



WHERE HISTORY & PROGRESS MEET

## DEVELOPMENT COMMITTEE

**Monday, September 10, 2018  
7:00 P.M. - Council Chambers**

### AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
  - A. August 13, 2018
3. Public Participation
4. Items for Consent
  - A. Ball Horticultural – 811 W. Brown Street – Rezoning
  - B. DMCS LLC – 220 Kress Road – Special Use & Concept Plan
  - C. Laramie Residence – 29W235 Blair Street – Pre-Annexation Agreement
5. Items for Discussion
  - A. McAuley School – 1820 W. Roosevelt Road
6. Unfinished Business
7. New Business
8. Reports from Staff
  - A. Project and Economic Development Updates
9. Adjournment

Draft

## MINUTES

### DEVELOPMENT COMMITTEE

**August 13, 2018, 7:00 P.M.**

**1. Call to Order, Roll Call, and Establishment of a Quorum.**

Alderman Stout called the meeting to order at 7:00 P.M.

Roll call found Aldermen James Beifuss, Melissa Birch Ferguson, Michael Ferguson, Bonnie Gagliardi, Matt Garling, Jayme Sheahan and Rebecca Stout present.

Also in attendance was Community Development Director, Tom Dabareiner.

**2. Approval of Minutes.**

**A. June 9, 2018.**

**Alderman Ferguson moved and Alderman Gagliardi seconded a motion to approve the minutes. Voting Aye: Beifuss, Birch Ferguson, Ferguson, Gagliardi, Garling, Sheahan and Stout. Voting Nay: 0.**

**3. Public Participation. None.**

**4. Items for Consent.**

Items B, C and D were pulled from the consent agenda for discussion.

**A. Garage 360 – 397 Charles Court – Special Use.**

**Alderman Garling moved and Alderman Ferguson seconded the motion to approve Item A for Consent. Voting Aye: Aldermen Beifuss, Birch Ferguson, Ferguson, Gagliardi, Garling, Sheahan and Stout. Voting Nay: 0.**

**B. DuPage Airport Authority – Airport Zoning District Text Amendment & Intergovernmental Agreement Amendment.**

Alderman Beifuss stated this would be the 6<sup>th</sup> amendment to the Intergovernmental Agreement (IGA) and he asked what changes are being made specifically this time around. Mr. Dabareiner responded by providing examples of the changes, such as the elimination of the lengthy list of State and/or Federal regulations (Section 10.5-3, (C-1)), which they have no means to measure against, and the simplification of categories in (C-4). He apologized for not including a red line copy of the original Agreement for comparison purposes. Alderman Beifuss asked if a copy was available as it would be helpful to know what was removed so they know what they are agreeing to. He then asked about the waiver of the Public Hearing requirement, and Mr. Dabareiner replied that the requirement was changed from two to one. Alderman Beifuss wondered about tabling the discussion and asked about any pressing matters. Mr. Dabareiner answered that there is a lot going on at the DuPage Business Center, and pointed out that the Airport and Plan Commission/Zoning Board of Appeals (PC/ZBA) has already approved this amendment. Alderman Garling stated that the PC/ZBA had been provided with a red line copy and so he asked if the discussion could be tabled until later in the meeting to allow for a copy to be obtained. The members agreed.

**C. Wojnarowski Residence – 2660 Sandpiper Trail – Easement Encroachment Agreement.**

Alderman Garling stated he is in agreement, but he asked if it would be passed on to subsequent owners. Mr. Dabareiner replied that the agreement would go with the property and not with the owner.

**Alderman Garling moved and Alderman Beifuss seconded the motion to approve Item C for Consent. Voting Aye: Aldermen Beifuss, Birch Ferguson, Ferguson, Gagliardi, Garling, Sheahan and Stout. Voting Nay: 0.**

**D. Anona West – 129 Fremont Street – Façade Grant Agreement.**

Alderman Birch Ferguson stated that she wanted to discuss this item along with the other façade grant to be discussed under Agenda Item 5.A. She wondered about available funding for the fiscal year, and asked if staff had any information available to confirm that and if there were any other pending applicants. Mr. Dabareiner provided the members with a handout containing information on the current funding available. He stated that there is less money available than what they had thought. So while the façade grant request at hand is eligible, there is currently not enough funding available to fund their entire request. He furthered that there is a policy discussion staff seeks to have with

regards to the façade grant request under Agenda Item 5.A. The issue is whether to fund a façade grant for an applicant whose property value has increased dramatically since being purchased and who would be able to secure a loan for repairs through typical means. He furthered that economic development typically rationalizes awards based on the notion of “but for,” as in “but for” this façade grant funding, the project would not be possible. He added the funding in this case is requested by the temporary owner and not the end user of the property. In addition, staff just received two more new applications, but they have not yet had the chance to review their eligibility.

Alderman Birch Ferguson asked a question about the pending funding, and whether there is a time limit for reimbursement requests made by the applicants. Mr. Dabareiner answered that it can go well into the following year.

Alderman Beifuss asked about the façade grant reimbursement procedure, the amount of funding remaining for the current year vis-à-vis the current number of applicants and what the fiscal year is for TIF funding. Mr. Dabareiner provided the dollar amount remaining, roughly \$4900, and replied that a funding discussion would be held in September, but no new funds would be available until the first of the year. Alderman Stout pointed out the caveat that the funding amount for next year could change.

Alderman Garling asked about the best options for allocating the remaining funding, such as first come, first serve. He commented that with regards to 151 W Washington, he does not recall ever seeing need as a factor for previous awards and therefore considered it irrelevant at this time. He then asked for clarification on what was meant by an end user, and Mr. Dabareiner replied that the end user of the property would be the restaurant. If the owners were to complete the work and then receive the grant award, they would benefit by reselling the building to the end user for a higher price due to the renovations.

Alderman Beifuss provided some history on 151 W Washington, indicating that it is owned by the Fox Community Center, which is a non-profit that also owns the former train station on Main Street (now being used as a community space and office for the Chamber of Commerce). Were it not for the funding they provided, the historic building at 151 W Washington would have been demolished. It has never been about “flipping” this property, but rather improving a building in the TIF District. The current value of this building if sold is probably irrelevant. He asked if the repairs proposed are eligible for funding, and Mr. Dabareiner confirmed that they are. Alderman Beifuss said that typically the awards have been awarded on a first come, first serve basis and in terms of a policy stance, he expressed support to continue this practice. Had more funding been available as was believed, he would have suggested splitting the amount between the two applicants.



Alderman Birch Ferguson expressed that had more funding been available, she would have suggested funding Anona West first and then offered the idea of doing and funding half of the project at 151 W Washington this year and the remainder for the next year. She agreed with Alderman Beifuss that they should continue to base awards on a first come, first serve basis and fund Anona West's application. Alderman Stout concluded that there was general consensus among the members.

**Alderman Birch Ferguson moved and Alderman Gagliardi seconded the motion to approve Item D for Consent. Voting Aye: Aldermen Beifuss, Birch Ferguson, Ferguson, Gagliardi, Sheahan and Stout. Voting Nay: 0.**

**5. Items for Discussion.**

**A. West Chicago Community Center – 151 W. Washington Street – Façade Grant Agreement.**

Discussion of this Item continued from the previous Agenda Item above. Alderman Stout indicated that since no funds remain for 2018, this applicant could reapply next year. Alderman Beifuss asked if a motion was needed and Alderman Stout remarked that it would not as it was an Item for Discussion. Alderman Beifuss asked if there was agreement about the policy discussed and if the project proposed is an eligible use. Tom Dabareiner responded that it is the prerogative of the members to make these decisions. He mentioned his work in other communities where if a loan could be secured through other means, applicants were encouraged to do so rather than using the municipality's funds.

Alderman Garling said he was not opposed to that idea; however, he felt it would be more appropriate to explore any policy changes at the beginning of the year. Alderman Birch Ferguson asked that staff look into other communities' programs, such as other criteria for grant awards so that with that information, the members would be in a better position to evaluate applications. She asked when the amount for funding would be set for next year, and Mr. Dabareiner replied when the 2019 budget is approved. Alderman Stout surmised that for the time being, research can be carried out so that when the amount is known for the new fiscal year, the policy stance can be revisited.

**4. B. DuPage Airport Authority – Airport Zoning District Text Amendment & Intergovernmental Agreement Amendment.**

At the request of Alderman Stout, a five-minute break was taken at 7:29 p.m. to provide time to obtain a copy of the previous Amendment for review.

Discussion resumed and copies of the existing Amendment were distributed among the members. Mr. Dabareiner pointed out which portion of the Amendment was eliminated, from Section 10.5-3, (C-1), maintaining the City does not have the ability to measure nor enforce those specific State and Federal regulations. Furthermore, the Performance Standards of the City are in effect the same as the State and Federal regulations. Beifuss asked if there are any City regulations that are in excess of State and/or Federal laws, and Mr. Dabareiner confirmed there are not. Alderman Beifuss asked about the changes to (C-2)-Permitted uses and (C-3)-Special uses and Mr. Dabareiner replied there were some minimal changes. It was noted as an example that the term automobile vehicle repair was replaced with the broader term of motor vehicle repair.

**Alderman Birch Ferguson moved and Alderman Garling seconded the motion to approve Item B for Consent. Voting Aye: Aldermen Beifuss, Birch Ferguson, Ferguson, Gagliardi, Sheahan and Stout. Voting Nay: 0.**

6. **Unfinished Business.** None.
7. **New Business.** None.
8. **Reports from Staff.**
  - A. **Project and Economic Development Updates.** None.
9. **Adjournment.**

**Alderman Birch Ferguson moved and Alderman Beifuss seconded the motion to adjourn the Development Committee meeting at 7:46 P.M. The Committee members unanimously agreed and the motion carried.**

Respectfully submitted,  
Jane Burke

## CITY OF WEST CHICAGO

### DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

Rezoning from R-5 to Manufacturing  
Ball Horticultural  
811 W. Brown Street

Ordinance No. 18-O-0051

**AGENDA ITEM NUMBER:** 4. A.

**FILE NUMBER:** \_\_\_\_\_

**COMMITTEE AGENDA DATE:** Sept. 10, 2018

**COUNCIL AGENDA DATE:** \_\_\_\_\_

**STAFF REVIEW:** Tom Dabareiner, AICP

**SIGNATURE** 

**APPROVED BY CITY ADMINISTRATOR:** Michael Guttman **SIGNATURE** \_\_\_\_\_

**ITEM SUMMARY:**

The new property owner, Ball Horticultural, is petitioning the City of West Chicago for a change in zoning from the R-5, Single Family Residence District to the M, Manufacturing District for the property commonly known as 811 W. Brown Street. The subject property is located at the northeast corner of Town Road and Brown Street.

The subject property is located at the south end of a large parking lot on the east side of Town Road that is used as employee parking for Ball Horticultural. The subject property has the last single family residence and residentially zoned property on that block of Town Road between Church and Brown Streets. Ball Horticultural recently purchased the property with the desire to demolish the residential structure on-site and expand the adjacent parking lot, subject to zoning and building permit approvals.

The rezoning is desired so that the expansion of the parking lot has a zoning designation consistent with the remainder of the existing parking lot immediately north of the subject property and also has a consistent zoning designation with the applicant's facility on the west side of Town Road. The parking lot is considered an ancillary/accessory use to the main facility's operations and is used primarily as employee parking. Immediately east and south of the subject property is an existing single family residential neighborhood.

Typically, industrial zoning immediately adjacent to single family residential zoning/uses is not considered a highly desirable land use practice without some type of transitional zoning (i.e. commercial or multi-family residential) or land use buffer (i.e. landscape screening or open space) in between the two. However, in this particular case the buffer between the applicant's facility on the west side of Town Road and the single family residences to the east is the parking lot in question. The applicant is conscious of their impacts on the neighborhood and community and is implementing certain design elements into the parking lot in an effort to be good neighbors. The parking lot's design incorporates a significant amount of green space and landscaping to further enhance the buffer for the neighboring residences as well as utilizes minimal lighting.

The City's current Comprehensive Plan, which was adopted in 2006, designates the subject property as Single Family Residential. The proposed parking lot use on the subject property is considered consistent with the subject property's Single Family Residential land use designation because the parking lot is an ancillary use for the adjacent industrial use. The parking lot's function is consistent with off-street parking lot uses that are ancillary to churches, schools, and parks, which are all allowable residential uses that are consistent with a residential land use designation on the Comprehensive Plan.

At its September 5, 2018 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of the zoning map amendment (rezoning ) from the R-5, Single Family Residence District to the M, Manufacturing District for 811 W. Brown Street by a (7-0) vote. Its recommendation is included as Exhibit "B" of the attached ordinance.

**ACTION PROPOSED:**

Consideration of a zoning map amendment (rezoning ) from the R-5, Single Family Residence District to the M, Manufacturing District for 811 W. Brown Street.

**COMMITTEE RECOMMENDATION:**

## **ORDINANCE NO. 18-O-0051**

### **AN ORDINANCE REZONING LAND FROM THE R-5, SINGLE FAMILY RESIDENCE DISTRICT TO THE M, MANUFACTURING DISTRICT FOR A CERTAIN PROPERTY LOCATED AT THE NORTHEAST CORNER OF TOWN ROAD AND BROWN STREET – 811 W. BROWN STREET**

WHEREAS, on or about August 7, 2018, Ball Horticultural filed an application for a zoning map amendment (rezoning) for the property legally described on Exhibit “A”, attached hereto and incorporated herein (the “SUBJECT REALTY”); and,

WHEREAS, a Notice of Public Hearing on the proposed rezoning of the SUBJECT REALTY was published in the Daily Herald on August 20, 2018, all as required by the ordinances of the CITY and the statutes of the State of Illinois; and,

WHEREAS, all other notices required by law have been given; and,

WHEREAS, a public hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago commencing on September 5, 2018, pursuant to said Notice; and,

WHEREAS, the corporate authorities of the CITY have received the recommendation of the Plan Commission/Zoning Board of Appeals, which contains specific findings of fact, pursuant to Recommendation No. 18-RC-0023, a copy of which is attached hereto as Exhibit “B” which is, by this reference, made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

Section 1. That the SUBJECT REALTY legally described on Exhibit “A” is hereby rezoned from the R-5, Single Family Residence District to the M, Manufacturing District zoning classification.

Section 2. That the recommendation and findings of fact of the Plan Commission/Zoning Board of Appeals previously incorporated herein as Exhibit “B” be and the same are hereby adopted as the findings of fact of the City Council.

Section 3. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. 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 this \_\_\_\_ day of \_\_\_\_\_ 2018.

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman Ferguson	_____
Alderman Birch Ferguson	_____	Alderman S. Dimas	_____
Alderman K. Meissner	_____	Alderman M. Garling	_____
Alderman R. Stout	_____	vacant	_____
Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____

APPROVED as to form: \_\_\_\_\_  
Patrick K. Bond, City Attorney

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
Mayor Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk Nancy M. Smith

PUBLISHED: \_\_\_\_\_

## **Exhibit “A”**

### **SUBJECT PROPERTY LEGAL DESCRIPTION**

Lot 12 in Block 5 in Alta Vista Gardens, being a subdivision of part of the east half of the southwest quarter of Section 9, Township 39 North, Range 9, East of the Third Principal Meridian, according to the plat thereof recorded June 8, 1927 as Document 237267, in DuPage County, Illinois.

P.I.N.: 04-09-308-011.



## **Exhibit “B”**

### RECOMMENDATION # 18-RC-0023

TO: The Honorable Mayor and City Council

SUBJECT: PC 18-21  
Rezoning from R-5 to M  
811 W. Brown Street  
Ball Horticultural

DATE: September 5, 2018

DECISION: A motion to approve the proposed rezoning passed (7-0).

#### RECOMMENDATION

After review of the proposed rezoning, the Plan Commission/Zoning Board of Appeals recommends approval. The recommendation is based on the following findings of fact:

1. The existing uses and zoning of the property in question.

The subject property is developed with a single family residence and currently has R-5, single family residential zoning.

2. The existing uses and zoning of other lots in the vicinity.

The subject property is located at an area of transition from existing industrial zoning and industrial uses to an established single family residential neighborhood.

3. Suitability of the property in question for uses already permitted under the existing regulations.

The proposed parking lot is considered a permitted accessory use to the applicant's adjacent principal industrial facility

4. Suitability of the property in question for the proposed use.

The subject property is considered very suitable for the expansion of the adjacent parking lot given its adjacent location to the existing parking lot and the applicant's facility on the west side of Town Road.

5. The trend of development in the vicinity of the property in question, including any recent zoning activity.

The only significant development trends in the vicinity of the subject property are the expansion of the applicant's facility on the west side of Town Road. The subject property is located at an area of transition from existing industrial zoning and industrial uses to an established single family residential neighborhood.

6. The effect the proposed rezoning would have on implementation of the Comprehensive Plan.

The City's current Comprehensive Plan, which was adopted in 2006, designates the subject property as Single Family Residential. The proposed parking lot use on the subject property is considered consistent with the subject property's Single Family Residential land use designation because the parking lot is an ancillary use for the adjacent industrial use. The parking lot's function is consistent with off-street parking lot uses that are ancillary to churches, schools, and parks, which are all allowable residential uses that are consistent with a residential land use designation on the Comprehensive Plan.

7. Impact on surrounding properties.

The proposed rezoning should not negatively impact the surrounding properties because the proposed parking lot use on the subject property is a minor expansion to the large existing parking lot located immediately to the north. Also, the applicant is incorporating certain design elements into the parking lot's design that will help soften the parking lot expansion's impact on the surrounding neighborhood.

8. Impact on health, safety, or welfare of the community.

The proposed rezoning should not have an adverse impact on the health, safety, or welfare of the community because the proposed parking lot use on the subject property is a minor expansion to the large existing parking lot located immediately to the north. Also, the applicant is incorporating certain design elements into the parking lot's design that will help soften the parking lot expansion's impact on the surrounding neighborhood.

Respectfully submitted,

Barbara Laimins  
Chairperson

**VOTE:**

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Faught			
Henkin			
Dettman			
Devitt			
Laimins			
Kasprak			
Hale			

## CITY OF WEST CHICAGO

### DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

Special Use for an Alternative Electric Supply Facility  
and Concept Plan Consideration  
DMCS LLC  
220 Kress Road

Ordinance No. 18-O-0052  
Resolution No. 18-R-0080

**AGENDA ITEM NUMBER:** 4.B.

**FILE NUMBER:** \_\_\_\_\_

**COMMITTEE AGENDA DATE:** Sept. 10, 2018

**COUNCIL AGENDA DATE:** \_\_\_\_\_

**STAFF REVIEW:** Tom Dabareiner, AICP

**SIGNATURE** 

**APPROVED BY CITY ADMINISTRATOR:** Michael Guttman

**SIGNATURE** \_\_\_\_\_

**ITEM SUMMARY:**

DMCS LLC (doing business as Cenegry Power), the contract leasee, is requesting approval of a special use for an alternative electric supply facility and concept plan approval. The subject property is approximately 16 acres in area and is located on the west side of Kress Road between the Union Pacific Railroad overpass and Downs Drive. The property is currently zoned A, Airport district.

The applicant is proposing to install a solar power facility on 11 acres of the 16 acre subject property. The unused 5 acres of the property is a result of existing wetland and floodplain throughout the site that cannot be developed on. The facility will consist of multiple rows of solar panels. The panels will be pole mounted several feet above the ground and automatically pivot over the course of the day in sequence with the angle of the sun. Native vegetation will be grown beneath the panels. The entire facility will be enclosed with a 7 foot tall chain link fence for security purposes. Minimal ground equipment will be placed in the northeast corner of the site. The site will be accessed from a paved driveway in the northeast corner of the site to Kress Road. Once constructed, the site will be unmanned and require minimal maintenance.

The City's Comprehensive Plan designates the subject property as DuPage Airport. The DuPage Airport land use designation (and zoning district regulations) allows for a wide variety of land uses on the land controlled by the DuPage Airport that are not necessarily airport related uses, such as the proposed solar power facility.

In accordance with the Intergovernmental Agreement (IGA) with the DuPage Airport Authority (DAA), both the DAA and City shall consider approval of any development proposal within the Airport zoning district. The DAA Board conditionally approved DMCS LLC's concept plan on August 24, 2018. The attached Resolution includes a conceptual site plan for the proposed development. The terms of the IGA require the City Council to approve the concept plan (and any amendments thereto) if it is in conformance with all of the controlling documents (the City's Airport Zoning District regulations and the DAA's Minimum Design Standards). City staff acknowledges that the proposed concept plan complies. Please note that DMCS LLC will have to obtain final development plan approval, showing greater detail for the proposed development of the site, from both the City Council and DAA Board prior to the issuance of a building permit.

At its September 5, 2018 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of a special use for an alternative electric supply facility at 220 Kress Road by a (7-0) vote. Their recommendation is included as Exhibit "B" of the attached ordinance. Consideration of the concept plan is not under the Commission's purview and therefore, no recommendation was provided with respect to the matters covered in the attached Resolution.

**ACTION PROPOSED:**

Consideration of a special use for an alternative electric supply facility at 220 Kress Road.

**COMMITTEE RECOMMENDATION:**

## **ORDINANCE NO. 18-O-0052**

### **AN ORDINANCE APPROVING A SPECIAL USE FOR AN ALTERNATIVE ELECTRIC SUPPLY FACILITY AT 220 KRESS ROAD**

WHEREAS, on June 11, 2018, DMCS LLC (the “APPLICANT”), filed an application for a special use for an alternative electric supply facility for the property located at 220 Kress Road and legally described on Exhibit “A”, which is attached hereto and incorporated herein as the “SUBJECT REALTY”; and,

WHEREAS, Notice of Public Hearing on said special use application was published in the Daily Herald on August 20, 2018, all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on September 5, 2018, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of his application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals for the special use which contains specific findings of fact, pursuant to Recommendation No. 2018-RC-0025, a copy of which is attached hereto as Exhibit “B” which is, by this reference, incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

Section 1. A special use for an alternative electric supply facility in conformance with Section 5.5 and Section 10.5-3(C)(3) of the Zoning Ordinance is hereby granted for the SUBJECT REALTY, subject to compliance with the following conditions:

1. The SUBJECT REALTY shall be developed in substantial compliance with the Site Layout Plan SP-1, prepared by Cenergy Power, having a last revision date of August 14, 2018 attached hereto and incorporated herein as Exhibit “C”.
2. The SUBJECT REALTY shall comply with all requirements of the DuPage County Stormwater Ordinance prior to the issuance of a permit to develop the facility.

Section 2. That all ordinances and resolutions, or parts thereof, shall, to the extent not expressly modified by the terms and conditions of this Ordinance, remain in full force and effect as therein provided.

Section 3. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_ 2018.

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman Ferguson	_____
Alderman Birch Ferguson	_____	Alderman S. Dimas	_____
Alderman K. Meissner	_____	Alderman M. Garling	_____
Alderman R. Stout	_____	vacant	_____
Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____

APPROVED as to form: \_\_\_\_\_  
Patrick K. Bond, City Attorney

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
Mayor Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk Nancy M. Smith

PUBLISHED: \_\_\_\_\_



## EXHIBIT "A"

### LEGAL DESCRIPTION

#### PARCEL 1:

THE SOUTH 263 FEET OF THE NORTH 428 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY AND WEST OF THE KRESS ROAD RIGHT-OF-WAY, EXCEPTING THEREFROM THAT PART CONVEYED BY WARRANTY DEED TO THE STATE OF ILLINOIS, RECORDED MAY 23, 1996 AS DOCUMENT NUMBER R96-086069, IN DUPAGE COUNTY, ILLINOIS. P.I.N.S 04-07-201-006 AND 04-07-201-008. ALSO,

#### PARCEL 2:

THE NORTHERLY 165 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY AND WEST OF THE KRESS ROAD RIGHT-OF-WAY, ALONG THE EAST END THEREOF, EXCEPT THE SOUTH 75.0 FEET OF THE NORTH 85.0 FEET (BOTH AS MEASURED AT RIGHT ANGLES WITH THE NORTH LINE) OF THE EAST 530 FEET (AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE) OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE KRESS ROAD RIGHT-OF-WAY, EXCEPTING THEREFROM THAT PART CONVEYED BY WARRANTY DEED TO THE STATE OF ILLINOIS, RECORDED MAY 23, 1996 AS DOCUMENT NUMBER R96-086069, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 04-07-201-010. ALSO,

#### PARCEL 3:

THE SOUTH 75.0 FEET OF THE NORTH 85.0 FEET (BOTH AS MEASURED AT RIGHT ANGLES WITH THE NORTH LINE) OF THE EAST 530.0 FEET (AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE) OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE KRESS ROAD RIGHT-OF-WAY, EXCEPTING THEREFROM THAT PART CONVEYED BY WARRANTY DEED TO THE STATE OF ILLINOIS, RECORDED MAY 23, 1996 AS DOCUMENT NUMBER R96-086069, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 04-07-201-007. ALSO,

#### PARCEL 4:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY AND WEST OF THE KRESS ROAD RIGHT-OF-WAY ALONG THE EAST END THEREOF (EXCEPT THE NORTH 428 FEET THEREOF), EXCEPTING THEREFROM THAT PART CONVEYED BY WARRANTY DEED TO THE STATE OF ILLINOIS, RECORDED MAY 23, 1996 AS DOCUMENT NUMBER R96-086069, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 04-07-201-009.



## **EXHIBIT “B”**

RECOMMENDATION NO. 2018-RC-0025

TO: The Honorable Mayor and City Council

SUBJECT: PC 18-17  
Special use for an alternative electric supply facility  
DMCS LLC  
220 Kress Road

DATE: September 5, 2018

DECISION: The Plan Commission/Zoning Board unanimously recommended approval of the special use for an alternative electric supply facility for the SUBJECT REALTY by a (7-0) vote, subject to the following conditions of approval:

1. The subject property shall be developed in substantial compliance with the Site Layout Plan SP-1, prepared by Cenergy Power, having a last revision date of August 14, 2018.
2. The subject property shall comply with all requirements of the DuPage County Stormwater Ordinance prior to the issuance of a permit to develop the facility.

### **RECOMMENDATION**

After review of the requested special use for an alternative electric supply facility for the SUBJECT REALTY, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval based on the following findings of fact.

- (1) Is necessary for the public convenience at that location or, the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings:

(This standard should be interpreted as indicating whether or not the proposed use is good for the public at that particular physical location, and not whether or not the use itself is needed there).

The proposed solar power facility intended to be an asset to the community by providing an environmentally friendly source of electrical power that will be added into the region’s power grid through the existing ComEd utility infrastructure with minimal development impacts to the subject property.

- (2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:

The site is surrounded by unbuildable wetland and floodplain to the north and west, has railroad to the south, and is at the bottom of the Kress Road overpass embankment to the east, thus severely limiting the usability

of the property. The site is also being developed with minimal impact to the existing undeveloped character of the site.

(3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located:

The proposed use should not have a negative impact on the surrounding neighborhood in which it is located because it is surrounded by unbuildable wetland and floodplain to the north and west, has railroad to the south and is at the bottom of the Kress Road overpass embankment to the east.

(4) The proposed special use is designated by this code as a listed special use in the zoning district in which the property in question is located:

The proposed alternative electric supply use is listed as a special use, per the Airport zoning district regulations established in Section 10.5-3(C)(3) of the Zoning Code

Respectfully submitted,

Barbara Laimins  
Chairperson

**VOTE:**

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Faught			
Henkin			
Dettman			
Devitt			
Laimins			
Kasprak			
Hale			

## **EXHIBIT “C”**

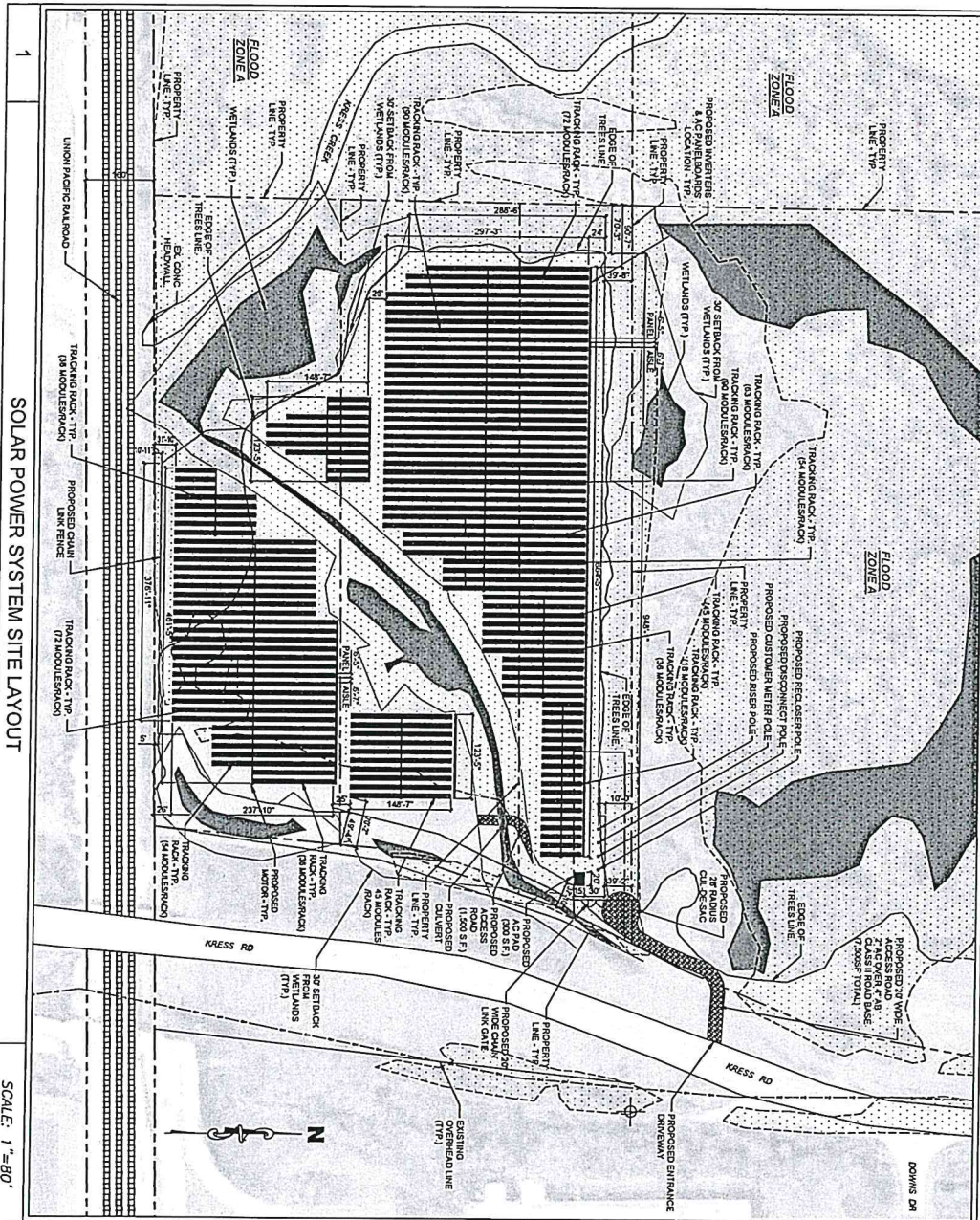
(insert Site Layout Plan here)



# PROPOSED SOLAR POWER INSTALLATION

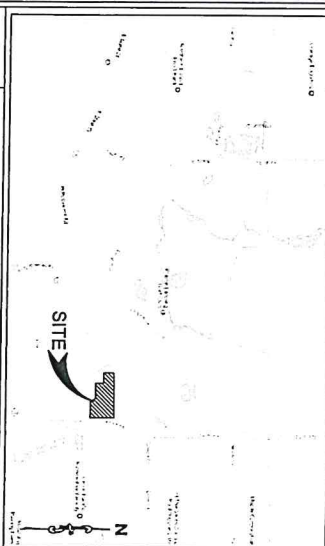
## WEST CHICAGO IL

### KRESS ROAD, WEST CHICAGO, IL 60185



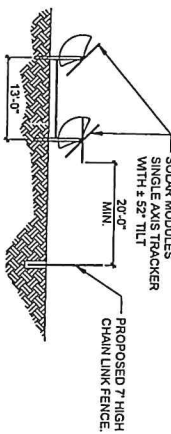
SOLAR POWER SYSTEM SITE LAYOUT

SCALE: 1"=80'



VICINITY MAP

NOT TO SCALE



TYPICAL TRACKING RACK DETAIL

NOT TO SCALE

3  
MODULE: JAPAN SOLAR JPS-365H-72, 365W  
TOTAL: 6,732 MODULES  
TOTAL STRING: 374 (18 MODULES/STRING)  
INVERTER: 32 UNITS - SUNGROW STRING INVERTER SG600U-M (60.0 kW)  
RACKING SYSTEM: ARRAY DURATRACK HZ V3  
FENCE: 7' HIGH CHAIN LINK  
IMPERVIOUS AREA:  
ROAD = 9,000 S.F.  
AC PAD = 300 S.F.  
TOTAL = 9,300 S.F.  
TOTAL AREA: 11.28 ACRES (APPROX. INSIDE PERIMETER FENCE)  
TOTAL CAPACITY:  
2,457,1800 KW DC (STC)  
1,920,0000 KW AC (NAMEPLATE)

PROJECT DATA

SHEET NO.	SHEET TITLE	OWNER	PROJECT	SYSTEM RATING	P.E. STAMP APPROVAL	REVISION	DATE	BY	DESCRIPTION
SP-1	SOLAR POWER SYSTEM SITE LAYOUT	WEST CHICAGO IL	SOLAR INSTALLATION			1	05/17/18	TR	CHANGED MODULE TYPE, UPDATED LAYOUT
						2	05/17/18	TR	ADDED INTERCONNECTION POLE
						3	05/17/18	TR	UPDATED LAYOUT
						4	05/17/18	TR	UPDATED LAYOUT
						5	05/17/18	TR	UPDATED LAYOUT
						6	05/17/18	TR	UPDATED LAYOUT
						7	05/17/18	TR	CHANGED INTERCONNECTION LOCATION
						8	05/17/18	TR	ADDED FENCE AND CORNER
						9	05/17/18	TR	UPDATED PROJECT NAME

## RESOLUTION NO. 18-R-0080

### A RESOLUTION APPROVING THE CONCEPT PLAN FOR DMCS LLC AT 220 KRESS ROAD

WHEREAS, the City Council of the City of West Chicago shall consider proposed development within the Airport zoning district to determine compliance with the applicable codes and ordinances of the City of West Chicago; and,

WHEREAS, the DuPage Airport Authority conditionally approved the Concept Plan for the DMCS LLC development by Resolution 2018-2188 on August 24, 2018; and,

WHEREAS, the City Council of the City of West Chicago has determined that the Concept Plan for the DMCS LLC development does comply with the applicable codes and ordinances of the City of West Chicago; and,

WHEREAS, DMCS LLC is seeking to develop the subject property with an alternative electric supply facility permitted by Section 10.5-3(C)(3) of the City of West Chicago Zoning Code, which is Appendix A of the City's Municipal Code; and,

BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled as follows:

Section 1. That the Concept Plan for the DMCS LLC development is hereby approved in accordance with the following plan, which is incorporated herein and attached hereto as Exhibit "A":

1. The Site Layout Plan SP-1 prepared by Cenergy Power, with a last issue date of August 14, 2018.

Section 2. That all resolutions, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, expressly repealed.

Section 3. That this Resolution shall be in full force and effect from and after its adoption and approval as provided by law.

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2018.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Mayor Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk Nancy M. Smith

## **Exhibit “A”**

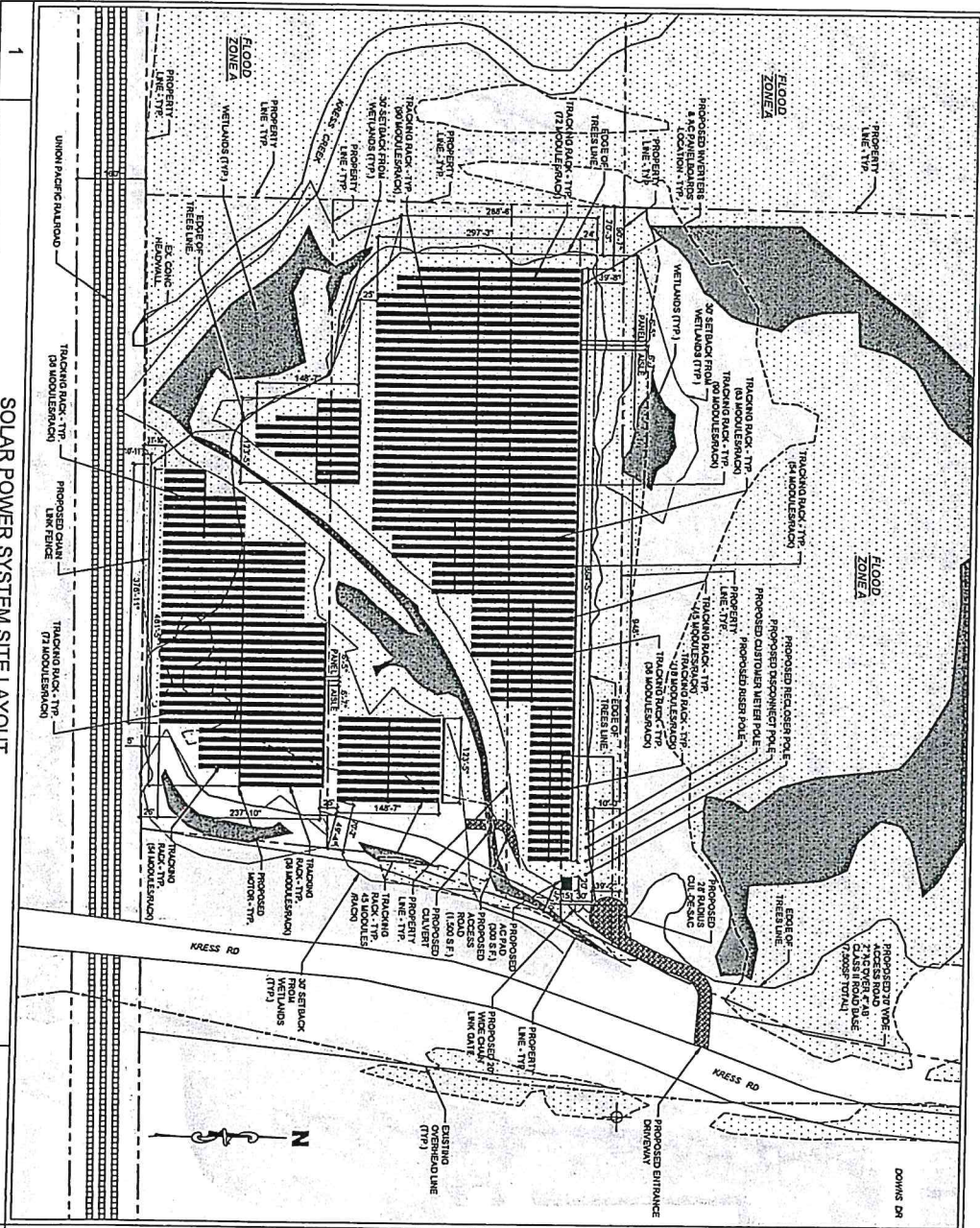
(insert Site Layout Plan here)



# PROPOSED SOLAR POWER INSTALLATION

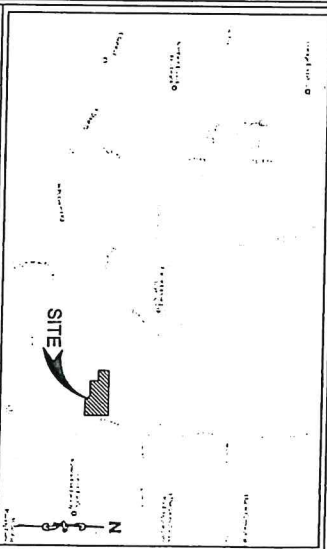
## WEST CHICAGO IL

### KRESS ROAD, WEST CHICAGO, IL 60185



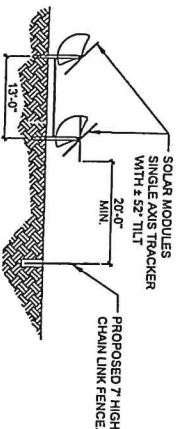
SOLAR POWER SYSTEM SITE LAYOUT

SCALE: 1"=80'



VICINITY MAP

NOT TO SCALE



TYPICAL TRACKING RACK DETAIL

NOT TO SCALE

3  
MODULE: JAPAN SOLAR JPS-355M-72, 355W.  
TOTAL: 6,732 MODULES.  
TOTAL STRING: 374 (18 MODULES/STRING).  
INVERTER: 32 UNITS - SUNGROW STRING INVERTER SG600U-M (60.0 kW).  
BACKING SYSTEM: ARRAY DURATRACK H2 V3.  
FENCE: 7' HIGH CHAIN LINK.  
IMPERVIOUS AREA: ROAD = 9,000 S.F.  
AC PAD = 300 S.F.  
TOTAL = 9,300 S.F.  
TOTAL AREA: 11.28 ACRES (APPROX. INSIDE PERIMETER FENCE).  
TOTAL CAPACITY: 2,457,180 KW-DC (STC),  
1,950,000 KW-AC (WATERPLATE).

PROJECT DATA

SHEET NO.	SHEET TITLE	OWNER	PROJECT	SYSTEM BACKS	P.E. STAMP APPROVAL	REVISION	DATE	INITIALS	DESCRIPTION
SP-1	SOLAR POWER SYSTEM SITE LAYOUT	WEST CHICAGO IL	SOLAR INSTALLATION			1	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						2	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						3	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						4	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						5	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						6	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						7	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						8	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						9	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						10	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						11	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						12	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						13	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						14	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						15	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						16	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						17	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						18	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						19	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK
						20	02/17/18	AD	CHANGED FROM 175' TO 170' TRACKING RACK



## CITY OF WEST CHICAGO

### DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

Pre-Annexation Agreement  
29W235 Blair Street  
Laramie Residence

Resolution No. 18-O-0079

**AGENDA ITEM NUMBER:** 4.C.

**FILE NUMBER:** \_\_\_\_\_

**COMMITTEE AGENDA DATE:** Sept. 10, 2018

**COUNCIL AGENDA DATE:** \_\_\_\_\_

**STAFF REVIEW:** Tom Dabareiner, AICP

**SIGNATURE** \_\_\_\_\_



**APPROVED BY CITY ADMINISTRATOR:** Michael Guttman

**SIGNATURE** \_\_\_\_\_

**ITEM SUMMARY:**

The public hearing regarding this pre-annexation agreement is scheduled for the September 17, 2018 City Council meeting.

The petitioners are requesting to enter into the attached pre-annexation agreement for their unincorporated single family residential property located on the south side of Blair Street between Ridgeland and Coolidge Avenues. The petitioners are seeking pre-annexation so that they can abandon their failing septic system and private well and connect their existing single family residence onto the City's water and sanitary sewer systems. As part of the terms of the pre-annexation agreement the petitioners are requesting a rezoning from the ER-1 zoning district upon annexation to the R-5 zoning district in order to have a more compatible zoning with the surrounding single family residential area.

At its September 5, 2018 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of the zoning map amendment (rezoning ) upon annexation from the ER-1, Estate Residence Zoning District to the R-5, Single Family Residence District for 29W235 Blair Street by a (7-0) vote. Its recommendation is included as Exhibit "B" of the attached draft rezoning ordinance, which is attached as Exhibit "B" of the attached Pre-Annexation Agreement. The attached draft rezoning ordinance cannot be formally acted on by the City Council until such time that annexation of the property formally occurs.

**ACTION PROPOSED:**

Consideration of a pre-annexation agreement for 29W235 Blair Street.

**COMMITTEE RECOMMENDATION:**

## **RESOLUTION NO. 18-R-0079**

### **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN PRE-ANNEXATION AGREEMENT FOR 29W235 BLAIR STREET**

WHEREAS, Patrick and Mary Joan Laramie are the owners (the "OWNERS") of the property (the "SUBJECT REALTY") legally described within the Pre-Annexation Agreement attached hereto this Resolution as Exhibit "A" and made a part hereof; and,

WHEREAS, the SUBJECT REALTY is a tract of land approximately 6,600 square feet in area, and is located on the south side of Blair Street between Ridgeland Avenue and Coolidge Avenue; and,

WHEREAS, the OWNERS desire to enter into the Pre-Annexation Agreement attached hereto as Exhibit "A"; and,

WHEREAS, the CORPORATE AUTHORITIES conducted a Public Hearing as to the Pre-Annexation Agreement on September 17, 2018, as required by law, all appropriate notices having been given; and,

WHEREAS, the CORPORATE AUTHORITIES have considered the terms and provisions of the Pre-Annexation Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

Section 1. That the Mayor is hereby authorized and directed to execute the Pre-Annexation Agreement heretofore incorporated herein as Exhibit "A", by and on behalf of the City of West Chicago.

Section 2. That all resolutions and ordinances, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Section 3. That this Resolution shall be in full force and effect from and after its adoption and approval as provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## **EXHIBIT “A”**

(insert Pre-Annexation Agreement here)

## PRE-ANNEXATION AGREEMENT

THIS Pre-Annexation Agreement ("AGREEMENT"), made and entered into this 17<sup>th</sup> day of September, 2018, by and between the City of West Chicago, an Illinois municipal corporation ("WEST CHICAGO"), and Patrick and Mary Joan Laramie ("OWNERS"), being sometimes hereinafter collectively referred to as the "PARTIES".

### W I T N E S S E T H:

WHEREAS, the OWNERS are the owner of record of the property commonly known as 29W235 Blair Street and legally described on Exhibit "A" attached hereto and by this reference, incorporated herein (the "SUBJECT REALTY"), and,

WHEREAS, the SUBJECT REALTY consists of approximately 6,600 square feet (0.15 acres), and is presently situated within the unincorporated areas of the County of DuPage; and,

WHEREAS, the SUBJECT REALTY is not within the corporate limits of any municipality; and is not currently contiguous to the corporate limits of WEST CHICAGO, but is within WEST CHICAGO's Future Planning Area; and,

WHEREAS, pursuant to 65 ILCS 5/11-15.1-1 et seq., as amended, the PARTIES have the authority to enter into this AGREEMENT and desire to do so; and,

WHEREAS, the SUBJECT REALTY is presently improved with a single family residence and is zoned R-4, Single Family Residence under the DuPage County Zoning Ordinance; and,

WHEREAS, the OWNERS are desirous of pre-annexing the SUBJECT REALTY to WEST CHICAGO pursuant to the terms and conditions hereinafter set forth; and,

WHEREAS, at such time the SUBJECT REALTY becomes contiguous to the corporate limits of WEST CHICAGO the annexation of the SUBJECT REALTY shall extend the corporate limits of WEST CHICAGO to the far side of any adjacent right-of-way not heretofore annexed to any other municipality; and,

WHEREAS, it is the desire of WEST CHICAGO and the OWNERS that the use of the SUBJECT REALTY as a single family residence be permitted to continue subject to the terms of this AGREEMENT and all other ordinances and codes of WEST CHICAGO, except as the same may be modified herein; and,

WHEREAS, pursuant to the provisions of 65 ILCS 5/11-15.1-1 et seq. and 65 ILCS 5/7-1-1 et seq., a proposed form of pre-annexation agreement in substance and in form substantially the same as this AGREEMENT was submitted to WEST CHICAGO; and,

WHEREAS, all public hearings, as required by law, have been held by the Plan Commission of WEST CHICAGO, and by the Mayor and City Council of WEST CHICAGO (the "CORPORATE AUTHORITIES"), upon the matters covered by this AGREEMENT, and,

WHEREAS, notice has heretofore been served on the Board of Trustees of Winfield Township and the Township Commissioner of Highways, pursuant to the provisions of 65 ILCS 5/7-1-1, as amended; and,

WHEREAS, the CORPORATE AUTHORITIES of WEST CHICAGO, after due and careful consideration, have concluded that the pre-annexation and proposed zoning upon annexation of the SUBJECT REALTY, upon the terms and conditions hereinafter set forth, will be compatible with the planning objectives of WEST CHICAGO and that the annexation of the SUBJECT REALTY will extend the corporate limits and jurisdiction of WEST CHICAGO at the time of annexation; will permit orderly growth, planning and development of WEST CHICAGO; will increase the tax base of WEST CHICAGO; will promote the general welfare of WEST CHICAGO; and will enable WEST CHICAGO to control the further development of the area and serve the best interests of WEST CHICAGO; and,

WHEREAS, the OWNERS, in furtherance of the development of the SUBJECT REALTY, seek assurances from WEST CHICAGO of certain terms and conditions and the continuation thereof for a definite period of time; and,

WHEREAS, by a favorable vote of at least two-thirds (2/3) of the CORPORATE AUTHORITIES of WEST CHICAGO then holding office, a Resolution has heretofore been adopted authorizing the execution of this AGREEMENT.

NOW, THEREFORE, in consideration of the foregoing premises and in further consideration of the mutual covenants, conditions and agreements herein contained, the PARTIES hereto agree as follows:

#### ARTICLE I INCORPORATION OF RECITALS

The PARTIES hereby confirm the truth and validity of the representations and recitations set forth in the foregoing recitals. The PARTIES further acknowledge that the same are material to this AGREEMENT and are hereby incorporated into and made a part of this AGREEMENT as though they were fully set forth in this Article I.

## ARTICLE II AUTHORITY

This AGREEMENT is made and entered into by the PARTIES pursuant to and in accordance with the provisions of 65 ILCS 5/11-15.1-1 et seq., as amended.

## ARTICLE III MUTUAL ASSISTANCE

The PARTIES shall do all things necessary or appropriate to carry out the terms and provisions of this AGREEMENT and to aid and assist each other in furthering the objectives of this AGREEMENT and the intent of the PARTIES as reflected by the terms of this AGREEMENT, including, without limitations, the giving of such notices, the holding of such public hearings, and the enactment by WEST CHICAGO of such resolutions and ordinances, the execution of such permits, applications and agreements and the taking of such other actions as may be necessary to enable the PARTIES' compliance with the terms and provisions of this AGREEMENT and as may be necessary to give effect to the objectives of this AGREEMENT and the intentions of the PARTIES as reflected by the terms of this AGREEMENT.

## ARTICLE IV ANNEXATION

Subject to the provisions of 65 ILCS 5/7-1-8, as amended, the PARTIES respectively agree to do all things necessary or appropriate to cause the SUBJECT REALTY to be duly and validly annexed to WEST CHICAGO as soon as practicable after the execution of this AGREEMENT and at such time the SUBJECT REALTY becomes contiguous to the corporate limits of WEST CHICAGO, including but not limited to WEST CHICAGO'S passage and approval of an Ordinance providing for the annexation of the SUBJECT REALTY. Prior to approving the Ordinance providing for the annexation of the SUBJECT REALTY the OWNERS shall pay for and provide to WEST CHICAGO a plat of annexation for the SUBJECT REALTY.

Should any person having proper standing to do so bring a cause of action before any court of competent jurisdiction challenging WEST CHICAGO'S lawful authority to annex the SUBJECT REALTY or challenge the method or procedures by or through which the PARTIES purported to cause the SUBJECT REALTY to be annexed to WEST CHICAGO, the PARTIES agree that they shall fully cooperate, as provided in ARTICLE III hereof, to defend such cause of action.

Should a court of competent jurisdiction finally determine that annexation of the SUBJECT REALTY was defective because of the failure of the PARTIES to follow a procedural requirement constituting a valid pre-condition to proper annexation of the SUBJECT REALTY, the PARTIES, including the successors and assigns of the OWNERS, agree to promptly cause the SUBJECT REALTY to be re-annexed to WEST CHICAGO in a manner which satisfies all procedural requirements.



## ARTICLE V ZONING

Immediately after the passage and approval of the Ordinance annexing the SUBJECT REALTY, the CORPORATE AUTHORITIES of WEST CHICAGO shall also pass an Ordinance amending the WEST CHICAGO Zoning Map to reclassify the SUBJECT REALTY from the ER-1, Estate Residence District automatically granted to the SUBJECT REALTY upon annexation pursuant to Section 6.5 of Appendix A (the "ZONING ORDINANCE") of the WEST CHICAGO Code of Ordinances (the "CODE"), to the R-5, Single Family Residence District. The zoning map amendment Ordinance shall be in substantial conformance with Ordinance attached hereto and by this reference, incorporated herein as Exhibit "B".

Pursuant to Section 5.6 of the ZONING ORDINANCE a public hearing notice was published in the Daily Herald on August 20, 2018 regarding the SUBJECT REALTY's zoning map amendment to the R-5 District. On September 5, 2018 the WEST CHICAGO Plan Commission conducted the required public hearing for said zoning map amendment for the SUBJECT REALTY. At the conclusion of the public hearing and after hearing all testimony from the public the WEST CHICAGO Plan Commission voted (7-0) to recommend approval of the rezoning of the SUBJECT REALTY to the R-5 District upon annexation.

## ARTICLE VI SEWER AND WATER

From and after the execution of this AGREEMENT, and provided that the OWNERS are in full compliance with their obligations under this AGREEMENT, the OWNERS shall be required within ninety (90) days of the passage of a Resolution by the CORPORATE AUTHORITIES of WEST CHICAGO authorizing this AGREEMENT, and upon payment of all applicable recapture, connection, inspection, permit and other related charges and fees and subject to sufficient capacity being available therefore, to connect the SUBJECT REALTY to WEST CHICAGO'S sanitary sewer and water systems. The OWNERS shall bear all costs and expenses relating to such sanitary sewer and water connections. As part of the sanitary sewer connection process the private sewage treatment facilities on the SUBJECT REALTY shall be properly drained and abandoned/removed in accordance with all applicable codes and requirements. As part of the water connection process the private well on the SUBJECT REALTY shall be properly capped and sealed in accordance with all applicable codes and requirements.

WEST CHICAGO represents that at the present time, its sanitary sewage and water systems have capacity sufficient to provide service to the OWNERS, and the OWNERS will be able to connect the SUBJECT REALTY to said systems. WEST CHICAGO makes no specific representation or warranty as to the continued availability of waste water treatment capacity or water capacity beyond that WEST CHICAGO shall make all reasonable efforts to continue to own and operate its utilities in a manner intended to provide adequate future capacity subject to the availability of sufficient funds

for such utility operations regulatory restraints or conditions on service and such other matters generally considered to be in the nature of “force majeure”. The inability of WEST CHICAGO to serve the full waste water treatment or water requirements of the OWNERS, their successors or assigns, shall not give rise to any cause of action on behalf of any such parties for specific enforcement, damages or other relief at law or in equity.

## ARTICLE VII APPLICABLE MUNICIPAL STANDARDS

Unless otherwise provided herein, upon the annexation of the SUBJECT REALTY, all zoning, subdivision, building and development of the SUBJECT PROPERTY shall be undertaken in conformity with the requirements of the CODE and all other applicable WEST CHICAGO codes, ordinances, rules, regulations and standards generally in force, from time to time, within WEST CHICAGO (the “APPLICABLE CODES”), except to the extent that the same are superseded by more restrictive standards imposed by other regulatory authorities having jurisdiction and, further, as the same may be specifically modified by the terms of this AGREEMENT. In the event of any conflict between standards in the APPLICABLE CODES and/or in the standards imposed by other regulatory authorities having jurisdiction, the most restrictive provision shall apply.

## ARTICLE VIII FEES

On July 27, 2018 the OWNERS paid to WEST CHICAGO the amount of seven hundred dollars (\$700.00) representing the pre-annexation fee. On July 27, 2018 the OWNERS also paid to WEST CHICAGO the amount of two thousand two hundred dollars (\$2,200.00) representing the zoning map amendment (rezoning) fee. Said pre-annexation and zoning map amendment fees shall be in addition to all other fees and charges paid or to be paid by the OWNERS pursuant to any other agreement and/or the APPLICABLE CODES. The payment said pre-annexation fees and all other fees or charges due pursuant to any other agreement and/or the APPLICABLE CODES shall constitute a precondition to WEST CHICAGO’S approval of any application or the issuance of any permits submitted or requested by the OWNERS with respect to the SUBJECT REALTY.

## ARTICLE IX RECORDATION

The PARTIES agree to do all things necessary to cause this AGREEMENT to be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois. Upon annexation the PARTIES also agree to do all things necessary to cause the required annexation documents to be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois. All recording fees shall be paid by the OWNERS.

ARTICLE XI  
SUBJECT REALTY ADDRESS

Upon passage of the Ordinance annexing the SUBJECT REALTY by the CORPORATE AUTHORITIES of WEST CHICAGO the OWNERS shall discontinue the use of the SUBJECT PROPERTY's unincorporated address of 29W235 Blair Street and begin using an address assigned by the WEST CHICAGO at the time of annexation that is consistent with WEST CHICAGO'S municipal address system.

ARTICLE XII  
MISCELLANEOUS PROVISIONS

A. NOTICES: All notices hereunder shall be in writing and must be served either personally or be registered or certified mail, postage prepaid to:

WEST CHICAGO at: City of West Chicago  
City Administrator  
475 Main Street  
West Chicago, Illinois 60185

To any such other person or place which any PARTY hereto, by its prior written notice, shall designate for notice to it from the other PARTIES hereto.

B. BINDING EFFECT, TERM AND AMENDMENT: Except as otherwise herein provided, this AGREEMENT shall be binding upon and inure to the benefit of the PARTIES hereto, successor owners of record of the SUBJECT REALTY, their assigns, lessees and upon any successor municipal authority of WEST CHICAGO, for a period of twenty (20) years from the date set forth in the first paragraph of this AGREEMENT.

It is hereby understood and agreed that this AGREEMENT is a covenant running with the land and is binding thereon. All persons who take title to any part of the SUBJECT REALTY shall comply with the provisions of this AGREEMENT. This AGREEMENT may be amended from time to time with the consent of the PARTIES hereto, pursuant to statute in such case made and provided.

C. SEVERABILITY: This AGREEMENT is entered into pursuant to the provisions of 65 ILCS 5/11-15.1-1 et seq., as amended. In the event any part of portion of this AGREEMENT, or any provision, clause, wording or designation contained within this AGREEMENT is held to be invalid by any court of competent jurisdiction, such part, portion, provision, clause, wording or designation shall be deemed to be excised from this AGREEMENT and the invalidity thereof shall not affect the remaining portions hereof.

D. ENFORCEABILITY: This AGREEMENT shall be enforceable in any court of competent jurisdiction by any of the PARTIES hereto by any appropriate action at law or in equity, including, without limitation, the right of any PARTY hereto to seek specific performance of the terms hereof.

E. SURVIVAL OR REPRESENTATIONS: Each of the PARTIES hereto, for themselves, their successors, assigns, heirs, devisees and personal representatives, agrees that the warranties and recitals set forth in the preambles hereto are material to this AGREEMENT, and the PARTIES hereby confirm and admit their truth and validity and hereby incorporate such representations, warranties and recitals into this AGREEMENT, and the same shall continue during the term of this AGREEMENT. The provisions of this AGREEMENT shall survive the annexation and zoning of the SUBJECT REALTY by WEST CHICAGO, and shall not be merged or expunged by such annexation and zoning.

F. GENDER: Unless the provisions of this AGREEMENT otherwise require, words imparting the masculine gender shall include the feminine; words imparting the singular number shall include the plural; and words imparting the plural shall include the singular.

G. CAPTIONS AND PARAGRAPH HEADINGS: The captions and paragraph headings incorporated herein are for reference only and are not part of this AGREEMENT.

H. CHANGES IN REGULATIONS: It is understood and agreed, except as otherwise provided herein, that the various requirements of the APPLICABLE CODES, including all fees and charges provided for therein, shall not be frozen during the term of this AGREEMENT and may, from time to time, be amended, and as amended, shall apply to the SUBJECT REALTY.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT as of the date first above written.

CITY OF WEST CHICAGO, an Illinois  
Municipal Corporation,

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Patrick Laramie

ATTEST:

\_\_\_\_\_

\_\_\_\_\_  
Mary Joan Laramie

ATTEST:

\_\_\_\_\_

STATE OF ILLINOIS        )  
                                          ) SS.  
COUNTY OF DUPAGE        )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO  
HEREBY CERTIFY that Ruben Pineda, Mayor of the CITY OF WEST CHICAGO, and  
Nancy Smith, City Clerk of said City, personally known to me to be the same persons whose  
names are subscribed to the foregoing instrument as such Mayor and City Clerk,  
respectively appeared before me this day in person and acknowledged that they signed and  
delivered the said instrument as their own free and voluntary act and as the free and  
voluntary act of said City, for the uses and purposes therein set forth; and the said City Clerk  
then and there acknowledged that she, as custodian of the corporate seal of said City, did  
affix the corporate seal of said City to said instrument, as her own free and voluntary act and  
as the free and voluntary act of said City, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this \_\_\_\_\_ day of  
\_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public



STATE OF ILLINOIS       )  
                                          ) SS.  
COUNTY OF DUPAGE       )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO  
HEREBY CERTIFY that Patrick and Mary Joan Laramie, personally known to me to be the  
same persons whose names are subscribed to the foregoing instrument, appeared before me  
this day in person and acknowledged that they signed and delivered said instrument as their  
own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this \_\_\_\_\_ day of  
\_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

Exhibit "A"

SUBJECT REALTY Legal Description

A part of Section 10, Township 39 North, Range 9 east of the Third Principal Meridian described as follows: beginning at the northeast corner of Lot 7 in C.E. Bolles Assessment Plat of part of Sections 10, 11, and 15, Township and Range aforesaid, thence running easterly along the south right-of-way line of Blair Street a distance of 50 feet; thence running southerly parallel with the east line of said Lot 7 a distance of 132 feet; thence running westerly a distance of 50 feet to the east line of said Lot 7; thence northerly along said east line of said Lot 7 a distance of 132 feet to a place of beginning, in DuPage County, Illinois.

P.I.N.: 04-10-405-015.

Exhibit "B"

**ORDINANCE NO.**

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**AN ORDINANCE REZONING LAND FROM THE ER-1, ESTATE  
RESIDENCE DISTRICT TO THE R-5, SINGLE FAMILY RESIDENCE DISTRICT  
FOR A CERTAIN PROPERTY LOCATED ON THE SOUTH SIDE OF BLAIR  
STREET BETWEEN RIDGELAND AND COOLIDGE AVENUES  
– 29W235 BLAIR STREET**

WHEREAS, on or about July 27, 2018, Patrick and Mary Joan Laramie filed an application for a zoning map amendment (rezoning) for the property legally described on Exhibit "A", attached hereto and incorporated herein (the "SUBJECT REALTY"); and,

WHEREAS, a Notice of Public Hearing on the proposed rezoning of the SUBJECT REALTY was published in the Daily Herald on August 20, 2018, all as required by the ordinances of the CITY and the statutes of the State of Illinois; and,

WHEREAS, all other notices required by law have been given; and,

WHEREAS, a public hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago commencing on September 5, 2018, pursuant to said Notice; and,

WHEREAS, the corporate authorities of the CITY have received the recommendation of the Plan Commission/Zoning Board of Appeals, which contains specific findings of fact, pursuant to Recommendation No. 18-RC-0024, a copy of which is attached hereto as Exhibit "B" which is, by this reference, made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

Section 1. That the SUBJECT REALTY legally described on Exhibit "A" is hereby rezoned from the ER-1, Estate Residence District to the R-5, Single Family Residence District zoning classification.

Section 2. That the recommendation and findings of fact of the Plan Commission/Zoning Board of Appeals previously incorporated herein as Exhibit "B" be and the same are hereby adopted as the findings of fact of the City Council.

Section 3. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. 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 this \_\_\_\_\_ day of \_\_\_\_\_.

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

Alderman \_\_\_\_\_

APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

PUBLISHED: \_\_\_\_\_

## **Exhibit “A”**

### **SUBJECT PROPERTY LEGAL DESCRIPTION**

A part of Section 10, Township 39 North, Range 9 east of the Third Principal Meridian described as follows: beginning at the northeast corner of Lot 7 in C.E. Bolles Assessment Plat of part of Sections 10, 11, and 15, Township and Range aforesaid, thence running easterly along the south right-of-way line of Blair Street a distance of 50 feet; thence running southerly parallel with the east line of said Lot 7 a distance of 132 feet; thence running westerly a distance of 50 feet to the east line of said Lot 7; thence northerly along said east line of said Lot 7 a distance of 132 feet to a place of beginning, in DuPage County, Illinois.

P.I.N.: 04-10-405-015.



Exhibit "B"

**RECOMMENDATION # 18-RC-0024**

TO: The Honorable Mayor and City Council

SUBJECT: PC 18-20  
Rezoning from ER-1 to R-5  
29W235 Blair Street  
Laramie Residence

DATE: September 5, 2018

DECISION: A motion to approve the proposed rezoning passed (7-0).

**RECOMMENDATION**

After review of the proposed rezoning, the Plan Commission/Zoning Board of Appeals recommends approval. The recommendation is based on the following findings of fact:

1. The existing uses and zoning of the property in question.

The unincorporated subject property is developed with a single family residence and currently has single family residential zoning through DuPage County.

2. The existing uses and zoning of other lots in the vicinity.

The subject property is located on the outer limits of a large unincorporated residential area that is surrounded by the City's corporate limits to the north and east. The area is predominantly occupied by single family residential homes with varying degrees of single family residential zoning.

3. Suitability of the property in question for uses already permitted under the existing regulations.

The existing single family residential use is permitted under the City's current R-5 zoning district regulations.

4. Suitability of the property in question for the proposed use.

The subject property is already developed with a single family residence and no change in use is proposed. The use is therefore, considered suitable with the proposed zoning and neighborhood.

5. The trend of development in the vicinity of the property in question, including any recent zoning activity.

There have been no significant development trends in the vicinity of the subject property. The subject property is located in an established single family residential neighborhood.

6. The effect the proposed rezoning would have on implementation of the Comprehensive Plan.

The City's current Comprehensive Plan designates the subject property as Single Family Residential. The existing single family residential use on the subject property and the proposed single family residential zoning are consistent with the subject property's Single Family Residential land use designation.

7. Impact on surrounding properties.

The proposed rezoning should not negatively impact the surrounding properties because the existing single family residential use on the subject property is not being altered and the subject property is located in an established single family residential neighborhood.

8. Impact on health, safety, or welfare of the community.

The proposed rezoning should not have an adverse impact on the health, safety, or welfare of the community because the existing single family residential use on the subject property is not being altered and the subject property is located in an established single family residential neighborhood.

Respectfully submitted,

Barbara Laimins  
Chairperson

**VOTE:**

<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>
Faught			
Henkin			
Dettman			
Devitt			
Laimins			
Kasprak			
Hale			