or about November 6, 2020, David and Lisa Pye, as applicant and owner, filed an application with the Village of Willowbrook with respect to the property legally described on Exhibit "A" attached hereto, which is, by this reference, incorporated herein ("SUBJECT REALTY"). Said application requested that the Village rezone the SUBJECT REALTY, grant certain variations from the requirements of the Subdivision Regulations of the Village and approve a Final Plat of Subdivision with respect to the SUBJECT REALTY; and

WHEREAS, the Village maintains a zoning ordinance which is found in Title 9, entitled "Zoning Regulations", of the Willowbrook Municipal Code (the "Zoning Ordinance"); and,

WHEREAS, a public notice was published in compliance with Section 9-15-3(A) of the Zoning Ordinance, in The Doings newspaper on November 26, 2020, which is more than fifteen (15) days but less than thirty (30) days prior to the public hearing date; a public notice was mailed to all adjacent owners within two hundred-fifty (250) feet in each direction of the location of the SUBJECT REALTY via certified mail, return receipt requested, more than fifteen (15) days but less than thirty (30) days prior to the public hearing date, in compliance with Section 9-15-3(B) of the Zoning Ordinance and state law; and public notice was provided by posting on the property a sign visible to the general public complying with the requirements of Sections 9-15-3(D) of the Zoning Ordinance, for at least fifteen (15) consecutive days prior to the public hearing date; and,

WHEREAS, pursuant to the public notice, the Plan Commission of the Village of Willowbrook conducted a public hearing on or about December 16, 2020, all as required by the statutes of the State and the ordinances of the Village; and,

WHEREAS, at the public hearing, the applicant provided testimony in support of the proposed amendments to the Zoning Ordinance, and all interested parties had an opportunity to be heard; and,

WHEREAS, the President and Board of Trustees of the Village of Willowbrook (the “Corporate Authorities”) have received the recommendation of the Plan Commission pursuant to a memorandum dated January 11, 2021, a copy of which is attached hereto as Exhibit “B”, which is by this reference, incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION ONE: That the SUBJECT REALTY be and the same is hereby rezoned from the R-1 Residential District zoning classification to the R-2 Residential District zoning classification of the Village of Willowbrook.

SECTION TWO: That pursuant to Title 10 entitled “Subdivision Regulations”, Chapter 8 entitled “Administration and Enforcement”, Section 10-8-6 entitled “Variation”, of the Village Code, the following variations from the provisions of the Subdivision regulations be and the same are hereby granted:

- A. That Title 10, Chapter 7, Section 10-7-2(C), Curbs and Gutters, be varied to eliminate the requirements that the applicant construct curb and gutter.
- B. That Title 10, Chapter 7, Section 10-7-4(A), Sidewalks, be varied to eliminate the requirements that the applicant install sidewalks.

- C. That Title 10, Chapter 7, Section 10-7-4(D), Streetlighting, be varied to eliminate the requirements that the applicant provide streetlighting.

The Board of Trustees makes the following findings with respect to the above variations:

1. That there are special circumstances or conditions affecting said property, such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land.
2. That the variation is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the granting of the variation will not be detrimental to the public welfare or injurious to other property in the area in which said property is located.
4. The alleged hardship has not been created by any person having a present proprietary interest in the property.

SECTION THREE: That the Findings of Fact made by the Plan Commission in its recommendation attached hereto as Exhibit "C" are hereby adopted by the President and Board of Trustees.

SECTION FOUR: That passage of this Ordinance shall constitute approval of the Plat of the Pye's Resubdivision, as prepared by Schomig Land Surveyors, Ltd., consisting of one sheet, and dated December 7, 2020, and attached hereto as Exhibit "D".

SECTION FIVE: That the relief granted in Sections One and Two of this Ordinance is expressly conditioned upon the SUBJECT REALTY at all times being constructed, used, operated and maintained in accordance with the following terms, conditions and provisions:

- A. The subdivider shall provide a mylar of the Final Plat of Subdivision with all required signatures (other than those of the Village officials) within sixty (60) days of approval by the Village Board.

SECTION FOUR: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION FIVE: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED and **APPROVED** this 25th day of January, 2021.

ROLL CALL VOTE:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn,
Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT REALTY

LOT 2 IN BORMAN SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH RANGE 11,
EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED JANUARY 25, 1983 AS DOCUMENT NUMBER R83-04642, IN DUPAGE
COUNTY, ILLINOIS.

PIN: 09-22-206-020-0000

EXHIBIT B

PLAN COMMISSION RECOMMENDATION

M E M O R A N D U M

MEMO TO: Frank A. Trilla, Mayor
Board of Trustees

MEMO FROM: Daniel Kopp, Chairman, Plan Commission

DATE: January 11, 2021

SUBJECT: **Zoning Hearing Case 20-12: Pye's Resubdivision** – David and Lisa Pye, 6544 Tennessee Avenue, Willowbrook IL 60527. Consideration of a petition to rezone the subject property from the R-1 Single Family Residence District to the R-2 Single Family Residence District, and review and recommendation regarding a Final Plat of Subdivision for 6544 Tennessee Avenue, Willowbrook, Illinois (minor subdivision for a two residential lot subdivision) and approval of a written recommendation regarding a Final Plat of Subdivision for 6544 Tennessee Avenue, Willowbrook, Illinois (minor subdivision for a two residential lot subdivision). The applicant proposes to subdivide the existing R-1 zoned single-family lot into two separate R-2 zoned single-family lots.

At the special meeting of the Plan Commission held on December 16, 2020, the above referenced application was discussed and the following motion was made:

MOTION: Made by Remkus and seconded by Wagner that based on the submitted petition and testimony provided, I move that the Plan Commission recommend to the Village Board to rezone the property located at 6544 Tennessee Avenue from the R-1 zoning district to the R-2 zoning district; that the Plan Commission has reviewed and recommends approval of the submitted written findings of fact for the standards of the variations sought from the Subdivision Regulations; that the Plan Commission has reviewed the Final Plat of Subdivision for the Pye's Resubdivision and recommends approval of a Final Plat of Subdivision bearing the latest revision date of December 7, 2020, for PC 20-12 for the December 16, 2020 Plan Commission meeting, subject to the conditions of approval and plans listed in the Staff Report prepared for PC 20-12 for the December 16, 2020 Plan Commission meeting.

ROLL CALL: AYES: Chairman Kopp, Vice Chairman Wagner, Commissioners Kaczmarek, Kaucky, Remkus, Soukup, and Walec; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

Should any member of the Board have any questions regarding this matter, please do not hesitate to contact me.

DK:jp

EXHIBIT C

FINDINGS OF FACT

VARIATIONS FROM SUBDIVISION REGULATIONS PYE'S RESUBDIVISION

1. That there are special circumstances or conditions affecting said property, such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land.

Finding: As we have discussed the property is owned by individual homeowners and not a developer or builder. It is an onerous burden on the homeowner to have a strict application of all the improvements under the subdivision regulations, particularly when the addition of these improvements would make the property inconsistent with the character of the other properties in the neighborhood. The strict interpretation of this regulation would deprive the owners of the reasonable use of their land considering all the factors.

2. That the variation is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Finding: A strict application of the subdivision regulations would deprive the owners of a substantial property right in that they would be unable to subdivide this property into legal and conforming lots.

3. That the granting of the variation will not be detrimental to the public welfare or injurious to other property in the area in which said property is located.

Finding: It is an onerous burden on the homeowner to have a strict application of all the improvements under the subdivision regulations, particularly when the addition of these improvements would make the property inconsistent with the character of the other properties in the neighborhood. Keeping the property consistent with the other properties in the area will be to the benefit of the community.

4. The alleged hardship has not been created by any person having a present proprietary interest in the property. (Ord. 79-O-43, 11-26-1979)

Finding: The hardship is not of the owners making. It is an onerous burden on the homeowner to have a strict application of all the improvements under the subdivision regulations, particularly when the addition of these improvements would make the property inconsistent with the character of the other properties in the neighborhood.

EXHIBIT D
FINAL PLAT OF SUBDIVISION



Village of Willowbrook
Staff Report to the Village Board

Plan Commission

Public Hearing Date: December 16, 2020

Village Board Receive: January 11, 2021

Village Board Vote: January 25, 2021

Prepared By: Ann Choi, Village Planning Consultant

Case Title: **Zoning Hearing Case No. 20-12: Pye's Resubdivision and Rezoning**

Applicant: David and Lisa Pye

Action Requested: Consideration of a petition to rezone the subject property from the R-1 Single Family Residence District to the R-2 Single Family Residence District, and review and recommendation regarding a Final Plat of Subdivision for 6544 Tennessee Avenue, Willowbrook, Illinois (minor subdivision for a two residential lot subdivision) and approval of a written recommendation regarding a Final Plat of Subdivision for 6544 Tennessee Avenue, Willowbrook, Illinois (minor subdivision for a two residential lot subdivision). The applicant proposes to subdivide the existing R-1 zoned single-family lot into two separate R-2 zoned single-family lots.

Applicable Regulations: Comprehensive Plan, Zoning Ordinance, Subdivision Regulations

Location: 6544 Tennessee Avenue, Willowbrook IL 60527

PINs: 09-22-206-020

Existing Zoning: R-1 Single Family Residence District

Proposed Zoning: R-2 Single Family Residence District

Existing Land Use: Low Density Residential (1-2 du/acre)

Property Size: 1.36 acres

Surrounding Land Use:		Use	Zoning
	North	Single Family Residential	R-2
	South	Single Family Residential	R-2/Darien
	East	Single Family Residential	R-1
	West	Single Family Residential	R-2

Necessary Action by Village Board:

Consideration of Attached Ordinance.



Documents Attached:

- Attachment 1: Written Findings of Fact – Subdivision Variations
- Attachment 2: Public Hearing Notice
- Attachment 3: Legal Description
- Attachment 4: Plat of Survey
- Attachment 5: Final Plat of Subdivision, bearing the latest revision date of December 7, 2020
- Attachment 6: Engineer's Review Letter (CBBEL), dated November 17, 2020
Engineer's Review Letter (CBBEL), dated December 3, 2020
- Attachment 7: Wetland Delineation Report



Background

Site Description

The 1.36-acre subject property is currently improved with a single-family home. The parcel measures approximately 181' by 326' with a total approximate lot area of 59,257 square feet. The parcel was platted in DuPage County as part of the Borman Subdivision according to the plat recorded on January 24, 1983 as Document No. R83-04642 in DuPage County, Illinois.

Exhibit 1: Map View of the Subdivisions

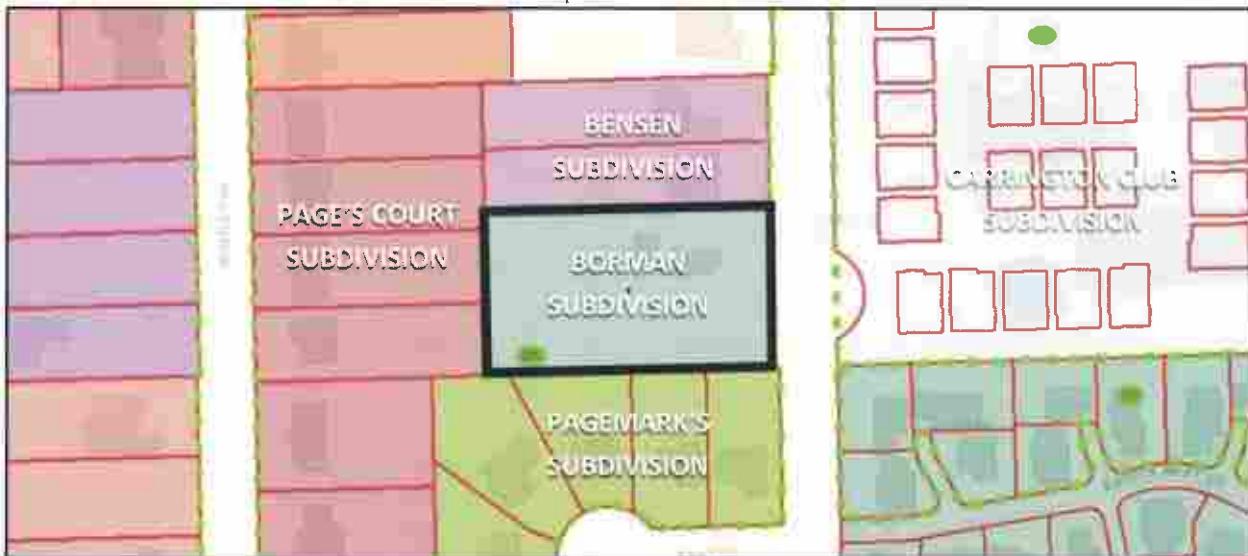


Exhibit 2: Aerial View of the Subject Property

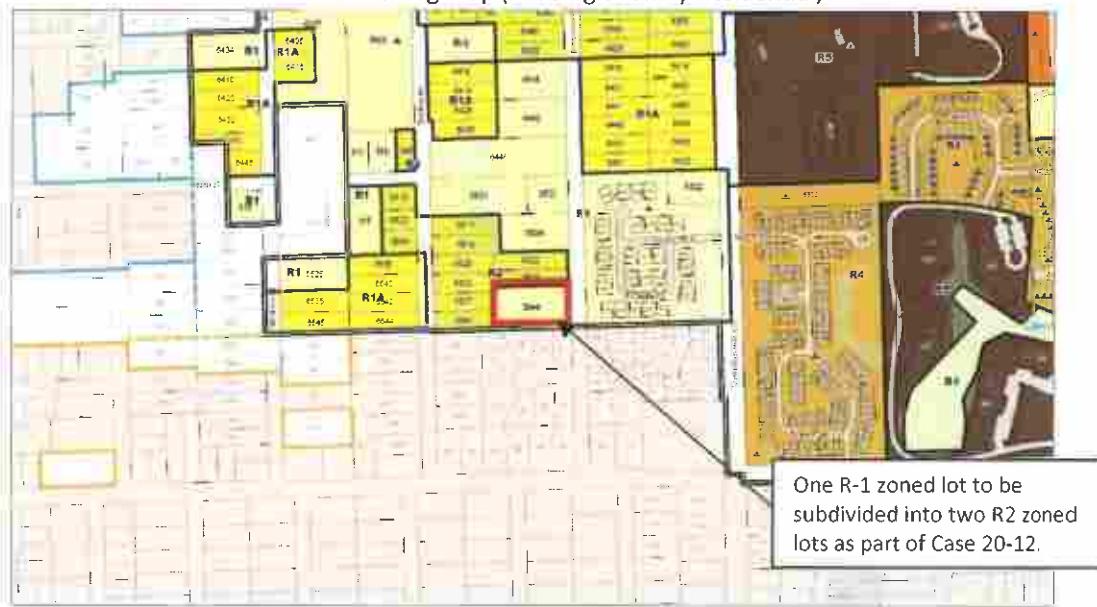


Development Proposal

The petitioners and property owners, David and Lisa Pye ("Applicant"), are requesting to rezone the property at 6544 Tennessee Avenue from the R-1 Single Family Residence Zoning District to R-2 Single Family Residence Zoning District. The Applicant further proposes to subdivide the property into two buildable lots that comply with the minimum lot requirements of the R-2 Zoning District. The two new lots will comply in all respects with the R-2 zoning district bulk standards without variations.



Exhibit 3: Zoning Map (R-1 Single-family Residential)



Pursuant to Section 10-3-4(G) of the Subdivision Regulations, the proposed subdivision qualifies as a minor subdivision and can proceed directly to final plat approval, without a public hearing, but with Plan Commission review and recommendation prior to Village Board consideration. The Plan Commission must also review and make a recommendation for any variations from the Subdivision Regulations without the requirement of a public hearing. A public hearing, however, is required for the rezoning request.

Staff Analysis

Appropriateness of Use

Single-family detached homes are permitted uses in the R-2 district. The bulk regulations for the R-2 district are provided in the chart below. Both proposed lots meet these minimum requirements.

Bulk Standard	R-1	R-2	Proposed		Departure
			Lot 1	Lot 2	
Lot Area	30,000 sq. ft.	13,000 sq. ft.	32,532 sq. ft.	26,564 sq. ft.	None.
Lot Width	100 ft.	75 ft.	100 ft.	81.77 ft.	None.
Lot Depth	150 ft.	150 ft.	326 ft.	326 ft.	None.
Front Yard Setback	60 ft.	40 ft.	40 ft.	40 ft.	None.
Interior Side Yard Setback	10% or 15 ft.	10% or 8.5 ft.	10 ft.	8.5 ft.	None.
Exterior Side Yard Setback	50 ft.	40 ft.	Not Applicable.		N/A
Rear Yard Setback	50 ft.	30 ft.	30 ft.	30 ft.	None.

Subdivision Improvements

Consistent with the development patterns for new development to the north, no subdivision improvements (curb, gutter, sidewalks, streetlights) will be required with development on these lots. The Comprehensive Plan designates Tennessee Avenue as a rural cross section with no need for these improvements.



Easements

Section 10-4-2(C) of the Village Code includes side and rear yard easement requirements for both interior and perimeter lots within a subdivision. Pursuant to the Subdivision Regulations, five-foot (5') interior side yard easements are required and are reflected in the proposed plat. Additional easement areas are adjacent to the subject property, which are located within the Village corporate limits, and which grant proper easement rights to the Village pursuant to Section 10-4-2(C)2. Therefore, the Applicant is allowed to reduce the peripheral side and rear yard easement areas as reflected in the table below. In no case shall easement areas on any property be reduced below five feet (5').

Location	Code Section	Requirement	Proposed		Departure
			Lot 1	Lot 2	
Interior rear yards	10-4-2(C)2(a)	10 ft.	Not Applicable.		N/A
Peripheral rear yards	10-4-2(C)2(b)	20 ft.	10 ft. Page's Court Subdivision to the west provides a 15' P.U.E & D.E. and a significant area is dedicated to the wetland and detention easement		None.
Interior side yards with utilities	10-4-2(C)2(c)	10 ft.	Not Applicable.		N/A
Peripheral side yards	10-4-2(C)2(d)	10 ft.	8 ft. (north lot line) Bensen Subdivision to the north provides a 10' P.U.E & D.E. along the south lot line of Lot 2.	15 ft. (south lot line) Pagemark's Subdivision to the south (Darien) provides a 10' P.U.E & D.E. and a 40' wetland and detention easement.	None. Combined with adjacent lots: 18 ft. (north lot line) and 25 ft. (south lot line)
Peripheral side yards with utilities	10-4-2(C)2(e)	20 ft.	Not Applicable.		N/A
Interior side yards	10-4-2(C)2(f)	5 ft.	5 ft. (south lot line)	5 ft. (north lot line)	None.

Wetlands/Storm Water Management

A Wetland Delineation Report was prepared by Engineering Resource Associates and is included as Attachment 7 of this report. One regulatory wetland was identified within the subject property. The approximate location of the wetland is indicated on Exhibit 4 in the solid green lines. This area consists of a small corner of a larger wetland complex extending to the west and north of the subject property. The U.S. Fish and Wildlife Service USFWS) National Wetland Inventory identifies this area as a wooded wetland, and the DuPage County Wetland Map indicates the same to be regulatory. As the wetland is of a small size and



low quality, it provides the following functions at a low level: sediment filtration from upland areas, stormwater storage during and after precipitation events, reducing the impact of urbanization on water quality by filtering and assimilating nutrients discharged from surrounding uplands, and provides a habitat for resting, reproducing, and nesting animals. As this wetland is considered regulatory, a 50-foot buffer is present and consists of turf grass and low-quality volunteer and invasive species.

Exhibit 4: Approximate Wetland Location



- Approximate Wetland Boundary
- Approximate Offsite Wetlands Boundary
- Project Study Location
- Data Point

The Wetland Delineation Report recommends that a stormwater management application should be sought from the DuPage County stormwater department should development be proposed on this property. It also advised to request a jurisdictional determination to determine the presiding authority over this wetland by submitting a jurisdictional request form to the USACE prior to any development occurring within the parcel.

The Wetland Delineation Report has been reviewed by the Village Engineer and a field confirmation of the findings was conducted. The conservation easement is set to encompass the wetland in addition to the required buffer around it to prevent impact to the wetland. The Village Engineer concurs with the report findings and the limits of the proposed Wetlands & Conservation Easement. No further action is required.



Comprehensive Plan/Compatibility

The Village of Willowbrook's Comprehensive Plan indicates that the R-2 Single-Family zoning is appropriate for this property. Another measure of appropriateness is to compare the new lot sizes with those that exist in the neighborhood. There are some precedents for lots zoned R-2 in the area to the north of the subject property as well as lots zoned R-2 directly to the west. The lot widths of these properties are approximately 75 feet to 83 feet and lot areas of approximately 24,450 square feet (north) and 21,836 square feet (west), comparable to the proposed two lots.

Lot 1 – 32,532 square feet
Lot 2 – 26,564 square feet

Staff Recommendation

Staff has no objection to the proposed rezoning and subdivision request. The request complies with the guidelines set forth in the Village's Comprehensive Plan and other land development regulations. The requested zoning and lot configurations should have no negative impacts on surrounding land uses. The proposed lots will be similar or larger than the typical lot size in this neighborhood.

Should the Plan Commission wish to support this request, staff recommends that the following condition be included:

The subdivider shall provide a mylar of the Final Plat of Subdivision with all required signatures (other than those of the Village officials) within sixty (60) days of approval by the Village Board.

Should the Plan Commission wish to support this request, the following variations from the subdivision regulations should be specifically included:

1. That Section 10-7-2(C) of the subdivision regulations related to curb and gutter drainage improvements be waived.
2. That Section 10-7-4(A) of the subdivision regulations related to sidewalks be waived.
3. That Section 10-7-4(D) of the subdivision regulations related to streetlights be waived.

Planning staff would also recommend acceptance of the submitted written findings of fact as to the standards of the variations from the Subdivision Regulations sought, which are included as **Attachment 1** of this report.

Discussion at the December 16, 2020 Plan Commission Meeting

The Plan Commission conducted a public hearing on this petition at a special meeting held on December 16, 2020 meeting and this public hearing. The following members were in attendance: Chairman Kopp, Vice Chairman Wagner, Commissioners Kaczmarek, Kaucky, Soukup, Remkus and Walec. There was one member of the public, the petitioners' attorney, that came forward with public comments/questions.

Commissioner Remkus first questioned why the petitioners were requesting to rezone the property to the R-2 zoning designation rather than the R-1A zoning designation. Commissioner Remkus also expressed a preference for the rural cross section and questioned why the Village required a curb along the rear of the Carrington Club. Commissioner Remkus expressed disappointment that the character of the street was inconsistent due to the subdivision's curb across the street and urged staff and the members of the Plan Commission to more carefully evaluate this requirement in the future. Planning Consultant Choi explained that the lots to the north and to the west are already zoned R-2 and that the requested rezoning would be consistent with what already exists in the area. Planning Consultant Choi further explained that the R-2



zoning designation would allow a less restrictive interior side yard requirement for any new construction, especially Lot 2 which is narrow. The R-1A zoning designation requires a 10 foot or 10% of lot width (whichever is greater), and the R-2 zoning designation requires a 8.5 foot or 10" of lot width (whichever is greater). Planning Consultant Choi also noted that there is a small strip of curb only at the Carrington Club's driveway meant strictly for emergency vehicles, and this was put in to deter regular vehicles from using this access. The petitioner's attorney, Paul Garver, noted that there is only a 20-foot strip of curb along the rear of the Carrington Club.

Commissioner Soukup asked whether a future home could legally be built on the newly created lot. He noted that there were complaints over the years from a resident about water issues in the area. Commissioner Kopp noted that only a corner of the proposed north lot contained a portion of a larger wetland and that a conservation easement was being provided. Commissioner Remkus also noted that the resident who made those complaints were related to water coming from Bentley Avenue, and that all the necessary retention on Bentley Avenue was met. Chairman Kopp also noted that this resident lived several hundred yards to the north, a considerable distance from the subject property.

Vice Chairman Wagner asked if there were any parkway tree requirements. Planning Consultant Choi responded in the negative. Commissioner Remkus pointed out that the rural cross sections already provide an abundance of old-growth scrub trees and that the area around the subject property was densely planted. Chairman Kopp confirmed.

Chairman Kopp believed that the proposed subdivision was consistent with the character of the neighborhood, the water issues were thoroughly investigated with a wetland delineation report, the final plat provided for a conservation easement, and any new construction would need to comply with the DuPage County requirements. Chairman Kopp was in favor of allowing the minor subdivision and rezoning request with the requested variations from the subdivision regulations.

Motion

The following sample motions were provided in the staff report for the Plan Commission:

Based on the submitted petition and testimony provided, I move that the Plan Commission recommend to the Village Board to rezone the property located at 6544 Tennessee Avenue from the R-1 zoning district to the R-2 zoning district; that the Plan Commission has reviewed and recommends approval of the submitted written findings of fact for the standards of the variations sought from the Subdivision Regulations; that the Plan Commission has reviewed the Final Plat of Subdivision for the Pye's Resubdivision and recommends approval of a Final Plat of Subdivision bearing the latest revision date of December 7, 2020, for PC 20-12 for the December 16, 2020 Plan Commission meeting, subject to the conditions of approval and plans listed in the Staff Report prepared for PC 20-12 for the December 16, 2020 Plan Commission meeting.

The following motion made by Remkus was seconded by Wagner and approved unanimously, a 7-0 roll call vote of the members present:

Based on the submitted petition and testimony provided, I move that the Plan Commission recommend to the Village Board to rezone the property located at 6544 Tennessee Avenue from the R-1 zoning district to the R-2 zoning district; that the Plan Commission has reviewed and recommends approval of the submitted written findings of fact for the standards of the variations sought from the Subdivision Regulations; that the Plan Commission has reviewed the Final Plat of Subdivision for the Pye's Resubdivision and recommends approval of a Final Plat of Subdivision bearing the latest revision date of December 7, 2020, for PC 20-12 for the December 16, 2020 Plan Commission meeting, subject to the conditions of approval and plans listed in the Staff Report prepared for PC 20-12 for the December 16, 2020 Plan Commission meeting.



Attachment 1
Findings of Fact
Variations from Subdivision Regulations
Pye's Resubdivision (1 page)



26 Blaine Street
Hinsdale, IL 60521

Phone: 630.789.6833
Fax: 630.230.1119
www.hglegal.com

November 6th, 2020

Ann Choi
Attorney at Law

Re: Pye Resubdivision – 6544 Tennessee Ave., Willowbrook, IL 60527

Dear Ms. Choi,

As you know, our office is representing the owners in the above referenced resubdivision. This letter is a request for a variation from the subdivision regulations pursuant to Title 10, Chapter 8, Section 6.

There are four criteria that need to be considered in the granting of this variation. I will handle the reasoning for each below:

- A. *That there are special circumstances or conditions affecting said property, such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land.* – As we have discussed the property is owned by individual homeowners and not be a developer or builder. It is an onerous burden on the homeowner to have a strict application of all the improvements under the subdivision regulations, particularly when the addition of these improvements would make the property inconsistent with the character of the other properties in the neighborhood. The strict interpretation of this regulation would deprive the owners of the reasonable use of their land considering all the factors.
- B. *That the variation is necessary for the preservation and enjoyment of a substantial property right of the petitioner.* – A strict application of the subdivision regulations would deprive the owners of a substantial property right in that they would be unable to subdivide this property into legal and conforming lots.
- C. *That the granting of the variation will not be detrimental to the public welfare or injurious to other property in the area in which said property is located.* – It is an onerous burden on the homeowner to have a strict application of all the improvements under the subdivision regulations, particularly when the addition of these improvements would make the property inconsistent with the character of the other properties in the neighborhood. Keeping the property consistent with the other properties in the area will be to the benefit of the community.
- D. *The alleged hardship has not been created by any person having a present proprietary interest in the property.* – The hardship is not of the owners making. It is an onerous burden on the homeowner to have a strict application of all the improvements under the subdivision regulations, particularly when the addition of these improvements would make the property inconsistent with the character of the other properties in the neighborhood.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that appears to read 'Paul B. Garver'.

Paul B. Garver



Attachment 2
Public Hearing Notice (3 pages)

NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 20-12

NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, will conduct a public hearing at a special meeting of the Plan Commission on the 16th of December 2020 at the hour of 7:00 P.M. This meeting would typically take place in the Willowbrook Police Department Training Room, 7760 S. Quincy St, Willowbrook, IL 60527. However, due to the current circumstances concerning Covid-19, this meeting will be held virtually. Internet address and access instructions will be provided on the Village of Willowbrook's Plan Commission website once available:

<https://www.willowbrookil.org/Archive.aspx?AMID=44>

The purpose of this public hearing shall be to consider a petition to rezone the subject property from the R-1 Single Family Residence District to the R-2 Single Family Residence District, and review and recommendation regarding a Final Plat of Subdivision for 6544 Tennessee Avenue, Willowbrook, Illinois (minor subdivision for a two residential lot subdivision) and approval of a written recommendation regarding a Final Plat of Subdivision for 6544 Tennessee Avenue, Willowbrook, Illinois (minor subdivision for a two residential lot subdivision). The Final Plat of Subdivision will create two lots suitable for single-family homes on property legally described as follows:

LOT 2 IN BORMAN SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 25, 1983 AS DOCUMENT NUMBER R83-04642, IN DUPAGE COUNTY, ILLINOIS.

PINs: 09-22-206-020

ADDRESS: 6544 Tennessee Avenue, Willowbrook, Illinois 60527

The applicants for this petition are David and Lisa Pye, 6544 Tennessee Avenue, Willowbrook, Illinois 60527.

A copy of the Village's petition is on file in the Office of the Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and is available for public inspection.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Ann Choi, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2233, Monday through Friday, between 8:30 A.M. and 4:30 P.M.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. Written comments may be submitted up to the hour of 6:00pm on December 16, 2020 to planner@willowbrook.il.us. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Brian Pabst
Village Administrator
(630) 920-2261

Published in the November 26, 2020 edition of *The Doings* Newspaper.





Attachment 3
Legal Description (1 page)

The property contained in this Instrument is legally described as follows:

LOT 2 IN BORMAN SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 25, 1983 AS DOCUMENT NUMBER R83-04642, IN DUPAGE COUNTY, ILLINOIS.

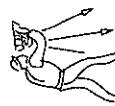
Property Address: 6544 Tennessee Ave, Willowbrook, IL 60527

PIN #: 09-22-206-020-0000



Attachment 4
Plat of Survey (1 sheet)

RUSSELL W. SCHOMIG, P.L.S. # 035-002446
WILLIAM K. SCHOMIG

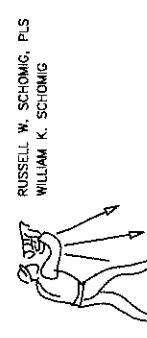


909 EAST 31ST STREET
LA GRANGE PARK, ILLINOIS 60526
SCHONING-SURVEY SBSGLOBAL.NET
WWW.LAND-SURVEY-NOW.COM
PHONE: 708-352-1452
FAX: 708-352-1454

SCHOMIG LAND SURVEYORS, LTD.
PLAT OF SURVEY



Attachment 5
Final Plat of Subdivision (1 sheet)



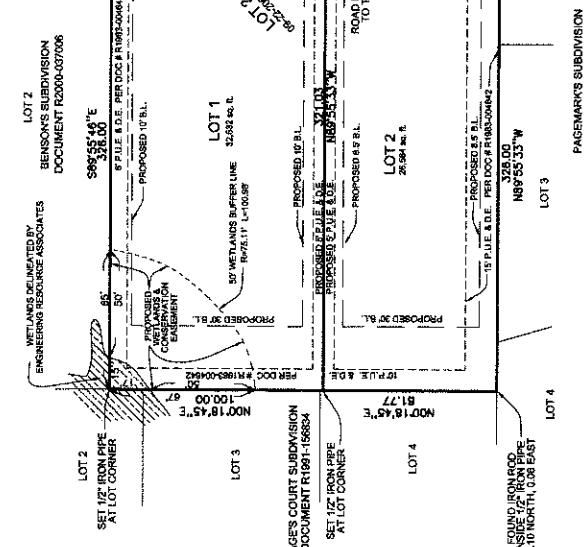
• BOUNDARY • TOPOGRAPHICAL • SUBDIVISIONS • ALTA/ACSM • CONDOMINIUMS • SITE PLANS • CONSTRUCTION • FEMA CERTIFICATES •

SCHOMIG LAND SURVEYORS, LTD.

PYE'S RESUBDIVISION OF

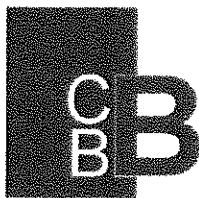
LOT 2 IN BORMAN SUBDIVISION IN SECTION 22, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 25, 1983 AS DOCUMENT NUMBER R83-04642, IN DUPAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 6544 TENNESSEE AVENUE, WILLOWBROOK.





Attachment 6
Engineer's Review Letters (4 pages)



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

November 17, 2020

Village of Willowbrook
835 Midway Drive
Willowbrook, IL 60527

Attention: Ann Choi

Subject: 6544 Tennessee Ave.
Pye Resubdivision
(CBBEL Project No. 900144.H204)

Dear Ann:

As requested by email on November 6, 2020, we have reviewed the following documents:

- Final Plat of Pye's Resubdivision prepared by Schomig Land Surveyors, Ltd and dated December 11, 2019
- Plat of Survey prepared by Schomig Land Surveyors, Ltd. and dated November 3, 2020
- Topographic Survey prepared by Schomig Land Surveyors, Ltd. and dated December 11, 2019
- Wetland Delineation Report prepared by Engineering Resource Associates and dated December 9, 2019

The following comments are submitted for your consideration:

1. The Wetland Delineation Report has been reviewed by CBBEL environmental staff and a field confirmation of the findings was conducted. We concur with the report findings and the limits of the proposed Wetlands & Conservation Easement.
2. It is noted that there is watermain and sanitary sewer on the frontage of this property and no other development is proposed at this time. The proposed subdivision will create one new buildable lot, and all Village code requirements will apply to that lot when a building permit application is submitted.
3. The Utility Easement Provisions on the plat shall be replaced with the Village standard language (copy attached).
4. The Municipal Utility Easement provisions may be removed from the plat.
5. Wetland and Conservation Easement provisions shall be added to the plat.
6. On the plat note for the right of way dedication, add the words "to the Village of Willowbrook"
7. The Du Page County Health Department certificate should be removed from the plat.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel L. Lynch".

Daniel L. Lynch, PE, CFM
Head, Municipal Engineering Department

Cc Roy Giuntoli, Village of Willowbrook

UTILITY EASEMENT PROVISIONS

PERPETUAL EASEMENTS FOR PROVIDING UTILITY SERVICES TO THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAT AND OTHER PROPERTY ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF WILLOWBROOK, TO THOSE COMPANIES OPERATING, FROM TIME TO TIME, UNDER FRANCHISE OR LICENSE FROM THE VILLAGE OF WILLOWBROOK, AND TO UNITS OF LOCAL GOVERNMENT PROVIDING SERVICES TO THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, AMERITECH, NORTHERN ILLINOIS GAS COMPANY, COMMONWEALTH EDISON COMPANY, THE HINSDALE SANITARY DISTRICT, THE COUNTY OF DUPAGE DEPARTMENT OF ENVIRONMENTAL CONCERNS, AND THEIR SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, IN, OVER, UNDER, ACROSS, ALONG, THROUGH AND UPON THE AREAS BOUNDED BY THE LOT LINES AND DOTTED LINES ON THIS PLAT AND INDICATED AS PUBLIC UTILITY EASEMENT AND/OR PUBLIC UTILITY AND DRAINAGE EASEMENT. FOR THE PURPOSES OF THIS PLAT, PROVIDING UTILITY SERVICES SHALL INCLUDE THE RIGHT, BUT NOT THE OBLIGATION, FROM TIME TO TIME, TO INSTALL, CONSTRUCT, RECONSTRUCT, IMPROVE, KEEP, OPERATE, INSPECT, MAINTAIN, REPAIR, REPLACE, ENLARGE, RENEW, RELOCATE, REMOVE AND/OR INCREASE THE SIZE, NUMBER AND/OR TYPE OF FACILITIES USED IN CONNECTION WITH TRANSMISSION AND DISTRIBUTION OF GAS AND WATER, ELECTRICITY AND TELECOMMUNICATIONS AND CABLE TELEVISION SERVICES, SANITARY SEWER AND ANY OTHER FACILITIES USED IN THE TRANSMISSION, DISTRIBUTION OR TRANSPORTATION OF ANY COMMODITY IN A LIQUID OR GASEOUS STATE, INCLUDING ANY AND ALL APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE, IN, OVER, UNDER, ACROSS, ALONG, THROUGH AND UPON SUCH EASEMENT AREAS, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT, BUT NOT THE OBLIGATION, TO INSTALL REQUIRED SERVICE CONNECTIONS ON EACH LOT TO SERVE IMPROVEMENTS THEREON, OR IN ADJACENT LOTS, THE RIGHT, BUT NOT THE OBLIGATION, TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER UPON THE PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, OVER, UNDER, ACROSS, ALONG, THROUGH OR UPON SUCH EASEMENT AREAS WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE PROPERTY SHALL NOT BE ALTERED IN A MANNER AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF OR THE EXERCISE OF GRANTEEES' OTHER RIGHTS PROVIDED HEREIN. EASEMENTS FOR STORM WATER DRAINAGE, DETENTION AND/OR RETENTION PURPOSES ARE GRANTED UNDER A SEPARATE PROVISION OF THIS PLAT, AND FACILITIES FOR SAID PURPOSES, AND APPURTENANCES THERETO, SHALL BE CONTROLLED BY SAID PROVISION.

WETLAND CONSERVATION AREA PROVISIONS

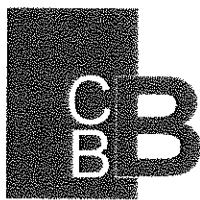
A COVENANT IS HEREBY ESTABLISHED FOR THE PROTECTION OF UNIQUE AREA SUCH AS, BUT NOT LIMITED TO, WETLANDS, FENA, MARSHES, RIVERS, STREAMS, PONDS, LAKES, WOODS AND PRAIRIES OVER AND UPON THOSE AREAS OF LAND DESIGNATED "WETLAND CONSERVATION AREA" ON THE PLAT HEREON DRAWN FOR THE FOLLOWING PURPOSES:

- A. TO ACCEPT AND CONDUCT SURFACE WATER DISCHARGES FROM ADJACENT UPSTREAM PROPERTY; INCLUDING ANY NECESSARY STORM SEWER PIPES AND APPURTENANCES;
- B. TO PRESERVE SAID LAND IN ITS NATURAL, SCENIC AND OPEN CONDITION, AND;
- C. AUTHORITIES GOVERNING SUCH UNIQUE AREAS SHALL RETAIN THE RIGHT BUT NOT THE DUTY TO ENTER SAID LAND AT ALL REASONABLE TIMES FOR THE PURPOSE OF INSPECTING SAID LAND TO DETERMINE IF THE GRANTOR, OR HIS ASSIGNS, IS COMPLYING WITH THE COVENANTS AND PURPOSES OF THIS GRANT. THE VILLAGE SHALL HAVE THE RIGHT TO PERFORM MAINTENANCE OF SAID FACILITY TO INSURE PROPER FUNCTION THEREOF.

IN FURTHERANCE OF THE FOREGOING AFFIRMATIVE RIGHTS, THE GRANTOR MAKES THE FOLLOWING COVENANTS/RESTRICTIONS ON BEHALF OF HIMSELF, HIS HEIRS AND ASSIGNS, WHICH COVENANTS/RESTRICTIONS SHALL RUN WITH SAID LAND IN PERPETUITY:

- A. THERE SHALL BE NO DREDGED OR FILL MATERIAL PLACED UPON SAID LAND;
- B. THERE SHALL BE NO FENCES, BUILDINGS OR STRUCTURES, INCLUDING SIGNS, CONSTRUCTED UPON SAID LAND; EXCEPT FOR UTILITIES AND APPURTENANCES THEREOF WHICH HAVE CERTAIN UNDERLYING EASEMENT RIGHTS WITHIN THE UTILITY EASEMENTS GRANTED THEREIN;
- C. THERE SHALL BE NO REMOVAL OR DESTRUCTION OF LIVING TREES AND PLANTS ON SAID LAND, EXCEPT FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES CONSTRUCTED THEREIN;
- D. THERE SHALL BE NO PLOWING OF SAID LAND NOR SHALL THERE BE ANY MINING, REMOVAL OF TOPSOIL, SAND, ROCK, MINERALS OR OTHER MATERIAL FROM SAID LAND, EXCEPT FOR ANY ACTIVITY NECESSARY FOR INSTALLATION OR MAINTENANCE OF UTILITIES CONSTRUCTED THEREIN;
- E. THERE SHALL BE NO GRAZING OF KEEPING OF LIVESTOCK OR DOMESTIC ANIMALS OF ANY KIND ON SAID LAND, AND;
- F. THERE SHALL BE NO OPERATION OF SNOWMOBILES, DUNE BUGGIES, MOTORCYCLES, ALL-TERRAIN VEHICLES, OR ANY OTHER MOTORIZED VEHICLES ON SAID LAND, EXCEPT FOR MACHINERY NEEDED FOR INSTALLATION OF UTILITIES CONSTRUCTED THEREIN;
- G. PERSONS ARE PROHIBITED TO DISCARD RUBBISH OF ANY KIND, INCLUDING CLIPPINGS, IN THE DEDICATED AREA;
- H. PERSONS ARE PROHIBITED TO PLANT OR DISPERSE NATIVE OR NON-NATIVE PLANT SPECIES OR THEIR PARTS INTO THE DEDICATED AREA WITHOUT WRITTEN APPROVAL OF THE HOMEOWNERS ASSOCIATION OR AUTHORIZED AGENT;
- I. PERSONS ARE PROHIBITED TO SPREAD FERTILIZER OR HERBICIDES WITHIN 25 FEET OF THE WETLAND OTHER THAN FOR ATTAINMENT OF SPECIFIC VEGETATION MANAGEMENT GOALS TO MEET AND MAINTAIN PERFORMANCE STANDARDS. IF USED TO CONTROL NOXIOUS WEEDS AND NON-NATIVE SPECIES, HERBICIDES WILL BE APPLIED ONLY UPON CONSULTATION WITH LICENSED HERBICIDE APPLICATOR;
- J. MODIFICATIONS ARE PROHIBITED TO THE HYDROLOGY OF THE RESTRICTED PROPERTY THAT WOULD ALLOW MORE WATER ONTO, OR THAT WOULD DRAIN WATER AWAY FROM THE RESTRICTED PROPERTY OTHER THAN OUTLINED IN THE PERMITTED ACTION. SUCH MODIFICATIONS INCLUDED, BUT ARE NOT LIMITED TO, DITCHING, CHANGES TO STRUCTURES, REPAIRING OF DRAINAGE TILES OR ALTERATIONS TO ANY NATURALLY OCCURRING STRUCTURES.

SAID "WETLAND CONSERVATION AREA" MAY BE CHANGED, MODIFIED OR ABROGATED ONLY UPON WRITTEN APPROVAL OF SAID GOVERNING AUTHORITIES. EXCEPT AS EXPRESSLY LIMITED HEREIN, THE GRANTOR RESERVED FOR HIMSELF, HIS HEIRS AND ASSIGNS, ALL RIGHTS AS OWNER OF SAID LAND, INCLUDING THE RIGHT OF USE OF SAID LAND FOR ALL PURPOSES NOT INCONSISTENT WITH THIS GRANT. WETLAND CONSERVATION AREA SUBJECT TO THE STORMWATER DETENTION EASEMENT PROVISIONS GRANTED AND DEFINED HEREIN.



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

December 3, 2020

Village of Willowbrook
835 Midway Drive
Willowbrook, IL 60527

Attention: Ann Choi

Subject: 6544 Tennessee Ave.
Pye Resubdivision
(CBBEL Project No. 900144.H204)

Dear Ann:

As requested by email on December 1, 2020, we have reviewed the following documents:

- Final Plat of Pye's Resubdivision prepared by Schomig Land Surveyors, Ltd and dated December 11, 2019 (Please note that the plat has been revised but no revision date added. The latest plat reviewed was the one you emailed to me on December 1, 2020)
- Plat of Survey prepared by Schomig Land Surveyors, Ltd. and dated November 3, 2020 (Previously Reviewed)
- Topographic Survey prepared by Schomig Land Surveyors, Ltd. and dated December 11, 2019 (Previously Reviewed)
- Wetland Delineation Report prepared by Engineering Resource Associates and dated December 9, 2019 (Previously Reviewed)

Our previous comments have been addressed and we have no objection to the Village approving this plat. Please note that there are no proposed improvements associated with this subdivision and therefore no development security will be required. The purpose is to split one existing lot into two, to provide one additional buildable lot.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel L. Lynch'.

Daniel L. Lynch, PE, CFM
Head, Municipal Engineering Department

Cc Roy Giuntoli, Village of Willowbrook



Attachment 7
Wetland Delineation Report



6544 Tennessee Avenue

Willowbrook, DuPage County, IL



Wetland Delineation Report

ERA Project #191206

Prepared for:

Mr. Paul Garver

December 09, 2019

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Exhibits

1. Location Map
2. National Wetland Inventory
3. DuPage County Wetland Map
4. Aerial Photograph
5. NRCS Soils Map
6. Topographic Map
7. DuPage County Regulatory Flood Map
8. Approximate Wetland Boundary

Appendices

- A. Data forms
- B. Floristic Quality Assessment
- C. MDNR
- D. Photographs
- E. IDNR Consultation
- F. USFWS Consultation
- G. High Quality Aquatic Resource Description

STUDY LOCATION AND LAND USES

The study area is in Willowbrook, DuPage County, IL and is within the Flagg Creek watershed (**Exhibit 1**). The parcel is bound by residential property on all sides with Tennessee Avenue to the east. The site consists of maintained turf and a single-family residence with a wooded area covering the west half of the parcel containing a small corner of a larger wetland system. The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) (**Exhibit 2**) and the DuPage County Wetland Map (**Exhibit 3**) both identify a wetland onsite that is larger than the observed boundaries.

PURPOSE OF THE FIELD INVESTIGATION

The purpose of the field investigation was to determine the existence, location, and size of any jurisdictional wetlands or Waters of the U.S. within the scope of the project. The United States Army Corps of Engineers (Corps) outlined methods for delineating wetlands in the Corps of Engineers Wetlands Delineation Manual (Manual) dated 1987/Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region dated September 2010. These methods were used to delineate any jurisdictional areas. A floristic quality assessment was performed for the wetland by calculating the Coefficient of Conservatism (C) and Floristic Quality Index (I) using plant species observed in the field and nomenclature given in Plants of the Chicago Region (Swink and Wilhelm 1994). In addition, a wildlife habitat and use assessment was determined using the Modified Michigan Department of Natural Resources Method (MDNR) and evaluation score sheet.

METHODOLOGY

The Corps Federal Register (1982) and Environmental Protection Agency (EPA) Federal Register (1980) jointly define wetlands as: "Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Therefore, in order to be considered a jurisdictional wetland, three criteria: soils, hydrology, and vegetation must be met.

The Corps requires data forms and technical information as part of a delineation report to document the three criteria for any area determined to be a wetland. The corresponding data forms for this project are provided in **Appendix A**. A description of the three criteria, field methods, and floristic quality assessment are provided below.

i. Hydrology:

An area has wetland hydrology if it is inundated or saturated within the root zone and/or within 12" of the surface continuously for at least 5% of the growing season, approximately 9-14 days, in most years.

The Manual defines the growing season as the portion of the year when the soil temperature (measured 20in below the surface) is above biological zero (5°C or 41°F) which can be approximated by the number of "frost free" days (>28°F at a frequency of 5 years in 10).

Recorded data such as: aerial photographs (**Exhibit 4**), stream gage data, planning documents, and federal, state, county, and local agency records were examined prior to the site investigation to determine if hydrology may be present. Primary and secondary indicators were investigated in the field. Inundation, saturation in the upper 12", water marks, drift lines, sediment deposits, drainage patterns, oxidized root channels in the upper 12", water-stained leaves, local soil survey data, and the FAC-neutral test are all examples of field indicators. Seasonal factors and professional judgment were also taken into account when hydrology was determined.

ii. Soils:

Hydric soils are those soils that are sufficiently wet in the upper part to develop anaerobic conditions during the growing season. The field indicators of hydric soils in LRR, K, L, M, N, O, P for Illinois were used to determine if hydric soils are present. Natural Resources Conservation Service (NRCS) soil maps were examined prior to the site investigation to determine if hydric soils were present (**Exhibit 5**). Mapped types and/or the presence of field indicators were confirmed by digging soil pits. Soil pits at all data points were dug to a depth of approximately 24", if able, as field indicators are typically observed within 20-36 inches of the soil surface. Soil colors were determined using the Munsell Soils Color Charts, dated 2000.

iii. Vegetation:

In order to be considered a wetland greater than 50% of the dominant plant species in the community must be hydrophytic. The USFWS published a regional list of plant species occurring in wetlands in 1988. Each species is assigned to a Wetland indicator category based upon its probability of naturally occurring in a wetland (Table 1). According to the Manual, when species that adapt for life in anaerobic soil conditions (OBL, FACW, FAC) immediately exceed 50% of the total dominance for each stratum, hydrophytic vegetation is present.

Table 1. Plant Indicator Status Categories* (USFWS 1988)

INDICATOR	REGION 3	DEFINITION
CATEGORY	INDICATOR	
Obligate Wetland	OBL	Occur almost always (estimated probability >99%) under natural conditions in wetlands, but which may also occur rarely (estimated probability <1%) in non-wetlands.
Facultative Wetland	FACW	Usually occur in wetlands (estimated probability 67%-99%), but occasionally found in non-wetlands, but occasionally found

		in non-wetlands (estimated probability 1%-33%).
Facultative	FAC	Equally likely to occur in wetlands or non-wetlands (estimated probability 34%-66%).
Facultative Upland	FACU	Usually occur in non-wetlands (estimated probability 67%-99%), but occasionally found in wetlands (estimated probability 1%-33%).
Obligate Upland	UPL	Occur almost always (estimated probability >99%) under natural conditions in non-wetlands in the region specified, but which may also occur rarely (estimated probability <1%) in wetlands.

* The three facultative categories are subdivided by (+) and (-) modifiers.

Several other indicators of hydrophytic vegetation may also be utilized, such as: the FAC neutral test, visual observations of plant species growing in prolonged inundation and/or soil saturation, morphological adaptations, technical literature, and physiological and reproductive adaptations. During the field inspection plant species lists were compiled at each data point and throughout each wetland to determine hydrophytic dominance and floristic quality.

Using the species list compiled in the field, a floristic quality assessment was performed for each wetland by calculating the Coefficient of Conservatism (C), Floristic Quality Index (I), and mean wetness coefficient (both native and including adventives), utilizing nomenclature given in Plants of the Chicago Region (Swink and Wilhelm 1994). The coefficient of conservatism number (C) is based upon the rarity of a species to occur and/or its resiliency to tolerate disturbance. The greater the number of species with a high C number will result in a higher native mean C (\hat{c}) or Floristic Quality Index (I). An area may be considered high quality if the \hat{c} and/or I are equal to or greater than 3.5 and/or 20, respectively. The mean wetness coefficient is calculated utilizing each species indicator status.

REGULATORY REQUIREMENTS

i. U.S. Army Corps of Engineers:

Areas under the Corps jurisdiction include navigable waters of the U.S. and most other lakes, rivers, streams, small tributary waterways, natural ponds, and wetlands (bogs, fens, wet meadows, etc.). Ditches for the purpose of drainage, excavated in uplands are not considered jurisdictional waters of the U.S. or wetlands. Section 10 of the Rivers and Harbors Act of 1899 (RHA) authorizes the Corps to regulate structures or work in, over, or under navigable waters of the United States, while, Section 404 of the Clean Water Act (CWA) gives the Corps authority to regulate discharges of dredged or fill material in waters of the U.S., including wetlands.

However, on January 9, 2001 in the U.S. Supreme Court Ruling in Solid Waste Agency of North Cook County v. U.S. Army Corps of Engineers, Corps regulatory jurisdiction was restricted under Section 404 of the CWA to navigable waters (i.e. Section 10 of RHA), surface tributaries to such navigable waters, and waters and wetlands that are adjacent to the Section 10 waters and their tributaries. Areas under jurisdiction on the basis of the "Migratory Bird Rule" which extended jurisdiction to include "intrastate waters" that lack a connection to a surface water tributary such as small isolated waters and wetlands like pocosins, prairie potholes, vernal pools and playa lakes, are excluded. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes and the like are "adjacent wetlands."

The Chicago District of the Corps issued a Regional Permit Program (RRP) for activities with minimal impacts for Cook and the surrounding collar counties. The RRP authorizes structures or work in or affecting navigable waters of the U.S. under RHA Section 10 and CWA Section 404. Authorization under RHA Section 10 is required for construction of structures such as piers, decks, breakwaters, jetties, utility lines, and activities such as dredging within, over, or under navigable waters of the United States. While, authorization for the discharge of dredged or fill material within CWA Section 404 Waters of the U.S. is required.

Activities are divided into two categories under the RRP (Category I & II). Projects that impact less than 0.5 acres of waters of the U.S. and do not impact any high-quality aquatic resources are processed under Category I. Compensatory mitigation is not required for impacts under 0.10 acres. Projects that impact between 0.5 and 1.0 acres of waters of the U.S. or impact high-quality aquatic resources are processed under Category II. Compensatory mitigation for impacts over 0.10 acres is required. High-Quality Aquatic Resources (HQARs) are generally considered unsuitable for dredge or fill activities. A description and list of HQARs as described by the Corps in the RRP is provided in **Appendix G**. Impacts to a high-quality aquatic resource or impacts over 1.0 acres require an Individual Permit (IP) as a more thorough examination of the project must be performed, in addition to public comment.

A native upland buffer (or other appropriate vegetation approved by the Corps) adjacent to all created, restored, enhanced or preserved waters of the U.S. and wetlands must be established or enhanced. According to the RRP the following buffer widths are required:

1. For any Waters of the U.S. (e.g. river, stream, creek, etc.), the buffer shall be a minimum of 50 feet from the Ordinary High-Water Mark (OHWM);
2. For any waters of the U.S., including wetlands, over 0.25 acres and up to 0.5 acres in size, the buffer shall be 30 feet wide;
3. For any waters of the U.S. including wetlands, 0.5 acres or larger in size, the buffer shall be 50 feet wide; and
4. For any area determined to be a high-quality resource, the buffer shall be 100 feet wide.

The above requirements do not apply to linear road crossings.

ii. **DuPage County:**

Per Article IV Section 15-40.H of the April 23, 2013 DuPage County Countywide Stormwater and Flood Plain Ordinance (DCSFPO), a stormwater permit is required if the development involves regulatory floodplains, wetlands and wetland buffers. Both isolated and adjacent wetlands are jurisdictional under the (DCSFPO). All wetland determinations and delineations that are conducted in DuPage County are required to use procedures in accordance with the current Federal wetland delineation methodology authorized under Section 404 of the CWA. As such, the above methodology as set forth in the Manual was used. All wetland delineations must be verified by DuPage County or the authorized Ordinance Administrator for all complete waiver communities. The Corps has issued DuPage County Department of Development and Economic Planning a Programmatic General Permit (RP-25), which designates the County as the lead agency to review permits involving wetlands.

All wetlands must be classified as critical or regulatory based on the assessment of certain functions and values. They are as follows:

- The wetland is identified as a critical wetland in the County's wetland inventory.
- The wetland is known to possess a Federal or State listed threatened or endangered species.
- The plant community within the wetland is determined to have a native floristic quality index of 20 or higher during a single season assessment, a native mean C-value of 3.5 or greater, or alternatively a natural area rating index (NARI) value of 35.0 or higher during a spring, summer, and fall assessment, as calculated by the Swink & Wilhelm methodology. If both methods are performed, the NARI value shall prevail as the determining value.
- The initial wildlife quality value using the Modified Michigan Department of Natural Resources Method is 5.0 or higher, or alternatively the mean rated wildlife quality (MWRQ) is determined to be 8.0 or higher, as calculated by the Ludwig wildlife habitat evaluation methodology. If both methods are performed, the Ludwig value shall prevail as the determining value.

Development within or affecting critical wetlands under the DCSPO is prohibited, unless documentation is submitted that conclusively proves that the presence of critical wetlands precludes all economic use of the entire parcel, and that no practicable alternative to wetland modification exists. Mitigation for impacts to critical wetlands is required at a minimum proportional rate of three to one (3:1).

All other wetlands that do not meet any of the functions and values described above are considered regulatory. Development within or affecting a regulatory wetland that is equal to or greater than 0.10 acre shall be prohibited unless documentation is submitted that conclusively proves that no practicable

alternative to wetland modification exists. While, development within or affecting a regulatory wetland that is less than 0.10 acre in total size does not require documentation showing that no practicable alternative to wetland modification exists. Mitigation for impacts to regulatory wetlands is required at a minimum proportional rate of one and a half to one (1.5:1).

Development within 50ft of a regulatory wetland and 100ft of a critical wetland must mitigate the natural functions of the buffer to the extent practicable.

JURISDICTIONAL WETLANDS AND WATERS OF THE U.S.

There is one wetland located within the study area. The boundaries of this wetland were staked with pink pin flags with the wording "Wetland Delineation." Data points were taken both within and outside of the wetland boundaries to support our conclusions. These data points are marked on an aerial photograph with the approximate wetland boundary (**Exhibit 8**). The corresponding data forms are provided in **Appendix A**. The following text characterizes the wetland.

i. Wetland 1:

This area consists of a small corner of a larger wetland complex extending to the west and north of the studied parcel. The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) (**Exhibit 2**) identifies this area as a wooded wetland, and the DuPage County Wetland Map (**Exhibit 3**) indicated this same wetland to be regulatory. Two data points were used to support our findings.

The hydrology is provided by precipitation, surface runoff, and possibly groundwater. Presence of surface saturation, a water table 1" below the soil surface, and water stained leaves in a small depression helped to determine persistent hydrology within the project bounds. Soils are mapped Peotone Silty Clay Loam and hydric soil indicator F6 showed hydric soil was present at the sample site. Dominant vegetation consisted of buckthorn (*Rhamnus cathartica*). Therefore, the sample site satisfies all three criteria and qualifies as a wetland.

The Coefficient of Conservatism (C), Floristic Quality Index (I), and mean wetness coefficient for the wetland was 1.43, 3.78, and -0.43, respectively and are provided in the floristic quality assessment as **Appendix B**. The MDNR Wildlife Assessment score was 3.0, and has been provided in **Appendix C**, as such, this wetland is considered regulatory.

The USFWS and IDNR consultation tools regarding threatened or endangered species were used to determine the likeliness of a T&E species being found on the property. These consultations are provided as **Appendix E & F**.

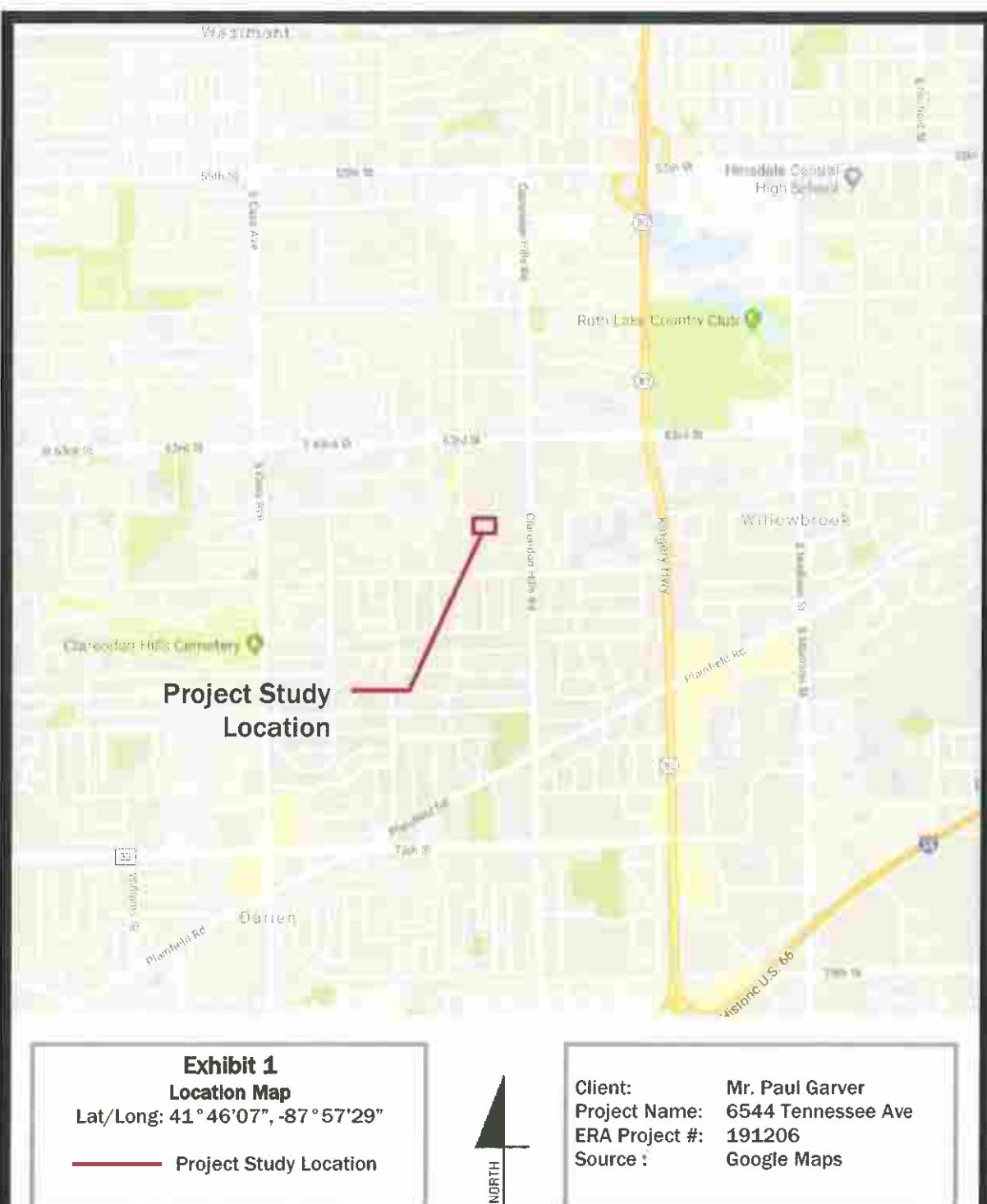
As the wetland is of small size and low quality, it provides functions at a low level. Several functions include: sediment filtration from upland areas, stormwater storage during and after precipitation events, reducing the impact of urbanization on water quality by filtering and assimilating nutrients

discharged from surrounding uplands, and provides a habitat for resting, reproducing, and nesting animals.

As this wetland is considered regulatory, a 50ft buffer is present. The 50ft buffer currently consists of turf grass and low-quality volunteer and invasive species, meaning an extremely limited native buffer is currently present.

Recommendations

Should development be proposed on this property, a stormwater management application should be sought from the DuPage County stormwater department. It also advised to request a jurisdictional determination to determine the presiding authority over this wetland by submitting a jurisdictional request form to the USACE prior to any development occurring within the parcel.



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EXHIBIT 2
National Wetland Inventory Map
 Lat/Long: 41° 46'07", -87° 57'29"

Project Study Location



Client: Mr. Paul Garver
 Project Name: 6544 Tennessee Ave
 ERA Project #: 191206
 Source: USFWS

Not to Scale



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EXHIBIT 3

DuPage County Wetland Map
Lat/Long: 41° 46'07", -87° 57'29"

— Project Study Location



Client: Mr. Paul Garver
Project Name: 6544 Tennessee Ave
ERA Project #: 191206
Source : DuPage GIS

Not to Scale



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Exhibit 4

Aerial Photo

Lat/Long: 41° 46'07", -87° 57'29"

Project Study Location



Client: Mr. Paul Garver
Project Name: 6544 Tennessee Ave
ERA Project #: 191206
Source : Google Maps

Not to Scale



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Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
146A	Elliott silt loam, 0 to 2 percent slopes	1.1	78.9%
232A	Ashkum silty clay loam, 0 to 2 percent slopes	0.3	18.7%
330A	Peotone silty clay loam, 0 to 2 percent slopes	0.0	2.4%
Totals for Area of Interest		1.4	100.0%

EXHIBIT 5

NRCS Soils Map

Lat/Long: 41° 46'07", -87° 57'29"

Project Study Location



Client: Mr. Paul Garver
Project Name: 6544 Tennessee Ave
ERA Project #: 191206
Source : USDA

Not to Scale



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EXHIBIT 6

Flood Insurance Rate Map
Lat/Long: 41° 46'07", -87° 57'29"

Project Study Location



Client: Mr. Paul Garver
Project Name: 6544 Tennessee Ave
ERA Project #: 191206
Source : FEMA

Not to Scale



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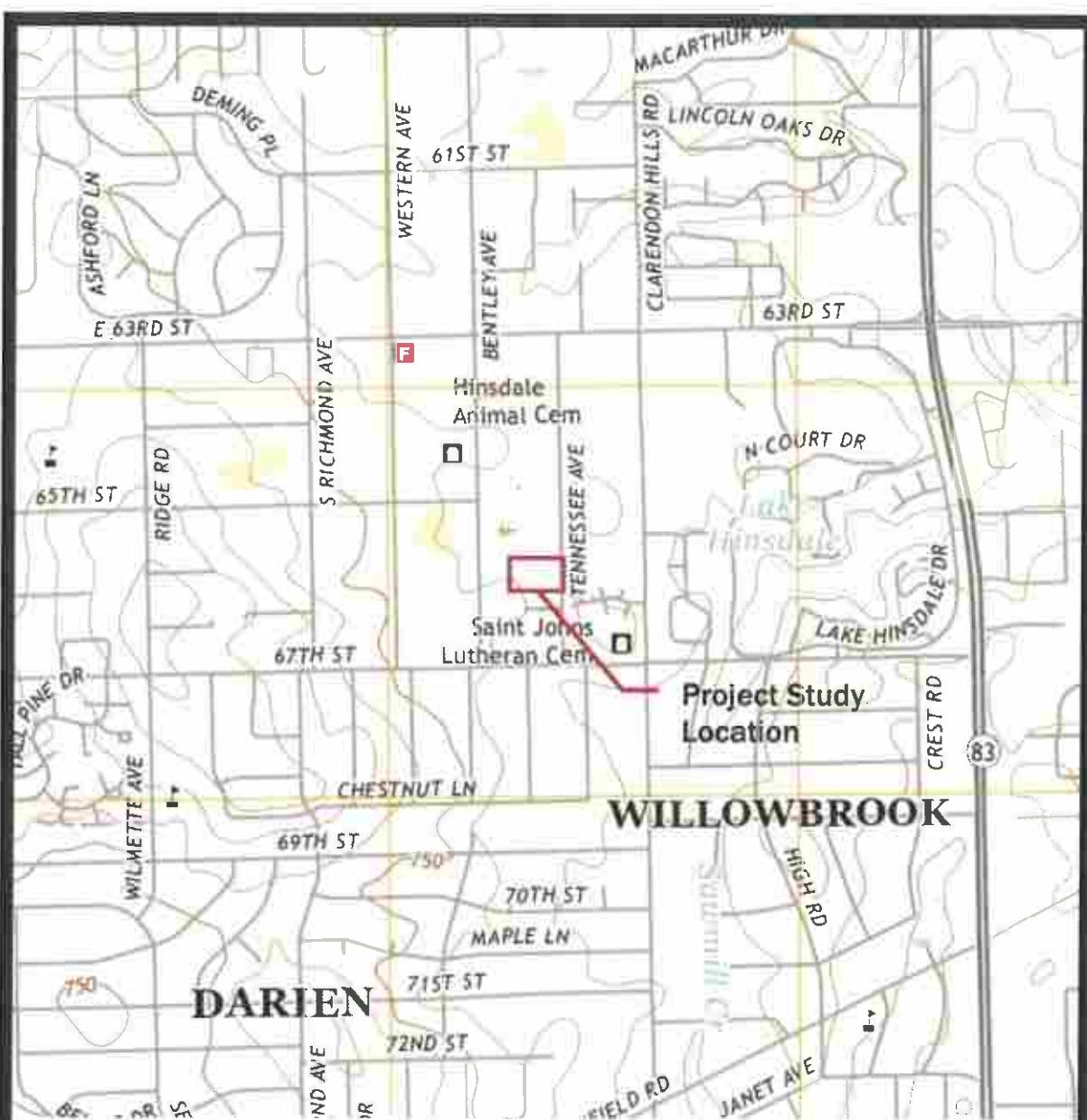


EXHIBIT 7

USGS Topographic Map

Lat/Long: 41° 46'07", -87° 57'29"

Project Study Location



Client: Mr. Paul Garver
 Project Name: 6544 Tennessee Ave
 ERA Project #: 191206
 Source: USGS

Not to Scale



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EXHIBIT 8

Approximate Wetland Location

Lat/Long: 41° 46'07", -87° 57'29"

— Approximate Wetland Boundary

····· Approximate Offsite Wetlands Boundary

— Project Study Location

→ Data Point



Client: Mr. Paul Garver
Project Name: 6544 Tennessee Ave
ERA Project #: 191206
Source : Google Earth

Not to Scale



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Appendix A.1
WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site 6544 Tennessee Avenue City/County: DuPage Sampling Date: December 04, 2019
 Applicant/Owner: Mr. Paul Garver State: IL Sampling Point: 1
 Investigator(s): Brad Earnest Section, Township, Range: S22 T38N R11E
 Landform (hillslope, terrace, etc.): Closed Depression Local relief (concave, convex, none): Concave
 Slope (%): 0%-2% Lat: 41°46'08" Long: -87°57'31" Datum: WGS 1984
 Soil Map Unit Name: 330A Peatone silty clay loam NWI Classification: Wooded Wetland

Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)

Are vegetation , soil , or hydrology significantly disturbed? Are "normal circumstances"

Are vegetation , soil , or hydrology naturally problematic? present? Yes

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	<u>Y</u>	Is the sampled area within a wetland? <u>Y</u> If yes, optional wetland site ID: _____
Hydric soil present?	<u>Y</u>	
Wetland hydrology present?	<u>Y</u>	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

<u>Tree Stratum</u>	(Plot size: <u>30</u>)	Absolute % Cover	Dominant Species	Indicator Status	Dominance Test Worksheet		
1 <u>Rhamnus cathartica</u>		65	Y	FAC	Number of Dominant Species that are OBL, FACW, or FAC: <u>2</u>	(A)	
2 <u>Populus deltoides</u>		10	N	FAC	Total Number of Dominant Species Across all Strata: <u>2</u>	(B)	
3 <u>Ulmus americana</u>		5	N	FACW	Percent of Dominant Species that are OBL, FACW, or FAC: <u>100.00%</u>	(A/B)	
4							
5							
		80	= Total Cover				
<u>Sapling/Shrub stratum</u>	(Plot size: <u>15</u>)				Prevalence Index Worksheet		
1					Total % Cover of:		
2					OBL species <u>0</u> x 1 = <u>0</u>		
3					FACW species <u>5</u> x 2 = <u>10</u>		
4					FAC species <u>75</u> x 3 = <u>225</u>		
5					FACU species <u>0</u> x 4 = <u>0</u>		
		0	= Total Cover		UPL species <u>0</u> x 5 = <u>0</u>		
<u>Herb stratum</u>	(Plot size: <u>5</u>)				Column totals <u>80</u> (A) <u>235</u> (B)		
1					Prevalence Index = B/A = <u>2.94</u>		
2							
3							
4							
5							
6							
7							
8							
9							
10							
		0	= Total Cover				
<u>Woody vine stratum</u>	(Plot size: <u>30</u>)				Hydrophytic Vegetation Indicators:		
1 <u>Vitis riparia</u>		5	Y	FACW	Rapid test for hydrophytic vegetation		
2					X Dominance test is >50%		
		5	= Total Cover		X Prevalence index is ≤3.0*		

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)

Appendix A.1

Sampling Point:

SOIL

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains.

**Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

Histisol (A1)	Sandy Gleyed Matrix (S4)
Histic Epipedon (A2)	Sandy Redox (S5)
Black Histic (A3)	Stripped Matrix (S6)
Hydrogen Sulfide (A4)	Loamy Mucky Mineral (F1)
Stratified Layers (A5)	Loamy Gleyed Matrix (F2)
2 cm Muck (A10)	Depleted Matrix (F3)
Depleted Below Dark Surface (A11)	X Redox Dark Surface (F6)
Thick Dark Surface (A12)	Depleted Dark Surface (F7)
Sandy Mucky Mineral (S1)	Redox Depressions (F8)
5 cm Mucky Peat or Peat (S3)	

Indicators for Problematic Hydric Soils:

Indicators for Protonated Hydro Soils:

- Coast Prairie Redox (A16) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Very Shallow Dark Surface (TF12)
- Other (explain in remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type:

Hydric soil present? Y

Depth (inches):

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

Primary Indicators (minimum of one is required, check all that apply)	
	Surface Water (A1)
<input checked="" type="checkbox"/>	High Water Table (A2)
<input checked="" type="checkbox"/>	Saturation (A3)
	Water Marks (B1)
	Sediment Deposits (B2)
	Drift Deposits (B3)
	Algal Mat or Crust (B4)
	Iron Deposits (B5)
	Inundation Visible on Aerial Imagery (B7)
	Sparingly Vegetated Concave Surface (B8)
<input checked="" type="checkbox"/>	Water-Stained Leaves (B9)
	Aquatic Fauna (B13)
	True Aquatic Plants (B14)
	Hydrogen Sulfide Odor (C1)
	Oxidized Rhizospheres on Living Roots (C3)
	Presence of Reduced Iron (C4)
	Recent Iron Reduction in Tilled Soils (C6)
	Thin Muck Surface (C7)
	Gauge or Well Data (D9)
	Other (Explain in Remarks)

Secondary indicators (relative to 50)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)

Field Observations:

Surface water present? Yes No Depth (inches): >24
 Water table present? Yes No Depth (inches): >1"
 Saturation present? Yes No Depth (inches): 0"
 (includes capillary fringe)

Wetland hydrology present?

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Appendix A.2
WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site 6544 Tennessee Avenue City/County: DuPage Sampling Date: December 04, 2019
 Applicant/Owner: Mr. Paul Garver State: IL Sampling Point: 2
 Investigator(s): Brad Earnest Section, Township, Range: S22 T38N R11E
 Landform (hillslope, terrace, etc.): Closed Depression Local relief (concave, convex, none): Concave
 Slope (%): 0%-2% Lat: 41°46'08" Long: -87°57'31" Datum: WGS 1984
 Soil Map Unit Name: 330A Peotone silty clay loam NWI Classification: None

Are climatic/hydrologic conditions of the site typical for this time of the year? (If no, explain in remarks)

Are vegetation _____, soil _____, or hydrology _____ significantly disturbed? Are "normal circumstances" _____

Are vegetation _____, soil _____, or hydrology _____ naturally problematic? present?

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	<input checked="" type="checkbox"/>	Is the sampled area within a wetland? <input type="checkbox"/> If yes, optional wetland site ID: _____
Hydric soil present?	<input type="checkbox"/>	
Wetland hydrology present?	<input type="checkbox"/>	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum	(Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Status	Dominance Test Worksheet
1	Rhamnus cathartica	85	Y	FAC	Number of Dominant Species that are OBL, FACW, or FAC: 1 (A)
2	_____	_____	_____	_____	Total Number of Dominant Species Across all Strata: 1 (B)
3	_____	_____	_____	_____	Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)
4	_____	_____	_____	_____	
5	_____	_____	_____	_____	
		85	= Total Cover		
Sapling/Shrub stratum	(Plot size: 15)				Prevalence Index Worksheet
1	_____	_____	_____	_____	Total % Cover of:
2	_____	_____	_____	_____	OBL species 0 x 1 = 0
3	_____	_____	_____	_____	FACW species 0 x 2 = 0
4	_____	_____	_____	_____	FAC species 85 x 3 = 255
5	_____	_____	_____	_____	FACU species 0 x 4 = 0
		0	= Total Cover		UPL species 0 x 5 = 0
Herb stratum	(Plot size: 5)				Column totals 85 (A) 255 (B)
1	_____	_____	_____	_____	Prevalence Index = B/A = 3.00
2	_____	_____	_____	_____	
3	_____	_____	_____	_____	
4	_____	_____	_____	_____	
5	_____	_____	_____	_____	
6	_____	_____	_____	_____	
7	_____	_____	_____	_____	
8	_____	_____	_____	_____	
9	_____	_____	_____	_____	
10	_____	_____	_____	_____	
		0	= Total Cover		
Woody vine stratum	(Plot size: 30)				Hydrophytic Vegetation Indicators:
1	_____	_____	_____	_____	Rapid test for hydrophytic vegetation
2	_____	_____	_____	_____	X Dominance test is >50%
		0	= Total Cover		X Prevalence index is ≤3.0*
					Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
					Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present?

Remarks: (Include photo numbers here or on a separate sheet)

Appendix A.2

SOIL

Sampling Point: 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type*	Loc**		
0-24	2.5Y 2.5/1	100					Clay Loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- Histisol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- 2 cm Muck (A10)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 5 cm Mucky Peat or Peat (S3)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- Coast Prairie Redox (A16) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Very Shallow Dark Surface (TF12)
- Other (explain in remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____
Depth (inches): _____

Hydric soil present? N

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)
- Water-Stained Leaves (B9)
- Aquatic Fauna (B13)
- True Aquatic Plants (B14)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Gauge or Well Data (D9)
- Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Depth (inches):	0"
Water table present?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Depth (inches):	>24"
Saturation present? (includes capillary fringe)	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Depth (inches):	>24"

Wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Appendix B

SITE: 6544 Tennessee Avenue
LOCALE: DuPage County
BY: B. Ernest
NOTES: 4-Dec-19

CONSERVATISM-BASED METRICS		ADDITIONAL METRICS	
MEAN C (NATIVE SPECIES)	1.67	SPECIES RICHNESS (ALL)	7
MEAN C (ALL SPECIES)	1.43	SPECIES RICHNESS (NATIVE)	6
MEAN C (NATIVE TREES)	1.00	% NON-NATIVE	0.14
MEAN C (NATIVE SHRUBS)	5.00	WET INDICATOR (ALL)	-0.43
MEAN C (NATIVE HERBACEOUS)	1.00	WET INDICATOR (NATIVE)	-0.50
FQAI (NATIVE SPECIES)	4.08	% HYDROPHYTE (MIDWEST)	1.00
FQAI (ALL SPECIES)	3.78	% NATIVE PERENNIAL	0.86
ADJUSTED FQAI	15.43	% NATIVE ANNUAL	0.00
% C VALUE 0	0.43	% ANNUAL	0.00
% C VALUE 1-3	0.43	% PERENNIAL	1.00
% C VALUE 4-6	0.14		
% C VALUE 7-10	0.00		

SPECIES ACRONYM	SPECIES NAME (NWPL/ MOHLENBROCK)	SPECIES (SYNONYM)	COMMON NAME	C VALUE	MIDWEST WET INDICATOR	NC-NE WET INDICATOR	WET INDICATOR (NUMERIC)	HABIT	DURATION	NATIVITY
ACENEG	Acer negundo	Acer negundo var. violaceum	Ash-Leaf Maple	0	FAC	FAC	0	Tree	Perennial	Native
CORSER	Cornus alba	Cornus alba sericea	Red Osier	5	FACW	FACW	-1	Shrub	Perennial	Native
GEUCAN	Geum canadense	Geum canadense	White Avens	1	FAC	FAC	0	Forb	Perennial	Native
POPDEL	Populus deltoides	Populus deltoides	Eastern Cottonwood	0	FAC	FAC	0	Tree	Perennial	Native
RHACAT	Rhamnus cathartica	Rhamnus cathartica CATHARTICA	European Buckthorn	0	FAC	FAC	0	Shrub	Perennial	Adventive
ULMAME	Ulmus americana	Ulmus americana	American Elm	3	FACW	FACW	-1	Tree	Perennial	Native
VITRIP	Vitis riparia	Vitis riparia var. syrichta	River-Bank Grape	1	FACW	FAC	-1	Vine	Perennial	Native

Appendix C

OBSERVER: Brad Earnest

DATE: December 04, 2019

LOCATION: 6544 Tennessee Ave, Willowbrook, DuPage County IL

WILDLIFE HABITAT/USE EVALUATION SCORE SHEET

To assess the existing and/or potential wildlife habitat use of the subject wetland, the applicant must first complete this score sheet. The attached documentation provides examples of each scoring parameter.

A separate sheet must be completed for each wetland. The wetland system as a whole must be considered. If the wetland extends off-site, aerial photographs, observations from public access areas (roads, etc.) should be considered in the evaluation sheet.

Applicants must document their basis for scoring decisions with field surveys followed by current photographs, and other appropriate information.

A. Utilization by Wildlife

<u>Wildlife Use</u>	<u>Score</u>
Significant	3
Evident	2
Low	1
Occasional	0.5
Non-Existent	0
<u>SUB-TOTAL =</u>	<u>0.5</u>

Observations/Notes:

Small mammals observed during the site visit and there is a high potential for amphibian use as well. Use may be higher during warmer months.

B. Interspersion of Vegetative Cover

<u>Interspersion</u>	<u>Score</u>
High	3
Medium	2
Low	1
<u>SUB-TOTAL =</u>	<u>1</u>

% Cover of Each Plant Community Type:

Emergent	10%
Scrub Shrub	50%
Wet Meadow	
Forested	20%
Aquatic	
Other	

C. Vegetative Cover to Open Water

<u>Cover</u>	<u>Score</u>
>95% Cover	0.5
76%- 95% Cover, Peripheral	1.5
76%- 95% Cover, Various	2.5
26%- 75% Cover, Peripheral	2.0
26%- 75% Cover, Patches	3.0
5%- 25% Cover, Peripheral	1.0
<5% Cover	0.5
<u>SUB-TOTAL=</u>	<u>1.5</u>

TOTAL SCORE (A+B+C) = 3.0

Appendix C

Total score \geq 5.00 wetland receives CRITICAL status

Total score $<$ 5.00 wetland receives REGULATORY status

Wildlife habitat use evaluation of any particular wetland should consider both the actual wildlife uses and an analysis of the habitat values related to wildlife. Habitat evaluation provides consideration of conditions for species of wildlife that may not be currently using a wetland, but preferred habitat for feeding, nesting, rearing of young, or cover is present.

Wildlife habitat/use, ideally, should be analyzed over an entire year and for some wetlands, several years' conditions should be documented. However, obvious time constraints do not allow this. Therefore, if the evaluator does not have personal knowledge of the wetland during other seasons/years and does not have training in wildlife, a degreed wildlife biologist or ecologist should be requested to complete this section of the evaluation.

A. Utilization by Wildlife

Complete the table on the evaluation form for each wildlife group for the uses listed across the top of the table using the following point system. Consider all seasons of the year in this evaluation.

Use by wildlife group within each habitat is significant in that loss or reduction of the habitat would have an adverse effect (i.e., loss of individuals) on the population of the species or overall wildlife population in the general area (township). **SCORE = 3**

Use by wildlife group within each habitat is evident or probable and loss or reduction of the habitat would have an adverse effect (i.e., loss of individuals) on the local wildlife population (surrounding sections). **SCORE = 2**

Use by wildlife group within each habitat is incidental or low in that loss or reduction of the habitat would have a negligible effect (i.e., loss of individuals) on the local wildlife population.

SCORE = 1

Use by wildlife group within each habitat is nonexistent at any time during any year. NOTE: Use 0.5 to signify occasional use. **SCORE = 0**

B. Interspersion of Vegetative Cover

From recent aerial photographs of the wetland, determine which of the following criteria best describes the vegetative forms of the site. Determine from conditions at the peak of the growing season.

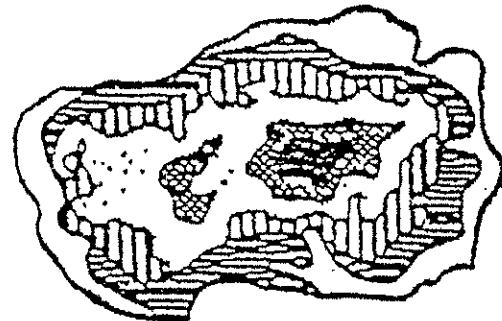
	COMMUNITY TYPE 1
	COMMUNITY TYPE 2
	COMMUNITY TYPE 3
	COMMUNITY TYPE 4
	COMMUNITY TYPE 5
	COMMUNITY TYPE 6

Appendix C

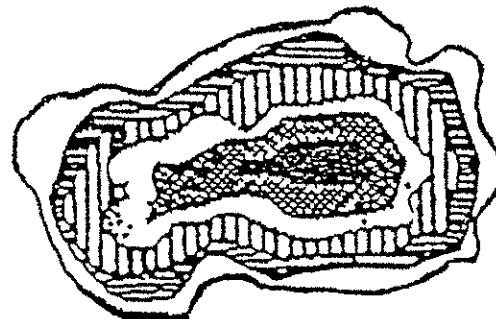
High interspersion of vegetation. Edge is abundant and consists of several species. Life form zones of vegetation are broken into segments of variable size and shape. Subforms of vegetation are small and scattered. **SCORE = 3**



Moderate interspersion of vegetation. Edge is moderate in length and diversity with some irregularity in the distribution of subform stands, but vegetation life forms remain largely intact. **SCORE = 2**



Low interspersion of vegetation. Length and types of edge are at a minimum. The wetland consists of concentric life forms and subforms. Subform stands are large and continuous. **SCORE = 1**

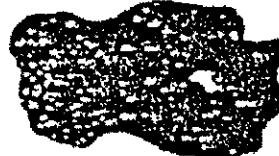


Appendix C

C. Vegetative Cover to Open Water

From a recent aerial photograph of the wetland, determine which of the following criteria best describes the vegetation/open water characteristics of the wetland. NOTE: Wetland cover types: white areas indicate water (with or without surface plants); black areas indicate emergents, shrubs, or trees.

Cover occupies more than 95% of wetland **SCORE = 0.5**



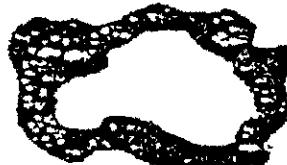
Cover occupies 76 - 95% of wetland occurring in peripheral band **SCORE = 1.5**



Cover occupies 76 – 95% of wetland with scattered open water **SCORE = 2.5**



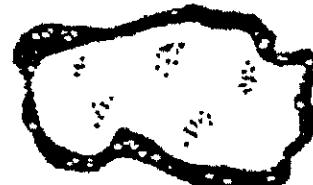
Cover occupies 26 – 75% of wetland occurring in peripheral band **SCORE = 2.0**



Cover occupies 26 – 75% of wetland occurring in dense patches or diffuse in open stands **SCORE = 3.0**

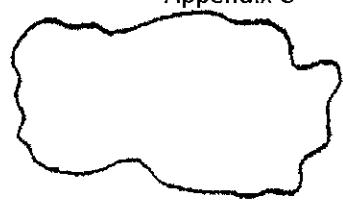


Cover occupies 5 – 25% of wetland occurring in peripheral band or diffuse in open stands **SCORE = 1.0**



Cover occupies less than 5% of wetland **SCORE = 0.5**

Appendix C



APPENDIX D

Photo 1

Site: 6544 Tennessee Avenue

Date: December 04, 2019

Investigator: Brad Earnest

Description: Facing northwest into the wetland area. The property corner stake is identified by a pink ribbon in the photo.



Photo 2

Site: 6544 Tennessee Avenue

Date: December 04, 2019

Investigator: Brad Earnest

Description: Facing northwest outside of the property limits. Standing water can be seen in an area dominated by cottonwood and buckthorn.



Photo 3

Site: 6544 Tennessee Avenue

Date: December 04, 2019

Investigator: Brad Earnest

Description: Photo showing a constructed berm along the west property limits.



APPENDIX D

Photo 4

Site: 6544 Tennessee Avenue

Date: December 04, 2019

Investigator: Brad Earnest

Description: Photo taken facing the opposite direction of Photo #3 showing the berm.



Photo 5

Site: 6544 Tennessee Avenue

Date: December 04, 2019

Investigator: Brad Earnest

Description: Facing southeast out of the wetland into the upland area.



Photo 6

Site: 6544 Tennessee Avenue

Date: December 04, 2019

Investigator: Brad Earnest

Description: Facing into the wetland area from upland.



APPENDIX D

Photo 7

Site: 6544 Tennessee Avenue

Date: December 04, 2019

Investigator: Brad Earnest

Description: Facing south along the edge of the wooded area. This portion of the woods is dominated by honeysuckle, buckthorn, and features some black locust.



Photo 8

Site: 6544 Tennessee Avenue

Date: December 04, 2019

Investigator: Brad Earnest

Description: Facing north into the adjacent property. Standing water is visible where a drainage path has been excavated leading to a stormwater drain.



Applicant: Engineering Resource Associates **IDNR Project Number:** 2004741
Contact: Bradley Earnest **Date:** 12/09/2019
Address: 3S701 West Ave **Alternate Number:** 191206
 Suite 150
 Warrenville, IL 60555

Project: 6544 Tennessee Ave
Address: 6544 Tennessee Avenue, Willowbrook

Description: The land owner would like to divide a large lot into two smaller lots for single-family homes.

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under Part 1075.

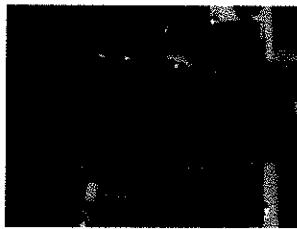
The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

St. John Lutheran Prairie INAI Site

St. John Lutheran Prairie Natural Heritage Landmark

Location

The applicant is responsible for the accuracy of the location submitted for the project.



County: DuPage

Township, Range, Section:

38N, 11E, 22

IL Department of Natural Resources

Contact

Impact Assessment Section

217-785-5500

Division of Ecosystems & Environment

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

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Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

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Appendix F: USFWS Consultation

MEMO

TO: Mr. Paul Garver

FROM: Bradley Earnest, Wetland Scientist

DATE: December 04, 2019

RE: Section 7 Endangered Species Act Consultation – 6544 Tennessee Avenue, Willowbrook, DuPage Co, IL - Wetland Delineation
ERA Project No. 191206

The study area is in Willowbrook, DuPage County, IL (Exhibit 1) within the Flagg Creek watershed. The parcel is bound by residential single-family homes on all sides with Tennessee Avenue to the east. The site consists of mowed turf and a private residence with wooded area on the west half of the lot that contains a small portion of a larger wetland system. The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) (Exhibit 2) identifies a freshwater stream onsite; while, the DuPage County Wetland Map (Exhibit 3) identifies the same stream to be regulatory.

Engineering Resource Associates carefully reviewed the U.S. Fish and Wildlife technical assistance website on December 09, 2019, for federally listed threatened and endangered species. According to the website, the following species are listed and may be present in DuPage County:

Northern long-eared bat <i>Myotis septentrionalis</i>	Threatened	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests and woods.	May affect but not likely to adversely affect.
Hine's emerald dragonfly <i>Somatochlora hineana</i>	Endangered	Spring fed wetlands, wet meadows and marshes	No effect
Hine's emerald dragonfly <i>Somatochlora hineana</i>	Critical Habitat Designated	Map and written description of the areas designated as Critical Habitat (PDF)	No effect
Rusty patched bumble bee <i>Bombus affinis</i>	Endangered	Grasslands with flowering plants from April through October, underground and abandoned rodent cavities or clumps of grasses above ground as nesting sites, and undisturbed soil for hibernating queens to overwinter.	No effect
Eastern prairie fringed orchid <i>(Platanthera leucophaea)</i>	Threatened	Moderate to high quality wetlands, sedge meadow, marsh, and mesic to wet prairie	No effect
Leafy-prairie clover <i>(Dalea foliosa)</i>	Endangered	Prairie remnants on thin soil over limestone	No effect

Appendix F: USFWS Consultation

Mead's milkweed (<i>Asclepias meadii</i>)	Threatened	Late successional tallgrass prairie, tallgrass prairie converted to hay meadow, and glades or barrens with thin soil	No effect
Prairie bush clover	Threatened	Dry to mesic prairies with gravelly soil	No effect
<i>Lespedeza leptostachya</i>			

Critical Habitat Designated for the Hines Emerald Dragonfly is NOT located near the project.

This area is not suited for Rusty Patch Bumblebee habitat as it has seen a history of development and disturbance as well as a lack of forbs for the bees to feed on.

It is unlikely that the northern long-eared bat would hibernate or roost in the project area. Caves, karst areas, or abandoned mines are not present near the project site, however, large mature and dead trees were observed onsite that could be used for rest sites.

This location is unsuitable for growth of eastern prairie fringe orchids, leafy-prairie clover, mead's milkweed and prairie bush clover.

APPENDIX G

HIGH-QUALITY AQUATIC RESOURCES

U.S. Army Corps of Engineers, Chicago District Regional Permit Program

High-quality aquatic resources (HQARs) are aquatic areas considered to be regionally critical due to their uniqueness, scarcity, and/or value, and other wetlands considered to perform functions important to the public interest, as defined in 33 CFR Part 320.4(b)(2). These resources include Advanced Identification (ADID) sites, bogs, ephemeral pools, fens, forested wetlands, sedge meadows, seeps, streams rated Class A or B in the Illinois Biological Stream Characterization study, streamside marshes, wet prairies, wetlands supporting Federal or Illinois endangered or threatened species, and wetlands with a floristic quality index of 20 or greater or mean C-value of 3.5 or greater. The following descriptions of high-quality aquatic resources apply to the Chicago District only.

Advanced Identification (ADID) sites: Aquatic sites that have been identified by the District and U.S. Environmental Protection Agency, in advance of specific permit requests, as areas generally unsuitable for disposal of dredged or fill material. ADID sites include various waters of the U.S., including wetlands, identified in Lake and McHenry Counties.

Bog: A low nutrient peatland, usually in a glacial depression, that is acidic in the surface stratum and often dominated at least in part by the genus *Sphagnum*.

Ephemeral pool: A seasonally inundated depression within a forested wetland or upland community, usually located on a moraine, glacial outwash plain, or in an area shallow to bedrock; also known locally as a "vernal pool." These areas may not be permanently vegetated.

Fen: A peatland, herbaceous (including calcareous floating mats) or wooded, with calcareous groundwater flow.

Forested wetland: A wetland dominated by native woody vegetation with at least one of the following species or genera present: *Carya spp.*, *Cephalanthus occidentalis*, *Cornus alternifolia*, *Fraxinus nigra*, *Juglans cinerea*, *Nyssa sylvatica*, *Quercus spp.*, or *Thuja occidentalis*.

Sedge meadow: A wetland dominated by at least one of the following genera: *Carex*, *Calamagrostis*, *Cladium*, *Deschampsia*, *Eleocharis*, *Rhynchospora*, *Scleria*, or *Eriophorum*.

Seep: A wetland, herbaceous or wooded, with saturated soil or inundation resulting from the diffuse flow of groundwater to the surface stratum.

Streams rated A or B in the Illinois Biological Stream Characterization study:

Reference Illinois Environmental Protection Agency's Biological Stream

Characterization (BSC): Biological Assessment of Illinois Stream Quality (latest edition) for a current listing.

Streamside marsh: A wetland that is adjacent to, and contiguous with, a body of flowing water or supported by stream baseflow and dominated by herbaceous species.

Wet prairie: A wetland dominated by native graminoid species with a diverse indigenous forb component that is seasonally saturated and/or temporarily inundated.

Wetlands supporting Federal or Illinois endangered or threatened species: For current state-listed species, reference Illinois Endangered Species Protection Board's "Checklist of Endangered and Threatened Animals and Plants of Illinois" and/or contact the Illinois Department of Natural Resources. For Federally-listed species, reference the U.S. Fish and Wildlife Service's "Endangered and Threatened Wildlife and Plants" list (latest edition) and/or contact the U.S. Fish and Wildlife Service.

Wetlands with a Floristic Quality Index of 20 or greater or a mean C-value of 3.5 or greater:

Reference Plants of the Chicago Region (F. Swink and G. Wilhelm, 4th edition, Indianapolis: Indiana Academy of Science, 1994).

Further information on the areas described above can be found in the U.S. Environmental Protection Agency's Advanced Identification studies for Lake and McHenry Counties, the Chicago Wilderness' Biodiversity Recovery Plan, the Forest Preserve District of Cook County's The Natural Communities of Cook County: An Ecological Classification System for Terrestrial Communities, Swink and Wilhelm's Plants of the Chicago Region, and the Illinois Environmental Protection Agency's Biological Stream Characterization (BSC): Biological Assessment of Illinois Stream Quality (latest edition).